



COUNCIL OF THE NORTHWEST TERRITORIES DEBATES

52nd Session

7th Council

Official Report

INDEX OF DEBATES

March 27 & March 28, 1974

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A.

COUNCIL MEMBERS AND OFFICERS

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YELLOWKNIFE, N.W.T. XOE 1HO

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Deputy Commissioner of the
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Mr. Bryan R. Pearson,
c/o Arctic Ventures,
FROBISHER BAY, N.W.T. XOA OHO
(Eastern Arctic)

Mr. Willie Adams,
RANKIN INLET, N.W.T. XOC OHO
(Keewatin)

Mr. Paul Koolerk,
POND INLET, N.W.T. XOA OSO
(High Arctic)

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YELLOWKNIFE, N.W.T. XOE 1HO
(Yellowknife)

Mr. James Rabesca,
RAE, N.W.T. XOE OYO
(Great Slave North)

Mr. Paul W. Kaeser
FORT SMITH, N.W.T. XOE OPO
(Great Slave South)

Mr. Nicholas Sibbeston,
Box 405,
FORT SIMPSON, N.W.T. XOE ONO
(Mackenzie Liard)

Mr. Thomas H. Butters,
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(Western Arctic)

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Box 1530,
INUVIK, N.W.T. XOE OTO
(Lower Mackenzie)

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Clerk of the Council

Mr. W.H. Remnant,
YELLOWKNIFE, N.W.T. XOE 1HO

Clerk Assistant

Mr. D. J. Blain,
YELLOWKNIFE, N.W.T. XOE 1HO

B.

STANDING COMMITTEES

Finance

Mr. Searle (Chairman)
Mr. Pearson
Mr. Trimble
Mr. Adams
D/C Parker
Mr. Kaeser

Indemnities and Allowances

A/M Campbell (Chairman)
Mr. Kaeser
Mr. Pearson
Dr. Hamelin

Rules and Procedures

A/M Campbell (Chairman)
Mr. Rabesca
Mr. Genest

Development and Ecology

Mr. Butters (Chairman)
Dr. Hamelin
D/C Parker
Mr. Rabesca
Mr. Trimble

Legislation

Mr. Sibbeston (Chairman)
Mr. Rabesca
Mr. Genest
Mr. Koolerk
Mr. Butters

SPECIAL COMMITTEES

Provincial Responsibilities

Mr. Searle (Chairman)
A/M Campbell
Dr. Hamelin
Mr. Pearson

Constituency Boundaries

A/M Campbell (Chairman)
Mr. Pearson
Mr. Trimble
D/C Parker

C.

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J. Slaven
Legal Council

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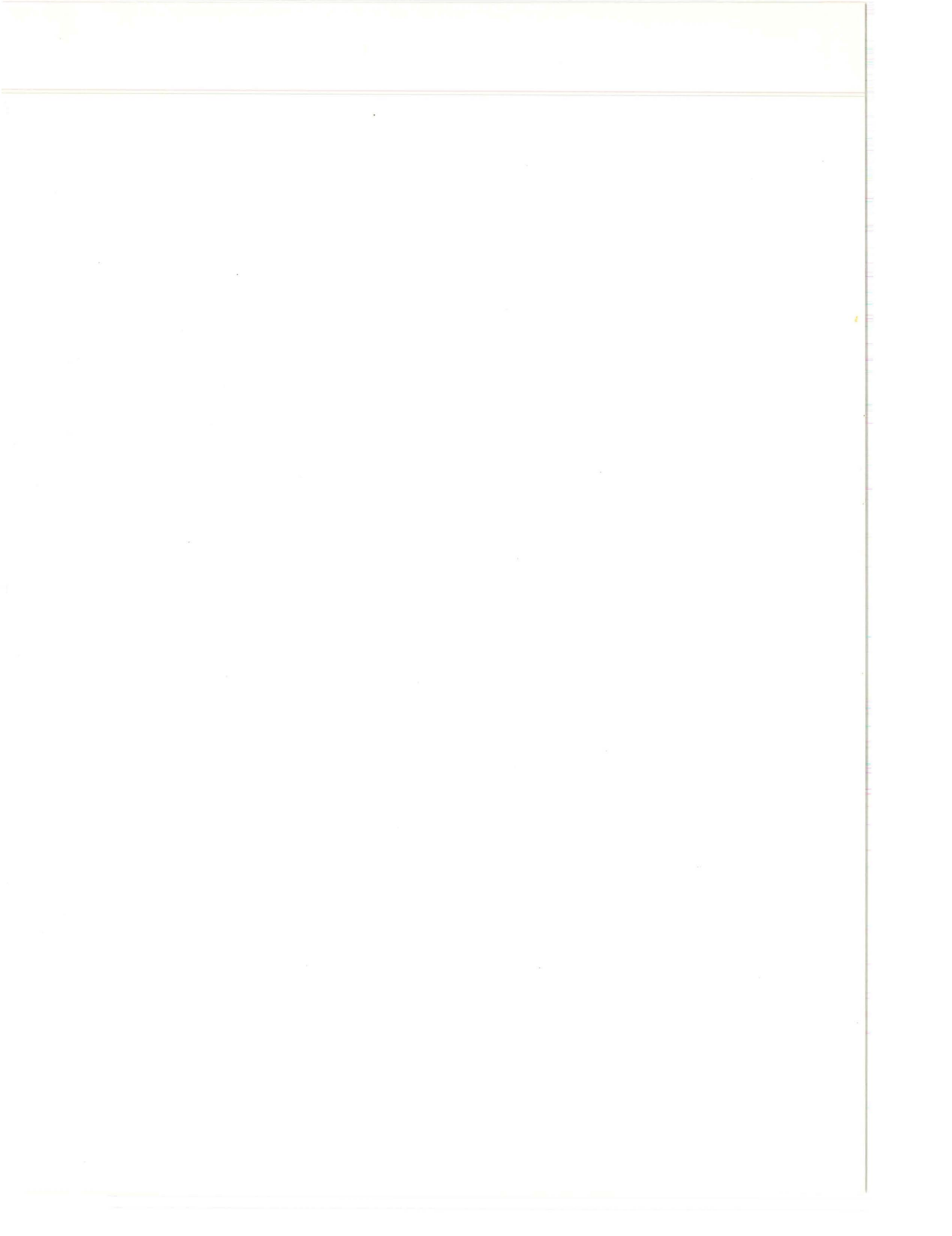
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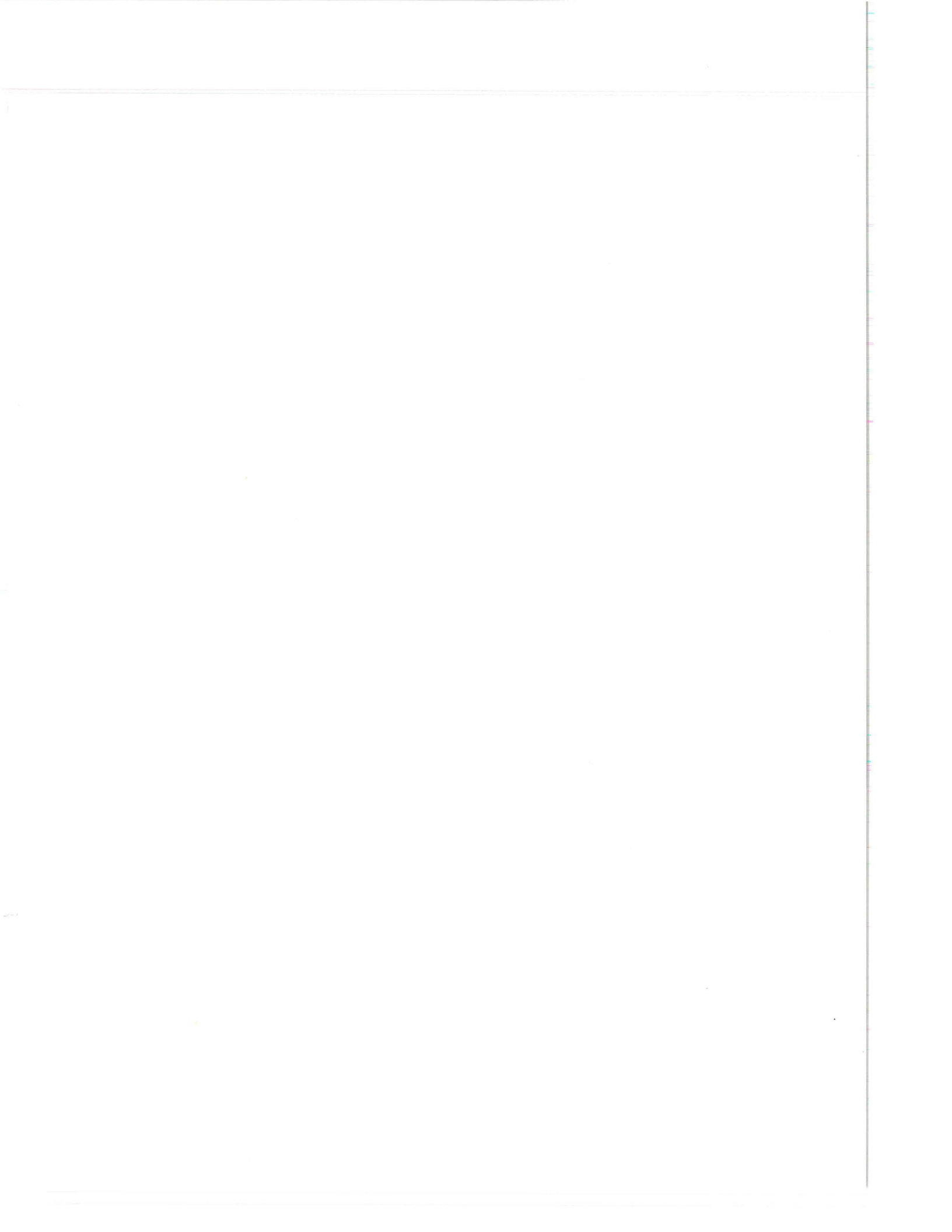
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YELLOWKNIFE, NORTHWEST TERRITORIES

WEDNESDAY, MARCH 27, 1974

ITEM NO. 1: PRAYER

Almighty God, from whom cometh all wisdom and power, we, the Council of the Northwest Territories in session assembled, humbly beseech Thy blessing on our deliberations, to the end that, inspired by Thy divine wisdom, and setting aside all prejudices, private interests and partial affections, we may work to the benefit, welfare and happiness of the people, and to Thy glory. Amen.

ITEM NO. 2: COMMISSIONER'S OPENING REMARKS

THE COMMISSIONER: Members of Council, I have held off calling the session to order this afternoon as long as I possibly can, to permit the arrival of one or two more Members who landed about forty minutes ago and should be in this chamber shortly. I called the session for 2:30 p.m. this afternoon and while it is 2:50 p.m., I think perhaps if I give you a brief rundown of the events leading up to today's session, perhaps during my rundown other Members will get here and then when I finish, we can go on from there.

- Delegation Before Parliament, Motion 11-51

Reference should be made of course, to Motion 11-51 passed at the last session of Council in which a motion was moved by Councillor Hamelin, and amended by Councillor Genest. The motion says; "I move that following a special session of this Council to study and express its views on the aforementioned said amendments, the Commissioner in Council be and is hereby authorized to name delegates from this Council to appear before parliament or a committee thereof to express the views of the people of the Northwest Territories on any proposed amendments to the Northwest Territories Act."

Now the prayer of that motion outlines the wish of this Council that when the bill, which at that time was a subject that we all hoped would be tabled in the house, and would deal with constitutional amendments to the Northwest Territories Act, would in fact be moved during the present sitting of parliament. It was the wish of this Council that as a result of that motion, that once the bill was given first and second reading, that the Council be called together for the express purpose of discussing the bill and the contents. The bill was introduced into the House of Commons on a Friday night and the following Monday, March 11th, it was given first reading. It is now called Bill C-9.

