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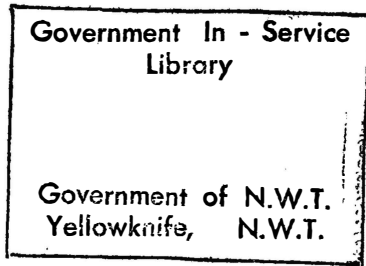


LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES  
**DEBATES**

66th. Session

8th Assembly

Official Report



Friday, October 27, 1978

Pages 398 to 465

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

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YELLOWKNIFE, NORTHWEST TERRITORIES

FRIDAY, OCTOBER 27, 1978

MEMBERS PRESENT

Mr. Steen, Mr. Stewart, Mr. Lafferty, Mr. Lyall, Hon. Tom Butters, Mr. Fraser, Mr. Whitford, Hon. Arnold McCallum, Mr. Evaluarjuk, Hon. Peter Ernerk, Mr. Kilabuk, Mr. Pudluk, Hon. David Searle, Mr. Nickerson

ITEM NO. 1: PRAYER

---Prayer

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

ITEM NO. 2: REPLIES TO COMMISSIONER'S ADDRESS

Hon. Tom Butters' Reply

HON. TOM BUTTERS: Mr. Speaker, I have a very few words to say at this time. I think probably the most emotional reply to the Commissioner's Address I have heard was given yesterday in tabled documents, a most moving address.

I would just like to remind the House how good deeds are rewarded. In the previous Assembly, the seventh Council, we supported Mr. Firth in his bid to increase the number of seats, the number of federal seats in the Northwest Territories. I have here a record of that debate. I am not going to read it but you speak, sir, and you point out the need for such representation to allow the present Member to ensure that the interests of all people in the North are heard. Mr. Pearson likewise supports the view as do I and the result of that was this motion: "That this Council sees requirement for more than one seat, more than one constituency in the Northwest Territories federally" and we supported that motion, sir, and the result is when it comes our turn to ask for a similar favour Mr. Firth conveniently forgets the support he received in the past from us.

The second point I have to make at this time is to recollect the presence of Hon. C.M. Drury at our deliberations last week. I express what I am sure is the hope of all the Assembly that he make a speedy recovery so that he can get back to the job and to the task of assisting to resolve this matter of constitutional development of the Northwest Territories.

In closing I think we should suggest to the Prime Minister that he might consider lightening the load of the Hon. C.M. Drury, especially in the area of his current responsibilities now on the Capital Commission and allow Hon. C.M. Drury to spend the most of his available time and energies on this important aspect of constitutional development in the North. Thank you.

MR. SPEAKER: Are there further replies? Mr. Pudluk.

Mr. Pudluk's Reply

MR. PUDLUK: Mr. Speaker, I have not made any reply for a long time. I will not be very long. I am very thankful that being a Member of the Assembly has been

a great experience. I am uncertain whether I will be running for the Assembly again. Firstly I would like to talk about the ordinances in the Northwest Territories. These ordinances are made for the North except there are problems that I do know. The way they are written they are too complicated and some Inuit people can not understand them and some white people can not understand them. They should be simplified so that it is understandable to the majority of the people. So I am beginning to think that these ordinances that have been made are not suited for the North or will not be used for the North. That is what I wanted to bring up because I do know there are a great many problems on that. Also, in the North it is not getting any better in lots of ways. The federal government in Ottawa is impossible to co-operate with when it comes to something that is important. You all know what is the best, for instance, the people who come up to the North to study. They come up here just to study for three months and it would be much preferred if they made a study for one year. For that reason there are going to be problems and we are not going to solve these problems.

For instance, after oil exploration they do not even think about the people, or the communities. Also the Indians, they do not think about the Inuit. We should tell them they can not carry out their projects because they were only after the natural resources. They are not really thinking about the future -- in a way they are because we need the energy, but they do not think of the effect it will have.

Lastly I would like to say about the increasing numbers for the Assembly. The other organization has asked if we will get more power to increase the number of seats. I have been told that they were not in favour of increasing the number of Members of the Legislative Assembly, so we will not have more power. My constituents have asked if we are going to increase the number of Members in the Legislative Assembly. I told them that if the numbers were increased they will be able to debate more on the subject and be able to do a lot more things. I fully support the idea of increasing the number of Members of the Legislative Assembly. The federal government -- perhaps if we increase the number, we would be able to have more say to the federal government. That is all I have to say. Thank you very much.

MR. SPEAKER: Further replies to the Commissioner's Address.  
Hon. Arnold McCallum.

Hon. Arnold McCallum's Reply

HON. ARNOLD McCALLUM: Mr. Speaker, I do not want to take up too much of the time because of the business we have at hand. However, I would want to say a few words on what I think is a topic at hand for all Members and for people in the Northwest Territories. I would certainly congratulate the Commissioner for his brief remarks, the brevity of them and the sincerity within them and, thankfully, I hope everybody will concur on the thrust that he has indicated in his speech that the government should move in the next three or four years, that is, in terms of this Assembly's future, the increasing and improving communications and, of course, with economic growth.

I must also, of course, make a brief reference to the loquacious Mr. Nickerson the mover to the reply and he is always quick to the point. I, for one, take to heart the instructions, the recommendations that Mr. Nickerson is always quick to point out. I think that in terms of economic growth in the Northwest Territories there has to be a big improvement in the direction in which it is going and I hope that this government will be able to lead towards that. I do not think that we can depend upon the tourism dollar. I think tourism and communications go hand and hand. Tourism does need a shot in the arm but it will not move in any great direction until communications are better; communications in every way and not just better air service, but at higher cost all the time, but with road and highway construction.

I think that in light of the economic environment that we are now to live under within the next two or three years that there will be very little done by the federal government in terms of highways and I think it is time that this government took over the complete control of highways as well. We could get it done. We have been able to move something. We have programs with street improvements and with road improvements that are contingent upon continuing to increase communication and make communication better. I think they have done a pretty good job.

I think that development must occur. Canada can not continue as a country, the North can not continue as part of Canada to rely upon potential. Potential is good. You can borrow on it and we know the economic mess that that has produced in Canada. Pretty soon those people from whom you are borrowing money are asking you to produce the goods that you said you had. The potential is great but it is not worth a damn unless the potential resources are developed.

#### Increasing Number Of Members Of Assembly

Of all things, Mr. Speaker, I think that this House can look back on over three and a half and close to four years as Mr. Pudluk has indicated already today, the increase in the representation of northerners in this House. One of the big things that we can really look back with pride upon and I would hope that we would be able to do this; I tabled documents yesterday wherein we as a House have had our representations heard by the two major political parties of the North in the federal scene as well. I as well tabled a document, a letter that I had written as chairman of the constitutional committee of this House to Mr. Ed Broadbent, the leader of the New Democratic party. It is not necessary for me to go into the contents of that, Members have it. I as well tabled the reply Mr. Broadbent sent to me two weeks later and in that he reiterated and he stated in clear terms what the position of the federal New Democratic party was in relation to increased representation within this House. In effect, Mr. Speaker, the territorial New Democratic party and the federal New Democratic party through their leader Mr. Broadbent and our so-called Member of Parliament, Mr. Firth, are denying the North increased representative government and I think that is a terrible condemnation of how people of the North feel. In this day and age with a democratic party, a federal democratic party and a new one at that, to deny increased representative government and I am not just talking about responsible government, we will have to fight that much later, but representative government and I think, Mr. Speaker, that when we get down to notices of motion and motions I will ask the indulgence of Members of this House that I may move, make a motion that this House strongly condemns, criticizes and states our indignation in the strongest possible terms to not only the federal New Democratic party and their leader but to the Northwest Territories New Democratic party, because I think what they are attempting to do is to deny people of the North the opportunity to be able to sit in an Assembly such as this to put forth their views and as Mr. Pudluk said earlier, so that they can talk on many more things and more people can bring the views of the people in the North. I think we in this government listen to people and their wishes more than any other government in Canada. We take great pains to go into consultation and I would hope when it does come down into those two particular agenda items for today's orders, that Members will allow me to not only give notice of motion but to make that motion and I would hope that we would get -- I would get strong support for that motion. I have very little else to say, Mr. Speaker, but that is the point that I think we must all think about it. We have got to be able to give people in the North the right to have representation.

The issue is not the numbers, it matters not whether we increase "X" number of seats, the issue is whether the people of the North will determine what is best for of and by the North, in the North, not in the South. The only jurisdiction in Canada that can not set the number of constituencies

and therefore the number of Members, the only one in 1978, 111 years after confederation -- unbelievable and to have it perpetrated by a Member who represents the people of the Northwest Territories in the federal government in a democratic way that things are done there, to have one man have the power of veto to stop this. We should not have to go through that kind of a ritual, we should not have to give that person that kind of authority and I think, as I indicated yesterday, in tabling those documents I think that if in fact the position of the territorial New Democratic party is to stop representation, increase this representative government in the Northwest Territories and I think people of the Northwest Territories should stop the present federal elections of the federal New Democratic party. Thank you.

MR. SPEAKER: Mr. Evaluarjuk.

Mr. Evaluarjuk's Reply

MR. EVALUARJUK: Mr. Speaker, I was not going to reply to the Commissioner's Address. However, I would like to make a few statements and also I was not here when the Commissioner gave his Address so I am not going to reply to what he said at the beginning. I only want to say that I have indicated many times that I am aware that last spring I was very happy that the people who worked in the Northwest Territories had indicated that they would like to get together in the Northwest Territories. I was very happy about that and also when we had a meeting in Frobisher Bay and also the delegates from Cambridge Bay were able to go to attend a meeting, naturally I was very much in favour of all the people of the Northwest Territories uniting together. I was glad to see the Assembly of the Northwest Territories and other organizations to be helping each other and naturally we were grateful for the nice gathering. Last spring when the Canadian Arctic Producers met with us we indicated that the Canadian Arctic Producers should try to work together. When we had a meeting at Hall Beach we were invited to attend further meetings and we were also invited to the federal conference when they had a meeting at Frobisher Bay. We were concerned about gathering together and this was a very good way to deal with the problems. There were only six of us from the Legislative Assembly. This made a bit of a problem. However, at that time I thought that the Legislative Assembly and other various organizations, for example, the federal co-operatives and the people here would like to have a meeting. I am sure it would be an improvement.

So therefore I say we need the new Legislative Assembly. Perhaps it would be much better to have a smaller Assembly than to have a big Assembly that would require a large organization. Mr. Wally Firth who is supposed to be representing the people should also attend at that meeting and also earlier someone stated that he did not have regard for the Assembly of the Northwest Territories. I think we should have someone who would represent people properly. I know for a fact if we increase our numbers we would be representing the people we are supposed to be representing and I certainly do not want to criticize those who are representing all of the Northwest Territories. I am complaining about him not wanting the Assembly to increase. It does not make any sense for me to be against the Legislative Assembly increasing its Members.

The Wildlife Program

Mr. Speaker, I also would like to say about the wildlife program and personally being a Canadian citizen I should be able to do what I wanted to do. I am talking about my right as a Canadian and I would like to say that perhaps I should have said this when we first started dealing with the Wildlife Ordinance, I should have stated it in such a way. The ordinance is going to be passed and we are going to have a new Wildlife Ordinance. I also got a letter from the local hunters' and trappers' association of Frobisher Bay where it says that some clauses of the ordinance do not seem to suit the people in that area. I personally feel that in some cases some people seem to think that the hunters only get wildlife. They hunt for the purpose of killing and not consuming what they kill. I feel when they do, they also -- this is the part where the wildlife animals are getting scarce -- that the Inuit way of life is the reason why the caribou are going away from the communities, except that we the Inuit people are not in favour of wildlife being driven away from our communities and also the herds are increasing in size and we are very much concerned about wildlife being driven away from the communities. Mr. Speaker, I should have said this before we went through the new ordinance. I thank you for the opportunity.

MR. SPEAKER: Are there any further replies? Mr. Stewart.

Mr. Stewart's Reply

MR. STEWART: Mr. Speaker, I rise to reply to the Commissioner's Address. First, I would like to say that I am very pleased that Commissioner Hodgson is still with us ...

SOME HON. MEMBERS: Hear, hear!

MR. STEWART: ... and I would hope that this is an indication that his tenure as Commissioner is to be extended to a period in the future that sees us through the rough road ahead.

Really, the territories today is in very, very bad shape. We are split on racial grounds, we are split on economic grounds and we are facing a future with no economic development to look after the children that are being graduated or indeed leaving school as dropouts. Any job market is either very, very limited or non-existent. In the past, and there are so many people whom I have talked to have indicated "Well, you know we did not need a pipeline, we did not need anything in the good old days 25 or 30 years ago". I was here then and that was true; we did not need them. The reason we did not need them was quite simple. There was a maximum grade six education in place so the children who were coming out of the schools had no great expectations of tomorrow. They were quite content to live the life as it had been lived in the territories for centuries and were quite happy doing it. Their housing was adequate in the Mackenzie area inasmuch as it was a matter of a log cabin, a water barrel in the corner and a Swedesaw outside the back door. With a bucket one could look after one's self with effort but with no money. Money was not a requirement basically, you were self-sufficient. It might take you half of your working day to look after the household chores that had to be done but it was possible. As the territories developed they brought in education and we said "Look, the housing facilities are not adequate to meet the twentieth century. We should improve them." I suppose to speak about raising standards of living, to speak against higher education is pretty near like voting against motherhood but the territories became part of the twentieth century in the matter of about 50 years. The Inuit with whom I am not that familiar, 20 years ago were still living in an igloo. They did not really have any fuel bills, the seal oil accomplished their requirements, with a good gun and ability as a hunter he could look after himself and his family. Sure, many of his children died in childbirth or as young people but at least there was an individual who was a man within his own sphere.



## New Standard Of Living.

He looked after his own family as his capabilities as a hunter would direct. However, now there are no more igloos and they all have three bedroom houses but with this three bedroom house comes a cost factor. This cost factor, of course, is in such high figures that without an economic base it is impossible for this man now to be the breadwinner of his family, without government assistance to pay the oil bill, without government assistance to pay the electric light bill. This new standard of living that was in part imposed, and probably rightly so, has put these individuals probably in a welfare or semi-welfare state for the rest of their lives, as the average earning power of \$2000 or \$3000 a year does not meet these costs. It met the cost of the water barrel in the cabin and the Swedesaw on the stand but it does not meet the cost of the twentieth century that we have in place now in the territories.

So, economics then, whether we like it or not, becomes an absolute necessity. We have spent most of this session dealing with the Wildlife Ordinance. You know, we have looked after the animals of the Northwest Territories better than we have the people and probably, not probably but it is a matter of fact, the reason we have done this is because the Wildlife Ordinance is one of the few places that this Assembly has some authority over. Until such time as the nature of this territorial Assembly is changed then, of course, we are not going to be able to do much else.

In Hon. C.M. Drury's report the thing that really stuck out in my mind was the statement "There is also an individual lack of confidence in those elected to the Northwest Territories Council." Well, you know, in part we are to blame for this. We get swept away with the idea that call ourselves a Legislative Assembly, call ourselves MLA's, call the bird what you will but we are still a Council. We do not have the authority of the MLA's; we do not have the authority of the Legislature. We brought part of this state down on our own heads by trying to be something that we are not. Surely, gentlemen, if you are going to have the confidence of the people and if we are going to be able to do the job of Members which is very, very limited, I must say, we are going to have to let the people know how far our authority really goes. If we want to pretend that we are a bird of another feather, well, I think we are cutting our own throats in the process.

## The Economic Development Scene.

On the economic development scene Hay River has tried to set up an economic development route. We have had public meetings and this organization is in the process of being put together, again, of course, money and these sorts of things are always the bugbear, the necessities of making something successful, but I wondered, gentlemen, as we look at our Economic Development department whether indeed we should not be looking to tomorrow to changing this into a crown corporation. Our Department of Economic Development really within the territorial government has been a combination basically of giveaways, of assistance and welfare and really when you take the words "economic development" it should go beyond this type of work that our present department is doing. I would hope to see in the future that we set up a crown corporation to look after economic development in the whole of the territories and that does not say that we have to forego those things that the present Department of Economic Development is really doing. There are other avenues and there are other ways of financing these sorts of things and I think probably a good example is the Fort Resolution sawmill that we dealt with in the Department of Economic Development for years at a great economic loss and then finally the right funding was found for it then it was turned over as part of the work of Indian Affairs. Certainly there are other smaller jobs that we do in the more remote settlements that should become part of the Social Services duties; to set up the cottage industry and these sort of things and finance what we know; we are financing at a loss but what we know should be done. I suppose as your representative on NCPC it would be in order that I make a few remarks with regard to this organization.

HON. TOM BUTTERS: The fewer the better.

HON. ARNOLD McCALLUM: Make them good.

MR. STEWART: I believe basically that the board of directors of today have ironed out a great many of the problems with NCPC. We have changed, as you know, the top management from the president down to the comptroller and with new people in place following the direction of the board I believe that a good amount of the waste and the problems with regard to overstaffing and many of these things have been brought into line. Unfortunately, these savings actually in dollars do not amount to that much money. The big problem has been, of course, errors in the past in part and partly due to inflation that have put very, very high costs on Aishihik the hydro installation in the Yukon and, of course the Snare project in Yellowknife. These are things that are done and really the present board can not do very much more about them. The Minister has come out with his statement relative to subsidization of power rates in the diesel areas and although not a perfect solution probably the only solution that is available at the present time. I do not know, I guess by design probably the Commissioner is still trying to get even with me for something that I did along the line somewhere in the past 20 years, but I am also unfortunately on the Freshwater Fish Marketing Corporation, I have two winners.

---Laughter

HON. ARNOLD McCALLUM: That says it all.

The Freshwater Fish Marketing Corporation

MR. STEWART: But the Freshwater Fish Marketing Corporation position at the present time is under investigation, so really a full report at this time can not really be made. It is sufficient to say that the government of the territories and your representatives are looking the situation over and with hopes of improvement if not possibly withdrawal from the marketing corporation. We have undertaken, however, something of a new approach, it really is not new but it is a change in position, that is, from the cannery in Rankin Inlet to the possibility of a viable situation in Hay River and we should have a study of this situation available in the next month or so. Certainly there is no sense in going through another situation where we are establishing something which can not operate on an economically viable situation and if it can not be done, certainly from Hay River we would like to see the money spent there. It will not have my support unless it is economically viable.

I think, Mr. Speaker, the remarks I have made somewhat disjointed inasmuch as I have jumped through this and I would like to say thank you to the group. We are going to be facing our last session in January and as I said in reply to the first Opening Address, what a strange bunch of cats to be in one bag together. However, if we have proved nothing else, we have proved that we can, regardless of racial origins, regardless of our positions and the wide expanse of the Northwest Territories we can still work together and it has been an honour to work with you, gentlemen.

---Applause

MR. SPEAKER: Mr. Fraser.

Mr. Fraser's Reply

MR. FRASER: Mr. Speaker, Members of the Assembly, I am not going to talk too long today. I just have a few things that have been bothering me for some time. First of all, I would like, I should not say congratulations to -- but I will say it just for the record -- Mr. Wally Firth for supporting us in such a way as he did. We supported him in the last election and I have been trying to get him on the phone and I can not seem to locate him. However,

I might have a chance at him again the next time around. My main topic today is the reports and commissions that have been set up by the federal government. First of all, we had the Carrothers report which came through some years ago. One of the main things that came out of his report, the Carrothers Commission report, was him telling us that Yellowknife should be the capital. However, he could not be more wrong. Yellowknife should never have been the capital. Yellowknife is at the end of the line, so is Fort Smith for that matter.

---Laughter

HON. ARNOLD McCALLUM: Hey, hey!

MR. FRASER: However, if he had named the capital in Fort Simpson, we would not have an economy like we have today in the valley. We would have had an early shipping season with the boats and we could have had a highway down to Inuvik joining up with the Dempster highway and I do not think this would have been impossible when we look at the tied structures and places in Yellowknife that were built on the rocks. Fort Simpson at least has good ground to build on. Further to that, the railroad could have been through from Fort Nelson which is only 200 miles and we would have had cheaper rates for freight all the way down the valley. So I disagreed with the Carrothers report. Next comes the Berger Report and all he did was to add salt to the wound. His report came out and said "No pipeline". So that was another one that we could throw away.

#### Thoughts On Hon. C.M. Drury's Report

The main one, I did not reply to the Drury report when it came up; I did not have the notes of his mandate which I now have and I am going to read a few pieces from it later on but as far as I am concerned he did not live up to his mandate and some of the stuff that was in his mandate was not in his report when he presented it. He stressed the importance of the people of the North in particular, among other people whom under the constitution the Government of Canada has a responsibility for and who presently constitute the majority of the population. He goes further to say: "We will look forward to seeking the advice of an ad hoc cabinet committee on constitutional development and will submit to that committee representations for cabinet approval on the changes proposed as they develop." Education. He has here: consideration is being given to establishing an advisory board composed of representatives of the Northwest Territories communities for the purpose of assisting Hon. C.M. Drury in his role as mediator. Distribution of information -- I do not think I have had a letter from Hon. C.M. Drury that he visited the communities like he said he did. He was supposed to keep us informed on the extent of participation and representation by the native people at all levels of government on decision-making, special constitutional status of the Inuit and Dene people, decentralization and devolution, Northwest Territories government, municipality and community proposals, the land claims distribution, Executive powers, administrative and Executive powers as distinct from legislative powers. Now, Mr. Speaker, those are some of the things that were in his mandate and I have not seen anything accomplished as set out in his mandate. Sure he gave us a nice report, a 20 page report. I do not think he made it up, I think somebody else did because he even made mistakes reading it.

Commission In The Territories Proposed

Now, Mr. Speaker, what I would like to see after studying these three commissions, the Carrothers Commission, the Berger Commission and the Drury Commission in this Assembly is that the federal government make available funds for a Fraser Commission. Let us go down to Ottawa. Let us take a group of native people to the different leaders and organizations in the North and let us go do a study in Ottawa and see if we can come out with a report maybe just as good as this, maybe better. They might give us the money to do this report but I will bet you they will pay us more money not to publish it. I would like nothing better than to take some of the people who have been in the North, some of the leaders here down into that big palace in Ottawa and just walk around with a pencil and paper and see how many of those people know where Yellowknife is or Norman Wells. They are the people who govern us. See if they know how many people are in Yellowknife. I will bet you half of them do not even know where Yellowknife is. They will want to know if it is in Canada and we expect these people to govern us. I am serious when I say we should set up a commission, call it the Fraser Commission or the McNeely Commission or the Joe Mercredi Commission or whatever you want, but let us set up a commission in the territories and show these people that we can do just as good a report if they give us the money and the staff. Thank you, Mr. Speaker.

MR. SPEAKER: Mr. Stewart, I am retiring in March. Are there further replies?

Item 3, questions and returns.

ITEM NO. 3: QUESTIONS AND RETURNS

Are there any returns? Hon. Arnold McCallum.

Further Return To Question W41-66: Municipal Finance And Taxation

HON. ARNOLD McCALLUM: In response to a question asked by Mr. Nickerson, Question W41-66, concerning a study by the Department of Local Government on the analysis of the existing assessment and taxation programs: In response to the request from this Legislative Assembly during the 65th session a study was undertaken by the Department of Local Government for the purpose of providing an analysis of a number of problems associated with the existing assessment and taxation program. Parallel to this study, broad review of local government structures has been undertaken within the department to develop a set of recommendations for the direction of local government over the next decade. In effect, this broader review addresses many of the issues which have also been raised by the Prime Minister's special representative for constitutional development. Within the context of this broader review the study of local revenue was focused on the need for greater responsibility, as well as authority, below the village level. We have concluded that the following principles, which generally apply to senior municipalities, must be extended to the hamlet and settlement levels. One, portion of the cost of providing local services should be raised locally. Two, responsibility for raising the contribution toward the cost of these services should rest with the local council. Three, the local council should exercise a degree of choice in raising revenue to provide services beyond the basic level of service which the Northwest Territories government seeks to ensure. Four, there should be an incentive for the council and the community to raise local revenue for local purposes.

The assumption of greater responsibility at the community level as well as at the territorial level, is considered essential to continued constitutional development in the North. While considerable analysis has been undertaken of the existing system of taxation within senior municipalities, further work remains to be completed in addressing two issues of particular importance to these municipalities, the school levy and the existing system of grant support to villages, towns and cities.

Rather than presenting a discussion paper to the Legislative Assembly which is both incomplete and difficult to assess without reference to the broader issues to which it is related, it is proposed that detailed recommendations on local revenue will be brought forward at the January session as part of a major set of proposals for the direction of local government in the 1980's.

Return To Question W44-66: Baffin Island Road Repairs.

Question W44-66 concerning roads in Broughton Island. I have the following reply: The Baffin regional office has advised that the roads in Broughton Island are similar in construction standards to the roads in other Baffin communities. This year however, due to the extensive, over two million dollars, capital program in Broughton Island, the road construction program was not completed. The administration will ensure that additional funds are available next year to compensate for the lack of road work this year.

MR. SPEAKER: Are there any further returns? Hon. Tom Butters.

Return To Question O40-66: Panguirtung, Slaughter Of Killer Whales.

HON. TOM BUTTERS: Mr. Speaker, in reply to Question O40-66 asked by Mr. Nickerson on October 19th with respect to the slaughter of killer whales at Panguirtung. The organization that is primarily responsible for the issue addressed by Mr. Nickerson is the fisheries and marine service, Department of the Environment. Further investigation into this matter indicates that of the 13 whales killed, nine whales sank after they were shot and could not be recovered, two were beached at an outpost camp site, one calf and the tail portion and flippers of one adult whale were taken into Panguirtung where the population sampled the muktuk and meat. At that time there was some question raised as to the palatability of killer whale meat and the elders at Panguirtung stated that consumption of the meat could possibly be detrimental to their health. Dr. D.E. Sergeant, marine biologist of Ste. Anne de Bellevue was contacted by telephone to verify whether or not the meat was fit for human consumption. He cautioned against human consumption because of the possibilities of parasite infection of the meat. Samples of the meat were collected by a marine biologist for MacLaren Atlantic Consultants but no report has been received to date. The use of the two carcasses at the outpost camp has not been determined. The calf and whale parts which were taken to Panguirtung gradually disappeared.

MR. SPEAKER: Deputy Commissioner Parker.

Return To Question W49-66: CBC Services, Fort Liard.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, on October 23rd Mr. Lafferty asked Question W49-66 concerning CBC services at Fort Liard. During the Commissioner's visit to Fort Liard on June 5th of this year he promised Chief Harry Deneron that the community would receive radio and television services during the 1979-80 fiscal year. That commitment still stands. Fort Liard has first priority, next year, under the communications program approved by Members of this Assembly last January.

Return To Question W51-66: Amendment To Liquor Ordinance.

On October 24th, Mr. Lafferty asked Question W51-66 concerning proposed amendments to the Liquor Ordinance. There is no plan to amend a provision in the Liquor Ordinance which provides for the locking up of intoxicated persons overnight for protective reasons. Certain amendments to the Liquor Ordinance are under active consideration primarily as a result of proposals put forward by the Auditor General. We are also consulting with the Department of Social Services and the Liquor Licensing Board on other changes which might be considered.

Further Return To Question W59-66: Chiplock Road Surfacing

On Thursday, October 26th, Mr. Nickerson asked Question W59-66 regarding the chiplock road surfacing on the Pine Point highway. The effectiveness of chiplock surfacing is directly related to the strength of the underlying materials in the roadbed and the volume of traffic as well as the proportion of heavy truck traffic. Being a thinly layered asphaltic pavement structure, its choice as a surfacing method must be made with adequate precaution since it will easily fail if there is significant loss of strength in the roadbed attributable to excessive moisture during spring thaw periods or otherwise. Consequently, although its success has yet to be established on the Pine Point highway since its performance must be measured over several years, the circumstances at this location were considered sufficiently encouraging so as to select this type of surfacing rather than use crushed gravel stabilized with blended natural soil materials or stabilized artificially with calcium chloride. If this type of surfacing performs successfully it is anticipated that savings will be realized over the alternative of a crushed gravel surfaced road since a present work cost comparison favoured this method at the engineering design stage of the project. The estimated savings amounts to \$2300 per mile over a 24 year period. However, the actual savings, if any, will not be known for some years since as mentioned earlier, costs of maintenance will be directly related to its capability of performing under the imposed traffic conditions. This type of asphalt stabilized surface costs about \$20,000 per kilometre whereas an asphaltic concrete pavement costs approximately three times as much.

MR. SPEAKER: Written questions. Mr. Fraser.

Question W61-66: Development Of Mackenzie Valley

MR. FRASER: Mr. Speaker, I have a couple of questions for the administration. I would like to ask what has the Minister of Economic Development and Tourism planned to develop in the Mackenzie Valley this winter.

Return To Question W61-66: Development Of Mackenzie Valley

HON. PETER ERNERK: Mr. Speaker, maybe I could try and explain it this way; if the present responsibilities are put before me in terms of projects then at the present time I do not see any new programs or projects that we might start. What the region might wish to do within the next few months is to give us some ideas as to what they might wish to do in the Mackenzie Valley. When I say the region I am talking about the Inuvik region. In terms of actual projects, if there are any, Mr. Speaker, I will outline them during my replies to the Commissioner's Opening Address in the upcoming session which will most likely be in January, that is not sufficient but that is all I can do at this point.

MR. SPEAKER: Mr. Fraser.

Question W62-66: Road Construction Into Fort Norman And Fort Franklin

MR. FRASER: Mr. Speaker, I am not too satisfied with the reply. However, I guess if he can not do anything, he can not do anything, but I would like to ask another question of the administration.

Now that Northern Transportation Company Limited plans on shutting down due to low water on the Bear River, what plans are being made to get a road into Fort Norman and Fort Franklin?

MR. SPEAKER: Deputy Commissioner Parker.

Return To Question W62-66: Road Construction Into Fort Norman And Fort Franklin

DEPUTY COMMISSIONER PARKER: Mr. Speaker, no decisions have been taken to discontinue the Northern Transportation Company Limited service on Great Bear Lake. The matter is under active review and I can not at this stage predict the outcome but I can say that I am personally working towards a continuation of barge service because I do not think that the Northwest Territories should have a major transportation network serving a rather large area closed down at this particular stage of our development. Therefore, I have reasonably high hopes that the service will be maintained. If it is not for some strange reason, then the service to the affected places will have to be otherwise arranged and the government will have to be very much involved in the arrangements that are made.

MR. SPEAKER: Mr. Fraser.

Question W63-66: Grade Nine Students, Fort Norman

MR. FRASER: Mr. Speaker, if I could have one final question that I would like to put to the administration. At present two students in Fort Norman are unable to attend school because there is no educational level taught beyond grade eight. They are unable to attend grade nine in Inuvik because of overcrowding. What is the administration going to do about this situation?

MR. SPEAKER: Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, obviously I can not understand how such statements can be made and therefore, I will have to investigate the matter and report.

MR. SPEAKER: Further written questions. Mr. Steen.

Question W64-66: Dene Nation Versus Wildlife Ordinance

MR. STEEN: Mr. Speaker, I would like to ask a question of the Commissioner, Mr. Hodgson, who I believe is probably the only person with the experience to answer it. The Commissioner with his many years in public life surely has had to deal with all sorts of politicians, crooks and socialist riffraff like our president for life, field marshal "Idi" Erasmus. Last night on the Canadian Broadcasting Corporation council report, Mr. Erasmus stated that the members of the Dene Nation have been breaking the law all along and would continue to break, will continue to do so despite the Wildlife Ordinance.

My question to the Commissioner is how can this man, who two years ago complained loud and long about how the Royal Canadian Mounted Police could not protect him and his organization from break-ins that may have never taken place, then after seeking protection from the law now advise his people to continue breaking the law? Would the senior administrator of the Government of the Northwest Territories indicate to this House if such a place exists in the Northwest Territories where we could contain members of our society whose mental balance is so unstable and insecure that they direct their people to break the law?

---Laughter

Return To Question W64-66: Dene Nation Versus Wildlife Ordinance

COMMISSIONER HODGSON: Mr. Speaker, that is not a very difficult question to answer. The laws or ordinances that are passed by the House are treated with respect by the administration and we expect that the citizens would abide by them. There is, of course, in the implementation of a specific amendment or a major change or a new law, it is anticipated for a period of time that one would use reason and education to convince people and alert people to the various laws that have been made by the Assembly. The recent adage in the rest of Canada, if not I suppose all countries of the world, is that it is not the responsibility of government to ensure that the citizens know what the law is. This has never been the attitude of the Legislative Assembly nor has it been of the territorial administration and we have, I think, perhaps more than any other jurisdiction attempted to be lenient, attempted to educate and attempted to inform people of what the changes are that are taking place and those that have been instituted.

Generally there is a cry for consultation on the part of many organizations and individuals. While we recognize that there are such things as human rights, there are also human responsibilities. We would think that it would be our responsibility to make every effort to ensure that people are properly informed as to new changes that have taken place. I would think that no one, no matter who he is, who is a responsible party can urge, advise or coerce people into breaking laws. We will do everything in our power in the initial stages to educate, to advise of the changes and whenever possible take a lenient approach, but after a reasonable time then, of course, everyone will be expected to abide by the decisions, the lawful and legal decisions of this Assembly when they are written into the laws of the Northwest Territories.

MR. SPEAKER: Mr. Lafferty, do you have a written question?

Question W65-66: Slave River Dam

MR. LAFFERTY: Mr. Speaker, since the proposed Slave River hydro dam is receiving a great deal of attention and since 20 per cent of that water is in the Northwest Territories, what is the administration doing to gain job opportunities for our northern people?

MR. SPEAKER: Deputy Commissioner Parker.

DEPUTY COMMISSIONER PARKER: Mr. Speaker, the Member was speaking of the Slave development, was he not?

MR. SPEAKER: Yes.

Return To Question W65-66: Slave River Dam

DEPUTY COMMISSIONER PARKER: The territorial government thus far has been kept fully informed at an Executive level by the Government of Alberta and by Northern Canada Power Commission and indeed by the Minister of Indian and Northern Affairs as to the activities which are currently underway and planned for the review of the hydro potential of the Slave River in the vicinity of Fort Smith. As soon as the facts and figures are gathered by the organizations concerned, particularly Calgary Power, then I am confident that we will be consulted at every stage because this development is indeed very, very important to us.

MR. SPEAKER: Further questions. Mr. Lyall.

Question W66-66: Invitation To Constitutional Committee Meeting

MR. LYALL: Mr. Speaker, I wonder if the head of the constitutional committee has been contacted by the Prime Minister to attend some sort of a meeting. I understand that Mr. John Amagoalik has been invited. What does the Honourable Minister know about this and has anyone from this House been invited?



Return To Question W66-66: Invitation To Constitutional Committee Meeting

COMMISSIONER HODGSON: Mr. Speaker, some months ago we were in touch with the Prime Minister's office when we learned that a First Minister's meeting or conference was being scheduled to deal with the constitution and then we heard that there would also be one to deal with the state of the economy. So, I requested that, while we are not a province and under the present rules entitled to sit at the table with the same status as the First Ministers, we would be sitting around the table at the conference centre. I did think that every effort should be made to include representatives from the Northwest Territories and of course, the Yukon.

In the past Mr. Searle and I have attended a meeting or two and we felt that really there was not much that we could contribute but the issues have now changed and the issues being discussed have an influence if not a direct bearing on the future here in northern Canada. So, as a result of our representations we have received a special invitation from the secretary to the cabinet for federal-provincial relations speaking on behalf of the Prime Minister. The invitation is an administrative invitation. It is directed not to the Legislature but to the Executive arm of the government. The difference this time is that not only are we being invited to be part of the federal delegation, we are being given status of a federal adviser. This means that we are being incorporated into the discussions of the federal delegation and permitted to sit in on the meetings with the federal delegation as they develop their thrusts, their answers, replies and position in response to those of the provinces.

I think it is fairly easy to get an invitation as an observer. As an observer you are just that. You sit in a large section along with the press, not that the press are not worthy people to sit with, but you are really just a listener and you are not able to make any comments and have no input or an opportunity to make any contribution. So, under this arrangement we will not be permitted to speak but if there is anything specifically that we would have to say I would think it would be said through the Minister of Indian Affairs or directly through the federal delegation. It is regrettable that because of a commitment to be in Frobisher Bay on Monday it is not possible for me to attend but the Executive discussed this invitation this morning and on looking at the agenda which is the other interesting part of the invitation, this time we have been provided with an agenda and an itinerary and it was decided that Mr. McCallum should go representing the administration.

MR. SPEAKER: Mr. Lyall.

Question W67-66: Per Capita Grant, Central Arctic

MR. LYALL: I have another question. Has this administration looked at the possibility of raising the per capita grant as this request was made by the Central Arctic area councillor in January, 1978. Also at that same area council conference the question was raised about raising the per capita recreation grant from five dollars to \$15 in the small communities.

MR. SPEAKER: Hon. Arnold McCallum.

Return To Question W67-66: Per Capita Grant, Central Arctic

HON. ARNOLD McCALLUM: Mr. Speaker, the Department of Local Government is developing a paper as I had indicated in response to a question earlier in the week from Mr. Nickerson, that we are developing a paper with far reaching concerns dealing with per capita grants, dealing with taxation, assessment and everything else. We have the recommendations from various councils and of course from the Association of Municipalities as well, on the per capita grant system. We are actually now pursuing a paper and we expect we would have a proposal to put forward during the discussion of the budget in the January session.

MR. SPEAKER: Further written questions. Mr. Nickerson.

Question W68-66: Residential Conditions For AVTC Students

MR. NICKERSON: Mr. Speaker, when the supplementary estimates were being debated, the Deputy Commissioner was asked whether he felt that there might be any substance to the allegations contained in the last two editions of the Fort Smith Journal concerning residential conditions for the Adult Vocational Training Centre students. Not having read the publications in question he was unable to reply at that time. Has the Deputy Commissioner by now had time to read the publications and would he care to comment on the allegations made by the self-styled "man with the poisoned pen"?

Partial Return W68-66: Residential Conditions For AVTC Students

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I regret I have not as yet seen the publications mentioned but I will attempt to get the copies and follow up on the matter.

MR. SPEAKER: Further written questions. Mr. Lyall.

Question W69-66: Attendance At Central Arctic Conference

MR. LYALL: Mr. Speaker, is this administration ready to go to Coppermine to explain to the Central Arctic area council how to go about getting assistance when someone is lost?

MR. SPEAKER: Deputy Commissioner Parker.

Return To Question W69-66: Attendance At Central Arctic Conference

DEPUTY COMMISSIONER PARKER: Mr. Speaker, I understand the problem and we will be pleased to have someone in a senior position attend that meeting and discuss that subject and make the necessary explanations.

MR. SPEAKER: Further written questions. Mr. Nickerson.

Question W70-66: Federal/Territorial Adult Training Agreement

MR. NICKERSON: Mr. Speaker, several days ago a motion was passed by this House requesting that the federal/territorial adult training agreement be produced. Why has the administration not produced this agreement?

MR. SPEAKER: Mr. Commissioner.

COMMISSIONER HODGSON: We will answer the question before the session is over, hopefully by producing the agreement.

MR. SPEAKER: Further written questions. Mr. Lyall.

MR. LYALL: By the way, Mr. Speaker, I just forgot to tell the administration that the next council conference will be held in Coppermine on January 22nd.

MR. SPEAKER: That is not a question, Mr. Lyall. Any further written questions? That is what you call unsolicited advice.

Item 4, oral questions, of an emergency nature. Mr. Fraser.

MR. FRASER: Mr. Speaker, it is not an emergency feature. I just wanted to ask the Commissioner, he just mentioned he was going to Frobisher Bay, if he is going there to unload his freight?

MR. SPEAKER: That is a question of privilege.

Item 4, oral questions. Mr. Kilabuk.

ITEM NO. 4: ORAL QUESTIONS

Question 071-66: Return To Question W56-66: Sale Of Muktuk Meat, Pangnirtung

MR. KILABUK: Mr. Speaker, on the 25th of October my question was asked and has not been answered. Will I be able to get the answer before I return to Pangnirtung? Will I receive it after I return home from the Department of Economic Development?

Return To Question W56-66 And Question 071-66: Sale of Muktuk Meat, Pangnirtung

HON. PETER ERNERK: I may as well try and answer it. I take it this is in regard to the sale of muktuk meat which Mr. Kilabuk asked on the 25th. I have not been in touch with the officials of the Department of Economic Development. However, what I will do is to ask them to get in touch with the regional office in Frobisher Bay and work out some of the details that might be involved with the sale of muktuk meat. I will get in touch with Mr. Kilabuk or the hunters' and trappers' association in Pangnirtung within the next few weeks or so.

MR. SPEAKER: The answer was yes, Mr. Kilabuk.

---Laughter

Further oral questions?

Item 5, petitions.

Item 6, reports of standing and special committees.

Item 7, notices of motion. Hon Arnold McCallum.

ITEM NO. 7: NOTICES OF MOTION

Notice Of Motion 21-66: Letter To Federal New Democratic Party

HON. ARNOLD McCALLUM: Mr. Speaker, I give notice that I would want to make a motion regarding this House's concern over the position the New Democratic party takes as regards representative government in the Northwest Territories. I would hope to be able to get consent to make that motion under Item 9.