The bill was given second reading on March 18th and the minister at that time spoke. He gave his reasons for introducing the bill and he also made reference to one or two other points which are, I am sure, of interest to this Council. That primarily is the desirability of adding to the next Council, Members from the next Council to the Executive Committee of the government. The next series of events that took place was the meeting of the parliamentary committee on Indian Affairs and Northern Development on March 21st, and then of course, the calling of this session of Council here on March 27th.

- Object of the 52nd Session of Council

The object of the bill that you will be examining during this session will be of course, to make constitutional changes to the Northwest Territories Act. The object of the Council meeting is undoubtedly to consider the bill and

express a formal Council opinion on the bill. The object of the parliamentary committee will be to consider the bill and their recommendations to parliament for third reading. The action that I took when the bill was introduced into the house, was to consult with a number of Members of Council and on the basis of those consultations, set the date of April 8th for the calling of this session of Council. I did not know when the bill would be given second reading and as a result felt that would give us sufficient time. Last week I was on a tour of the Eastern Arctic and as I have already stated on the 18th of March, the bill was given second reading.

During second reading parliament decided after some discussion to refer the bill to committee of the whole for consideration. The parliamentary committee held its first meeting on the 21st of March and after some discussion the following points emerged.

First of all that the committee was of the opinion that before proceeding with a clause by clause study of the bill, as a matter of fact before doing anything with the bill that they should seek the view of the two Councils, Northwest Territories Council and the Yukon Council. The Yukon Council is meeting at the present time for its regular spring session, and I understand has spent the last couple of days discussing the proposed act. I regret that I am not able to give you any progress reports from the Yukon Council as I have not received any.

- Views of the Yukon and N.W.T. Councils Required

On March 22nd, the chairman of the standing committee on Indian Affairs and Northern Development's committee of the House of Commons, sent this following wire addressed to myself:

"THE COMMITTEE HAS BEFORE US THIS BILL C-9, AN ACT TO AMEND THE YUKON ACT, THE NORTHWEST TERRITORIES ACT AND THE CANADA ELECTIONS ACT, AND HAS DECIDED TO DEFER FURTHER CONSIDERATION OF THIS BILL UNTIL THE COUNCILS OF THE NORTHWEST TERRITORIES AND YUKON TERRITORY MEET AND DECIDE WHETHER THEY WISH TO PRESENT THEIR VIEWS OR COMMENTS TO THE COMMITTEE. COPIES OF THE BILL ARE BEING FORWARDED TO YOU BY SPECIAL DELIVERY FOR IMMEDIATE DISTRIBUTION TO THE COUNCILLORS. IN VIEW OF THE TIME CONSTRAINTS, AND THE ANTICIPATED FALL ELECTIONS, THE COMMITTEE WOULD APPRECIATE HEARING THE COUNCILS' INTENTION AS SOON AS POSSIBLE."

As a result of this, it became apparent that the parliamentary committee wanted to give this matter a swift consideration and they suggested that the Northwest Territories Council be called as quickly as possible. I was then advised that the parliamentary committee has reserved next Tuesday morning to hear representation from the Northwest Territories Council, and in view of that fact, they urged that I move up this meeting of Council and that I make every effort to get it underway this week.

- Apology to Members

I apologize to those Members of Council who have been inconvenienced because of this and who were planning to come to the session in April and have now been obliged to change their schedule and come this afternoon. I thank you very much, those of you that have been able to come and I apologize also to those who have not been able to come, and primarily to Air Marshal Campbell, Mr. Rabesca and Mr. Koolerk, although I understand that Mr. Koolerk is hoping to be here sometime tonight in time for tomorrow's session. I appreciate and understand that some of the Members will practically have to turn around and go back because of pressure of other commitments in business. As a result of this, I would suggest that we be as lenient as possible in trying to bend over backwards in order to give you maximum time to consider this very, very important matter.

It might be that you may wish to waive the rules of Council and meet again tonight. It might be that you wish to waive the rules of Council and meet again tomorrow morning, because as you know it is normal for the Council of the Northwest Territories to start at 9:00 a.m. on Monday, Wednesday and Fridays, and at 2:30 p.m. on Tuesday and Thursdays. The reason for not starting at 9:00 a.m. this morning is obvious, it was just not possible for a number of people to get here before this afternoon.

- Reason for Urgency

It appears to me that the reason for the urgency on the part of the parliamentary committee on Indian Affairs and Northern Development is that the committee would like to have the bills through the committee stages and given third reading prior to the Easter recess, in order that the Senate can give approval immediately after the Easter break. I imagine that the reason primarily for this is because of the fact that Bill C-9 contains the changes that affect the Yukon Council and of course the Northwest Territories. But involved in this also is the Canadian Elections Act which states that passing of the particular ordinance by the Council must be done -- and there must be six months lapse from the period of time that the bill is passed before the nomination process starts. I think we will be able to do that in our next session coming up in June but I understand that the Yukon Council is looking for a fall election and that seems to me to be the point which is referred to by Mr. Buchanan when he makes reference to the fall election. I do not think he is talking about a fall federal election. I think he must be talking about a fall election in the Yukon Council. You, as Members of this Council, know when the election according to our timetable would be called, the soonest it could be called, unless of course this Council decided on some other action, so I think he must be speaking about the Yukon election.

I understand full well that we must follow these rules of Council in this deliberation of today and I suppose really, all that could be done today is a little talking and a little notice given. But you might like to consider giving unanimous consent if you wish to get with it on this -- get to work on this bill right away in committee as a whole. I have been trying to figure out the best approach and I have gone to great lengths to keep the Administration out of this as it is a bill that affects the Council. While the Administration is certainly interested in it, it is the Council's opinion that the parliamentary committee is seeking and so I thought that perhaps you might like to give some thought to this. That is as Mr. Genest moved the amendment to the motion that started this and made it possible for us to hold this session prior to the bill being given third reading. I am sure this is what gave the parliamentary committee the idea in the first place. I asked him if he would put together a motion for your consideration that would provide the framework and the vehicle and the means of achieving Council's goal. And that goal as I see it, is that of consideration of Bill C-9.

- Creation of Two Senate Seats

There is another bill that has been introduced into the house and I just received a wire this morning about it, and that is Bill C-11. That bill calls for a series of first amendments, I would think, to the appropriate act which I would imagine must be the BNA Act but would make it possible for the creation of two Senate seats. One in the Yukon Territory and the other in the Northwest Territories. You might like to express an opinion on that as it affects this territory also, however, that is for you to consider.

- Using a Positive Approach

So, I use this as a means of getting this session of Council under way. I am entirely open to your wishes as to any changes in this procedure or if anyone else has a better approach or objects to this kind of approach, I am completely open to it. I do not intend to say anything unless you ask me to during the

committee stages so I had better get my two cents worth in now and that is this. It would seem to me that during your deliberations when you formulate your final decision if it could be put in the positive form, I think it would carry with it much more weight than to put it in the negative form. Not that anyone had the intentions of doing that but I remember in British Columbia, I remember in my former position in the trade union movement we had a tendency sometimes to put things in the negative and as a result we were not too often successful. In other words, we would say, "We will only accept this if you do this, this and this" and as a result the government always did that, that and that and we never got very far. Now what I mean by the positive side, it might be a good approach if you commented on the things that you do agree with and then if there are any other items that might be on your minds of course they can be expressed.

I believe that the success of course, of the changes to the act and, in fact the changes to this Council, the decision may very well rest in the end on your deliberations of the next 48 hours, 24 hours or 12 hours whichever or however long it takes you to make a decision. But in the main, you have pressed for many, many years and I am sure that Mr. Trimble joins with me in regretting that the Air Marshal was not able to be here because it was back in 1964 when it started and it is not often we are able to get the Northwest Territories Act open and when we do, we have to be very, very careful in our presentation. I believe that people, and parliament which is made up of people, tend to respond to clearcut presentations and I think if I could leave you with that thought, that is all that I want to contribute to the discussion of the next couple of days. I used that as Item 2, Commissioner's opening remarks and Item 3 -- if any of you wish to comment on the procedures I have outlined, if any of you wish to comment on any of the events leading up to this, or if any of you wish to comment on any of my opinions on it, please feel free to do so.

Item 3, replies to the Commissioner's opening remarks.

Item 4, questions and returns.

Item 5, oral questions.

Item 6, presenting of petitions.

Item 7, reports of standing and special committees.

Item 8, notices of motions, Mr. Genest.

ITEM NO. 8: NOTICES OF MOTIONS

MR. GENEST: Mr. Commissioner, I would like to at once give notice and then move a motion, the text of which I believe I have distributed beforehand to most of the Councillors, although the Clerk I believe, has some spare copies. I would like to deal first with a point of order. I notice that rule 42 of the Council's rules, provides that in general, one days notice of a given motion. Then it refers to three classes of a motion: (a) for leave to present a bill of resolution, (b) for the appointment of any committee or (c) for the putting of a question.

Then the rule goes on, subrule (2), to say that subrule (1), that is, the one days notice provision, does not apply to certain other motions including one which relates to consideration in committee of the whole of recommendations to Council and information items. It would be my submission sir, that the motion that I am about to move, which I will describe in a moment, would come under subclause (b) of subrule (2), in that I do not need to give one days notice but if the ruling from the Chair is otherwise, of course I would ask unanimous consent to move the motion in question. Could I have some guidance on that, sir?

THE COMMISSIONER: Yes. Mr. Slaven could I have some guidance?

LEGAL ADVISOR (Mr. Slaven): Mr. Commissioner, I am hampered by the fact that I do not have a copy of Mr. Genest's motion.

Notice of Motion 1-52: Consideration of Recommendation by Council on Bill C-11, Certain Portions of C-9 and Other Matters

MR. GENEST: I will read the motion that I propose to move, Mr. Clerk was given a stack of copies. Where did they go? The motion is as follows:

WHEREAS there have been introduced in the House of Commons Bill C-9, being an Act to amend the Yukon Act, the Northwest Territories Act, and the Canada Elections Act, and Bill C-11, being an Act to amend the British North America Act to provide for representation in the Senate of the Yukon Territory and the Northwest Territories;

AND WHEREAS in moving second reading of Bill C-9, the Minister of Indian Affairs and Northern Development stated that it was his intention to further increase the authority of the Council of the Northwest Territories by arranging with the Commissioner to have two elected Members of Council appointed to the territorial Executive Committee, such Members to be given responsibility for the direction of one or more departments of the territorial government;

AND WHEREAS it is desirable that the Council of the Northwest Territories should express formally to the government and parliament of Canada and in particular to the standing committee on Indian Affairs and Northern Development the views of this Council respecting the said bills and the said statement of the minister, and has met in special session for such purpose;

NOW THEREFORE, I move that this Council do forthwith resolve itself into committee of the whole to consider the recommendations to be made by this Council on the following subjects;

1. Whether this Council endorses Bill C-11 to provide one senator for each of the Yukon Territory and Northwest Territories;
2. Whether this Council endorses the following provisions of Bill C-9;
 - (a) that all Members of Council shall be elected
 - (b) that there shall be fifteen elected Councillors
 - (c) the creation of the office of Speaker, the method by which the Speaker shall be selected, and whether the Speaker must be an elected Member of Council
 - (d) the provisions relating to the office of Deputy Commissioner, including the question of whether he should be an ex officio Member of Council
 - (e) any other provisions of the bill on which this Council may wish to make recommendations
3. The appointment of elected Members of Council to the territorial Executive Committee;
4. Any other subject relating to the aforesaid bills and aforesaid statement of the minister this Council wishes to make;

5. The appointment of representatives to this Council to appear before the standing committee on Indian Affairs and Northern Development in order to express the views of the Council of the Northwest Territories.