MR. SPEAKER: Notices of motion. Is there not a notice of motion with respect to the reading of Bill 10-66? Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, I think that I gave notice of motion on Bill 10-66. I think I gave it on Monday, the 23rd.

MR. SPEAKER: Item 8, motions for the production of papers.

Item 9, motions.

Gentlemen, we will recess for 15 minutes for coffee.

---SHORT RECESS

ITEM NO. 9: MOTIONS

MR. SPEAKER: The Chair recognizes a quorum. Order, please. Motion 19-66, Mr. Steen.

Motion 19-66: Funds For Air Travel To Outpost Camps

MR. STEEN: Mr. Speaker, Motion 19-66:

WHEREAS funds are being provided for air travel to outpost camps;

AND WHEREAS dissention has developed among trappers who pay their own way to the areas where some outpost camps are located;

AND WHEREAS some outpost camps are reasonably accessible by means of travel not requiring government funding;

NOW THEREFORE, I move that the administration be advised that the Legislative Assembly wishes the government to discontinue the funding of charter aircraft to transport people to and from outpost camps where transportation can be provided by the people themselves.

MR. SPEAKER: Is there a seconder? Mr. Fraser. Discussion. Mr. Steen.

MR. STEEN: Mr. Speaker, the purpose of this motion is not really to close down the outpost camps, but it is to stop providing air travel to and from outpost camps where the people themselves can go there and pay their own way. What I am saying, I guess, is some outpost camps, especially in the Arctic, are accessible by water. They can use their own canoes, their own outboard motors. These people who use the outpost camps, they have all the time in the world to travel. So, I do not really believe that we should be flying these people to outpost camps on public funds. There are some trappers in the areas where the two outpost camps are located in Nallok and also North Star Harbour. They fly there and pay their own way and they make a living. I think that we do an injustice to those people who pay their own way and are using public funds to help other people to compete on the trapline where these people trap. The trappers there are saying "How come we can use public funds to put somebody right along side us? We had to pay our own way and why should not they." It is a real injustice to those people who pay their own way. I can ask any Member of this Legislative Assembly if you were a trapper or even if you owned, say, you owned a business of some kind, would you feel right to use public funds to go in direct competition with yourself? I do not think that we can use public funds to kill the initiative of the trappers who pay their own way.

Some Cases Of High Cost Welfare

Like I said before, these two outpost camps are accessible and you can get there by boat. They do not have to cross any large bodies of water. If they follow the shore and if they get bad weather, they can pull their boats up on shore like we did in the old days. It seems that we are providing high cost welfare to those people at the outpost camps. I am not saying that we should not transport fuel and heavy supplies to the outpost camps; what I am saying is that we can still bring the supplies like fuel and gas to the outpost camps but just dump it there and if anybody really wanted to go out to the outpost camps, well, take their boat and they can get there. Now, Mr. Speaker, this motion may not serve the purpose for all of the territories, but I think where we can we should discontinue the funding to transport people. I would like to see these people take a look at the sun while they are travelling instead of the inside of an aircraft. Thank you, Mr. Speaker.

MR. SPEAKER: Hon. Tom Butters.

HON. TOM BUTTERS: Mr. Speaker, I do not think the administration would have any quarrel with this motion and it would be very happy to accept it if it should pass as I expect it will. The outpost camp policy as is presently put in force, I think, generally attempts to reflect the suggestions that Mr. Steen was making. Possibly there are some errors or omissions in the application but I think we are trying to do, or the government is trying to do, what he is suggesting should be done. I do not think there is a great disagreement with the points he is making. I would like to suggest to Members that as the outpost camp program is of growing importance and interest to the people in the North, that I table in January a revised, the revised outpost camp program and at that time I can answer more fully relative to the points Mr. Steen is raising now. As I say, the program is currently under revision. I think that it would be available for Members to discuss at the January session about the time we are looking at the estimates of the Department of Natural and Cultural Affairs.

Motion 19-66, Carried.

MR. SPEAKER: Further discussion? The question being called. All in favour? Contrary? The motion is carried.

---Carried

Motion 20-66. Mr. Whitford.

Motion 20-66: Proposed Change In CMHC Funding Arrangements.

MR. WHITFORD: Mr. Speaker, this motion is on behalf of the Northwest Territories Housing Corporation Board. Proposed change in Central Mortgage and Housing Corporation funding arrangements:

WHEREAS the Northwest Territories Housing Corporation receives the major portion of its funds from the Central Mortgage and Housing Corporation under standard National Housing Act housing programs;

AND WHEREAS Central Mortgage and Housing Corporation intends to introduce a scheme which it calls "global" funding which calls for provinces and territories to raise their necessary housing funds in the private money market;

AND WHEREAS the Northwest Territories Housing Corporation as an arm of the territorial government is restricted to borrowing from the territorial government, which in turn is restricted to borrowing funds from the federal government and is not permitted to borrow on the private money market;

NOW THEREFORE, I move that the federal government be pressed through the Minister of Indian and Northern Affairs and the Minister of State for Urban Affairs to continue the present funding arrangements between Central Mortgage and Housing Corporation and the Northwest Territories Housing Corporation in order that there be no reduction in delivery of urgently required housing for the Northwest Territories.

MR. SPEAKER: Moved by Mr. Whitford, is there a seconder? Mr. Lafferty. Discussion, Mr. Whitford.

MR. WHITFORD: Mr. Speaker, no.

Motion 20-66, Carried

MR. SPEAKER: Further discussion? The question being called. All in favour? Contrary? The motion is carried.

---Carried

Are there any further motions? Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: Mr. Speaker, may I have unanimous consent to move this motion then for which I gave notice just previously?

---Agreed

Motion 21-66: Letters To Federal New Democratic Party

Mr. Speaker:

NOW THEREFORE, I move that this House, through the office of the Speaker, transmits in the strongest possible written terms, our indignation and grave concern of the federal New Democratic party's position regarding increased representative government for the Northwest Territories. Such communication is to be made to the leader, Mr. Broadbent, to Mr. Firth, Member of Parliament.

MR. SPEAKER: Moved by Hon. Arnold McCallum. Is there a seconder? Mr. Whitford. Is there any discussion? Mr. Nickerson.

MR. NICKERSON: On a point of privilege, Mr. Speaker, could I please request that the record show that I abstained from voting on this particular motion? You can probably appreciate the reason why.

HON. ARNOLD McCALLUM: No, not really.

Motion 21-66, Carried

MR. SPEAKER: I am tempted to ask why. Any discussion, gentlemen? Question being called. All in favour? Down. Contrary?

---Carried

There are no contrary votes but the record will show Mr. Nickerson as having abstained. Further motions?

Item 10, tabling of documents. Hon. Peter Ernerk.

ITEM NO. 10: TABLING OF DOCUMENTS

HON. PETER ERNERK: Mr. Speaker, I wish to table the following documents:

Tabled Document 21-66, The Northwest Territories Special ARDA Program Progress Review dated September 30, 1978.

Tabled Document 22-66, pamphlet entitled "Economic Prospects for the Northwest Territories".

MR. SPEAKER: Any other tabled documents, gentlemen?

Item 11, first reading of bills. Hon. Arnold McCallum.

ITEM NO. 11: FIRST READING OF BILLS.

First Reading Of Bill 10-66: Council (Amendment) Ordinance, 1978.

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 10-66, An Ordinance to Amend the Council Ordinance, be read for the first time.

MR. SPEAKER: Is there a seconder? Mr. Stewart. Question. Question being called. All in favour? Down. Contrary? First reading is carried.

---Carried

Item 12, second reading of bills. Hon. Arnold McCallum.

ITEM NO. 12: SECOND READING OF BILLS.

Second Reading Of Bill 10-66: Council (Amendment) Ordinance, 1978.

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 10-66, An Ordinance to Amend the Council Ordinance, be read for the second time. The purpose of this bill, Mr. Speaker, is to provide for an increase in the number of electoral districts for the Council of the Northwest Territories.

MR. SPEAKER: Is there a seconder? Mr. Whitford. Discussion? Question being called. All in favour? Down. Contrary? Second reading of Bill 10-66 is carried.

---Carried

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

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

Gentlemen, I propose to put Bill 10-66 into committee of the whole.

---Agreed

This House will resolve into committee of the whole for consideration of Bill 10-66, with Mr. Stewart in the chair.

---Legislative Assembly resolved into committee of the whole for consideration of Bill 10-66, Council (Amendment) Ordinance, 1978, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER BILL 10-66, COUNCIL (AMENDMENT) ORDINANCE, 1978

THE CHAIRMAN (Mr. Stewart): The committee will come to order to study Bill 10-66, An Ordinance to Amend the Council Ordinance. Comments of a general nature? Inasmuch as this particular reference to the bill has been already in committee I would hope that you would limit your remarks.

HON. ARNOLD McCALLUM: Mr. Chairman, I have had passed out to all Members a list of deletions or proposed amendments, rather, that are major. I apologize for having them only in English but they deal primarily, they are all deletions and they are primarily all numbers so I do not think it should present any difficulty in translation.

I should say a few words, Mr. Chairman, because within the bill there are points that have been underlined and single lined and other major ones of course that are double lined. When this bill was being developed there had to be a necessity to check through the Electoral District Boundaries Commission's report that we adopted earlier and on checking through it the draftsman found a number of discrepancies in the proposed boundaries that were, for instance, errors in description of co-ordinates. There were some non-existent descriptions, for example, 117th parallel, there were major printing errors and a duplication of the text. There were descriptive errors in figures and names. The legal draftsman, of course, on the single underlined areas within the bill itself made these minor adjustments but the changes that are being proposed in the added sheet that I had distributed, he believes are of course of major significance and hence we should do it by amendment. The other changes are purely editorial. These proposed amendments which deal with deletions of mistakes or the substitution to correct them were and had been discussed by Mr. Singer, the legal draftsman, and Mr. Daniels who was the secretary to the commission and they have been agreed to. With those remarks then, Mr. Chairman, I think that we should go through the bill clause by clause.

THE CHAIRMAN (Mr. Stewart): Thank you. Comments of a general nature? Hon. David Searle.

HON. DAVID SEARLE: Well, my comment, Mr. Chairman, although of a general nature deals essentially with clause 2 but I must say the one thing that concerned me at one point in this process and I think it should be brought specifically to the attention of the Assembly was the question of whether you could put forward an ordinance which creates 22 seats when the current Northwest Territories Act still provides that there are 15 and 15 only. Now, maybe that is my training and work but I must say I wondered at that. That is the purpose of clause 2. Clause 2 clearly says that whenever parliament puts forward the necessary amendments then this bill will come into force and effect and not until then and of course not at all if those amendments are not put forward. So I think it is important to stress that this bill is not law in



effect even though we pass it. It only can become law upon the necessary amendment being put forward to the Northwest Territories Act. But it is the most, the very best we can do at this point in time.

THE CHAIRMAN (Mr. Stewart): Thank you. Any other comments of a general nature? Prepared for clause by clause?

---Agreed

Clause 2. Agreed?

---Agreed

Clause 3, electoral districts. Agreed?

---Agreed

Under Schedule; 1, High Arctic there is a correction at the bottom of page three -- pardon me under High Arctic there are no corrections. Under Schedule; 1, High Arctic. Agreed?

---Agreed

Correction To Schedule; 2, Western Arctic, Bill 10-66.

Under Schedule; 2, Western Arctic, there is a change in the second from the bottom line 130th meridian is changed to read "120th meridian". With that amendment, agreed?

---Agreed

On page four, Schedule; 3, Inuvik. Agreed?

---Agreed

Correction To Schedule; 5, Mackenzie Great Bear, Bill 10-66.

On page five, Mackenzie Great-Bear there is a correction. The fourth from the bottom line instead of "64° 30' parallel" will read "63° 30' parallel". As amended, agreed?

---Agreed

Correction To Schedule; 6, Mackenzie Liard, Bill 10-66.

Page six, Mackenzie Liard, there is another correction here which changes 117th parallel midway in the paragraph to read "117th meridian of west longitude". As amended, Schedule; 6, Mackenzie Liard. Agreed?

---Agreed

Schedule; 7, Hay River. Agreed?

---Agreed

Schedule; 8, Pine Point. Agreed?

---Agreed

Schedule; 9, Slave River. Agreed?

---Agreed

Schedule; 10, Great Slave East. Agreed?

---Agreed

Correction To Schedule; 11, Rae Lac la Martre, Bill 10-66

Schedule; 11, Rae Lac la Martre. Now, there is a correction here about a third of the way down. The words "thence in an easterly direction along the 62° 15' parallel of north latitude (latitude 62° 15' N; Long. 120° 00'W)". That is completely deleted, that section. Actually it is a typographical error inasmuch as it has been repeated twice. Agreed?

---Agreed

Motion To Change Rae Lac la Martre To Rae-Lac la Martré, Carried

With regard to the name here, is it suitable the way it is presented as Rae Lac la Martre or would you wish a hyphen placed between Rae and Lac la Martre?

LEGAL ADVISOR (Ms. Fliieger): I think it would be better.

THE CHAIRMAN (Mr. Stewart): Do you agree then with a hyphen between Rae and Lac la Martre?

---Carried

Schedule; 12, Yellowknife North. Agreed?

---Agreed

Schedule; 13, Yellowknife Central. Hon. David Searle.

Motion To Change Yellowknife Central To Yellowknife Centre, Carried

HON. DAVID SEARLE: I am wondering if it would not be more logical to call it "Yellowknife Centre" instead of "Yellowknife Central".

THE CHAIRMAN (Mr. Stewart): A motion to change the name from Yellowknife Central to Yellowknife Centre. Moved by Hon. David Searle. To the motion. Question being called. All those in favour? Opposed, if any?

---Carried

Schedule; 13, Yellowknife, as amended. Agreed?

---Agreed

Correction To Schedule; 14, Yellowknife South, Bill 10-66

Schedule; 14, Yellowknife South. There is a change on the top of page 14, line three, "114° 20'," change to "62° 26' 45' ". Yellowknife South as corrected?

---Agreed

Correction To Schedule; 15, The Central Arctic, Bill 10-66

The Central Arctic. There is a correction on The Central Arctic, second from the bottom line on page 15, "87th meridian of north", the word "north" is changed to read "west". Central Arctic as amended?

---Agreed

Schedule; 16, Keewatin North, on page 16. Agreed?

---Agreed

Schedule; 17, Keewatin South, Agreed?

---Agreed

Correction To Schedule; 18, Foxe Basin, Bill 10-66.

Foxe Basin, there is a correction on the fifth from the bottom line right at the outside of the line it reads "Long. 72° 00" and then it is "west" and it should read "82° 00'W." Is it agreed as corrected?

---Agreed

Page 18, Schedule; 19, Baffin Central. Agreed?

---Agreed

Correction To Schedule; 20, Baffin South, Bill 10-66.

Schedule; 20, Baffin South there is a correction on page 19, the second line reads now "78° 00'N" and it should read "78° 00'W" As corrected, South Baffin?

---Agreed

Page 19, Schedule; 21, Frobisher Bay. Agreed?

---Agreed

Schedule; 22, Hudson Bay. Agreed?

---Agreed

I am informed that I missed Schedule; 4, somehow or another going through this, MacKenzie Delta. Agreed?

---Agreed

The short title. Agreed?

---Agreed

The bill as a whole as corrected and as amended. Agreed?

---Agreed

Bill 10-66, is it ready for third reading? Agreed?

---Agreed

MR. SPEAKER: Mr. Stewart.

Report Of The Committee Of The Whole Of Bill 10-66, Council (Amendment) Ordinance, 1978

MR. STEWART: Mr. Speaker, your committee has been studying in committee of the whole Bill 10-66, An Ordinance to Amend the Council Ordinance. We had with this bill a list that we considered to be corrections rather than amendments and all of the corrections that are submitted on the accompanying list have been accepted. There were two by way of amendments, there were two amendments. One in the name of Rae-Lac la Martre. A hyphen has been placed between Rae and Lac la Martre and with regard to Yellowknife Central, the terminology now used is Yellowknife Centre. With these two amendments, Bill 10-66 is ready for third reading.

MR. SPEAKER: Thank you, Mr. Stewart. Gentlemen, I propose to come back to Item 13 but in the meantime to go on to Item 14, third reading of bills.

ITEM NO. 14: THIRD READING OF BILLS

Bill 1-66, Hon. Arnold McCallum.

Third Reading Of Bill 1-66: Elections Ordinance, 1978

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 1-66, An Ordinance Respecting the Franchise of Electors and the Election of Members to the Council of the Northwest Territories, be read for the third time.

MR. SPEAKER: Is there a seconder? Hon. Peter Ernerk. Discussion? The question being called. All in favour? Contrary? Third reading of Bill 1-66 is carried.

---Carried

Bill 3-66, Wildlife Ordinance. Hon. Tom Butters.

Third Reading Of Bill 3-66: Wildlife Ordinance

HON. TOM BUTTERS: Mr. Speaker, I move that Bill 3-66, An Ordinance Respecting Wildlife, be read for the third time.

MR. SPEAKER: A seconder? Mr. Lyall. Discussion? Mr. Fraser.

Amendment To Motion For Third Reading Of Bill 3-66

MR. FRASER: Mr. Speaker, I move that Bill 3-66 be read on day four of the next sitting of the Legislative Assembly.

MR. SPEAKER: Mr. Fraser, the motion you made has to be done by way of an amendment to Hon. Tom Butters' motion for third reading by simply adding to the end of Hon. Tom Butters' motion "on day four at the next session". So, we will regard that then as an amendment to Hon. Tom Butters' motion by the addition of the words "on day four at the next session".

MR. FRASER: Yes, Mr. Speaker. I thought I would make a second amendment because I have messed it up.

MR. SPEAKER: Is there a seconder? Do you have a point of order, Hon. Tom Butters?

HON. TOM BUTTERS: Yes, Mr. Speaker. Does not in effect the amendment kill the motion altogether? The motion is to give third reading and to give third reading on the fourth day is impossible because the bill will die if it is not carried forth.

MR. SPEAKER: Yes, it is the classical hoist motion.

---Laughter

However, that is what you can discuss when we have discussion on Mr. Fraser's amendment. What I need now is a seconder for Mr. Fraser's amendment. Mr. Nickerson. Discussion on the amendment. Mr. Fraser.

SOME HON. MEMBERS: Question.

MR. SPEAKER: Is there any discussion? The question being called. Mr. Steen.

MR. STEEN: Mr. Speaker, I fail to understand why the Member wants to delay passage of the bill until the next session. I do not really know what his purpose is. We have passed the bill and it went through this House. We have completed it. It is just a simple matter now of putting it through third reading. I think this is a well thought out bill. As a matter of fact, I believe this is the only bill in all of legislation that we have that had so much input from the people of the Northwest Territories. I

think that we should clean up our act and get on with our work. I think it is irresponsible for this Legislative Assembly to go through this bill and have it all ready for third reading and then decide to put it off until next session. There has got to be a reason and I want to know it before any of the Members should vote on this. We should have the mover of the amendment state his reason why he wants it delayed. I am prepared at this moment to vote for the bill to pass at this session, but I do not know, Hon. Tom Butters, how he could allow such an amendment to his motion. He is playing football.

MR. SPEAKER: Hon. Tom Butters.

Amendment Will Kill Bill 3-66

HON. TOM BUTTERS: Mr. Speaker, I expect that Members realize that I did not allow the amendment, you did, and therefore, it is not my problem. What I would like to make clear to the House is that the amendment does not delay the bill until the January session, it kills it. If the amendment passes this will be the last we will see of the Wildlife Ordinance with all the work that has been done on it and I think that is very correct. I think that is what the amendment does and as you say it is a hoist to get rid of it or blow it up and this is why the amendment put forward by my learned colleague on my left is so very clever because it kills the bill and those who vote for the amendment are voting to kill the bill.

MR. SPEAKER: Mr. Lyall.

MR. LYALL: Mr. Speaker, I would just like to make it very clear that I am not going to vote for that amendment. I will be voting against it and I think anybody who votes for that amendment has been sitting in this House not really doing what he is supposed to be doing. This House, I think, has a responsibility to the people of the Northwest Territories to pass this bill. Mr. Speaker, I for one and Mr. Fraser, both of us, we went through this bill about six times each. We picked it up and we picked it with a very fine-toothed comb, I think. Yesterday, there was a question that arose out of this ordinance and I had some people look at it who are supposed to be well learned people and they told me that this is the best bill that they have ever seen for the people and the native peoples of the Northwest Territories. It gives them the right to sell musk-ox meat for one which the people of my constituency are seeking and which Mr. Steen's constituency is seeking. It does not, in their minds, take any rights away from the original peoples of the Northwest Territories. It gives them more rights now in this new bill than they had before. We have a very good bill before us and gone over with a fine-toothed comb by a lot of people in the Northwest Territories and participation in putting this together has been -- there has been more on this bill than any other bill before it.