That is the motion. Its intention is merely to provide a convenient -- to provide that the Council go into the committee of the whole where discussion can be easier and to provide subject headings and direction for the discussion on the bill before us. Now as to whether I need unanimous consent or whether it can be put, I ask for a ruling from the Chair.

THE COMMISSIONER: Mr. Slaven.

LEGAL ADVISOR (Mr. Slaven): Mr. Commissioner, subrule 42(2)(b) refers to recommendations to Council -- Councillor Genest's motion is asking for a recommendation to be made by the Council and would appear to me that it does not fall within subrule 42(2) and accordingly unanimous consent is required.

MR. GENEST: May I ask for the unanimous consent of this assembly to present this motion?

THE COMMISSIONER: First of all, Item 8, notices of motions. Notices of motions have been given. Are there any other notices of motions?

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, I have a notice of motion dealing with a change in the rules in order to provide for a sitting for tomorrow morning and therefore I would like to read the motion and then under the appropriate heading seek unanimous consent to move it. This then would give Members a chance to express an opinion as to the conduct of this special session. I intend to move the following motion.

Notice of Motion 2-52: Morning Sitting, Thursday, March 28, 1974

WHEREAS the Council is meeting in special session to consider one subject;

AND WHEREAS it is appropriate to proceed as expeditiously as possible;

NOW THEREFORE, I move that the rules of Council be varied and that Council commence on Thursday, March 28 at 9:00 a.m.

THE COMMISSIONER: Are there any other notices of motions under Item 8?

Item 9, motions.

ITEM NO. 9: MOTIONS

Councillor Genest asks for unanimous consent to deal with what will be known as Motion 1-52. The motion that he proposes as to vehicles by which we deal with the Bills, C-9 and C-11. Is there unanimous consent to permit the moving of this motion? Any objection?

--- Agreed

Mr. Genest, proceed.

MR. GENEST: Mr. Commissioner, I wonder if it would be taken that I move the motion that I read extensively a moment ago without my having to repeat it or do you wish that I read it again?

THE COMMISSIONER: I think we should be legally correct.

Motion 1-52: Consideration of Recommendation by Council on Bill C-11, Certain Portions of C-9 and Other Matters

MR. GENEST: Very well.

WHEREAS there has been introduced into the House of Commons, Bill C-9 being an Act to amend the Yukon Act, the Northwest Territories Act and Canada Elections Act and Bill C-11 being an Act to amend the British North America Act to provide for representation in the Senate of the Yukon Territory and the Northwest Territories;

AND WHEREAS in moving second reading of Bill C-9, the Minister of Indian Affairs and Northern Development stated that it was his intention to further increase the authority of the Council of the Northwest Territories, by arranging with the Commissioner to have two elected Members of Council appointed to the territorial Executive Committee, such Members to be given the responsibility for the direction of one or more departments of the territorial government.

AND WHEREAS it is desirable that the Council of the Northwest Territories should express formally to the government and parliament of Canada and in particular to the standing committee on Indian Affairs and Northern Development the views of this Council respecting the said bills and the said statement of the minister and has met in special session for such purpose;

NOW THEREFORE, I move that this Council do forthwith resolve itself into committee of the whole to consider the recommendations to be made by this Council on the following subjects:

1. Whether this Council endorses Bill C-11 to provide one senator for each of the Yukon Territory and Northwest Territories;
2. Whether this Council endorses the following provisions of Bill C-9;
 - (a) that all Members of Council shall be elected
 - (b) that there shall be fifteen elected Councillors

- (c) the creation of the office of Speaker, the method by which the Speaker shall be selected and whether the Speaker must be an elected Member of Council
 - (d) the provisions relating to the office of Deputy Commissioner, including the question of whether he should be an ex officio Member of Council
 - (e) any other provisions of the bill on which this Council may wish to make recommendations
3. The appointment of elected Members of Council to the territorial Executive Committee;
 4. Any other subject relating to the aforesaid bills and the aforesaid statement of the minister this Council wishes to make;
 5. The appointment of representatives of this Council to appear before the standing committee on Indian Affairs and Northern Development in order to express the views of the Council of the Northwest Territories.

THE COMMISSIONER: Moved by Mr. Genest, seconded by Mr. Butters, that Motion 1-52 be moved. The motion is, "I therefore move that this Council do forthwith resolve itself into the committee of the whole to consider the recommendations to be made by this Council on the following subjects:

1. Whether this Council endorses the Bill C-11, to provide one senator for each of the Yukon Territory and Northwest Territories;
2. Whether this Council endorses the following provisions of Bill C-9;
 - (a) that all Members of the Council shall be elected
 - (b) that there should be fifteen elected Councillors
 - (c) the creation of the office of Speaker, the method by which the Speaker shall be selected and whether the Speaker must be an elected Member of Council
 - (d) the provision relating to the office of Deputy Commissioner, including the question of whether he should be an ex officio Member of Council
 - (e) any other provisions of the bill on which this Council may wish to make recommendations
3. The appointment of elected Members of Council to the territorial Executive Committee;
4. Any other subjects relating to the aforesaid bills and aforesaid statement of the minister this Council wishes to make;
5. The appointment of representatives of this Council to appear before the standing committee on Indian Affairs and Northern Development in order to express the views of the Council of the Northwest Territories."

The motion is in order. Just before you proceed, I do not know if the two Members that just arrived during my introduction of the subject heard, but apparently the parliamentary committee, standing committee on Indian Affairs and Northern Development has set Tuesday as the date for the appearance of representatives of the Northwest Territories Council. The Thursday, I think,

is the day set for the Yukon but I am not certain of that. The motion is in order. Any discussion? Mr. Genest.

MR. GENEST: Mr. Chairman, I think the motion speaks for itself and is intended purely to provide a convenient vehicle for the discussion of the topics before us. I tried, in drafting it, to cover all the subjects that seemed to be of interest and leave all the room required for Councillors to bring forward viewpoints and motions. I do not think I have to say any more, it is purely intended as a procedural vehicle to make easier the discussion on the subject matter of this special session.

Motion 1-52, Carried

THE COMMISSIONER: Any further discussion? Ready for the question? Question being called. All those in favour signify in the usual manner. Down. Against, if any?

--- Carried

Deputy Commissioner Parker. You have a point which you ...

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, I would seek unanimous consent to move my motion.

THE COMMISSIONER: The Deputy Commissioner has given notice and now seeks unanimous consent to present a motion which would enable a special session of Council tomorrow morning at 9:00 a.m. in order to give you four hours discussion in the morning rather than wait until 2:30 in the afternoon. Is there any objection? Agreed? Proceed.

Motion 2-52: Morning Sitting, Thursday, March 28, 1974

DEPUTY COMMISSIONER PARKER: Mr. Commissioner,

WHEREAS the Council is meeting in special session to consider one subject;

AND WHEREAS it is appropriate to proceed as expeditiously as possible;

NOW THEREFORE, I move that the rules of Council be varied and that Council commence on Thursday, March 28, at 9:00 a.m.

THE COMMISSIONER: Moved by Deputy Commissioner Parker, seconded by Mr. Pearson. Could you give me the motion so I could state the -- moved by Deputy Commissioner Parker, seconded by Mr. Pearson, "Now therefore, I move that the rules of Council be varied and that Council commence on Thursday, March 28, at 9:00 a.m." The motion is in order. Proceed if you wish to discuss it.

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, I rise only to say that I present the motion as a means to provide Council a chance to move ahead in the morning if it so wishes. I have no feelings one way or another on this subject but I felt that since Council Members have been drawn together they may wish to go ahead in the morning.

Motion 2-52, Carried

THE COMMISSIONER: Any further discussion? Ready for the question? Question being called. All those in favour signify in the usual manner. Down. Against, if any?

--- Carried

THE COMMISSIONER: Item 10, tabling of documents.

ITEM NO. 10: TABLING OF DOCUMENTS

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, I wish to table the House of Commons report issue number 2 for Thursday, March 21st, 1974, The Indian Affairs and Northern Development standing committee proceedings.

ITEM NO. 11: CONSIDERATION IN COMMITTEE OF THE WHOLE OF MOTION 1-52, CONSIDERATION OF RECOMMENDATION BY COUNCIL ON BILL C-11, CERTAIN PORTIONS OF C-9 AND OTHER MATTERS

THE COMMISSIONER: Consideration in committee of Item 11. I am sorry, is there anything further in Item 10?

Item 11, consideration in committee of the whole of response to communications from the House of Commons standing committee on Indian Affairs and Northern Development. This in effect means consideration of the motion presented by Mr. Genest and seconded by Mr. Butters as I recall, Motion 1-52. Move that Council resolve into committee of the whole for consideration of Motion 1-52, moved by Dr. Hamelin, seconded by Mr. Pearson. All those in favour? Down. Against, if any?

--- Carried

Now I do not imagine anybody wants to give up his rights to speak and I told you that the Administration intended to stay out of this; it is your opinion that the committee has sought, therefore I shall make this as a suggestion, first of all is there anybody here who feels that they would like to chair the meeting? No? Would you then accept Mr. Parker as the chairman in committee? Is this agreed? Okay. Council resolve into committee of the whole for consideration of Motion 1-52. Mr. Parker in the chair.

--- Council resolved into Committee of the Whole for consideration of Motion 1-52, Consideration of Recommendation by Council on Bill C-11, Certain Portions of C-9 and Other Matters, with Mr. Parker in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER MOTION 1-52, CONSIDERATION OF RECOMMENDATION BY COUNCIL ON BILL C-11, CERTAIN PORTIONS OF C-9 AND OTHER MATTERS

THE CHAIRMAN (Deputy Commissioner Parker): The committee will come to order to study Mr. Genest's motion. His motion pretty well lays out an agenda which this committee might well wish to follow since it deals on a point by point basis with the changes in the act before us. The Clerk is having distributed the paper that I tabled, namely the standing committee minutes where the standing committee dealt with the bill. I would propose for your consideration that we commence with a general discussion of the matter at hand and then at the conclusion of our general discussions we would be in a position to move to consideration of the points that have been listed by Mr. Genest, and any other points that the Members wish to raise. I would think that in about ten or fifteen minutes we would be able to take a break for coffee but it is not ready just yet so I think that we are prepared to proceed with general discussions. Mr. Genest.

Senators from the North

MR. GENEST: Mr. Chairman, there seems to be one topic on this thing that is unrelated to all the others and that is the Senate. I remark that there will be a long line-up of people I suppose, that will want to be senators. It seems to me that we could discuss that separately because that really does not have

anything to do with the constitution of this Council and I wonder if I might suggest that we take that, I think that we could get that out of the way fairly fast. Some people have expressed the view that we do not care one way or the other whether there is a senator from the North. I should say that I do not share that view not because of the importance or otherwise of senators, but because of the fact that the creation of a senator from the North or two senators from the North gives constitutional recognition for the first time in the British North America Act to the fact that the North is a political presence in the make-up of Canada. I am straying from procedures to the merits, but my suggestion would be, if it is acceptable to Council, that we deal with that matter first and then go on to the bill dealing with how this Council is going to be affected thereafter. Would that be acceptable, sir?

THE CHAIRMAN (Deputy Commissioner Parker): Yes, thank you, Mr. Genest. You are absolutely right. There are two subjects contained within your motion that are distinct, so rather than calling for a general discussion on the matters touched on in total by the motion I propose that we move immediately to Item 1, which is Bill C-11, to provide one senator for each of the Yukon Territory and the Northwest Territories, and have our discussion on that item and then proceed with the more major matter at hand. Is that acceptable to the committee? Very good. Now we have a telex dealing with this bill. The Clerk has pointed out that in your desks there is a copy of the Senate bill which is a bill to amend the British North America Act, and there is also a copy of the bill to amend the Northwest Territories Act and the Canada Elections Act, so you can put your hands on those in the folder there in your desks. As I started to say we received a telex directed to the Commissioner as follows:

Telex to Commissioner

"THE HOUSE OF COMMONS GAVE SECOND READING TO BILL C-11 AN ACT TO AMEND THE BRITISH NORTH AMERICA ACT 1867-1965 TO PROVIDE ONE SENATOR FOR EACH TERRITORY ON MONDAY MARCH 18TH AND REFERRED IT TO THE STANDING COMMITTEE ON JUSTICE AND LEGAL AFFAIRS. THE COMMITTEE APPROVED THE AMENDMENTS ON MARCH 21 AND WE UNDERSTAND THE CLERK IS NOW DRAFTING THE COMMITTEE'S REPORT TO THE HOUSE."

And that information was sent to us by Mr. Davidson, director of territorial and social development branch. So we have this report that the standing committee on justice and legal affairs was the committee to which this bill was referred and it dealt with it with practically no discussion. It approved the bill and sent it back to the house ready for third reading. Now are there any comments on this point number 1, that is the bill on the Senate? Mr. Searle.

MR. SEARLE: Mr. Chairman, I do not know whether I am correct in this but I believe this -- my memory is a little foggy but I believe this house is on record as supporting the senator for the Northwest Territories.

THE CHAIRMAN (Deputy Commissioner Parker): Yes ...

Representation from the N.W.T.

MR. SEARLE: When in the past seven years that was done or even before that, possibly, I do not know, but it seems to me it would be odd at this point we might not agree with that proposal. I would like to say, speaking just personally, that though I have some doubt in my mind as to whether or not in the long run we do need a Senate, but not wishing to open up that can of worms and accepting the fact that until we do have one, it seems to me then that for so long as we do have one in Canada we should have representation there from the Northwest Territories, and that would be my position. I would support that bill and would hope that the other Members would concur, that that be one point that we do make.

THE CHAIRMAN (Deputy Commissioner Parker): Further comments? Mr. Butters.

MR. BUTTERS: Mr. Chairman, the recommendation of Council was made on June 25, 1971, developed by Mr. Searle's committee for the joint parliamentary committee of the House of Commons and Senate on the constitution. The recommendation at that time which we approved sir, was that "we take no position on whether the Senate should be retained within the Canadian constitutional framework. However, so long as it exists we recommend there be a senator appointed from and for the Northwest Territories". This was in 1971. I likewise support that position as we know that the parliament of Canada is made up of two houses and we have only representation in one, and as Councillor Genest suggested, it can not be considered equality of treatment until we do have representation in the Senate.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Genest?

Motion to Support Bill C-11

MR. GENEST: Without wishing to cut anybody off, I thought what Councillor Butters read really expressed in a nutshell what I wanted to express. I wonder if I might bring the matter to a head by moving a motion which I think adopts that to this effect, that this Council endorses the principle that so long as the Senate remains a part of the constitutional structure of Canada, as to which this Council does not feel it appropriate to comment, the Northwest Territories should be represented therein, and therefore supports Bill C-11.

Motion Carried

THE CHAIRMAN (Deputy Commissioner Parker): Any further comment? Further comment on the motion? Question is being called. Most expeditious. You have heard the motion. All those in favour? Opposed if any? Carried unanimously. Very good.

That very neatly disposes of number 1. I would now propose to receive general comments on the main subject which are the remaining points raised in the motion before us. Mr. Searle?

Second Member of Parliament for the N.W.T.

MR. SEARLE: Mr. Chairman, before going into that, I wonder if you would entertain the suggestion of considering one further point which is really outside both bills. That is the matter of, since we are dealing with the constitution and parliament and ourselves, with whether or not we should make an indication of our feeling of a second member of parliament for the Northwest Territories. Appreciating that it is probably not our province to suggest when, but at least indicating our feeling in principle on that matter as it is pretty topical and for my part, I think it may be worth some time just to, speaking on that -- would you entertain discussion on that matter before we get into the nitty gritty of the bill?

THE CHAIRMAN (Deputy Commissioner Parker): I think that we could extend our committee's terms of reference to include that subject, Mr. Searle.

MR. SEARLE: Well, the only reason I mentioned it Mr. Chairman, is because I think if some group of people go before parliament, the standing committee, and you are talking about things that should or should not be done, though you know, we may not, that may not deal with these two bills. They may still be interested in what our views would be as to what may be next that they should do. I think it would be something they may be happy to hear our views on, to that extent I would open a discussion by simply saying that, speaking solely for myself, I am in principle, in favour of a second member of parliament. Because quite frankly, I think our own member of parliament has stated it often and members before him, that it is a virtual impossibility for one member of parliament to represent a million three hundred thousand square miles of which forty thousand people are scattered throughout seventy-three communities. We feel we need fifteen

territorial ridings to do the same sort of job in territorial affairs and though I would not support fifteen federal ridings, I think it is legitimate to suggest without commenting on where the boundary should go. In principle, I would certainly support a second federal seat in parliament for the Northwest Territories.

THE CHAIRMAN (Deputy Commissioner Parker): Further discussion?

Support of the Suggestion of Two Members of Parliament

MR. PEARSON: Mr. Chairman, I concur with Mr. Searle's views, and representing the Eastern Arctic as I do, and considering that we over there, have only had territorial representation since 1966 and federal representation from 1962, that this step would be a great step forward. With two federal members it would certainly ease the burden of the present member, and bring greater effect to the federal house.

THE CHAIRMAN (Deputy Commissioner Parker): Very good Mr. Pearson. Anyone else? Mr. Butters.

MR. BUTTERS: Sir, I likewise support the suggestion and trust that the motion from this Council embodying this concept will be worded strongly. While it is not within the terms of reference of Councillor Genest's motion, it is most apparent that our members have just, and these are the last three members, have just physically not been able to cover this area, this territory to be represented in the parliament. I think that telephone communication has made the job somewhat easier but there is nothing that replaces face to face discussion, and at the present time, it is impossible. In fact, I think the Commissioner travels probably more than anyone. I think he spends more than half his year away from home, and does a fantastic job of travelling to cover the territory.

THE CHAIRMAN (Deputy Commissioner Parker): Just before Mr. Searle speaks, if I could be permitted a comment from the chair. In the tabled document, there is reference to the fact that the matter is very actively under discussion but not contained in either of the bills before us. My understanding is that there may be coming forward an amendment to the Elections Ordinance which sets these things and it would be dealt with at that time. Of course I know nothing of the timing of it but I would just like to say that it appears that the matter was discussed both in the house and in the standing committee. Mr. Searle?

Motion that a Second Federal Constituency be Created

MR. SEARLE: Well sir, there seems to be a consensus here agreeing with the thought of a second federal riding, maybe I could test the air by a motion. If I might, I would like to move that this Council recommend that a second federal constituency be created in the Northwest Territories so that we have two members of parliament in Ottawa.

THE CHAIRMAN (Deputy Commissioner Parker): Very good. Is there any discussion or motion? Dr. Hamelin.

Amendment to Motion

DR. HAMELIN: Mr. Chairman, I do not know if we have to make precision on the number of the new seats; a special committee that may study the question may arrive to three members to represent this huge territory instead of two. Probably in a few years from now we will ask for a third member so why not make just the desire to have more than one member to represent the Northwest Territories.

MR. SEARLE: I certainly agree, Mr. Chairman, that suggestion be incorporated without specifying number.

THE CHAIRMAN (Deputy Commissioner Parker): Well, from the positive nods around the table here, it seems that if you wish to change your motion to indicate more than one member, it could be put in that form.

MR. SEARLE: Yes, well could I do that, to move that we recommend that additional members of parliament be made available for the Northwest Territories, different additional seats for parliament, I think that is the sense of it so that we are not talking one, two or three. Just additional seats.

THE CHAIRMAN (Deputy Commissioner Parker): If I could just comment on that, when you say additional seats you are then asking for more than one. Would you accept the suggestion that of more than one seat?

MR. SEARLE: Right, if you see what I mean.

THE CHAIRMAN (Deputy Commissioner Parker): Well, the motion is to the effect that this Council sees a requirement for more than one seat, more than one constituency in the Northwest Territories federally, and I would hope that before we conclude, you would put that motion together in that sense, Mr. Searle, but are you prepared to deal with it in this form?

Motion Carried

All in favour? Opposed if any? Motion is carried unanimously. Dr. Hamelin.

A Northerner for Minister

DR. HAMELIN: Yes, Mr. Chairman, there is another question we may go into, if you accept to extend the terms of reference of Mr. Genest's motion. That other matter deals with the minister himself. I do not want to have a motion on that but I just want to give an idea. I wonder if we can not ask to have a northern minister, a minister coming from the North and be elected from the North? When I say from the North, I do not mean only both the territories but also the northern part of the provinces. To me it is just good sense to ask to have northerners to be minister. I may add that it is absolutely nothing against Mr. Chrétien, I think he is doing a very good job and I know the efforts he has made personally to know the North, he has started far from the North but I suppose his job could have been easier if he had started from the North. I do not want to go further than that on that matter.

THE CHAIRMAN (Deputy Commissioner Parker): I think perhaps you are spreading the committee's jurisdiction a bit far at that but I guess you could test the membership if you wished. No? Well, perhaps it will come up again. I believe that the coffee is ready now so before we go into general discussion on this matter and before anyone else enlarges our terms of reference I will declare coffee.

--- SHORT RECESS

THE CHAIRMAN (Deputy Commissioner Parker): Would the Member for Great Slave South please take his seat? Committee will come to order for the continued study of the motion. Just before we recessed for coffee, I suggested that there might be those Members who would wish to make a general comment. The motion before us is set up in such a fashion that a number of questions are posed and there is a section at the end dealing with any other matters of a related nature that Members would wish to discuss. So therefore, I would propose that we could go directly into point by point discussion unless there were those Members who wish to make a statement of a general nature. Mr. Searle.

MR. SEARLE: Well, Mr. Chairman, I am not opposed to point by point discussion but there are many things that of course do not appear in the bill itself that I think need to be commented on and subject to your direction of course, maybe we could deal -- I would think rather with -- why do we not deal with points 2(a), (b), (c), (d), (e), (f), of the motion?

THE CHAIRMAN (Deputy Commissioner Parker): That is what I intended. Did I say the bill?

MR. SEARLE: I thought you said the bill.

THE CHAIRMAN (Deputy Commissioner Parker): I am sorry, I meant of the motion.

MR. SEARLE: Well, I debate that.

Concerning all Elected Members of Council

THE CHAIRMAN (Deputy Commissioner Parker): Well, if there is no one who wishes to make a statement, I would propose that we proceed with discussion of point number 2 which contains five subclauses or subpoints, and subject to your direction I would propose simply going from one to the other in order as presented.

The first one is whether Council endorses the point that all Members of Council shall be elected. Mr. Genest?

Motion that all Members of Council be Elected

MR. GENEST: Perhaps as an appointed Member it would be appropriate that I should lead off on the discussion and perhaps make a motion to the effect that this Council endorses the principle contained in clause 10 of the bill whereby any future Council of the territories will consist entirely of elected Members. Speaking personally sir, I want to say, and perhaps it is the only chance I will have to say it, that I have enjoyed the privilege of serving on this Council. I hope that I have made some small contribution, but I think that it is high time that these vestiges of the colonial type of administration be done away with and that the people of the North should have as their legislators, people for whom they have had the opportunity to vote and not persons who are foisted on them from Toronto. (laughter) No matter how good or bad they may be. So I would like to move sir, that this Council endorses the principle that all Members of this Council shall be elected.

THE CHAIRMAN (Deputy Commissioner Parker): Mrs. Pedersen.

MRS. PEDERSEN: Mr. Chairman, when we look at the situation in the North now, starting from the smaller places. The settlement councils are wholly elected, hamlet councils are wholly elected, municipal is fully elected and the federal representative is elected. We are the only ones -- the territorial Council, that have appointed Members and this is about time a change should come. Certainly I very, very strongly support it, to see a wholly elected territorial Council as soon as possible.