Comparison With Education Ordinance

The same thing happened with the Education Ordinance, because the people who talked against it did not put it forward themselves and this is why they were against it. If they themselves put it forward, the Wildlife Ordinance such as this one, they would be proud of themselves that they had put it forward. I think if we were to vote with Mr. Fraser and with the seconder who I know is going to be standing up, if we vote with those people we kill a bill that has cost this government a hell of a pile of money. Like I say, it was worked out, it has had more participation than any other bill before it. Everybody cried like heck when we were trying to pass the Education Ordinance but when it got into the schools and was implemented in the schools people never said a word because the people of the Northwest Territories had a very good education bill to work with. I think that this bill like I say many people put many hours of work on it and I think if we vote with my honourable colleague Mr. Fraser, I think

that you are going to do the people of the Northwest Territories an injustice.

MR. SPEAKER: Mr. Fraser. I have a slight problem with letting you speak. Rule 45(1) says: "Every Member has the right to speak once to a motion except the mover of the motion who has the right of the last reply", and Subrule (2) "... the mover of an amendment to a motion has no right to the last reply". As I see it you declined the opportunity to lead off the debate but not withstanding that I am going to interpret the Rule as saying that you have the right to speak once and not having spoken once I am going to let you speak once but you do not have the right to last reply so this is your "once" Mr. Fraser.

MR. FRASER: I just want to answer a question, Mr. Speaker.

MR. SPEAKER: I said you could speak once.

Reason For The Amendment

MR. FRASER: Thank you, Mr. Speaker. I just wanted to mention that the Honourable Member from the Western Arctic asked a question of me as to why I moved the amendment. It is his prerogative, he can vote for it or vote against it. If he wants to know the reason why, we have had this Wildlife Ordinance in almost every session I have attended. Our January session is the last session that we will be attending before the election and I would sort of feel lonesome if we did not have this bill to go through again.

MR. SPEAKER: Further discussion. Mr. Lafferty.

MR. LAFFERTY: Mr. Speaker, considering the remarks by the Honourable Members here who spoke and taking into account what this ordinance would do for the people of the Mackenzie Valley, the people in the southwest Mackenzie block have an utter need for protection. Mr. Speaker, as it is indicated in this Assembly that we have gone over this bill time and time again and made many amendments, the amendments that are related to the native people have not been altered, they have not been changed in any way. Secondly, Mr. Speaker, we in the Legislature here have on numerous occasions reiterated the fact that we are here to enshrine the rights that are entertained by the native people or that are held by the native people and this bill, Mr. Speaker, does guarantee those rights.

Mr. Speaker, one of the principal facts of this ordinance is that it disallows big game outfitters who are found residing in the provinces and that is a fact that the native people both Indian and Metis people of the Mackenzie Valley have wished for and I am quite certain that this intent on their part has been clearly expressed on numerous occasions, at numerous meetings in various communities. Mr. Speaker, because this ordinance does reflect the views of those individual men and women who seek protection and in view of the economy that it affects we can look at it from the point of view of money or we can say it is a money bill and the investment herein that has been made is quite big.

Mr. Speaker, I as a representative person responsible to a constituency that is quite large, composed of many people of many cultural and ethnic backgrounds I see this bill as to their best interests. I can not vote for the motion of amendment. I would have to vote against it. I for one have had very close contact in meetings with the game officials throughout the Mackenzie Liard, including Fort Wrigley on a couple of occasions and have received a clear majority of opinion to support this bill that is needed at the request of the native people. My allegiance sir, then, is to my constituency. Mr. Speaker, I will indicate at this time that I will not vote in favour of the amendment.

Amendment To Motion For Third Reading Of Bill 3-66, Defeated

MR. SPEAKER: Question being called. Gentlemen, the question is on the amendment. Is there anyone who is in any doubt as to what the amendment is or the effect of it? On the amendment then. Question being called. All in favour? Three. Down. Contrary? Nine. Down.

---Defeated

On the motion, Mr. Nickerson.

MR. NICKERSON: Mr. Speaker, I am going to briefly tell this Assembly the reason why I will be voting against the bill. Yesterday I went into some detail on my objections to the objectionable principle or objectionable concept of inherited privilege which is contained therein. I do not intend to speak again on that particular subject but I will deal with an important subsidiary reason why I would not like to see this bill be passed into law at the present time. This in a way is a related issue and I will indicate the nature of the relationship shortly. We have had communications from organizations such as the Committee for Original Peoples Entitlement and from the Metis Association, both organizations which are actively involved in representations with the Government of Canada on the matter of land claims. Both of these organizations which in my opinion are acting in a responsible fashion have said that in their opinion the passage of this legislation at this point in time will in some way jeopardize their position with respect to the negotiations that they are undertaking.

Rights Of Native Organizations

Members of this Assembly may or may not agree with that assessment but the important thing surely is that in the opinion of these people it is jeopardizing their position and I can certainly see why they take that view. Certain sections of the bill would, in my opinion, take away some of the rights that people belonging to these organizations have at the present time. I would refer specifically to clause 17 and clause 22 of the bill. I think that these in some way do detract from the presently held privileges of general hunting licence holders. It would have been my hope, Mr. Speaker, that the land claims settlements, at least in principle, could have been settled before we addressed ourselves to the problem of legislating with respect to wildlife on residual areas of the Northwest Territories, those areas which are not to be set aside for the use in the way of hunting and trapping for specific people and address ourselves also to the residual jurisdictional areas with respect to wildlife, those areas which are not to be covered within an act of the parliament of Canada which will result or is expected to result from the land claims negotiations.

I think that were we to wait for that time we could come up with a bill, a good wildlife bill which would not contain the concept of inherited privilege. I think that the Legislature of the Northwest Territories should not do that. We should not have in our legislation or we should not in law have differences between citizens of the Northwest Territories based on heredity. Some Honourable Members have tried to draw an analogy between the Wildlife Ordinance and the Education Ordinance. In my opinion this analogy will not stand careful examination. The fact of the matter is that there was no legislation dealing with education in the Northwest Territories before we took it upon ourselves to pass the Education Ordinance. With game we already have a workable Game Ordinance and it has always been my position that we should have by a continuous process of amendment allowed those things to happen which Mr. Lyall spoke of, for instance, the commercial taking of musk-ox and the use of .222 rifles and all of that type of thing, that could have been accomplished by simple amendments to the existing ordinance.

I think it is a time when we as a Legislature should be leaning over backwards to see the points of view of those people engaged in the land claim negotiation. We might have originally taken the view that this might not have been necessary but it is the stated position of the Government of Canada that land claims settlement will be made and it surely should be up to us to try and facilitate the negotiations which will have to be carried out in this respect.

I think it would have been taken as an indication of good faith on our part were we to defer consideration of the Wildlife Ordinance until such time as agreements in principle are signed. Game matters, because of the fact that we have a workable ordinance and were capable of an adequate level of game management, certainly did not have the same importance as education and I for one would have been quite happy to have put it aside for some time. Undoubtedly, in the eyes of those people engaged in the negotiations to which I have just referred, hunting and trapping rights and privileges and all matters respecting game obviously have a very high degree or priority. I do not think at this time it is at all politically opportune for us to impose on our constituents something which is unnecessary and which many consider not to be in their best interests. Thank you very much, Mr. Speaker.

MR. SPEAKER: On the motion with respect to third reading of the bill?  
Mr. Evaluarjuk.

#### Affecting The Livelihood Of The People.

MR. EVALUARJUK: Mr. Speaker, my speech is going to be rather short. I already stated earlier on today when I made my reply to the Commissioner's Address, I stated that I was not happy with this and I am still in this state. I understand some of this. When I am the representative for my constituents they are more interested than me even though I might like the proposed ordinance. Also it was stated that we have been dealing with this proposed Wildlife Ordinance for some time and that there has been a lot of views expressed on this. The only answer I can give is that if the wildlife is going to be damaged by this it might be simpler if we thought of our livelihood. We were not aware that our livelihood was affected. It will surely be affected. Maybe our fathers did not realize that their land was being taken, but years later we began to realize and the land claims is going to go on for a long time because we did not realize these things for a long time. Also, we feel the government by this bill are not thinking of the Inuit and this will affect our way of life. I personally think that it might be a better thing if this ordinance is for the native people in the Northwest Territories and not for the whites and that the fish and wildlife service people did not inform the people in the communities and sometimes some people in the communities they met. These Inuit Members were not given enough money to visit these communities and inform them. We will have to stand up to vote. Thank you.

MR. SPEAKER: Further discussion. The question being called. Mr. Evaluarjuk, I want to be sure of the interpretation. Your last comment was as it came through the interpreter that we should all stand up for this vote and do you mean by that that you are calling for a recorded vote?

MR. EVALUARJUK: Yes.

MR. SPEAKER: A recorded vote being called. The Members will stand and remain in their places when I call the question please, until Mr. Clerk has read their names into the record. A recorded vote being called. All in favour.

#### Third Reading Of Bill 3-66, Carried

CLERK OF THE HOUSE (Mr. Remnant): Mr. Steen, Mr. Stewart, Mr. Lafferty, Mr. Lyall, Hon. Tom Butters, Mr. Whitford, Hon. Arnold McCallum, Hon. Peter Ernerk, Mr. Pudluk.



MR. SPEAKER: Nine in favour. Those against.

CLERK OF THE HOUSE: Mr. Fraser, Mr. Evaluarjuk, Mr. Kilabuk, Mr. Nickerson.

MR. SPEAKER: Gentlemen, third reading is carried with nine votes in favour, four contrary.

---Carried

Bill 10-66, Council Ordinance, Hon. Arnold McCallum.

Third Reading Of Bill 10-66: Council (Amendment) Ordinance, 1978

HON. ARNOLD McCALLUM: Mr. Speaker, I move that Bill 10-66, An Ordinance to Amend the Council Ordinance, be read for the third time.

MR. SPEAKER: Is there a seconder? Hon. Tom Butters. Discussion? The question being called. All in favour? Contrary? Third reading is carried.

---Carried

Bill 12-66, Hon. Tom Butters.

Third Reading Of Bill 12-66: Financial Agreement Ordinance, 1978

HON. TOM BUTTERS: Mr. Speaker, I move that Bill 12-66, An Ordinance to Amend the Financial Agreement Ordinance, 1978, be read for the third time.

MR. SPEAKER: Is there a seconder? Hon. Arnold McCallum. Discussion? The question being called. All in favour? Contrary? Third reading of Bill 12-66 is carried.

---Carried

Bill 13-66, Supplementary Appropriation Ordinance. Hon. Tom Butters.

Third Reading Of Bill 13-66: Supplementary Appropriation Ordinance No. 2, 1978-79

HON. TOM BUTTERS: Mr. Speaker, I move that Bill 13-66, An Ordinance Respecting Additional Expenditures for the Public Service for the Current Financial Year, be read for the third time.

MR. SPEAKER: Is there a seconder? Hon. Arnold McCallum. Discussion? The question being called. All in favour? Contrary? Third reading of Bill 13-66 is carried.

---Carried

Gentlemen, I propose to return to Item 13 which is committee of the whole and I assume that now the Executive wishes us to discuss the COPE land claims settlement, is that correct, as the next order of business? Mr. Lyall.

MR. LYALL: Before that, Mr. Speaker, I would like to have unanimous consent to go back to the tabling of documents.

MR. SPEAKER: Unanimous consent to return to Item 10?

MR. NICKERSON: Nay.

MR. SPEAKER: Unanimous consent is denied.

MR. LYALL: Thank you, Mr. Speaker.

MR. SPEAKER: Item 13, what is the wish of the Executive with respect to the next order of business, COPE? Since we are almost at coffee time I propose to put the matter into committee and then you can adjourn, Mr. Stewart, for a second coffee break.

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

This House will resolve into committee of the whole for consideration of COPE land claims settlement, with Mr. Stewart in the chair.

---Legislative Assembly resolved into committee of the whole for consideration of COPE Land Claims Settlement, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER COPE LAND CLAIMS SETTLEMENT

---SHORT RECESS

THE CHAIRMAN (Mr. Stewart): The committee will come to order and the Chair recognizes a quorum. I understand that it is the wish of the Minister to call the witness, Dr. John Naysmith, is it agreed?

---Agreed

I call Dr. Naysmith. Mr. Minister, Hon. Tom Butters, have you any opening remarks?

Introduction Of Dr. John Naysmith

HON. TOM BUTTERS: Just if I may to introduce Dr. John Naysmith who is the special claims representative for the Yukon and the Western Arctic. For the past two years Dr. Naysmith has been the federal government's chief negotiator and as such has been responsible for the conduct of the negotiations between COPE, Committee for Original Peoples Entitlement and the federal government. Prior to joining the office of native claims, Dr. Naysmith was chief of water, forests and lands with the northern program, Department of Indian and Northern Affairs. He has also served as administrator of northern forests in both the Yukon and Northwest Territories and thus, has direct work experience in the North covering a number of years. So, I would be very grateful, sir, if we might turn the committee over to Dr. Naysmith at this point.

THE CHAIRMAN (Mr. Stewart): Dr. Naysmith, if you would make your presentation then, please.

DR. NAYSMITH: Thank you, Mr. Chairman and gentlemen. It is indeed a pleasure for me to be here this afternoon and have this opportunity to discuss with you and perhaps elaborate to some degree on what the proposed agreement in principle with the people of the Western Arctic region, the Inuvialuit agrees with. I should say it is very refreshing after 14 months of negotiations to, number one, be dealing with some fresh faces and number two, to be dealing in such palatial surroundings. It has not always been the case as Mr. Chairman would indicate, that the situation in which we have been functioning has not been quite up to the standard which you people have here.

As most of you know, I am sure, COPE came in with their claim in May of 1977. One of the things which we have endeavoured to do in the negotiations on the basis of their claims and I think it is something rather important perhaps, to you gentlemen, is that a fundamental point that we endeavour to bring out throughout, the elements in the agreement in principle, is one of an integrating force, that is that the beneficiaries will be integrated into the larger economic community in the Western Arctic region, the larger government political community within the Western Arctic region and not one that separates out the beneficiaries from the rest of the larger communities. This is in no way to criticize, for example, the James Bay settlement but there is a distinct difference between that settlement and what is being proposed here on this particular point, that there people were not particularly given the opportunity to participate effectively, were given some options to veto, to say yes, something could happen or no, it can not. We have endeavoured to overcome some of that through the joint position paper of July 13th, 1978 and this draft agreement in principle.

Basic Goals Of The Inuvialuit

Turning to the specifics, the basic goals of the Inuvialuit agreement principle are four in number: to preserve the Inuvialuit culture; to enable the Inuvialuit to participate effectively in economic activities; to exchange Inuvialuit land rights, whatever they may be, for specific rights and compensation, in other words, people have a specific package of rights to something perhaps more nebulous than aboriginal rights and finally to protect the Arctic environment including wildlife. Those are the four basic principles.

Perhaps of those four one that this forum would be most interested in at this time is the third one, dealing with the manner of exchange and it really deals with the manner of the extinguishment of the aboriginal rights within the Western Arctic region for this package or bundle of other rights and, of course, COPE and Inuvialuit have agreed with this. There is another very important point, though, obtained here and that is that the rights of other native people as they may exist within the Western Arctic region are to be protected. I should like to deal with that part in some detail in a few minutes because it is a very important one and I know it is important to this group.

There is of course in the agreement of principle as you know, the joint position paper, the issue of eligibility and I do not think we have to go into it in detail. It is rather straightforward. The beneficiary has to be a Canadian citizen of Inuvialuit ancestry, born in the Western Arctic or raised within the Western Arctic for a period of at least ten years, or a descendant of one of those. There is an enrolment process, a committee, consisting of two COPE representatives and a federal representative and an appeal board, an appeal process. It is perhaps important to look at these criteria which we have developed for beneficiaries in the Western Arctic region in terms of general government policy. As you can see these criteria clearly fall within the guidelines of cabinet as stated in July of 1973. By way of interest and although I do not keep referring to the James Bay settlement there perhaps it is useful too on occasion and the criteria that we have established here conform precisely with those we have established in James Bay.

THE CHAIRMAN (Mr. Stewart): Dr. Naysmith, the interpreters are having problems. Would you slow down, please?

#### Non-development Land

DR. NAYSMITH: I am sorry. The criteria are consistent with the cabinet direction which was provided to us with respect to the Yukon claim. Turning to the first substantive element within the agreement in principle, the matter of land, the original COPE position called for title to 73,000 square miles on which they would receive title to the surface as well as the minerals and another 8000 square miles which would be considered non-development land, the point here being that all those rights that now exist within that particular geographic area would be expropriated and it would be considered for all time as purely non-development land.

The position that was agreed to eventually and published in July calls for the Inuvialuit to receive 4200 square miles of fee simple absolute land, title to the surface as well as subsurface and 32,000 square miles to which the Inuvialuit receive the surface only. The subsurface remaining with the Crown. With respect to the 4200 square miles this is a very important point, all the existing rights to that land would be honoured, that is to say, those people who now have oil and gas rights, land surface rights and any renewals embodied in those existing rights must be honoured. With respect to the 32,000 square miles to which the Inuvialuit received title to surface only there is a guaranteed access for subsurface development and finally there is some non-development land in a sense. It is 800 square miles in the Cape Bathurst area and there, except for about 200 square miles of existing permit area, there will be an expropriation of existing rights. This area is particularly important to the Inuvialuit and it was agreed that within that geographic area expropriation would take place.

Some of the important aspects dealing with the land element, what we are really saying is turning to the map for a moment, this area described within the solid black boundary is the area of 118,000 square miles in which the Inuvialuit can rightfully claim use and occupancy based on traditional pursuits. So what the agreement in principle is saying is that the aboriginal interest in 118,000 square miles will at least in part, that part dealing with land, be converted into something rather concrete and substantial, namely, 37,000 square miles of titled land. As we said before the Inuvialuit land is indeed open to development. Again this is a quantified development in that certain terms and conditions are

supplied by government and the Inuvialuit will apply to the user of the land but where they own fee simple absolute existing rights are honoured and where they own fee simple surface access is guaranteed to subsurface development.

#### The Low Relative Value Of Land In The Western Arctic

This next part is a rather important one. The low relative value of the land in the Western Arctic region in terms of its productivity and surface value is something that we took into account when we determined the amount of land we should be talking about. For example, we have an annex in the joint position paper which indicates that the value of land on the prairies is at least 100 times that in the Western Arctic region and indeed even the value of the boreal forestry region in, say, the southern part of the Mackenzie and the lower Liard area or in the Yukon is eight times that of the Western Arctic region and the significance of this point is therefore one can not take the precedent of the reserves, the treaties, because they pertain either to the prairies or to the boreal forest and apply those factors to an area where the surface values of the land are so indeed low. Hence, the figures that we came up with of 5000 and another 32,000 we feel as we determined in negotiations conformed with the relative value of the land.

The Inuvialuit in their original claim in May of 1977 talked about 6000 square miles in fee simple surface which they wanted to have on the Yukon North Slope. We were not able to agree to that and we came up with another approach which would not include ownership of land on the Yukon North Slope and that was through a public dedication method, the wilderness park concept and I would like to come back to that in a few minutes. There are a few other points with respect to the lands which I think will be important to this forum. All laws of general application will apply in the Western Arctic irrespective of whether we are talking about the Inuvialuit lands or the public domain. This is something that is unusual to say the least that has not happened in any other part of Canada that I am aware of where the private land owner is prepared to have laws of general application apply to his lands and I bring this point out here as one illustration of the integrating force, we think, that underlies this agreement. It is not a case of Inuvialuit saying "Yes, we will take that package of land and we will run with it" they are saying "Yes, we wish to be land owners, we wish to convert a part of our aboriginal right in terms of land but we want to handle that land properly and if the land use regulations are developed the terms and conditions that would normally apply to crown land should be applied to our lands because it is all part of the same land mass and there should be conformity between public land and private land in this respect".

#### Capital Gains Tax And Corporate Income Tax

I think that is a rather important point. Capital gains tax and corporate income tax, these things will all apply to the Inuvialuit lands which makes the situation quite different to Indian reserves where they are given a rather special status. The Inuvialuit are not looking for special status in this respect. They are prepared to be land owners who will have laws of general application apply and who will pay taxes. The improvements and any royalties that are derived from their lands will be subject to tax. The Crown retains ownership to all water throughout the Inuvialuit lands and hence, the right, if you like, to manage the water.

With respect to the Husky Lakes area, that is, this area marked in solid red, covering approximately 10,000 square miles, there will be a special management regime set up for it, one which will involve the Government of the Northwest Territories. I would like to come back to that later on because that is one of the areas where the Northwest Territories government will be involved and I would like to go through all of the areas but if you would just keep in mind, please, that there is a special regime in addition to what we talked about which will apply to that Husky Lakes area. The land selection process and I think as most of you gentlemen know, part of that selection has now taken place. It has taken place with respect to the 7(1)(A), the private, the 5000 square miles and it has also taken place with respect to the Husky Lakes area, the 10,000 square miles. It is yet to take place with the balance of what we call the 7(1)(B), that is, those lands to which they receive titles to the surface

only. That is yet to be done and that involves about 20,000 square miles more to be selected.

#### Land Selection Process

Perhaps it would be worthwhile taking one moment to go through what that land selection process is. In COPE's position in May of 1977 they said the selection process would go as is, that COPE will make a selection of those lands which they wish and the government will respond, either yes we agree or no we do not and there will be a 15 year period in which this selection will take place. It would be based on these type of criteria, wildlife habitat, tourist potential, historic sites, sand and gravel deposits and there would be delineated from these Inuvialuit lands an area of one square mile of the municipal site, the community site. The joint position paper, the agreed upon position was somewhat different. It was to be a mutual selection process where both sides indeed negotiated the land to be ultimately selected. During this process with respect to 7(1)(A) lands in the Husky Lakes area this took place within a couple of weeks following the joint position paper and various people were involved in that discussions including some representatives of the Northwest Territories government.

The criteria were about as described in the joint position paper, in other words, the emphasis on surface value, this going to the idea of traditional pursuits but it was recognized that one can not possibly choose land anywhere for example in the Mackenzie Delta without acquiring some valuable subsurface. Indeed, the government hopes that the Inuvialuit have acquired some valuable subsurface as a result of the land selection process. The municipal sites with respect to the six communities, community lands, vary from one square mile, to three square miles, three square miles in Tuktoyaktuk.

#### Participation Agreement

There is a device that is pertinent to the whole land base of the Inuvialuit. It is called participation agreement and this is very important. It is one more future of this integrating force that I spoke about earlier. What we are saying is this: that access for subsurface development is guaranteed. However, because you have an owner because it is not crown land, surely that owner should reap some benefit from the fact that he is the owner and not simply be in a position of having you say "Yes, you want to develop the subsurface". What the participation agreement does is it says "Yes, applicant, we recognize that there is some valuable subsurface there. You must recognize that we own the surface and therefore, we are going to have to cut a deal before you gain access to the subsurface." That agreement would no doubt include economic rent for the use of a subsurface, not the subsurface, they do not own it, it might include some terms and conditions and for example, terms of employment, training programs, participation in the activity itself, the utilization may be of some Inuvialuit managerial expertise or on the equipment or on their people, whatever, but these terms and conditions would be applied to the participation agreement.

In the event that the Inuvialuit and the applicant could not reach agreement on any of these points, there would be an appeal process. It is a very important aspect of this ownership of land. With respect to the Yukon North Slope I mentioned earlier that the original COPE position involved 6000 square miles of fee simple land. What has been agreed to is the following: that there will be established a national wilderness park of not less than 5000 square miles starting at the coast of the Yukon and moving southward. That national wilderness park will be based on wildlife and conservation values. Now, there is a recommendation in the joint position paper that indeed that park be extended even further south than what would be covered by 5000 square miles. Subsequently, the Minister of Indian and Northern Affairs recommended to his colleagues that an area down to the Porcupine River be withdrawn and it be considered as a national wilderness park. It has only been withdrawn while being considered but there is a commitment in the agreement that this park would cover an area of at least 5000 square miles.

Within that area, whatever it may be, there is guaranteed traditional use for all native people, not just for Inuvialuit but for the native people in the Mackenzie Delta to move over to that area to hunt and also for the people of Old Crow to move northward to hunt. There is also set up a steering committee with respect to this national wilderness park comprised of two Inuvialuit and two Indian people; one from the Yukon and a representative of the Indian people of the Northwest Territories in the Fort McPherson, Arctic Red River area.

#### Conservation And Development

The area, whether it be the 5000 square miles or something larger covers very important habitat as all of you know with respect to the Porcupine caribou herd and it is also a very important staging area in terms of migratory birds and has considerable park value as well as cultural value. We are very fortunate in this instance as to whether there is development on one hand and conservation on the other because it only has very moderate oil and gas potential. Indeed, very recently Imperial Oil lapsed oil and gas permits covering nearly one million acres. There is a higher potential offshore in the Beaufort Sea and for that reason it was deemed important to protect that very important harbour area, Pauline Cove on Herschel Island, so that was excluded from the withdrawal of the Yukon North Slope. In other words, it is yet available for people.

Another very important development in the agreement in principle deals with the matter of wildlife. What the joint position says and what the draft agreement in principle says and this is important and I think it has led to a fair amount of misunderstanding perhaps. It is subject to the rights of others on Inuvialuit lands, the Inuvialuit will have exclusive rights to gain subject to the rights of others and I will come back to that. They will also have exclusive rights to gain subject to the rights of others and I will come back to that. They will also have exclusive rights to fur bearers throughout the Western Arctic region and a preferential right to other species in the Western Arctic region. Preferential commercial harvesting through a restricted entry system. The wildlife section also addresses the Game Advisory Council and the natural resources research board. It says that the Inuvialuit participate in these and these are of an advisory nature.

#### Protecting The Rights Of Others

It is also very clear on the issue of protecting the rights of others with respect to harvesting. Now, what about this matter of the rights of others? What are we talking about? First of all, other native people. To go back to our map for a moment, this black line as we said indicates the area traditionally used and occupied by the Inuvialuit. The Western Arctic boundary on the east covers a line about like this. That is to say that some of the area traditionally used and occupied by the Inuvialuit now lies outside of the Western Arctic region. At the same time and from the same Inuit and land use occupancy study of 1976 it is clear that the Inuit have some areas which they traditionally used and occupied which lie within the Western Arctic region. Now, an important point here is this: that what the draft agreement in principle is saying is that if the Inuit through their own negotiations toward their own settlement decide that they wish to maintain their hunting rights on the areas which they traditionally used and occupied within the Western Arctic region there is a reciprocal arrangement whereby the Inuvialuit would do the same thing, say, in this bulge here which lies outside of the Western Arctic region.

#### Exclusive Rights To Their Own Lands

Further, if the Inuit decided that they not only wanted to maintain, protect hunting rights within the region but wanted to do so on Inuvialuit lands if when we come to the final land selection the Inuvialuit acquired some land,

then the reciprocal arrangement would still be functioning, that is, the Inuvialuit would exercise the prerogative to maintain its traditional rights on Inuit land outside. In other words, there is perfect reciprocity here and what our agreement is saying is that it is up to the Inuit people or it is up to the Dene people in this area, that they have that choice. They can say "Look, let us forget it" and saw it off at the boundary. "You function within and we will function without" and they will say "Well, you know traditionally we went into that area and we want to continue to do so and here indeed is where we want to do it." All the Inuvialuit are saying is "That is fine", they will exercise that same prerogative only on areas which you originally occupied outside the region and similarly with the Inuit here.

Now, what is the timing for this? Obviously things are at a phase and so on. We are somewhat close to agreement in principle, the Inuit have some distance to go and the Dene have some distance to go and what we are saying is that in the case of the two latter groups they have five years from now, from the signing of this agreement in principle to decide which option they would like -- five years or two years following the settlement legislation with respect to this, whichever comes later. So that there are five to seven years or possibly longer, depending on when the settlement legislation is for these other native groups to decide what they want and if they decide they want them then their full rights within the Western Arctic region are protected. So you say "That is all very interesting. So what?" "So what" is that cuts back on this matter of exclusivity so the Inuvialuit have exclusive rights in the public domain only to the extent that other native people have rights on that public domain. That is very important. Not only that, they only have exclusive rights on their own land to the extent that other native people have rights on their land. It is very compact in terms of exclusivity.

#### Hunting And Trapping Rights Protected

With respect to all trappers, native or non-native we are saying that their rights under the Inuvialuit settlement are protected. For those people who had registered traplines prior to 1963 or whatever that date was -- we think it was about that -- when the group trapping areas were established, the descendants of those people, those who have registered traplines now and the descendants of all of these native people who are now under the age of 16 and any others that there may be.

On the information that has been brought to the table from various groups we are talking about precious few people either here or here, who would be involved. Nevertheless, for any people who are covered here who hold general hunting licences and meet certain criteria their rights also would be protected. The criteria are that they must have trapped, this is anyone, not a native person, at least one year in the last three and at least six out of the last ten years; in other words, clear indication that yes they do derive a substantial part of their livelihood from trapping, they are serious about the business.



THE CHAIRMAN (Mr. Stewart): Excuse me, Dr Naysmith, I believe we have a problem within the chamber. It is a housekeeping matter. Can you give us an idea of the length of time that you will require to finish your presentation?

DR. NAYSMITH: Well, I can compress it, 15 minutes, ten minutes.

THE CHAIRMAN (Mr. Stewart): That is fine. Hon. Arnold McCallum.

Motion To Extend Sitting Hours, Carried

HON. ARNOLD McCALLUM: Mr. Chairman, I would like to move that the House continue sitting beyond the hour of the daily sitting hours for consideration of the continuation of the COPE land claims.

THE CHAIRMAN (Mr. Stewart): We have a motion on the floor. To the motion. Question. All those in favour? Opposed, if any?

---Carried

HON. ARNOLD McCALLUM: Thank you.

THE CHAIRMAN(Mr. Stewart): I must apologize Dr. Naysmith for the interruption.

DR. NAYSMITH: I am sorry, Mr. Chairman. What is the situation?

THE CHAIRMAN (Mr. Stewart): I am sorry for the interruption and the floor is yours again. Thank you.

DR. NAYSMITH: Thank you. With respect to hunting -- that was with trapping, with respect to hunting all individuals and native hunters who hold general hunting licences and are either in the Western Arctic region or near the Western Arctic region can hunt all lands, these are those general hunting licence holders who hold licences through the ancestral principle, can hunt on all lands. Now, this also cuts back on the exclusivity obviously but not only does it cut back on the exclusivity with respect to crown land but to their own land and what they are saying is any of those people who can demonstrate that for their own personal consumption they hunted on lands which are going to become Inuvialuit lands they will be allowed to continue to do so.

A responsibility of the Government of the Northwest Territories in the wildlife service is a very important one. There is a reference to the legislative responsibility in section 3(2)(3)(b) and also 14(3)(d). Frankly what it says is there is no cutback on that legislative responsibility on the territorial government as a result of the rights provided to the beneficiaries under the settlement. Secondly, the Government of the Northwest Territories will not participate, they will set the quotas with respect to harvest based on conservation management practices, in other words, the very things that they do now. They will participate in the setting of subsistence quotas with the Inuvialuit and the whole question of quota is a very important one throughout the wildlife section. The subsistence quota is a very important one as is the harvest quota.

Financial Compensation Element Of The Claim

The financial compensation element of the claim goes something like this: originally COPE people asked for a three per cent royalty on all oil and gas development within the whole of the Western Arctic region. There is a disadvantage with that in that indeed there may not be any resource development, there may not be any royalty and there was no other element within their claim that provided them with any financial compensation. So one could readily envisage the situation where they were land owners but they had no ability to develop that land, to develop the infrastructure in order to utilize that land through that scheme. It had this advantage, however,

that for sure no royalties were going to flow from oil and gas development for a few years and the Inuvialuit had this one figured out quite well. They said "That is fine, we do not have the management capability today anyway to handle a lot of money but we wish to develop that over time and we will and about the time we have that capability there may also be some resource revenues flowing to us and we will be in a position then to utilize it". That was a distinct advantage.

Indeed, what we settled on was not a resource revenue sharing proposition but a schedule of payments which would begin in December of 1981 and run to 1994 which would total \$118 million. The present value of that \$118 million being \$45 million. Now the schedule is set in such a way as to pick up on that concern of the Inuvialuit that they not be provided with or have imposed upon them in the early years a lot of money which they were not in a position to handle. They were able to look across at Alaska and see a prime example of that and how it has detrimentally affected the corporate structure and the people in Alaska. So the schedule was set up in such a way that the bulk of the money comes towards the end of that period. In the early years a much lesser amount of money will give them an opportunity to invest, to develop their lands but should not get themselves into difficulties because they suddenly were faced with a lot of money and perhaps not as they said not that ability to be capable to handle it as it might be.

#### Subject To Tax

There is one important aspect about monetary compensation also of the land that I think I might have mentioned and that is that a settlement is not taxed on the financial compensation as it is paid from the Government of Canada to the Inuvialuit, obviously there would be no point in that. If you strike a figure there is no use then to impose a tax upon that, otherwise you would just have to come up with a higher figure but any income that is derived from the subsequent investment of that money just as any income is derived from the utilization of the land base is subject to tax. This is distinctly different from the situation under treaty and within the reserves.

Because of the amount of money, actual financial compensation was considerably less than what was being proposed by the Inuvialuit it was deemed proper that there be some measures developed whereby that money which they did receive and that land base to which they acquired title could be melded in some way, molded so that something else was added to that formula which would hopefully ensure that they really did participate in economic activities, useful ones, and gain some value from what they had acquired. So there was developed certain economic measures and the joint position paper breaks them down into two; general measures and specific measures. Under the general measures it says that the government would take reasonable measures to buy resources and products from Inuvialuit lands, from communities, provide priority to the Inuvialuit for the delivery of services and supplies with respect to Inuvialuit lands, provide Inuvialuit with employment and contracts with respect to development in the area and those are all of a general nature.

Then there are some specific measures. The specific measures are loans, a reorientation of government programs and I will come back to that in a moment; loan guarantees, contracts, those kinds of things necessary to implement specific projects. Now, between the signing of the agreement in principle and the final agreement which let us say will take a year and a half, those specific projects will be identified. Let us say, for example, one of them might be the establishment of a sand and gravel business out of Aklavik, that it be identified specifically as a project and then related to that specific project would be particular measures to get that thing off the ground, to develop it.

### Economic Measures

There will be established an economic working group to describe these and the Government of the Northwest Territories will be a participant in that economic working group. Finally, with respect to economic measures, there is something which we call the Inuvialuit mineral fund and all that says really, is that any royalties -- it is not a special arrangement with respect to the provision of leases to the Inuvialuit, they would simply acquire a mineral lease the same as anyone else will acquire a mineral lease but again as a bit of oil to help things move in the early stages, any royalties that they might accrue from the first ten mineral leases will not flow to the government but will be put back into an Inuvialuit mineral fund and then that money can be only used to further develop mining within the Western Arctic region.

The policy points with respect to this element of the joint position paper, the reasonable measures formula is something we did not originate but we adopted out of the James Bay. The specific measures are certainly something we did originate. The important point, I think, is that any of those measures which we do develop which apply to the specific projects which have to be described between now and the final agreement will not call for additional government funds, additional government money, but would simply be a reorientation of existing budget levels and that is important. Let me give you a small example. If the Department of Energy, Mines and Resources, speaking of the federal government for a moment, if the Department of Energy, Mines and Resources said next year we are spending ten million dollars in the Northwest Territories carrying out geological surveys and these are the areas, if the economic working group was to say "Look, for these good reasons we want a certain survey carried out in the Western Arctic".

THE CHAIRMAN (Mr. Stewart): Doctor, would you slow down a little bit, please, they are having trouble with the interpreter corps.

DR. NAYSMITH: Sorry. We would like to have some of those moneys put into the Western Arctic region to carry out geological survey work there and here are the reasons why. Then there would be not additional money that the Department of Energy, Mines and Resources would be expected to provide, but a reorientation within their own financial structure.

#### The Economic Working Group And Review Committee.

The economic working group I have mentioned, that is that group that would be set up now and it will function to the final agreement which will identify specific projects and identify specific measures for them and the Government of the Northwest Territories is being asked to participate in that. Secondly, following the final agreement, the settlement legislation, there will be an economic review committee established which will monitor this whole program of economic measures and make recommendations for alterations and the Government of the Northwest Territories is being asked to participate in that also.

The social development program is one other element in the agreement. In the original COPE position it calls for a \$20 million fund to be established to rise to \$40 million if a pipeline was built. What was agreed upon in the joint position paper is a fund, a rather modest one and the principle I think perhaps is worthy of a half a million dollars a year for a period of 15 years. The program was pertaining to these things, the social concerns and for example, the housing, health, welfare, mental health and the idea here is to simply give the Inuvialuit an opportunity to express their perspective on these issues with the idea of making recommendations to the appropriate level of government, to carry out certain research and say "Hey, this is really the way we feel, where we live and these are the kinds of things that we think public funds are going to be spent at any level of government. Then we would like you to consider these things." So they would be pilot projects.

The corporate structures perhaps to save a little time, it is fairly straightforward and spelled out in the joint position paper; there is the Inuvialuit land corporation, the development corporation, the investment corporation and six community corporations. The latter are non-profit but they are the ones which in turn control the first three and all the Inuvialuit which share equally in any benefits derived from either the operation of the development corporation or the investment corporation. They would have one vote and one share per individual which is non-transferable. This is a difficulty which has arisen in Alaska and it would be for their lifetime only. Any Inuvialuit and we have it in the paper, are prepared to accept restrictions being placed upon the disposition of any of those early benefits, any of those benefits which accrue early in the process in order to protect the position of future generations.

#### Western Arctic Regional Municipality.

The final chapter in the document, by the way, when the agreement in principle is completed, including an annex, will be in the order of 160 or 170 pages. The final chapter deals with political and government institutions. In the COPE position, as you will recall, it calls for the creation of a Western Arctic regional municipality, a regional government. The Inuvialuit within that regional government would be responsible for police, education, wildlife and economic development and this was a substantive part of their proposal. They would not only have administrative control but they would have legislative control for those areas.

The joint position paper and subsequently the agreement in principle state that the Inuvialuit will participate in the Northwest Territories constitutional development process. They will have an opportunity, of course, to express their views as set out in the joint position paper through this constitutional inquiry. The claims forum, it was ultimately agreed, was not the appropriate place to make those kinds of decisions. There is agreement that there will be established certain government, quasi-government councils, the Game Advisory Council, the land use planning commission, a land use application and review committee.

#### Land Management.

With respect to the last chapters, they are of an advisory nature and you can see what we have done and what we have developed in the agreement is we have set off the major issue of political government institutions with respect to the Western Arctic region from the land claims forum to the other and I am addressing myself to some rather specific sectors. The land use planning commission will apply throughout the whole of the Western Arctic region. It is advisory and it will comprise a member of the Government of the Northwest Territories as well as a member of the federal government as well as Inuvialuit and it will be responsible for planning land use throughout the region as well as the coastal regions and we think this is particularly important, the coastal regions. To do that it may be necessary to carry out hearings at the community level and at the regional level and it will make its recommendations with respect to the ultimate disposition of land throughout the Western Arctic from an environmental and social and economic viewpoint. It also may be asked to carry out certain resource inventory surveys on behalf of either level of government. The value of it is that it will be something that is within the Western Arctic region addressing the matter of land use for that particular region so that the ideas, the configuration of how things will be done will evolve in the region and not somewhere else.

The land use applications and review committee is a little different. It is not a planning body: it really has in a sense an administrative function in that all applications coming in for land use throughout the Western Arctic region will be processed by it and it will be formalizing the process that exists now in a rather ad hoc fashion with respect to land use regulations. Here again the Government of the Northwest Territories is being asked to participate. So that it will have two functions. One is to set the terms and conditions for land use throughout the Western Arctic region making those recommendations to the administrator of the land use regulations and, secondly, it will be responsible for a joint management regime which is set up for this Husky Lakes area of 10,000 square miles which will have a special management regime attached to it and that particular committee will have that responsibility for that management.

#### Involvement Of The People

The final aspect of land management in the Western Arctic region which is interesting is that for a long time there has been discussion about the establishing of IBP, International Biological Program, sites. I guess all of us have had an opportunity to participate in some of those discussions at some time or another and what the joint position paper is saying is that this joint management regime for these particular lands will be developed by the Inuvialuit in the Western Arctic region and by representatives of the Government of the Northwest Territories as well as a representative of the federal government. It is another effort to get the people who are there, making decisions about the disposition of those lands within the region. Here it is rather specific. When we talk about it from the ecological conservation standpoint, it has got specific sites but here it is more global and applies to the whole of the Arctic region and it deals with all manner of land use

and a person on the land use planning Commission would be that over-all body looking at the issue more globally in terms of future allocations, future disposition based on the values within the Western Arctic region.

That is the document, that is what it includes. I think perhaps the last few comments may support the thesis which was developed earlier in that this settlement should endeavour to bring the beneficiaries in to the larger community, the decisions that are being made by the larger community, to bring it in to the functioning of government throughout the Western Arctic region and we think that the nature of the title to the land, the kinds of structures that we have described, indeed the philosophy that runs throughout it does that so that we see the beneficiaries, territorial government to some degree and to a lesser degree the federal government, being parties to that kind of philosophy. Thank you, Mr. Chairman.