THE CHAIRMAN (Deputy Commissioner Parker): Further discussion? Question has been called. All these ...

MR. BUTTERS: May I speak to the motion? This motion which we are just about to vote on reflects the end of a long evolutionary process. I think it would be remiss if we do not reflect on what has occurred in the recent past and maybe the more distant past, to bring us to this point in time. With the indulgence of Council I would like to read a few notes I made on the airplane as I came down this afternoon, in the historical context of where we have been and where we are going.

THE CHAIRMAN (Deputy Commissioner Parker): Proceed.

Past and Future

MR. BUTTERS: Before the wheel and the trap, the Indian and Eskimo people inhabited and used the land to develop their own distinct economic, religious, political and cultural systems in this part of the North American continent which is now known as the Northwest Territories.

Sir Alexander Mackenzie spent from June 23 to June 25, 1789, at the mouth of Yellowknife bay. The Indian people he met at that time he called Redknives or Copper Indians. He advised them that a companion Monsieur LeRoux of the Northwest Company would remain there to collect furs and he promised that if the trade justified, a trading post would be built at that site. Mackenzie then departed on his voyage of discovery of his river of disappointment -- the Mackenzie.

The embryo fur trade was brisk and in the following year the Northwest Company built Fort Providence on the east side of the mouth of Yellowknife bay. This post was mentioned in Sir John Franklin's narrative of a "Journey to the Shores of the Polar Seas", and Franklin and his party stopped there from July 29 to August 2, 1819. Fort Providence remained at that site until 1850 when apparently the fur trade diminished and the post was moved to the north arm and the name changed to Fort Rae. In the same year the name Fort Providence was given to the settlement on the Mackenzie river which still bears that historic name.

Because of the sparse population in the country and since settlement is the antithesis of trapping, government activity in the North was next to nil. The rudimentary policing requirements were first undertaken by the Hudson's Bay Company factors and latterly by the Northwest Mounted Police.

Responsible and Representative Government

Representative government came to the Northwest Territories in 1888 and responsible government in 1894, but the effects of these changes were limited to the populated areas. Then with the discovery of rich placer gold deposits in the Klondike river thousands of people crowded into that corner of the Canadian northwest and a separate administrative and legislative unit was formed, the Yukon Territory.

The year 1905 saw the creation of the province of Alberta and Saskatchewan with the result that the government of what remained of the Northwest Territories was placed in the hands of a Commissioner acting under instructions from time to time given by the Governor in Council or the Minister of the Interior. Provision was made for the appointment of a Council of not more than four Members to aid the Commissioner in the administration of the territories, and legislative powers were given to the Commissioner in Council. The Commissioner and the Commissioner in Council together had the same powers as those previously exercised collectively by the Lieutenant Governor, the Executive Committee and the legislative assembly of the Northwest Territories. In essence the powers of a provincial government except the territories did not own their own natural resources and lacked the power to borrow money.

For 16 years those powers remained largely on paper owing to the sparse population of the Northwest Territories. No Members were appointed to Council, no ordinances were passed and the Commissioner of the Royal Northwest Mounted Police, Lieutenant Colonel Frederick White, acted as Commissioner of the territories, I believe, until the time of his death in 1918. Following Commissioner White in 1919 the Deputy Minister of the Department of the Interior was named Commissioner.

More Changes

Then in 1921, oil was discovered at Norman Wells. Interest in the territories increased. Treaty 11 was signed. In that year also the Northwest Territories Act was amended to enlarge the Council to six Members. Appointments were made to the Council and the Minister of the Department of the Interior was named Commissioner, with the Northwest Territories Administration set up in his department. Members of the Northwest Territories Council that day were senior officials of the Department of the Interior and other federal departments and agencies concerned with northern Canada, including one designated as Deputy Commissioner.

Population remained sparse in the territories. Then in 1930 radium and uranium were found at Great Bear lake, gold in Yellowknife in 1935, with production beginning in these two mineralized areas in 1935 and 1938 respectively.

Population Increase

Population jumped relatively speaking. In the decade prior to 1931 the population in the territories recorded an increase from 6500 to 9300 or less than 3000 persons. In the decade between 1931 and 1951 population increased by nearly 6000 persons mostly white and mostly in the Mackenzie district, to 15,000 persons.

Yellowknife then as today was the population centre of the Northwest Territories. Local government developed, evolving a flexible semi-autonomous jurisdiction known as a local improvement district. Yellowknife was so named in 1939 with a passing of the Local Improvements District Ordinance in the same year. The first Yellowknife local trustee board consisted of three appointed members including the chairman and two elected members. The second community to become a local improvement district was Hay River in 1949, with the establishment of a commercial fishing industry on Great Slave lake.

In the federal and territorial sphere of government other changes were occurring. The Federal Re-distribution Act of 1947 extended the boundary of the federal constituency of the Yukon to include the Mackenzie district west of the 109th meridian. The first member for the Yukon-Mackenzie river riding was Aubrey Simmons of Whitehorse elected in 1949.

First Appointments of Residents of the N.W.T.

In 1946 we saw the first appointment of a resident of the Northwest Territories to the Council of the Northwest Territories, J. G. McNiven of Yellowknife. In June of 1951 parliament amended the Northwest Territories Act to increase the membership of Council from 6 to 8 Members, 5 appointed and 3 elected. The first Northwest Territories residents elected to this body were Jim Brodie of Fort Smith, Frank Carmichael of Aklavik and Merv Hardie of Yellowknife. The first meeting of the Northwest Territories Council in the territories occurred at Yellowknife on December 10, 1951, a mere 23 years ago.

By 1955 all legislation passed before 1905, which applied mainly to the Canadian prairies, had been replaced. By the Northwest Territories Act of 1952, proclaimed in 1955, the Government of the Northwest Territories received

additional legislative powers with the establishment of a territorial court and provision made for the appointment of a police magistrate and justice of the peace.

In July 1954 the Council was enlarged to nine Members by the addition of a fourth elected Member whom I believe was John Goodall of Fort Simpson, although I have not had a chance to check that fact. Four territorial constituencies now existed, Mackenzie south, Mackenzie north, Mackenzie river and Mackenzie Delta. The Keewatin district and the Franklin district still lacked representation both territorially and federally.

In 1960 the form of Council again changed when three Councillors for the first time were appointed from the general public and the civil service and military character of the appointed Members of Council was altered. They now came from all parts of Canada, including Toronto, rather than just Ottawa. In 1963 the offices of the Commissioner of the Northwest Territories and Deputy Minister of the federal Department of Northern Administration were separated. By 1964, the Deputy Commissioner was the only federal employee still holding a seat on Council.

On June 3, 1965 the Carrothers Commission was appointed. In 1966, the Northwest Territories Act was again amended enlarging the Council by three elected Members, bringing the number of elected Members to seven with the number of appointed Members remaining at five.

N.W.T. Government Move to Yellowknife

On January 18, 1967, Yellowknife was named the capital of the Northwest Territories becoming the seat of the Northwest Territories government, with Commissioner S. M. Hodgson and his Administration moving to the territories in September of that year. Since then, beginning with the 44th session of the 7th Council, the number of elected Members has increased to 10 with the number of appointed Members being reduced by 1 to 4 including the Deputy Commissioner. Paralleling the political development has been the increase in budget in the Government of the Northwest Territories from \$602,760 in 1951, to something approaching \$7 million in 1963, \$15 million in 1966-67, \$70 million in 1971-72, \$115 million I believe it was in 1973-74, and \$148 million approved at the last January session of this Council.

Those are my notes. I think it is good to review as I say, where we have been, where we are going, and where we will be with the 15 elected Members on Council. The Yukon as we probably all know achieved this state of a wholly elected Council in 1908 or 1909.

THE CHAIRMAN (Deputy Commissioner Parker): Thank you very much Mr. Butters, that is a very useful summary. Hopefully you can find some newspaper that might publish it. Dr. Hamelin.

Changing the Term "Council" to "Assembly"

DR. HAMELIN: Mr. Chairman, I agree with that section (a), "All Members of Council shall be elected". I just want to suggest that maybe it is time to change the name of the Council and they did in 1888 when all the Members became elected, they changed at that time the term "Council" to "Assembly", and Mr. Chairman, you will recall that yourself, in the Carrothers Report you have proposed to change the name "Council" to "Assembly". We may suggest that to the minister.

THE CHAIRMAN (Deputy Commissioner Parker): Yes, I believe there could be a choice of terms, "Legislature" or "Assembly". Perhaps if we started with "Assembly" there would be no need for translation of it, but perhaps that is something that you might be wise to raise as an additional item at the end of our list.

Motion Carried

Further discussion on the motion to accept 2(a). All those in favour.

--- Carried unanimously

Motion for Fifteen Elected Councillors

2(b). That there shall be 15 elected Councillors. Any discussion? Mr. Genest.

MR. GENEST: I seem to be hogging the floor today Mr. Chairman. I think this clause is a response really of the minister to our representations. I believe the intention was to have 14 elected Members and the Members of this Council themselves felt that it would be very difficult to divide the territory that way to provide fair representation and we asked the minister to give us 15 instead of 14. I would think this Council would want to support that. Perhaps again to bring the matter to a head I might move that the Council endorses the provisions of Bill C-9 to the effect that there shall be 15 elected Councillors.

THE CHAIRMAN (Deputy Commissioner Parker): Very good. Any discussion? Mr. Searle.

MR. SEARLE: Mr. Chairman, I certainly want to indicate my support of that motion and I certainly think that we as a Council can thank the minister for accepting this eleventh hour suggestion which we know was not an eleventh hour suggestion. I think that much of the credit has to go as well for the change from 14 to 15 to my friend here on my left, Mr. Pearson, and he can not properly of course, claim the credit himself but I want to say that from the people I have talked to it has been indicated to me that he took the time out when he was in Ottawa speaking before the CRTC to go to see the minister and just hung in there like a terrier until the minister saw the point and agreed to the 15 instead of 14 and ...

THE CHAIRMAN (Deputy Commissioner Parker): Terrier or bulldog?

Formula Used in Yukon Council

MR. SEARLE: (laughter) But in addition Mr. Chairman, in summary to this I notice in the first part of the Bill C-9, specifically well it is clause 2 of the bill. But it would be amending section 9 of the Yukon Act that set out there, section 9.2, is a sliding scale. I do not just recall what the minister called it but set out there a formula for increasing a membership on the Yukon Council as population increased and as you can see by reading that bill just taking section 9.2 subsection 4(a) says the number of Members constituting the Council. This is the Council of the Yukon, may not be more than 14 until after the first time the population of the territory, shown by returns sent to the Commissioner, exceeds 29,999. So that is 14 up to 29,999 people. Then (b) says 16 up to 34,999 people and (c) says 18 up to 39,999. What I am wondering is whether or not this Council sees any merit in suggesting that the formula similar to that be encouraged for this territory? In other words we are talking about 15 Members, but unless we say something about the population presumably that 15 Members could be 15 Members when we are 40,000, and 15 two years hence when we are 50 - 60 - 70 - 80 thousand should we not encourage the same? Not the same numbers but the same source of consideration given. It is not something that has really come before because it just appears in the Yukon Act. I do not know how it was arrived at there. Anyway, that is -- I think it is appropriate to discuss that at this time in any case.

THE CHAIRMAN (Deputy Commissioner Parker): Any Members wish to speak to the point that Mr. Searle has raised? Dr. Hamelin.

DR. HAMELIN: Yes, Mr. Chairman, I do not know why the minister used a demographic scale for the Yukon Territory and not for the Northwest Territories.

I suppose he has some reasons for that difference. It seems to be a very universal principle to have the number of constituencies according to population figures. I wonder if Mr. Commissioner or someone may explain the difference the minister may have in mind? I suppose he has good reasons but I do not see them.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Commissioner.

THE COMMISSIONER: I do not think I could give an explanation on it.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Genest, oh pardon me, Mr. Pearson.