---Applause

THE CHAIRMAN (Mr. Stewart): Thank you, Dr. Naysmith. Hon. Tom Butters.

The Legislative Assembly's Stand On Land Claims

HON. TOM BUTTERS: Mr. Chairman, I have a few remarks myself which I will try to cover very quickly. I just point out to Members the maps in the centre indicate the area that is really under consideration in the joint position paper. This larger map is the one that contains the Inuvialuit lands and the Cape Bathurst Peninsula. These remarks give a report from the secretariat as it has functioned over the past three months and the positions that have been taken by the Executive Committee relative to the claim presentation that Dr. Naysmith has given us.

As examination of the debates of this Assembly shows that even prior to 1972 Members of this Assembly had called on the federal government to deal justly and expeditiously with legitimate claims of natives. On January 17th, 1972, for example, we passed the following motion: "That the Commissioner convey to the Prime Minister this Council's desire to see an early and equitable settlement by the Government of Canada of the legitimate claims of native residents in the Northwest Territories". The Legislative Assembly of the Northwest Territories has consistently endorsed this principle. Furthermore, this Assembly has been willing to assist and participate as required in all negotiations and discussions relating to an eventual settlement in northern claims. Indeed, because of the interaction between land claims, economic development and constitutional development, this Assembly has consistently expressed its desire and willingness to be included at the negotiating table as a full participant in the claims process.

Quote From "Priorities For The North" Paper

This position was clearly and concisely stated in "Priorities for the North", the statement on constitutional development presented by this Assembly to the Hon. Warren Allmand last year. I quote: "The Northwest Territories Legislative Assembly has a vital interest in the settlement of native land claims and therefore must claim equal representation, together with the federal government and native groups, on any land claims negotiating committee. The territorial government has a substantial beneficial interest in lands presently held by the Crown in the right of the dominion, and that interest pertains not only to lands which will be apportioned as a result of any settlement, but also to those residual lands which this government as a future province will administer.

The people of the Northwest Territories claim an interest in the land because they are residents of the North and citizens of Canada, and that interest will be protected by representation on any negotiating committee. A further advantage to be derived from such representation is the necessity for explaining terms of settlement to the people in the communities, and this can best be accomplished by their elected representatives. Members of this Legislature have a positive contribution to make to both the management of negotiations and in making any settlement understood and acceptable to the people of the Northwest Territories as well as all citizens of Canada."

However, this has not happened. This Assembly is the only elected body in the Northwest Territories representative of all northern people. It derives its authority from the Northwest Territories Act. It has the responsibility to exercise that authority, to seek more jurisdiction in provincial-type matters from the federal government and to preserve and protect the rights of all residents in the Northwest Territories. It can and must play a meaningful role in the land claims settlement process.

#### Review Of Land Claims Negotiations

Turning now to the claim prepared by the Committee for Original Peoples Entitlement, Honourable Members will recall that the original claim, entitled "Inuvialuit Nunangat" was presented to the Government of Canada on May 13th, 1977. Following that presentation officials of the Government of the Northwest Territories attended some discussions between COPE and the federal government. In November of 1977, negotiations on the COPE claim very nearly collapsed and a decision was taken to develop a working paper on wildlife while officials of COPE assessed their position. A paper on the wildlife component was developed with officials of the administration of this government playing a major role. This working paper was prefaced with the statement "has not been approved by ministers, the Government of the Northwest Territories nor by the Inuvialuit communities". It was released December 7th, 1977.

In January of 1978, negotiations between the federal government and COPE resumed without representation from either the administration or the Legislative Assembly of this government. Officials of the administration were briefed on a position paper early in April of 1978. Our officials were advised at this point that this paper had not been seen by the executive of COPE and was thus not available for general distribution and comment.

Meanwhile this Assembly continued to press the Minister, the Hon. Hugh Faulkner for proper representation in the land claims process. On April 25th in the letter to the Speaker of this Assembly, the Minister approved the proposal of this Assembly that an elected Member of the Executive Committee "sit in" on land claims negotiations between the Government of Canada and the Northwest Territories native claimants. This letter was studied and the Minister's offer accepted at a caucus meeting of this Assembly on May 9th, 1978. On May 17th, 1978, Commissioner Hodgson advised the Minister by letter that he had accepted the recommendation of the Executive Committee that I "be appointed as Executive Member responsible for this government's input into land claims discussions".

#### Establishment Of The Government Of The N.W.T. Land Claims Secretariat

On June 22nd, 1978, the Executive Committee authorized the establishment of a Government of the Northwest Territories land claims secretariat under my chairmanship. The secretariat, as originally constituted, consisted of Mr. Norm Macpherson as vice-chairman and Mr. Phil Airhart as co-ordinator, with other staff seconded as required from different departments of the government. Since June 2nd other officers have been added on a full time basis, Mr. Ben Hubert as wildlife specialist and Mr. Murray Smith as senior claims analyst.

Over the past nine months as I mentioned earlier, a joint position paper had been developed by the federal government and COPE. A draft dated May 19, 1978, was delivered to Commissioner Hodgson on a confidential basis. It incorporated the December 1977, working paper on wildlife without specific approval of the Government of the Northwest Territories. The joint position paper was revised further on May 29, 1978. No comment or input was requested either from the administration of this government or this Legislative Assembly.

COPE/Government Joint Position Paper

In order to determine the role that the land claims secretariat would play in the claims process, I had several discussions with Mr. Neil Faulkner, the executive director for the office of native claims with the federal government, and it was agreed that we suggest to the Minister that a memorandum of understanding, governing the role of the Government of the Northwest Territories in the claims process be developed. On July 13th at a meeting between the Executive Committee and the Minister, this suggestion was endorsed and the Minister gave instructions that such a memorandum of understanding be developed between himself and the Commissioner. Members will recall that on July 14 the COPE/government joint position paper was released, having a few days previously received approval by cabinet. Since that date officials of this government have participated in negotiating sessions that will lead to an agreement in principle. This participation has been done in accordance with the memorandum of understanding, tabled in this House on October 18th.

The position of the Executive Committee of the Northwest Territories advanced during these negotiations I believe is in accordance with and reflects principles which I feel have been established over a number of years by this Assembly and have one primary and basic objective -- the protection of the rights of the individual.

Since land claims settlements have elements affecting a broad range of subject matters -- social, environmental, cultural, economic, and political -- their resolution can not be dealt with in isolation from constitutional evolution of the Northwest Territories. This is why this Assembly endorsed the appointment of the Prime Minister's special representative for constitutional development in the Northwest Territories, the Hon. C.M. Drury, whose mandate was, in part, intended to consider constitutional development as a special element outside of land claims settlements.



### Concerns Raised During COPE/DIAND Negotiations

I wish to conclude these remarks on a more specific note, in particular, a summary of major concerns raised and principles enunciated during the final stages of the COPE/DIAND negotiations. Secretariat members have consistently stated and reiterated these principles, principles I trust the Minister will include in the agreement in principle to be signed in the near future.

1. The Government of the Northwest Territories, as constituted under the Northwest Territories Act, is the senior government in the Northwest Territories and represents all Northwest Territories residents. Canada, through the settlement of native claims, shall not erode any constitutional authority of the Government of the Northwest Territories.

2. The Government of Canada shall not give, through the settlement of native claims in the Northwest Territories, to any group or groups of peoples any constitutional authority or responsibility which has not yet been delegated to the Government of the Northwest Territories.

3. The settlement of native claims in the Northwest Territories shall not prejudice the continued development of strong and democratic government at the community level.

4. Traditional use of land and resources by native peoples, including Metis, who are not included in a land claim settlement shall be preserved.

The joint position paper does not reflect these principles in several key areas. By way of example:

a) Section three of the joint position paper dealing with lands does not guarantee access across Inuvialuit lands to crown lands by non-Inuvialuit.

b) Section ten would grant exclusive harvesting rights to the claimants to fur bearers and other species on crown lands in the Western Arctic region. While we accept the exclusive right of the Inuvialuit to harvest on their own lands, we can not accept that anyone should have an exclusive right with regard to crown lands. As an alternative, this Assembly, through appropriate legislative enactments, could continue to grant preferential rights.

c) Perhaps most importantly, the joint position paper does not guarantee that those matters currently under the jurisdiction of the Government of the Northwest Territories be given effect through territorial legislation.

It is my opinion that if these major concerns are addressed and accommodated in the agreement in principle, I would have no problem in recommending support for this claim settlement by this Assembly. No doubt Members will wish to concern themselves with points other than those I have mentioned and may also consider giving direction to the land claims secretariat. So the floor is open to Members for questions, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you, Hon. Tom Butters. Mr. Lyall.

### Boundary Negotiations

MR. LYALL: Mr. Chairman, the question I have I think deals with boundaries. The people of the Keewatin Inuit Association have a mandate to negotiate boundaries for the people of the two settlements that are really involved, that is Cambridge Bay and Coppermine and the question arises in looking at these maps and the claim of COPE is that 49 per cent of Victoria Island is supposedly on Inuvialuit land. I am looking at the traditional rights in claiming it is over 50 per cent of Victoria Island. The peoples of Coppermine and Cambridge Bay

are very concerned about the future and what will be happening to their rights. Recently the people from the Keewatin Inuit Association who have an office in Cambridge Bay, have been trying to meet with COPE to discuss the proposed boundary and very recently COPE rebutted via telex, they answered very rudely by a telex that was sent by the Keewatin Inuit Association and still they did not get to meet with COPE. Then they had a ratification meeting at Holman Island and I think it was in July, July 28th, 1977 and still they did not succeed in trying to negotiate for ground revision of the boundary.

Also, within the COPE claim as you could see right over here on this map, the peoples of Coppermine are 70 miles over the boundary line, there are people on Reid Island who hunt there and are still there and are within the COPE boundary. There are 28 people right there living on Reimer Point at outpost camps and they are people from Coppermine. The big concern is for the future and even the peoples of Holman Island are very, very uncertain about what they are getting into because of the fact that they were at the last minute pulled in by COPE to go along with the people of COPE. There is very much frustration and misunderstanding that they have. I talked to a lot of people from Holman Island and they do not really know what is going on.

#### Not Enough Consultation With People

I say again that the people of the Keewatin Inuit Association have tried to meet with COPE on several occasions and they have not been successful. So in that way I think that there was not enough consultation with the people of Victoria Island. If this was to be signed by the federal government we are wondering what kind of compensation would these people be getting who have traditionally hunted and trapped in the boundaries that are marked by COPE as the traditional lands. The compensation I am talking about is for mineral rights and development of any kind that goes on. If this boundary was to be settled the way it is I think the people, the traditional peoples of those lands that COPE are trying to take they will be, there is one word for it but I would not use it at this time because I think it is a very, very serious situation that should be looked at very closely. These people are very concerned and like I said they have been trying to meet with COPE and they have not been successful. Also, the peoples of Holman Island really do not understand what is going on. I think that like I said before the people of Coppermine and Cambridge Bay would like to know what kind of compensation they will be getting within this boundary. I think really, Mr. Chairman, I plead, I think, really for those people because like I say they are going to be screwed by that boundary. I personally can not see that the federal government is going to sign this kind of agreement. That you, Mr. Chairman.

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

HON. DAVID SEARLE: Mr. Chairman, on a point of order if I may. It seems to me that the motion that Hon. Arnold McCallum made permitting us to extend the time of the debate applies only to this particular matter and I would like to suggest therefore in order that we do not run out of time and end up having to come back tomorrow or Monday for very brief matters that maybe we go back into formal session, give assent to bills and then come right back into this committee and continue this discussion. In that way we will avoid getting into a box where someone could unilaterally prevent us from concluding this evening. Not of course that any Member would do anything like that, but if I may therefore move that you report progress.

---Agreed

THE CHAIRMAN (Mr. Stewart): Is it agreed that I report progress?

---Agreed

MR. SPEAKER: Mr. Stewart.

Report Of The Committee Of The Whole Of COPE Land Claims Settlement

MR. STEWART: Mr. Speaker, your committee has been studying the proposed principles to be included in the COPE land claims settlement and wished to report progress at this time.

MR. SPEAKER: Thank you very much, Mr. Stewart. Mr. Clerk, would you please see if the Commissioner is available to assent to bills?

ITEM NO. 15: ASSENT TO BILLS

COMMISSIONER HODGSON: Please be seated. As Commissioner of the Northwest Territories I assent to Bill 1-66, Bill 2-66, Bill 3-66, Bill 4-66, Bill 5-66, Bill 6-66, Bill 7-66, Bill 8-66, Bill 10-66, Bill 12-66 and Bill 13-66.

Mr. Speaker, while I am here, perhaps I could do two other things. Mr. Speaker, pursuant to the recommendations contained in your Motion 18-66, I hereby appoint Mr. John Parker as chairman and board member and Mr. Steve Brooks and Mr. Leo Hardy as board members of the Northwest Territories Housing Corporation to take effect from October 16th, 1978 for three year terms.

ITEM NO. 16: TIME AND PLACE OF NEXT SESSION

The second item is to announce that I am in complete agreement with your recommendation that the next session of the Legislative Assembly will begin on January 19th at 2:30 o'clock p.m. to February 16th, inclusive. This, of course, would be the 67th session of the Legislative Assembly.

MR. SPEAKER: Please be seated. Gentlemen, we will resolve into committee of the whole for continued consideration of the matter of the COPE land claims settlement, with Mr. Stewart in the chair.

--Legislative Assembly resolved into committee of the whole for consideration of COPE Land Claims Settlement, with Mr. Stewart in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER COPE LAND CLAIMS SETTLEMENT

THE CHAIRMAN (Mr. Stewart): The committee will come to order to continue the study of proposed principles to be included in the COPE land claims settlement. Prior to our reporting progress on this particular item there were a couple of questions that Mr. Lyall had asked. I wonder if the witness, Dr. Naysmith could give us an answer to them at this time?

DR. NAYSMITH: Yes, Mr. Chairman. The points raised are extremely important ones. This matter of the boundaries is something which was discussed at great length in negotiations and there were two ways of approaching it. One was to attempt to describe a boundary which indeed delineated the respective areas of traditionally Inuvialuit and Inuit. That did not seem to be very easy to do so what we ultimately prescribed was a boundary which as far as the Inuvialuit were concerned was excluding some of the lands which they had traditionally used and occupied. For example, this bulge right here, that is outside of the Western Arctic region and at the same time included a bulge which is almost comparable in size and even in shape that is Inuit land use and occupancy land. Now, the problem to be addressed at that point is what do you do with those lands in the case of the Inuit that are now inside the Western Arctic region and in the case of the Inuvialuit are outside?

The Process Of Reciprocity

Your question, sir, is an extremely important one, one that I think we would be very sensitive to. We even attempted to handle that, you have to consider the paragraphs, but let me tell you how we attempted to handle it anyway. It is

through this process that we call reciprocity and what we are saying is as you have said, sir, that indeed our Inuit have traditionally used and occupied lands within the Western Arctic region. What about them? Where did they come out of this with respect to the Inuvialuit land zoning? So we have about six sections in the document that address this very question and what we are saying is, or what the document is saying is, that over the next five years from the signing of the agreement in principle the Inuit of Coppermine and Cambridge Bay can decide whether they want to protect and embody their own rights to that land in their own settlement and if they do and when they decide they wish to do so the Inuvialuit will have that same opportunity with respect to the land which they traditionally use and occupy outside of the Western Arctic region. If the Inuvialuit land settlement was to move along rather quickly from the agreement in principle to the settlement legislation, say it happened in two years, then we go on to say "But that would not be fair for the Inuit to have to decide that quickly what they wanted to do inside the Western Arctic region" and therefore we have put a minimum period of five years irrespective of whether there was settlement legislation for the Inuvialuit in the next year, two years, three years, whatever.

If the settlement legislation for the Inuvialuit did not come about for six years for one reason or another the Inuit would have two years beyond that time to make their final decision. So that seemed to be a fair way of dealing with the very question that you are raising about the rights which you have within the region and it also gets around attempting to describe and which probably could never be reconciled, some kind of a boundary which separated out those respective rights or areas of interest because indeed there are some areas as you know better than I do where there is overlap. So it would be in fact impossible to separate out. So, Mr. Chairman, my response to the question which we are very sensitive to is: if the paragraphs dealing with this could be looked at on their merits then we would like to have an answer to that. We think that we have responded, we have handled that question through the mechanism that we have developed.

THE CHAIRMAN (Mr. Stewart): Thank you. Anything further, Mr. Lyall?

Solution To The Problem Needed

MR. LYALL: Mr. Chairman, I could pursue this further but I would like to see a map of where you say there might be -- personally I do not know how it is going to be solved because the only way to solve it I think would be to include those people, but the thing is they do not want to be on that side of the COPE claim. So really I have nothing else to say on the matter because of the fact of how it is going to be solved. Have you got a map from COPE showing how it will overlap or what is going to be done to it? As I have already said, I think there is a big concern and it has got to be rectified. Thank you, Mr. Chairman.

THE CHAIRMAN (Mr. Stewart): Thank you, Mr. Lyall. Any comments, Dr. Naysmith?

DR. NAYSMITH: Just one very short comment and that is the maps which show the land use and occupancy both for the Inuvialuit and the Inuit come from the same document. It is the Inuit land use and occupancy study which was published in 1976 and we are utilizing that as our best source of material. It was developed over I believe a fair period of time which involved representations and interviews with people living in the area and that is the base data that was used in describing the respective areas of both groups. Just to go back to your question of how to handle this and how do the Inuit come out of this: they would acquire their rights and their rights would be embodied in their own settlement. They would not be relying upon the Inuvialuit settlement to embody or to protect their rights. Indeed, it would come through their own settlement and all we are saying in this document is that the Inuit have a minimum of five years in order to make this determination, conceivably a longer period than that.

THE CHAIRMAN (Mr. Stewart): Mr. Steen, and I wonder with the permission of this committee could I ask Mr. Lyall if he has completed his question to take the chair here because I have a few questions I would like to ask on this matter. Mr. Lyall?

#### Western Arctic Land Claims

MR. STEEN: Mr. Chairman, I hope Mr. Bill Lyall will not cut me off. What I see about this whole land claim for the Western Arctic, the COPE claim -- I would not try to knock the whole thing but I think my main areas of concern are similar to Mr. Lyall's, the boundaries between the areas there covering the FortMcPherson and the Arctic Red River areas and the boundaries there. Those people there are very concerned pertaining to where does the COPE claim nullify or interfere with their registered trapping zones or areas. They are very concerned and I just received a phone call this afternoon to bring this point up and they want to know just what is being done in that area. I will probably ask Dr. Naysmith to answer that question at the end of my comments. What I would like to comment on is the bureaucracy that this claim will create.

What it will create in the Western Arctic, we all know that the claim does not cover very many people, but if you look at the corporate structures there is a corporation for this and that right down to what I am saying is that there is not enough native people to benefit out of the corporate structures. They are not educated enough to take those positions. There are a few but do those few really want to be a bureaucrat. How long will it last? Are they educated enough? So, to me or it seems to me that once this claim is put forward then knowing that we do not have enough educated people to fill those positions well, we will have to go to the South. These people from the South will benefit from the claim itself. They will be the ones who are making the money from those positions. So, when we come and look at it who is going to benefit really? Who is really going to benefit from the claim? The idea I think is good if we can handle it. It looks to me like it will be a great claim when it is finished, but a great claim for the people of the South and not really for the people of the North or the Western Arctic. It appears to me that we extinguish a certain number of our rights in that claim and I think it is after 14 years and that is probably when Nellie will kick the bucket. It is a job and I do not knock her for trying to get a job for herself. Everybody is entitled to that, but I still think that in order to handle the economic situation that this will create it is just too much for the people and I say that for all of the Northwest Territories, for all of the native organizations, there are enough of them and not enough people who can handle it or know how to handle it.

#### Protecting Businesses From The Corporate Structures

The other day I was having a meeting with some of the business people in Tuktoyaktuk and they are really concerned there. Say you throw in all of this money for the corporate structures. Well, will that be in direct competition with the people who are already in business, the native people? Or, do you expect us businessmen to become members of the bureaucracy to make sure we maintain our businesses? Well, maybe we do not have the time and maybe we are going to protect our businesses or spend all of our time protecting our business from the corporate structures, because they will have money, those corporate structures. When they have money they can buy all the equipment they want and even make deals under the table with big oil companies that are working in the area because they hold the political clout. This is what we have to watch. We have to protect our businesses and I think we may even form groups to protect ourselves from your bureaucracy that COPE intends to put up. I say that because many of us just because we did not vote on the ballot, may be excluded. They have this ballot here and if you do not sign it then maybe it is not yours and if you sign it then they can use that against you. We were very afraid to sign the ballot because of our signatures. It was not a democratic way of handling it. They went from house to house with the ballot and stayed there and made darn sure that you voted and some of them came back two or three times and hung around, they kept coming back no matter how much you pushed them away. They were like flies hanging around something dead.