New Formula Needed

MR. PEARSON: Oh thank you. Well, I agree with Dr. Hamelin. I wonder what the formula was. As the matter of discussing this very point with the minister, the 15 Members, I have felt and expressed my feelings very strongly during the discussions and the meetings that we had in private, that the criteria that has been established in my opinion is not necessarily the correct one for deciding on the number of people to represent the territories. Because of the tremendous geographic distances and the ethnic problems we have in the territories I think that another formula has to be arrived at. I do not know quite how to go about it, but the matter of the 15 Members was a point I felt very strongly about. While I had a general consensus from my colleagues that such a thing would be desirable I felt that if I gave it an extra push that it would have made some impact, but I wonder about the future -- as this country is growing so quickly, that we should be very careful that we do not tie ourselves into a thing of this sort, a formula would not be in the best interests.

Should be Two Separate Bills

One of the things that bothers me with this bill is it is talking out of both sides of its mouth. It is talking about the Yukon and the territories and I wonder if that is being very wise on the part of the government to have one bill that covers both of them. Should there not have been two bills because we are at the moment anyway, two separate territories. But I do think that we should keep in mind the rapid development and the speed at which the population is growing. I have always said that a 20 man Council would be a far more desirable thing than 14 or 15. Because of the great distances and the enormous size of the country, people have no idea, except I think Commissioner Hodgson probably has a better idea than anybody. He has seen more of it than any of us.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Genest.

MR. GENEST: Well I was just going to bring to the Council's attention the only statement made. I have in front of me the Commons' debates including the statement the minister made on moving second reading of this bill and at page 607 all he says about the Yukon is this and I quote: "the bill also provides for increases or decreases in the size of the Council in line with future changes in the Yukon's population. This is a new approach, and I believe an important provision, especially since significant population fluctuations may occur as a result of changes in the largely resourced based territorial economy." And that is all he had to say about that provision.

It seems to me that it is equally applicable to the Northwest Territories, however I share Councillor Pearson's fears of getting tied down to a formula that is set out for the Yukon which I think is basically different from the Northwest Territories in the sense of space, in the great space, in the vast distance between settlements. One solution would be that the Members by a motion here, could ask parliament and the government to consider an amendment to the bill to provide for a formula based on the Yukon formula, but I have reservations about that because the Yukon conditions are based strictly on

population and surely the way the Northwest Territories is, the physical fact of life here is, that representation should not only be by population, otherwise, you would all be run from Yellowknife and Hay River. So, it seems to me that perhaps the wisest course to follow would be for this Council to leave that alone for now and make representation when the population does explode. I say I have no strong views on that but I think it would just be dangerous to say "give us what you gave the Yukon".

THE CHAIRMAN (Deputy Commissioner Parker): Mrs. Pedersen.

Rapid Increase in Population in the N.W.T.

MRS. PEDERSEN: Mr. Chairman, I am pleased what Mr. Genest has mentioned, something that I put my hand up earlier to mention. I very strongly support 15 elected Councillors for the territories. The minister knows, all of us know, the rapid increase in the population in the Northwest Territories. It is not the natural increase, it is the civil servants flowing in here to the territories, therefore the population is growing rapidly. If we have to go through the population, for goodness sake, in a few years time we will have about 10 elected Members from Yellowknife itself representing the territories. Surely it is not the way that we have to expect for the future of the North, therefore I feel to be fair enough -- for across the territories for the population across the Northwest Territories, we must stick with the 15 elected Members, no more.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle.

MR. SEARLE: This debate has taken an unfortunate turn. I raised the matter simply because it is in the Yukon Act. I think I should stress that they are talking total population figures and presumably this Council would be left to allocate the constituencies in the same way we have done. In other words, because we have 15 constituencies, you just do not divide it by the population. So, in other words the same sort of flexibility in size and area, considerations of culture and transportation still could be employed to determine the actual constituency boundary. The only thing that total population figures give you is more Members. Now, I agree entirely with the comments of Mr. Genest and the fears of Mrs. Pedersen and I would never support strictly a population basis for the individual constituency. All I am saying is that within the total numbers, you can have a scale for increasing the numbers and yet a lot goes as the Council at that time sees fit. So, I do not feel strongly about it -- I just pointed out that if this Council does not think we need a scale of any kind I am just prepared to let it drop.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Butters.

Re-examine the Carrothers Commission

MR. BUTTERS: Mr. Chairman, I think the point raised by Councillor Searle is a very important one and one that we should comment on, and that is, the manner by which Members of this house are increased. I feel we should dis-associate ourselves from the formula included in this bill as much as possible getting as far away as possible for the reasons that Councillor Pearson, Councillor Genest, Councillor Pedersen and Councillor Searle have mentioned. The minister speaking here in January said he feels that it may be time as suggested by the Carrothers Commission, that we re-examine the Carrothers Commission recommendations. One of the basic recommendations of the commission report was that in setting up constituencies they be developed on a 2000 population base. This base in the bill is 2500 and as we know the Yukon is much smaller in size than the Northwest Territories with most of the population in the Yukon congregated in Whitehorse. It is an urban North. The territories is a very rural North and I tend to feel that we stay away from this formula business during this discussion and that when the re-examination, as required in the Carrothers Commission is carried forward, we might even attempt to reduce the number of population recommended to support a constituency in specific regions and areas in the territories.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Sibbeston.

MR. SIBBESTON: Well, Mr. Chairman, the scale that is provided has nothing to do with part of the population in any area of the North. It talks of a general population and my feeling is that the fact this schedule is included in the Yukon sort of indicates to me that more responsibility is given or that we always have to go half-and-half to the minister requiring any changes. The Yukon will not necessarily have to for a very long time, they could just go according to the scale.

One consideration that I think we should be aware of is that in a few years I think for various times of the year, it may be in about four or five years when the next election may be, there may be thousands of people who are not necessarily residents of the North, but say working up and down the Mackenzie, you know working on the pipeline. That is something that I wish you would have at the back of your minds. But on the basis that to have a schedule like this imparts more responsibility that we do not have to go see the minister every time we want more seats. I agree with this and I think it would be a definite giving of more responsibility to us. Certainly, it will be guaranteed. So I would support it if a number of other people were serious about pursuing this. Otherwise, I have no great feelings though.

THE CHAIRMAN (Deputy Commissioner Parker): Dr. Hamelin.

DR. HAMELIN: I do not want to pursue on that specific aspect but -- on the aspect of the number -- it is said the 15 elected Members -- I was in favour of that, in fact I was in favour of 18 Members. We say 15, but if we use one Member as a Speaker, it means that we will go back to 14 Members. That Speaker-Member could not be on the chair and represent his constituency as the other Members. So we have to understand that when we say 15 in the bill, it is in fact 14. So it is not too many.

Motion for Fifteen Elected Councillors Carried

THE CHAIRMAN (Deputy Commissioner Parker): Further discussion? I believe we had a motion if I am not wrong, supporting the position of 15 elected Councillors. Are you ready for the question on that subject? All those in favour?

--- Carried unanimously

Amendment to Motion for Evening Sitting

MR. GENEST: Pursuant to rule 7 and I would like to move -- let me see what the formal wording is -- that we continue the sitting of this committee of the whole, dealing with the item specified in the motion which was adopted and which is being considered by the committee beyond the hour of 5:30 tonight with a suitable break for dinner. Since we are all in Yellowknife, I think we can make progress this evening on some of these matters. I suggest it would be appropriate to have an evening sitting and I would like to make that motion.

THE CHAIRMAN (Deputy Commissioner Parker): Since the motion is not subject to either debate or amendment would you care -- and this I think for the assistance of Members to suggest a closing time in your motion.

MR. GENEST: Is it 10:30, 10 o'clock? What do you want? 10:00 p.m. and start at 7:30 p.m.

THE CHAIRMAN (Deputy Commissioner Parker): It has been moved, according to rule 7 within the proper time, that Council continue at sitting tonight until 10 o'clock with a suitable recess for dinner. All those in favour? 9:00 p.m. or 9:30 p.m.?

MR. SIBBESTON: Some of us have come a long way and apparently Caribou Carnival is on and perhaps we should socialize a little. (laughter)

Amendment to Motion Carried

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Genest has desires of not losing his motion and has re-thought it and suggests 9:30 p.m. The chair will treat it not as an amendment to the original motion. The original motion then until 9:30 p.m. with a suitable break for dinner. All those in favour?

--- Carried unanimously

Selection of a Speaker

Now we are at 2-C:

WHEREAS this Council endorses the following provision the creation of the office of Speaker, the method by which the Speaker shall be selected and whether the Speaker must be an elected Member of Council. The bill as presented calls for the Speaker to be selected by Council from among its number.

It has been suggested that pursuant to the motion on late closing that I should suggest to you that we will close at 5:30 p.m. and reopen at 7:30 p.m. if that is agreeable. Mr. Searle.

MR. SEARLE: Mr. Chairman, the problem with this particular provision of the bill is presumably we have to guess or estimate at this time what, not this Council, but next Council may find practical and whereas there may be in the next Council of 15 fully elected people, an individual who might accept the appointment as Speaker, even at the risk of not being able to do anything publicly in the way of public debate on behalf of his constituents, whereas there may be such a person, on the other hand that there may not be. It is conceivable, I suggest that you may find 15 people none of whom may want to accept the job of Speaker and to that end I would like to see that new Council because we do not know who is going to be on it or what their views on the subject may be. I would like to suggest that there be a maximum degree of flexibility and that we encourage the parliamentary committee to consider a Speaker, the appointment of a Speaker either from within or from outside the Council's membership as that Council may see fit.

THE CHAIRMAN (Deputy Commissioner Parker): Further discussion Mr. Genest.

MR. GENEST: Well, I just want to support what Councillor Searle says. I think there is another reason that has been mentioned in passing by Professor Hamelin, and that is if the Council appoints one of its own Members as Speaker, the Council will automatically deprive the constituency of that Member of any effective representation. He will be unable to participate in debate, unable to bring forward to this Council the point of view of his constituents. In fact many of the legislatures of the world are starting to realize that there are movements in many parts of the country and many parts of the world to have the Speaker as a permanent institution, subject to the control and will of the house and one of the officers of the house, but not with the double burden of being a Member trying to represent constituents. I want to support entirely what Councillor Searle has said, and I suggest too that we should express it in the terms of a motion. If that is agreeable to Council, I have framed one.

THE CHAIRMAN (Deputy Commissioner Parker): As you wish, there are other speakers, but I am prepared to listen ...

MR. GENEST: I do not want to foreclose anybody, but in fact it might put the point on the table.

THE CHAIRMAN (Deputy Commissioner Parker): I would suggest you go ahead with your motion.

Motion for Council to Elect Speaker

MR. GENEST: The motion would be that this Council while approving the appointment of a Speaker, requests that clause 12 of Bill C-9 be amended so as to provide that the Council shall elect or appoint a Speaker who may be one of its Members, or may be a person not a Member of the Council to hold office during the life of the Council.

THE CHAIRMAN (Deputy Commissioner Parker): Is that it?

MR. GENEST: That is it sir.

THE CHAIRMAN (Deputy Commissioner Parker): Very good. Discussion on the motion? Mr. Pearson.

Expansion of Clerk of the Council's Department

MR. PEARSON: Mr. Chairman, I should just like to go over this point. I agree that it certainly puts a Member in a tough position if he is appointed or elected by his colleagues as the Speaker. But it is one of the prices that one has to pay for maturity in this kind of evolution we are talking about. Also, I want to mention that the Speaker has other responsibilities under a normal legislature, not simply those of chairing the meetings but of running the department or what is known now as the Clerk of the Council. This is a very big job, and we are in the throes now of some changes within the Administration of the territorial government. It seems to me that some of the responsibilities that should be the Clerk of the Council's are being bypassed to other departments. And conceivably that if this thing would have been brought back into its true perspective, that the Clerk's department under the Speaker's jurisdiction could be expanded and made to function more like a typical organization one finds in legislatures of this sort all over the world. So it is a very important position from that point of view too.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Sibbeston.