I really do not know if the federal people in the Ottawa region know what goes on in the area of such a claim. Some of the people, the fieldworkers of COPE, really did not understand the ballot themselves. They said you had to sign all "yes's", either all yes's or all no's on the three questions and if you put one no and another yes on another question and a no below they said it was a spoiled ballot. They tried to get me to vote but I refused to vote because they told me "Put either all yes's or all no's". So, I really feel that the claim itself is not going to be all that beautiful when it is finished, because the native people are not ready.

#### Trouble With Gravel In Tuktoyaktuk

We see already a trouble between the COPE representatives and the hamlet council of Tuktoyaktuk over the gravel within the hamlet boundaries. The hamlet used to handle that permit within its own boundaries but now COPE says that we are the ones who give you the permission to take gravel no matter if it is in your boundary or not. They say well the Inuvialuit are going to be the boss. Sure, well, that council, that hamlet council there is made up of all Inuvialuit and how then if COPE says no how is that saying too that the Inuvialuit are going to be the boss of their own gravel or their own country? There is so much and I do not want to take the time of this committee to tell -- it is not for me to say everything, but like I say, it is a fair claim provided we can handle it. Perhaps Dr. Naysmith will be good enough to answer the question of who he thought would be capable of running it; if he thought that the native people are capable and there are enough people interested in running it?

DR. NAYSMITH: Yes, Mr. Chairman. You touch on a very important point, sir. Who will take the lead role in the corporate structure that the Inuvialuit have recommended that they wish to have? Perhaps more importantly who will benefit from the corporations? The approach which the Inuvialuit themselves are taking with respect to the first point I think is a very practical and realistic one and they are saying that there are some of us who are now capable of making these kinds of decisions and hopefully as time goes on there will be more of us and I am sure that will be the case. So what they are saying is we want to be careful in the early years. We do not want to be faced with the Alaskan situation and do not face it, do not impose that upon us now. We will do things a little bit differently.

#### Schedule of Payments

I address that matter of the schedule of payments so that indeed the most of that financial compensation is going to come after ten years from now as it were, the bulk of it. In the early years it will be a relatively small amount so what they will be doing is to use their words they will be learning to be good managers to run these corporations. So they are going to be in the early stages relatively unsophisticated, the corporate structures I mean, quite small. They will be making decisions that are somewhat limited in terms of how they are going to use their land, how they are going to use their resources but during that time they are going to build up that managerial expertise and there is absolutely no reason and I am sure you agree, why they will not build it up. It is not sure that they will. They only need the opportunity to have those resources and to mix with them and to utilize them and when they do they will learn and so they have safeguarded themselves in the agreement so that they are not caught in that situation of having to make the major decisions in these early stages.

Now, on the other matter of local benefit, other than perhaps in the early years where they will have to buy, if you like, some managerial capabilities, other than that I do not see how through the document anyone but the Inuvialuit

are going to benefit from the proceeds or from those management decisions the way the thing is set up. No one else is able to buy that land, for example, under the agreement. A non-Inuvialuit can not buy that land. That is the debate that took place in the prairies if you recall in the last century. It is not possible under this agreement: the land will stay with the Inuvialuit. The disposition of any benefits either from the use of the land or the investment of the money will be equal to all the beneficiaries according to the corporate regime that they have set up. So sure, nothing is foolproof but certainly the mechanism is there for that ultimate protection for the beneficiaries in terms of the proceeds and a mechanism is there to help them during those early stages while the small managerial capability which they state they now have expands and develops to handle the rest of the resource.

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

Western Arctic People Must Benefit

MR. STEEN: I would just like to say that before any land claim is settled you had better make damn sure that the people in the Western Arctic are going to be the ones who benefit and that we do not get any socialist poking into the bureaucracy of the native claims like we had introduced in times back with the Berger commission. I think that perhaps there is one other question here, the rights of other individuals. Will that cover us, the ones who do not vote for the land claim? Myself, I do not believe that I want to be part of a claim that is not going to benefit us. I do not want to be a part of a claim that will benefit the wrong people, so that is why I want nothing to do with it personally. I kept my family out of it and everything and there are a number of people of the same mind.

THE CHAIRMAN (Mr. Lyall): Thank you, Mr. Steen. I do not really think there is an answer to that one. Anyway, Mr. Steen, if you like you could move over to Cambridge Bay when this is settled. Dr. Naysmith, have you any comments to that?

DR. NAYSMITH: Moving over to Cambridge Bay, Mr. Chairman? I think the response to Mr. Steen is that there are criteria which describe who can benefit or who can be a beneficiary under the settlement but because someone meets the criteria they are not automatically a beneficiary. One has to be enrolled and therefore if one meets all the criteria but does not want to be enrolled then obviously one does not become a beneficiary. It is an interesting kind of question. It is one that does not usually come up. The kind of question and the reason we described the criteria the way we did was to ensure that those people who indeed should be within the claim will be within the claim but those who should not be will be excluded. You pose a different question but the simple answer to your question is do not enrol. The fact that you meet the criteria is not relevant if anyone is not interested in being a beneficiary.

THE CHAIRMAN (Mr. Lyall): Thank you, Dr. Naysmith. Mr. Steen.

MR. STEEN: Mr. Chairman, I would be covered I suppose under the human rights act.

THE CHAIRMAN (Mr. Lyall): Mr. Nickerson.

Commendation Of Dr. Naysmith

MR. NICKERSON: Thank you very much, Mr. Chairman, it is an unexpected pleasure. In looking through this document there are a lot of specific points that can be raised with regard to each particular section but right now I would like to address the committee in general terms. First of all I would like to congratulate Dr. Naysmith on his abilities as a negotiator. I think that he has served his employers well and as one of the people who pays towards the support of his employers I add my personal congratulations. He has a very difficult job to do in that whatever the final agreement is there are probably as many people going to be opposed to it as there are going to be for it. He has broken down the original things that COPE wanted to something that is now within reason. He has made it quite apparent to that organization that such things as Canadian sovereignty over the area of the Northwest Territories is not negotiable, that is vested in its entirety in the Government of Canada and and the financial and land considerations now are somewhere within reason.

If you are of the opinion that land claims are good and needed then the idea of swapping these very fuzzily and ill-defined aboriginal or usufructary rights or call them what you will, for something specific makes a lot of sense and that is probably the right way of approaching matters and I would agree with Dr. Naysmith that that is the way to go. The interest of the Government of



Canada in the Beaufort Sea area is apparent to all of us here. It is a well known fact that there are fair sized deposits of gas in the Delta and it appears likely now that there are equally considerable deposits of oil. Canada if not at the immediate present, but some time in the near future may need these resources and I would imagine that the present position of the federal government is that they would consider them encumbered to a certain degree until such time as the land claims are settled. Therefore, in their opinion, obviously, a quick settlement of the claims in the COPE area are extremely valuable.

This settlement will undoubtedly set a precedent for the settlement of other claims in the Northwest Territories. Of course, they need not be of exactly the same nature, but they can not be much more and they can not be much less. It is just very similar to the James Bay settlement, creating some kind of precedent for us to follow here. This settlement does not follow, necessarily, strictly along the lines of the James Bay settlement but it can not again be much more or much less than that settlement when everything is tied together.

#### Concerning The Proposed Agreement In Principle

Now, with regard to the proposed agreement in principle that we have before us, I think one might have different views about it depending on the way you look at it. If you look at it as a Canadian citizen with this idea in mind, with those hydrocarbon resources in the Beaufort Sea and want to remove these encumbrances, I guess the deal looks pretty good, \$125.5 million cash plus some other economic assistance etc. etc. I guess that to a taxpayer in Toronto or Halifax that looks like a pretty good deal. From the point of view or the perspective of the Northwest Territories resident it might not be quite that good. We have to look at the protection of the rights of other residents of the Northwest Territories. Mr. Lyall has referred to the use. We have to look at it in a much greater degree of detail and make sure that it is a good deal, not only for the people who will be recipients under the proposed agreement but also for the rest of the people in the Northwest Territories.

The third perspective from which you might look at the proposal is that of a recipient. Mr. Steen has already raised some objections that potential recipients might have. I am sure that if I was to be a recipient, which of course I am not and not likely to be and do not particularly want to be, I think I would share with Mr. Steen some of his objections. First of all, there does not seem to be much in it for the individual. It is okay for the Inuvialuit who want to become managers and members of the various boards and everything else that is to be set up and generally play politics either in the strictly political sense or who want to engage in corporate politics. For these this may be okay. For the person who does not want to be involved in that but for the ordinary man in the street I am trying to find out what is in it for him. Where is his city lot in Tuktoyaktuk? Where is his section of land? Where is his \$5000? It just does not seem to be there and everything seems to be going to groups and organizations and we seem to have forgotten about the individual. Where does the individual fit into all of this and he seems to have been neglected in government organization negotiations? Nobody seems to have stuck up for the rights of the individual.

#### Bureaucratic Nature Of The Settlement

The second point of contention shared by Mr. Steen is the extremely bureaucratic nature of the settlement. There are all kinds of various boards and committees to be set up, the Inuvialuit investment corporation, the land corporation, and and it is not individual but community corporations and all kinds of advisory committees. It is pretty apparent when you look at this that it was drafted up by bureaucrats on both sides of the negotiations. I am worried about what is going to happen. Are we going to have all kinds of people coming up into the Delta and taking over the range by virtue of expertise which they have or pretend to have? Years down the road will people find that they have so tied

themselves up with knots that they are unable to operate? When somebody wants to start a vegetable farm in Tuktoyaktuk, if they ever get a lot of cheap gas there that enables them to do it, will he find that there are so many various boards and organizations that he has to go through and so many permits he has to get and so many rules and regulations that he has to comply with that it makes it virtually impossible for somebody to operate? So, those are some of the general concerns that I have about this proposed agreement, Mr. Chairman, and the specific ones I will deal with later if we have time for that.

THE CHAIRMAN (Mr. Lyall): Dr. Naysmith.

DR. NAYSMITH: Yes, Mr. Chairman. Mr. Nickerson has raised three excellent points. May I address the one he raised last first; the corporate structure issue. It has come up earlier too. It is pretty hard to argue against what you are saying. What we are saying in the agreement in principle is we are identifying that there has to be some, I almost hate to use the words now "corporate structure" to be the corporate land owner, at least in the first stage. There has got to be some kind of an outfit that gets its financial compensations and makes some decisions about what it is going to do with that money. There has to be some kind of a group who is interested in development and it says here it is opposition and should we do it ourselves, have an equity interest in it or shall we discard it and finally each of the six communities have to have some kind of a structure to say "We are people. We are the people and we are the ones who want to make these decisions at these various levels and we are the ones with the voting share, the voting interest."

Now, that is about all we did in the agreement in principle. We identified that somehow these things have to be met but we did leave it to the final agreement to describe how this was going to be carried out. The kinds of things that you are saying, Mr. Nickerson, and as has been said by others is something that those people who are participating in the negotiations between the agreement in principle and that is really all we are talking about right now, and the final agreement, should take into consideration and you make the point that well, perhaps bureaucrats on both sides whether they got carried away or not, but moved in this direction and the thing is not finalized and that structure is not in place yet. It has just been identified by it that somehow these things have to be met and my answer to you is that I take your point and let us hope that by the time of the final agreement we have solved some of the things that you were talking about.

THE CHAIRMAN (Mr. Lyall): Thank you, Dr. Naysmith. Mr. Stewart.

### Municipal District

MR. STEWART: Thank you, Mr. Chairman. I have basically two concerns, one is the political aspect and I believe that in your presentation you used the words "municipal district", that is for a regional type of government. Now, my question is; is this municipal district, would it be true to the same as a normal municipal district under the Northwest Territories Act or is it a new animal that will report directly to Ottawa?

DR. NAYSMITH: Mr. Chairman, I think what I said, sir, was that in the COPE proposal they referred to a Western Arctic regional municipality and I equated that with a renewed regional form of government. Now, first and perhaps the most important point is that a decision was taken in the land claims discussion that that was not appropriate, that subject was not appropriate to the land claims discussion and was not further addressed. In other words, we have nothing in the agreement that says "Yes, there will be one" or "No, there will not", or "This is the shape it is going to take". What we say in the agreement is that that is a subject to be dealt with quite outside the land claims form. So, there is nothing in there that deals with it specifically either than to say this is not going to be dealt with in here.

Now, to your second point it was if indeed there was one and now we are talking hypothetically, would it report to the federal government? Without having addressed it in the negotiations, my response is no, it would not. I would not think it would report to the federal government. A regional government in whatever form it takes presumably would be within the framework of territorial government, but that is just my comment on it. I should say to you again that it is not something that was discussed in the land claims. It has been set aside for another forum.

THE CHAIRMAN (Mr. Lya11): Mr. Stewart.

MR. STEWART: Thank you. I gather from what you have said that really no decisions have been reached in this regard, that the subject has just not been decided, period.

THE CHAIRMAN (Mr. Lya11): Dr. Naysmith.

DR. NAYSMITH: Yes, Mr. Chairman, that is correct. It has been set aside and the decision that was taken and agreed to was that the land claims forum was not the appropriate one to deal with these matters of government structures.

### Financial Arrangements

MR. STEWART: Thank you. My second concern is relative to the manner in which the financial arrangements have been concluded and that is from a protection point of view; the government has suggested a 15 year period and so much per year as I understood your presentation. Now, with all of your boards and all of your various organizations that are really part of the claim, I can see a situation arising by the time you have facilities in place to handle this type of an operation, that is, an office building and so on and so forth, the capital cost involved in putting these in place plus the wages that are going to be required to pay your staff and indeed the people who will be part of these boards, travelling expenses and so on, that indeed 15 years down the line instead of having any surplus capital, you will probably find that you burned up your capital every year. You wind up 15 years down the road having paid the staff to do something and indeed the day comes for them to do it, there is no capital left to do it.

I think in part that this was partly true of the Alaska situation and certainly we find it true in even the territorial government in specific instances when we suffer budget cuts, we find we are stuck with the same amount of people and can not do the job for the people who were hired in the first place. I suggest to you that in this type of application for

funding that you may wind up in the same position, that the money is gone and the people have had the benefit of wages but when the time comes to actually do something and when it is ready there is no money left because they spent it all getting ready.

THE CHAIRMAN (Mr. Lyall): Dr. Naysmith.

Expertise In Money Management Needed

DR. NAYSMITH: Yes, Mr. Chairman, all I can say is it is an extremely valid point. Hopefully, that situation will not occur but I would agree that what you are doing is addressing a point that I was trying to make only you did it much better. A few minutes ago I said that one of the things that is lacking now and will only be built up over a period of time is an expertise with respect to the management of investment, of money, and maybe that is something that will have to be bought in the first few years, surely if that is done correctly.

THE CHAIRMAN (Mr. Lyall): Dr. Naysmith, would you slow down, please. The interpreters are having a rough time.

DR. NAYSMITH: Yes, I am sorry. If that kind of management ability, if it had to be bought in the first few years the investment of the kinds of money we are talking about and not risk investment surely would provide an income that would take care of the overhead, whatever the corporate structure is that we end up with and hope that it is going to be a less sophisticated one that what we are considering at the moment. That is the thing that has to be addressed and hopefully, it will be and if it is and if it is done properly that erosion of the capital of \$118 million over 13 or 14 years will not take place but it is a challenge and it is there and it should be registered as a concern.

THE CHAIRMAN (Mr. Lyall): Thank you, Dr. Naysmith. Mr. Stewart.

MR. STEWART: Thank you, Mr. Chairman, I have completed my remarks.

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

HON. ARNOLD McCALLUM: Mr. Chairman, I would like to make a few general comments and then possibly get more specific with a question or two to Dr. Naysmith. First, I would want to congratulate him on his presentation and I know the time and effort that has gone into this whole thing and it certainly was well delivered.

A Constitutional Concern

Mr. Chairman, I have a concern that is basically I guess purely and simply constitutional in nature. However, there were parts of what has been presented not only by Dr. Naysmith but of course by our Member and my colleague, Hon. Tom Butters, in the comments that he made following Dr. Naysmith's presentation. I was certainly pleased to hear from Dr. Naysmith that the concept of, in the Western Arctic, regional municipality is outside of the joint position paper. I for one believe that municipalities within the Northwest Territories are this government's responsibility, not the federal government's responsibility. I think that is a responsibility that every province of Canada, provincial governments would take. However, I believe truly that there is a concerted effort on the part of Indian Affairs in Ottawa to set up native regional governments, the Indian government concept, I know it has because that kind of paper has been given out to various groups and band councils across the country and in fact to the Dene nation here. Of course that is consistent, the papers and the terms of an Indian government is consistent with the Dene nation concept as proposed by the Northwest Territories Indian Brotherhood.

As I indicated my interest in this would, of course, be basically constitutional and only in section 3(3)(b) where it discusses wildlife is the legislative authority of the Northwest Territories found. I think that this particular Assembly and the government must insist that all provincial-type provisions of the claims be made through the Government of the Northwest Territories through the legislation passed by this Assembly. I say "all" and I say "insist" and I for one as a Member of this Assembly and as a Member of the Executive Committee truly believe we have to insist on this. Without being disrespectful and it is not meant in that way, I think that the time for our consultation with these Members is here now. We will have to indicate the position that we have today and we will have to indicate it and say it strongly. I would not like to see the kinds of things that have occurred when the administration of this government were advised by letter of course, about the working paper on wildlife that we were given before, the joint decision paper where comment or input was not requested either from the administration of the government or this Assembly.

I think that the position of the Northwest Territories Legislative Assembly and the Northwest Territories government has been indicated to the federal government, to the negotiators and we have advanced this particular position on a number of occasions. I think, as Hon. Tom Butters has indicated, that is in accordance with and reflects principles that have been established by this Assembly over a number of years with one basic primary objective, the protection of the rights of the individual.

Motion To Endorse The Four Basic Principles Outlined By Hon. Tom Butters

Before my time is up, Mr. Chairman, I would like to move that this committee, hence the Assembly, again endorse the four basic principles outlined by Hon. Tom Butters in his report to us and insist that the agreement in principle be corrected to so include the principles. Mr. Chairman, I would ask then one question of the witness. Can he indicate to me that there is a guarantee that all the provisions of a provincial-type or nature of the claim will be made through the territorial legislation?

THE CHAIRMAN (Mr. Lyall): Dr. Naysmith, would you like to deal with that before I deal with the motion?

DR. NAYSMITH: Mr. Chairman, before I attempt to answer the question I want to make absolutely clear I understand what the question is. May I ask Hon. Arnold McCallum to repeat it, please?

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

HON. ARNOLD McCALLUM: Mr. Chairman, in I think it is section 3, subsection (3) (b) -- and I think that is the only place where a provincial-type responsibility or provincial-type provision is mentioned and that deals with wildlife and it concerns this government. So my question would be then, is there any guarantee in the agreement in principle that all provisions, not only wildlife but all provisions of the claim of a provincial-type nature will be made through territorial legislation?

THE CHAIRMAN (Mr. Lyall): Dr. Naysmith.

DR. NAYSMITH: Yes, Mr. Chairman. The settlement legislation which will embody the final agreement will be federal. It will be a federal act and that will be the mechanism for legislatively describing the rights that have been provided to the beneficiaries in exchange for their aboriginal title. Now, that does not imply that the territorial government responsibilities for legislation will in any way be eroded and that is what we were attempting to do with the wording of 3(3)(b), but I think it has been and is the policy of the Government of Canada as set out in August 1973 that through negotiations there would be an extinguishment of aboriginal rights. In exchange for that extinguishment there would be a right which would ultimately be embodied in federal legislation. I am not sure that there is any difficulty there for Hon. Arnold McCallum, with the point you seem to be raising, that somehow this would infringe upon or erode the position of the territorial government in carrying out its legislative responsibilities and indeed its regulatory responsibilities.

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

The Rights Of Individuals

HON. ARNOLD McCALLUM: Mr. Chairman, I can appreciate that the settlement is a federal responsibility and that through negotiations there would be the extinguishment of aboriginal rights and as Dr. Naysmith said the rights of the individuals will be under the federal legislation. I believe that that is in reference to the charter of human rights that is being developed by the federal government in Bill C-60. But if that is the vehicle by which those rights are to be guaranteed I think Members had better know that in the proposed constitutional amendment bill, Bill C-60 in its present form it does not do much for territorial people.

I am concerned about the situation but as I indicated earlier, I was pleased to hear that the regional municipality concept was outside but the claim deals with many other aspects for which we have responsibility, legislative authority -- social, economic, education. It would be a concern of mine that

in fact the agreement in principle and hence the final settlement would involve legislation or would detract from legislation that we already have in regard to those particular areas for people of the Northwest Territories because the COPE claim to the land mass, that is still within the Northwest Territories. To set up something that would give them a responsibility for that area alone to the exclusion of the rest of the Northwest Territories in relation to and be on a direct relationship with the federal government would be, it seems to me, would have to have a kind of very definite eroding of what we are attempting to do in the legislation that we have.

I can appreciate again Dr. Naysmith saying that the federal government will gradually turn over responsibility, but he knows as well as everybody else knows how difficult it has been and is to get federal responsibility turned over to this government. That is the main concern that I have. So, Mr. Chairman, then I would go back to the motion that I have mentioned or that I had stated. Would you like me to read it again?

THE CHAIRMAN (Mr. Lya11): Hon. Arnold McCallum, I would like to ask Hon. David Searle, if you do not mind, if we discuss this motion before the next speaker. Okay? Could you give me the motion again? Hon. Arnold McCallum.

HON. ARNOLD McCALLUM: I move that this committee again endorse the four principles outlined by Hon. Tom Butters and insist that the agreement in principle be corrected to so include those principles.

Motion To Endorse The Four Basic Principles Outlined By Hon. Tom Butters, Carried.

THE CHAIRMAN (Mr. Lya11): To the motion. The question being called. All in favour? It is unanimous.

---Carried

Hon. David Searle, please.

HON. DAVID SEARLE: Mr. Chairman, the Honourable Minister's quick action saved me the necessity of distributing a motion that I had already prepared and 16 copies that were going to do the very same thing. That leaves me with the simple task of then making a couple of comments and asking a couple of questions. The first question I have, Dr. Naysmith, is with respect to enrolment in the COPE claim. Have you gotten to the detail yet with respect to how long one might have to prove their eligibility, or is that still one of the areas that is unresolved?

THE CHAIRMAN (Mr. Lya11): Dr. Naysmith.

DR. NAYSMITH: Mr. Chairman, the mechanism, first of all, the criteria have been described. The enrolment mechanism has been described. The appeal has been described in very general terms. The period of enrolment I think has not been set out. I know we have discussed it at some length and may I just confer with my colleague for a moment on this point?

THE CHAIRMAN (Mr. Lya11): Is it agreed by this House that we invite Mr. Palmer in as an adviser?

---Agreed

DR. NAYSMITH: Mr. Chairman, what I would like to suggest is if we could just go on to the second question, we would check that point and whether it would end up in the agreement in principle or not, I am not sure. We could get an answer for you.

HON. DAVID SEARLE: The second question I had was with respect to the number of people who are involved. I am told that it is as few as about 4000; is that correct? Is that anywhere near the point?

DR. NAYSMITH: Mr. Chairman, I think it is substantially less. Did you say 4000?

HON. DAVID SEARLE: Yes.

DR. NAYSMITH: It is closer to 3000 I believe.

THE CHAIRMAN (Mr. Lyall): Hon. David Searle, do you want to make any more comments?

#### Influence Over Land

HON. DAVID SEARLE: I think the only comment I could make would be by way of comparison. I am thinking of the Commissioner or this government and knowing how little influence we have over land with respect to surface or certainly with respect to subsurface and with respect to surface, of course, the Commissioner controls only land within municipal boundaries which is not otherwise privately owned. There is little doubt after looking at these maps that COPE is going to end up owning in fee simple more land than the Commissioner could control and there is no doubt as well that with respect to ownership of the new resources that that same comment will apply. I think those obvious comparisons have to be made because these are the areas that we have been interested in getting involved in with respect to and on behalf of all northerners, yet we certainly would be denied these areas. Presumably after land claims are settled we can start going forward.

I think I should say that we should not give the impression here today that we are particularly happy with our involvement in the process to date. I think that it is one thing to say and I am prepared to say this that I do not have any serious criticism when it comes to the amount of land or the amount of money or how the land is divided in terms of fee simple land as opposed to land over which there is just surface title. I do not have any criticism like that to make except to support the criticism that is made by Mr. Nickerson and reinforced by Mr. Stewart concerning the bureaucracy that will undoubtedly creep into this. For 3000 people it seems to me you are going to have to import another 3000 to administer this scheme or employ everyone who is there to swing it. I must say it looks to me like a mini-Nunavut, as I recall that proposal that was first advanced by the Inuit Tapirisat of Canada. It had a corporate structure much like this and if my memory is correct when the Inuit Tapirisat of Canada decided to take the hard line of the Indian Brotherhood and withdraw that proposal and join hands with the Indian Brotherhood in calling for a native state or states. The lawyer who was then working for the Inuit Tapirisat of Canada then went across to COPE and I suspect took with him the Nunavut proposal which by then had been rejected by the Inuit Tapirisat of Canada and what we have got here is the son of Nunavut.

---Laughter



However This Has Not Happened

That is the way it looks to me from where I sit and I think these processes are just fine except I would like to underscore and emphasize one of the comments made here by Hon. Tom Butters that Dr. Naysmith does not go away saying that we have been consulted with and we are all happy because I know the next process is a report to the Minister and consultation always is interpreted as our agreement with the process. We have been there before, gentlemen and I would like to say that if we look at the bottom of page two of Hon. Tom Butters' report, the important words after describing clearly what we said in "Priorities for the North" and how we wanted to participate, the important words are "However, this has not happened". "However, this has not happened." And the people in the media are reading the newspapers and not even reading the report and that is how important this is. However that is not happening, and I repeat, gentlemen. Now, that is the message, Mr. Chairman, I would like Dr. Naysmith to take back to Ottawa, that he consulted with us but however, things that we wanted have not happened.

So, please, Dr. Naysmith, when you submit your report to the Minister, say you did indeed consult with us but however, those things that we wanted have not happened and at the same time I think you can report that we showed some interest in your progress to date and subject to, I hope the constructive comments that we have made, we certainly are not condemning it, that is for sure. I certainly join with Hon. Arnold McCallum in saying that this House must endorse the principles set out in Hon. Tom Butters' report that are there as one, two and three and had Hon. Arnold McCallum not moved the motion he did I was going to move it endorsing those principles and I support him and that motion 100 per cent. Now, I do not want to use any more of the committee's time, Mr. Chairman, except to maybe ask if Dr. Naysmith has the response with respect to the period when one might prove one's eligibility.

THE CHAIRMAN (Mr. Lyall): Dr. Naysmith. Just for the record, the other witness is Mr. John Palmer.

No Misapprehension On The Position Of The House

DR. NAYSMITH: Yes, Mr. Chairman, to answer Hon. David Searle's first question and I am sorry I did not have it right at my fingertips but the answer to it is that three months after the passing of the settlement legislation the enrolment process must be complete. If I might just make a comment, Mr. Chairman, on what Hon. David Searle has said, I do not think I am suffering any misapprehension about the position of the House and in the report to the Minister I think I will be able to make it fairly accurate as to the points that have been made, particularly those some time ago.

THE CHAIRMAN (Mr. Lyall): Are there any more comments or questions to be asked of Dr. Naysmith? Hon. Tom Butters.

HON. TOM BUTTERS: Just to thank him as I know you will thank them both for coming on such short notice and I do not think Dr. Naysmith knew that he would be on this trip until just two days ago. I think it is very good of him to have appeared before us as well equipped as he is with his charts and maps and also to Mr. John Palmer for accompanying Dr. Naysmith. We thank you very much for making yourselves available.

---Applause

THE CHAIRMAN (Mr. Lyall): Mr. Nickerson.

MR. NICKERSON: I had a series of questions prepared, Mr. Chairman, but on account of the time left available to us perhaps I will only ask one or two more important ones. Now, within this proposed agreement in principle, is it to be that the special rights enjoyed by the Inuvialuit at the present time will be extinguished by virtue of this agreement or is it that they will continue in perpetuity? The reason why I asked this is that it would appear to me that eventually what we must work towards is one class of Canadian citizen. We should not have several classes of Canadian citizens; we should just have one. Now, it might be at the present time that that is not practical. It might be that we should have that in mind for some time 20, 30, 40 or 50 years down the road but eventually we should have it so that all Canadian citizens are subject to the same laws equally. I am just wondering whether that concept is contained within this proposed agreement.

#### Aboriginal Rights

DR. NAYSMITH: Mr. Chairman, the concept of whether the laws that apply to non-Inuvialuit or non-Inuit or so on will apply to beneficiaries is definitely embodied in the document. There is no question that those laws would apply so to that extent the beneficiaries are not special citizens. However, there is one thing that we simply can not overlook and that is that there are some of us in this country who have an aboriginal right and this is not something that has been developed in recent years as a spinoff from the civil rights movement in the United States or something. It has a long history. It goes back to at least 1763. It is recognized that native people in Canada indeed have an aboriginal right and the task before us is to give that somewhat nebulous, it has not been defined in a court, right some concrete meaning and the process has been developed not to legislate that but indeed to negotiate that. So I think we have to accept the basic premise that these people with whom we are negotiating are starting from the standpoint that they have something called an aboriginal right and that the result of that is going to be expressed in a package of rights that non-beneficiaries, non-Inuvialuits will not have.

Now, the point that you were making is a very important one which is what is this going to do, what will be the net result of this, is this going to separate them out from the rest of the community? What we are saying here and are working toward is a mechanism that will, while it is converting an aboriginal right to a specific set of rights, will make them effective participants in the larger community, will indeed have the other effect of integrating, not assimilating them but integrating them. That is what we are trying to do, but we simply can not overlook that point that there are a group of us in this country who have that kind of right that the rest of us do not have. It is embodied and we are trying to determine a way of converting that into something useful and certainly the nineteenth century of reserves is not a useful one, of the 2500 reserves six of them got a lucky break and wound up on a pot of oil or something and wound up with growing grain in Vancouver but the others are in pretty tough straits and we want to stay out of that position. The challenge is to take that aboriginal right and do something useful with it and integrate those people into the larger community.

THE CHAIRMAN (Mr. Lyall): Mr. Nickerson.

#### Fee Simple Ownership

MR. NICKERSON: I will not pursue that particular question, although we could undoubtedly go into it in some detail for some time. May I just ask one other question? Now, the various lands that are to be transferred to Inuvialuit ownership have been described as fee simple or freehold lands. Now, my understanding of fee simple ownership is that it is about the highest degree of ownership you can have under Canadian law. If you own something freehold

or in fee simple it is yours to do what you want to do with it. You can sell it, you can mortgage it, you can give it away, you can gamble it away in a poker game, it is yours to do what you want with. Now, the type of ownership that is envisaged under this settlement to my way of thinking would not be fee simple at all. It is a very restricted type of ownership. It is only possible to sell that land to certain parties, for instance the Government of Canada. It obviously will not be possible to mortgage it and use the funds acquired that way for development or improvement purposes. So the so-called owners of the land will be forced to go to government or government agencies for financing to develop their land. So it seems to me it is not quite accurate to describe it fee simple land: it is a very restricted and unusual type of ownership.

THE CHAIRMAN (Mr. Lyall): Dr. Naysmith.

DR. NAYSMITH: Yes, Mr. Nickerson is quite right, it is a restricted type of fee simple ownership. When we were moving from the joint position paper to the agreement in principle which is a legal document we had several lawyers on all sides actually working on this point. Hon. David Searle might be able to help me out on this one a little bit, but irrespective of where we started in the discussion and how long we proceeded we always ended up by saying "Well, perhaps the best way to describe it is to call it fee simple less a whole series of things, for example, "71(1)(d) lands", it is feasible and plus gas, oil, minerals, sand and gravel and so forth and the best legal advice we could get is that that was the best way to describe it. In any event the point you are making about it being a restricted claim of ownership is absolutely correct, it is. Maybe there is a better way to describe it. If there is we would be quite happy to accept it. That is legal advice we used in describing it that way.

THE CHAIRMAN (Mr. Lyall): Are there any other comments you wish to make, Mr. Nickerson? Hon. Arnold McCallum.

Certain People In Canada Do Have Aboriginal Rights

HON. ARNOLD McCALLUM: Mr. Chairman, I recognize that Mr. Nickerson had indicated he did not want to pursue his first question any further but I would just like to comment and say to Dr. Naysmith that I do not think the Prime Minister of Canada himself agrees on the question that certain people in Canada have aboriginal rights. He certainly did not hold that opinion. He may well have changed it fairly recently for political purposes but I do not think that that is a commonly held viewpoint across the country and indeed with the First Minister of the country and therefore the Government of Canada. That is simply a comment, Mr. Chairman.

THE CHAIRMAN (Mr. Lyall): Dr. Naysmith.

DR. NAYSMITH: Yes, I think the most recent full statement on that subject from the Government of Canada is the August 1973, policy statement with respect to comprehensive claims and it does recognize that native people do have an interest, not yet defined, in the land and recommended in that policy that it would be far better to negotiate settlements based on that native interest than attempting to legislate it. I think that is the most recognition, although as I say it shows up in the proclamation of 1763 in the British North America Act and the Dominion Lands Act of 1870, most recently in August of 1973. So that recognition does exist and we are faced with the challenge of converting that into some concrete terms.

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

HON. ARNOLD McCALLUM: I just made a comment as an aside that I have a great interest in this country too but I sure as hell know that the Canadian government is not going to negotiate a settlement of that interest with me.

THE CHAIRMAN (Mr. Lyall): Thank you, Hon. Arnold McCallum. I think that goes for all of us, actually. Are there any more comments of a general nature or questions? Mr. Lafferty.

In A Case Where An Eligible Person Does Not Enrol

MR. LAFFERTY: Mr. Chairman, I was just sitting here and wondering and listening. I would like to know what happens to the beneficiary in the event that an eligible person does not enrol?

THE CHAIRMAN (Mr. Lyall): Dr. Naysmith.

DR. NAYSMITH: Yes, Mr. Chairman. Mr. Lafferty, I think that the simple answer to your question is nothing would happen to the individual who although he was eligible to enrol but did not except that none of the benefits would accrue to him. He in this settlement would not be a member of the community corporation, would not have an interest in the land, the Inuvualuit lands and therefore any profits that were derived from the use of that, no portion of that would go to him. He simply would not benefit, that is all.

THE CHAIRMAN (Mr. Lyall): Mr. Lafferty.

MR. LAFFERTY: I have a follow-up question there. If this is the case what happens to the individual who may live under the authority of this proposed government or regional government, council or whatever it may be described later, to the rights that he has as a Canadian citizen under the power of the policy that would be legislated in the event that the agreements are found?

THE CHAIRMAN (Mr. Lyall): Dr. Naysmith.

DR. NAYSMITH: Mr. Chairman, let me first say that the whole matter of the regional government, the regional municipality, has not been at all addressed and will not be addressed in the final agreement in the settlement legislation. It is something that would just be addressed in a different forum entirely so the question is somewhat hypothetical but anyway if there was one day decided that there was to be a regional municipality, regional government in the Western Arctic it would not and this is my opinion, it would not distinguish between someone who was a beneficiary under a native land claims settlement and someone who was not. It would be regional government administering its responsibilities and its power throughout the area. Just so there is no confusion on this point. It is very important to keep in mind that it is not something that is being addressed in the land claims forum. It has been divorced from it.

THE CHAIRMAN (Mr. Lya11): Thank you, Dr. Naysmith.

MR. LAFFERTY: I have no further questions.

THE CHAIRMAN (Mr. Lya11): Mr. Stewart.

The Political Situation

MR. STEWART: Mr. Chairman, I am still concerned about this political situation. It appears to me that we have a land claims settlement that is being negotiated but I get the impression from Dr. Naysmith that this really does not fully conclude the matter, that still political identity can and will be negotiated by some other manner and this is what really bothers me inasmuch as the land claims as far as I am concerned once they are done they are done, but are we then going to turn around and start out all over again, instead of land claims call it political identification of the different groups that are now asking for land claims? Is this going to go on forever or once it is done is it done forever? It is the political side as well as the land.

THE CHAIRMAN (Mr. Lya11): Dr. Naysmith.

DR. NAYSMITH: The agreement in principle is clear on the point that with the settlement legislation there would be an extinguishment of the rights, the aboriginal rights or whatever that right may be and you are absolutely correct on the matter of whether it is an aboriginal right or not. Simply the justice department says that interest whatever that interest may be, will be extinguished within the Western Arctic region and will be replaced with this array, this package that we described and have been talking about this afternoon. It is clear on that and all I can say then is their desires, the points being made, the position set forth in the original document about regional government would be something that they would discuss in a broader forum where other people would be saying the same thing and saying that they had the same desires, but it would be discussed outside of the claims context, having handled the matter of rights and the extinguishment of whatever that interest may be within the Western Arctic region. So, the final answer to your question is it is not something that would go on and on and on. It would terminate with the settlement legislation.

THE CHAIRMAN (Mr. Lya11): Mr. Stewart.

MR. STEWART: Mr. Chairman, I would like to make the point that I would strongly oppose the balkanization of the Northwest Territories into separate political identities that I know are being supported with many of the native groups within their land cores. I would like that to be recorded that I feel very strongly that this is something that should not be negotiated on this basis.

SOME HON. MEMBERS: Hear, hear!

THE CHAIRMAN (Mr. Lyall): Any other comments? I am getting to like this. If there are no other comments -- Hon. David Searle.

HON. DAVID SEARLE: I would like to move that you report progress, Mr. Chairman.

THE CHAIRMAN (Mr. Lyall): Yes. Thank you very much, Dr. Naysmith and Mr. Palmer, for coming before this House. Is it the wish of this committee then to report progress?

---Agreed

MR. SPEAKER: Mr. Lyall.

Report Of The Committee Of The Whole Of COPE Land Claims Settlement

MR. LYALL: Mr. Speaker, your committee has been considering the proposed land claims settlement, a motion was adopted during this discussion consisting of certain corrections to the agreements in principle. The motion, Mr. Speaker, was made by Hon. Arnold McCallum and it reads as follows: "I move that this committee again endorse the four principles laid out by Hon. Tom Butters and insist that the agreement in principle be corrected to include the principles."

MR. SPEAKER: Thank you, Mr. Lyall.

MR. LYALL: I would like to have unanimous consent to go back to tabling of documents.

MR. SPEAKER: Item 10, tabling of documents. Is unanimous consent forthcoming to permit Mr. Lyall to go back to Item 10?

---Agreed

REVERT TO ITEM NO. 10: TABLING OF DOCUMENTS

MR. LYALL: Mr. Speaker, I would like to table a document:

Tabled Document 23-66: The Minutes of the Central Arctic Area Council Conference held in Pelly Bay, September 25-28, 1978. Some of these I will be debating at the January session.

MR. SPEAKER: Gentlemen, the motion that was made to extend the sitting had relation to the COPE matter and that being so obviously the one outstanding matter dealing with bilingualism or the bilingual letterhead will have to wait until the January session. Mr. Lyall.

MR. LYALL: Mr. Speaker, I would like to just say how grateful I was to finally hear the CBC covering the sessions every day. I think thanks should go to Mr. John Gilmour.

---Applause

MR. SPEAKER: Before we get to prorogation, gentlemen, there are two things I would like to do and first of all is to remind each of you and the staff and the press club and indeed we have so many people in the gallery I would even extend that to everybody who is still here to join us next door in Katimavik A immediately following the session for the usual...

---Applause

That is the first thing and the second thing I would like to do, Mr. Clerk, is to call on Major Sproule and present him with his credentials, his commission as our Deputy Sergeant-at-Arms.

---Applause

Gentlemen, if we could have the Commissioner for prorogation, please.

Commissioner's Closing Remarks

COMMISSIONER HODGSON: Please be seated. I am sure you must be worn out from two long weeks and so I will not belabour you with any long prorogation address. In any event, I guess I will be back here with you in less than three months and so that being the major session of the Legislative Assembly and in all probability your last session, anything that I have to say I had better save it for then because I will not have too much to say if I keep talking.

I would just say that I do think as always and while it may seem from time to time that not much is achieved, on reflection when you add it all up and think about it each meeting, each session, there are great achievements that take place, but we tend not to recognize it because we live with it every day, every hour and as a result we do not necessarily give it the credit that perhaps it deserves.

Perhaps to some historian in ten, 20 or 50 years from now will look back on the work of this Assembly and those who sat here before them and will comment what a remarkable group of people who had to push forward the idea of developing the same type of government with the same type of responsibilities as other Canadians have enjoyed for a 100 years. So, I commend you once again for two weeks of hard, diligent good work and I look forward to seeing you again on January the 19th.

Now, the Speaker has invited me to come and have a cocktail with him and I am sure that as he and I walk out of the Assembly he expects all the rest of you to follow right behind. That is one of the advantages of being Speaker, you get to the bar first.

ITEM NO. 17: PROROGATION

With that comment, I would now officially prorogue this, the 66th session of the Legislative Assembly of the Northwest Territories.

---Applause

---PROROGATION

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