MR. SIBBESTON: Mr. Chairman, I think there is a great deal of merit in what has been suggested. I would think however, that tradition being what it is, and government being that reluctant to do things that are perhaps a little bit new without first being established inside say Canada, I would think that it might just be something to get some examples of cases where this sort of thing is being done in various countries throughout the world.

Secondly, if it were to be instituted, I would say that while having the responsibility of the Clerk of the Council, perhaps a new role can be given to the Speaker to sort of go throughout the North educating people, promoting the Council and so forth. So I think there is a great deal of merit in this and so it should be pursued vigorously.

THE CHAIRMAN (Deputy Commissioner Parker): If I could be permitted a comment from the chair, I would just like to remind Members that this Council and the Yukon Council are very likely unique in the world. Therefore if this Council sees fit, it is probably within its right to suggest that unique measures be taken in its operation.

Secondly, in other houses of parliament or other legislatures, there is always the matter of party discipline, which then gives some protection to the Speaker. In other words, he has other persons of his political stripe who can speak for him, and can assist him in the matter of looking after constituency duties. And that is something at this stage of development we do not have in the Northwest Territories.

Thirdly, in other jurisdictions, we are almost invariably dealing with a larger body of people and if you take one person out of two hundred and sixty-four, that does not change the way of things too much, but if you take one out of fifteen, you are taking out a fair percentage. Now, I just raised those points for your consideration. Mr. Butters.

MR. BUTTERS: Sir, just to say that I support the motion wholeheartedly.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Sibbeston.

Payment of the Speaker

MR. SIBBESTON: Well, Mr. Chairman, I am not sure whether the motion as it is, provides for this, but I think there should be some provision to make proper changes in the improper and add certain things to the present amendments so that we still have the whole area. Would this person be a civil servant, and so forth? Just how would you deal with that whole matter? Should we get a Speaker outside of the -- certainly there should be some mention of how he would be paid.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Genest.

MR. GENEST: Sir, with regard to Councillor Sibbeston's question, I would think that that is not necessary to be spelled out in the Northwest Territories Act. I would think subject to direction from the legal officer, that once we got that authority, the Council Ordinance, and the Council itself would spell out those terms because it has jurisdiction in the Council Ordinance to do so. May I ask the Legal Advisor if that is correct?

LEGAL ADVISOR (Mr. Slaven): Yes, Mr. Chairman, I think it would be within the legislative competency of this Council to arrange for it, also to amend the rules and make rules regarding the Speaker's vote if any, etc.

THE CHAIRMAN (Deputy Commissioner Parker): That is of course, if this were accepted as an amendment to the bill and so passed as presented here.

MR. SIBBESTON: Mr. Chairman, with respect to the Council Members, okay this provision to elect a certain amount of our Council in the Northwest Territories Act. There is also provision stating that there is a provision making it possible for Council Members to set their own remuneration likewise if there was nothing, if there was just something said about the Speaker, whether he can be from with or without Council rights. I still think that there has to be something in the Northwest Territories Act stating that the territorial Council can make provision for paying the Speaker, because if there is not ... okay we have a Speaker, how is he going to be paid? What authority would we have to pay him? We are elected and as mentioned there is provision for paying Council Members and it is just simply on that basis and analogy that I say ...

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Legal Advisor.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I suppose there are various ways you can do it but what comes to my mind is simply an appropriation vote for the department of the Clerk of the Council, if you wish, could almost be entered in a contract for personal services. There are likely a number of ways Council could accomplish this.

MR. SIBBESTON: Mr. Chairman, sure there may be some proof, there may be some means to get money, you can get money into the hands of the Speaker in various ways, but I still maintain that there has to be a mechanism explicitly stated to do this and I do not want to spend any more time on this but I still maintain my view as right.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle.

Appointment of Speaker from Within or Without Council

MR. SEARLE: Well, Mr. Chairman, there is authority in the act of the Council to send some indemnity and it seems to me that it is fairly obvious that you can set the Speaker's indemnity if you appoint him from within your membership. And if you appoint him from without your membership, or outside, surely he is going to be a Member by virtue of that and his indemnity set. All we were talking about here in this motion, is very simply giving that new Council these options and whether or not they exercise that depends upon the membership as it may be composed in the desires of the individual Members.

MR. SIBBESTON: Mr. Chairman, okay I recognize that if the Speaker is from within Council, there is no problem. But if he is appointed from without Council, I do not think it is possible to say that we could make him a Council Member. The act would explicitly say that there would be fifteen Council Members. We can not on our own add one more by making the Speaker. So if we were to get a Speaker outside the Council Members there would be some -- there would have to be some provision of course in the act stating that this flexibility as to whether or not he can be within or without. If he is from without we would have to state -- my assumption is that he would not be part of Council and that there would have to be some provision for paying him, stated getting part of the Council to do this.

THE CHAIRMAN (Deputy Commissioner Parker): I believe, members of the committee, that the motion asks the standing committee to consider the possibility of an appointment of a Speaker from within the Council or from outside the Council. I would expect that having made that recommendation, they would then turn to their legal authorities to make sure that the "i's" were dotted and the "t's" were crossed so that it would be then completely possible for this to happen. I think the point is valid as far as making the size of Council then 16, but I think this would be something that they would have to look after. Further discussion on the motion? Perhaps I should just read the motion. Oh, Mr. Trimble.

Commissioner Should Not be Speaker

MR. TRIMBLE: Mr. Chairman, I feel very strongly that the person who is responsible as Speaker of the house, not also have the same responsibilities as the Commissioner now has, that being the responsibility as head of the Government of the Northwest Territories. I do not think it is workable, practical or in keeping with the traditions of democratic government of this country that the head of the government also has the responsibility as Speaker of the house. It is even less acceptable in this house, since the head of the government is responsible, by virtue of the Northwest Territories Act not to the house, but to the Government of Canada, through the Minister of the Department of Indian Affairs. Therefore I feel it is imperative that the position of Speaker be provided for. I also agree that it is desirable if it can be accomplished that the role of the Speaker be made optional on the part of the Council to be an elected Member of the Council or at the discretion of that Council to be appointed by that Council for the life of that Council. I think this is desirable if it can be accomplished, if the parliament of Canada will agree to it. But certainly I think the time has come when there must be a Speaker.

THE CHAIRMAN (Deputy Commissioner Parker): I will read the motion, "moved that this Council while approving the appointment of a Speaker requests that clause 12 of Bill C-9 be amended so as to provide that the Council shall elect or appoint a Speaker who may be one of its Members or may be a person not a Member of Council, to hold office during the life of Council. Dr. Hamelin.

Suggested Amendment

DR. HAMELIN: May I suggest to rephrase the last words, instead of saying "during the life of the Council", why not say "no longer than the life of one Council". I think that is what Mr. Genest has in mind.

MR. GENEST: I think -- you know I do not accept that, Mr. Chairman. I think that any person who is appointed Speaker ought to have security of tenure during the term of one Council. I think it would be terrible if you had a person who was appointed by the house, who because he happened to annoy a couple of Members one day could be fired the next day. I think that when you select a person as a Speaker whether he be a Member or whether he be an outsider, he should be guaranteed tenure of office during the term of that elected Council. So I do not agree with the suggestion of Professor Hamelin.

DR. HAMELIN: Yes but on the other hand, Mr. Chairman, if that man is not doing a good job, this Council would be stuck with him for 10 years, I think it is unacceptable.

MR. GENEST: You are also stuck with elected Members if they are not doing a good job. (laughter)

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Sibbeston.

MR. SIBBESTON: Well, Mr. Chairman, I was just wondering whether it would be best to have it worded so that he does not necessarily have tenure. That he be at the pleasure of Council, so that he, if in fact is no good, that he be ousted rather than being assured in sort of -- and left with us for the next four years of Council life. It seems to me that there should be some means whereby if he is not any good, that he should be disposed.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle.

MR. SEARLE: Well, with all due respect to all of the Members that have spoken excepting Mr. Trimble, whose comments I endorse a hundred per cent. We are again getting into, if I may be so bold as to suggest, those first things that the next Council will presumably concern themselves with and will presumably put either in the rules or in the territorial Council Ordinance. You know I would like to suggest that what we are dealing with here are points and principles and that as to the term of the Speaker as to his security of tenure and all of these things, presumably that will all be one of the very first things that the new Council comes to grips with, if by either their way of rules or by way of the territorial Council Ordinance. So let us leave it.

Amendment to Motion

MR. GENEST: To make Members happy, I would be willing to drop entirely the last words of the motion, "to hold office during the life of the Council". And I would strike that out because what I think is important in this debate is the principle that the Council have the right to choose either a Member or a non-Member. I agree with Councillor Searle, let us leave that to the next Council.

Motion for Council to Elect Speaker Carried

THE CHAIRMAN (Deputy Commissioner Parker): I think that the Member has the right to alter his own motion as there is no seconder required. The chair accepts the motion with the last words dealing with the period of office as of having been struck out. Are you ready for the question? All those in favour? Carried unanimously.

Regarding the Deputy Commissioner as an Ex officio Member of Council

The next matter is 2(d), dealing with the provisions relating to the office of Deputy Commissioner including the question of whether he should be an ex officio Member of Council. And during the discussion, Members of the committee should feel free to speak freely and impersonally. As if I were not here. (laughter) Mr. Searle.

MR. SEARLE: Well, Mr. Chairman, if I can kick it off and ...

THE CHAIRMAN (Deputy Commissioner Parker): Is that kick off or kick him out?

MR. SEARLE: Kick off the debate, I would like to -- since we are in the committee of the whole, I suggest that we kick around the thought that was a suggestion that maybe it is timely for us to do something that I do not think any of us have done before, at least in a formal way, and that is to start thinking of the role of Deputy Commissioner as an elected one and maybe raise for the minister. I think you could put it in the act in this way, that the minister may appoint from the elected Members a Deputy Commissioner. And may -- other words permissively but leave it within to determine at the time. And that to my mind would be a very sizeable step forward because we would then be getting in that very important position, maybe he would not choose to exercise that at the next election but maybe he would too. I think we would be in trouble to try and require it, but it may be amenable to the suggestion of the legislation being permissive rather than compulsory and what does the Council think of that sort of suggestion?

MR. SIBBESTON: Right on. (laughter) Mr. Chairman, we will be getting into this whole area of the elected people on the Executive and at that time will be making suggestions, but my general attitude is that perhaps it is possible at this time to have it such that the elected Members of Council be the majority on any Executive of that form in the next Council session. The idea of having the Deputy Commissioner elected fits in with this idea and possibility, so generally I think that it is very much worth pursuing.

THE CHAIRMAN (Deputy Commissioner Parker): Any further discussion?

Incompatible Roles of Deputy Commissioner

MR. GENEST: Well we are thinking out loud, I take it. We may think differently after dinner, but it seems to me while I see a good deal of merit in that, I also see some problems, because the Deputy Commissioner is not only -- if he were elected would not only be a Member of Council and a representative of the area or constituency but he is also the chief operating officer of the Government of the Northwest Territories. Responsible still by the Northwest Territories Act to the minister and to Ottawa, and I can see some great conflict developing when you have one of the chief civil servants of this territory trying to play this dual role. It is sort of like trying to have our cake and eat it. It is trying to import him into a government that is not fully responsible yet, you will have that when you have a Commissioner or a premier responsible to the assembly who can be defeated, but it seems to me that we are trying to put the Deputy Commissioner into two incompatible roles. That is a thought that has occurred to me that I think should be explored before we come to any definite conclusion. I will come back to it after supper.

THE CHAIRMAN (Deputy Commissioner Parker): Dr. Hamelin.

DR. HAMELIN: Yes, Mr. Chairman, I was thinking on the same line as Mr. Genest after Mr. Sibbeston's suggestion. First, if the Deputy Commissioner is elected on one hand and on the other hand he is appointed as Deputy Commissioner he must work according to instructions received from the minister. It could be a very conflicting situation. It is an extraordinary situation and I think it can not be workable because you can not serve two masters the same.

Second, there is some merit in the minister's suggestion to have a Deputy Commissioner coming from outside, but I think it is very difficult to imagine how the situation may evolve.

Another thing I want to say is if the Deputy Commissioner is no longer a Member of this house, that constitutes something we lose most among all the amendments proposed by the minister. In the past it was important that a Member of this house was the Deputy Commissioner. This legislative body has a chance to have some influence on the very top executive level of that government and if the Deputy Commissioner comes from outside this Council is losing some of the progress it made earlier. I am not too happy to see the Deputy Commissioner no longer be a Member of this Council, Member appointed or not. A Deputy Commissioner appointed from an appointed Member is more than having only a Deputy Commissioner come in from outside. So we are losing something here.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle, is it right on this point because I have two other speakers. Well go ahead, because we just have a couple of minutes before dinner.

MR. SEARLE: Well, Mr. Chairman, the only point I wanted to make is partly for the reason that Dr. Hamelin suggested, that unless you do something like that you have your Deputy Commissioner outside. In other words, if you give this permissive role that the minister may appoint from the Council you would not have to say "an elected Member" then because they are all elected. So from the Council the Deputy Commissioner then you do bring him in right in this floor and have a senior Executive officer presumably with whoever else might be appointed from this Council to the Executive sitting here and answering and participating in debate publicly accountable. Now as to the point made by Mr. Genest and again by Dr. Hamelin that there is a position of conflict that there is you know, how can you serve two masters, well that is a good point but whoever is on the Executive Committee and whoever is part of this group is going to be in that conflict until we have provincial status.

Need for Provincial Government

This is the conflict that exists right now in the whole Council. The fact that we have no fiscal control really except a negative one and we are subject, whether we like it or not to what the Government of Canada dictates and that conflict will only cease to exist when you have a provincial government whose rights are enshrined in the BNA Act as being paramount in their own areas with the rights given the federal government under the BNA Act. But if there is an interim position and maybe the position is that there is not between now and provincial status, but if there is going to be one, if you are on the Executive whether it be Deputy Commissioner and from this house or in charge of departments from this house, it will be a position of great difficulty. Because on the one hand you have the federal Treasury Board guidelines and constraints and the Commissioner and all of these people subject to the directions of the minister, yet trying to serve the people they represent and be responsive to the directions of this house. That conflict, I submit, will continue, so that does not worry me because I think we have to accept that that will be so, and if it gets very bad and it comes down to points of principle the individuals are going to have to decide whether they can put up with it or resign. Hopefully that will not happen but that is true, there is that point of conflict and I do not see how it is ever going to be resolved.

THE CHAIRMAN (Deputy Commissioner Parker): Members of the committee, I think it would be appropriate since the hour is 5:30 p.m. for us to break for dinner and various Members have given others food for thought, perhaps we can reconvene then at 7:30 p.m.

--- DINNER ADJOURNMENT

THE CHAIRMAN (Deputy Commissioner Parker): The committee will come to order. When we left off for dinner recess we were considering 2(d). Just before we proceed I would like to welcome Paul Koolerk and to ask the Clerk to make sure that Mr. Koolerk has in front of him the motion. Mr. Clerk, will you make sure that Mr. Koolerk has the motion in front of him? We have dealt, Mr. Koolerk, with four items.

The Council has endorsed the provisions of Bill C-11 calling for a senator from the Northwest Territories and a senator from the Yukon. They have also suggested that there should be more than one Member in the federal house from the Northwest Territories, that is more than one Member, and they have agreed that all Members of Council should be elected, that there shall be 15 elected Councillors, and by motion suggested that Council wished to see a Speaker chosen by the Council from either one of their number or from outside the Council but chosen by the Council. And we are part way through the discussion of the role and position of the Deputy Commissioner. Now the last speaker was Mr. Searle and I believe we have Mr. Butters next.

MR. BUTTERS: Mr. Chairman, I forget some of the things I had in mind when we broke off. I do remember that I agreed with the position of Councillors Genest and Hamelin that the appointing of the Deputy Commissioner from the ranks of Council, from the elected Members of Council would set an impossible task for whomever may be so chosen. Secondly, I think that it is imperative that the legislative arm and the administrative arm of government must be kept separate. Here we have combined one individual both areas of responsibility which as I say, would make it impossible for him to function.

Role of the Deputy Commissioner

I wanted to comment, too, a bit on the role of Deputy Commissioner. I recollect before the supper break Dr. Hamelin mentioned the very great contribution that the Deputy Commissioner had made to this Council and I am sure previous Councils. I feel that here we may be associating the personality of yourself sir, with the office of the Deputy Commissioner. Speaking personally you certainly are an energetic man, a knowledgeable man and that we have come to rely on your knowledge and your abilities a very great deal in this Council. I think too, since there is no representation from Council in the Administration aware of what is going on in the Administration, we seek questions and request answers from yourself frequently in your role as Deputy Commissioner. At other times when you can not answer specifics, you question officials of the Administration whose responsibility it is to know those answers.

Further on in the list of items that we are considering under section two there is the matter of the make-up of an Executive Committee. My understanding is that an Executive Committee will see Members of the Council, elected Members of the Council sitting on that committee, who then would become responsible for answering the questions that you sir, have answered so well over the last many years. I see therefore that the very important role now played by the Deputy Commissioner will then be diminished in the sense of assisting and keeping Members abreast of what the Administration is doing and why they are proceeding as they are. Now that was a long preamble but I suggest that we must disassociate the very excellent and remarkable service that John Parker has performed for the territories from the office of Deputy Commissioner.

Motion that the Deputy Commissioner no Longer be a Member of Council

In keeping with that thought I would like to move that the office of the Deputy Commissioner remain within the Administration of the Northwest Territories and in keeping with clause 10 of Bill C-9 that the Deputy Commissioner no longer be a Member of the Council of the Northwest Territories.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Butters, before you made your motion I had two speakers. It would be only fair to permit them some latitude not necessarily to speak directly to the motion. I had listed Mr. Sibbeston and Mrs. Pedersen. I will accept the motion but I give them some latitude in this discussion.

MR. SIBBESTON: Mr. Chairman, I pass.

THE CHAIRMAN (Deputy Commissioner Parker): Mrs. Pedersen, did you wish the floor?

MRS. PEDERSEN: I pass, Mr. Chairman.

THE CHAIRMAN (Deputy Commissioner Parker): Pardon me?

MR. SIBBESTON: Shall we not deal with the motion then?

THE CHAIRMAN (Deputy Commissioner Parker): Yes, whatever you say. Discussion on the motion. Mr. Genest.

Against the Motion

MR. GENEST: Sir, I do not wish to take any position on that motion and propose to abstain from voting on it. I just wanted to ask Members to recall when they do make up their minds as to how to treat it that they may lose something that, while the principle of the motion is in support of the democratic tendency that we wish to follow more and more, they should remember that there is value in having present in deliberations of this Council one of the chief members of the Administration. I think that a lot of things have been done and a lot of attention has been paid to points made by Members of this Council merely because the Commissioner and the Deputy Commissioner were forced to sit here and listen and sometimes what we thought were their thick skulls were penetrated by statements made in this chamber.

Now if they are going to be divorced from the chamber they are going to sit in their office in a highrise and maybe condescend to come down once or twice a session to give us a message or two or to give you a message or two, and as Mr. Pearson said, give you a nice dinner once in awhile, and have an official down here who is reporting on what is going on and you will lose, to me, what is the benefit which you can not express in terms of legislation or forms but nevertheless is the real benefit of having them sit here and listen to you. - That is why I thought that there was some merit in the suggestion that perhaps the Deputy Commissioner while not having the status of a full Member should have a seat at this table and should be expected to stay here and listen. If you do not, if you remove him and I appreciate the force of the argument that he is a member of the Administration and that he should be divorced from it but the fact that he is sitting here or the fact that you lose the benefit of his sitting here, there maybe a loss to the Council. Those are my remarks, sir.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Pearson.

Government of the N.W.T. is Run by the Commissioner and the Deputy Commissioner

MR. PEARSON: Well Mr. Chairman, I certainly concur with Councillor Genest's comments and I am very apprehensive about the future of the Council and I see the day arrive when the 15 new Members take their seats and they glance at the door and they see the Commissioner and the Deputy Commissioner going out arm in arm waving goodbye and that will be the last time they ever see them. Let us not fool ourselves, the Government of the Northwest Territories is run by the Commissioner and the Deputy Commissioner and will continue to be run by

those people for a hell of a long time. The kind of responsibility that this bill gives us with the two, supposedly two, elected Members as Members of an executive they will be in a position that will be extremely difficult for them to handle. They will have no responsibility, they will have to answer to us for all the doings of the territorial government. They will have to sit there and be the brunt of attack after attack.

We have one of the most effective things that we have done as Councillors, and I think that this Council has accomplished a hell of a lot in the four years that it has been in office, is to be able to sit here day after day and pound away at our pet theories and philosophies and arguments on the ears of the Deputy Minister and the Commissioner and on many occasions to have them respond to us.

Rapport with the Administration

This rapport that we have developed between the Administration is a very interesting one and I think is unique and one that has provided us with a great key to the door of the Administration. But take away those two positions and leave us sitting here naked without a direct line to those fellows other than through the two supposed ministers who, I kid you not, are going to be more like eunuchs than masters, and we will lose that rapport. We will lose that connection, and I think that the argument that Councillor Genest presented is excellent. If we can figure out some way of getting the Administration to sit in this Council, the territories will benefit from that a hell of a lot more than if we are left alone. That is my comment.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Sibbeston.

MR. SIBBESTON: Well Mr. Chairman, I am just wondering whether it is premature to deal with the motion of my colleague Mr. Butters, because I think that since we are talking about the Deputy Commissioner I am just wondering whether we would be best to deal with the whole matter of the Executive Council. To me this is a part of the Executive Committee's discussion. I feel sort of hindered quite a bit by the fact that you have to restrict your remarks to this and why not simply move on to the next point and talk about the Executive Committee after which perhaps we can talk about the Deputy Commissioner.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Sibbeston has made the suggestion that there may well be a thread running through these two points for discussion. Would Members like to handle it that way? Would you like to enter discussion? Would you like to leave this matter or continue it under the discussion on the Executive Committee which is point 3, or would you rather discuss the matter now?

MR. GENEST: I think Councillor Sibbeston's suggestion is a good one, there is a common factor. Why do we not talk about both of them at once?

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Butters, would you be agreeable to having your motion held for the moment while the discussion ranged into the matter of the Executive Committee? The point has been made that there seems to be a connection between the two.

MR. BUTTERS: So we are now going to include the point 3 with (d)?

THE CHAIRMAN (Deputy Commissioner Parker): If that is the wish of Members. Well it seems to reach reasonable agreement, then -- Mr. Searle indicated a desire to speak.

Need for Executive on Council

MR. SEARLE: Mr. Chairman, I agree with Mr. Sibbeston that you can not just talk about the Deputy Commissioner in isolation and of the Executive and the whole Executive Committee concept. If I may, I would like to talk about the Executive Committee and include in that discussion the role of the Deputy Commissioner. My original suggestion that legislation be recommended that would permit the minister in a permissive sort of form to have the Deputy Commissioner confirm the elected Members, was an obvious hope that that senior executive officer be of, and part of, and from the legislature. The feeling that I have with this bill and with the approach that has been taken to it is that it could turn out to be a mechanism of unwittingly, and I would hope not purposely, dividing off the Executive from the Council. That is the biggest danger I see in this whole bill.

The strength that we have had in the past over the Yukon to my view has been the fact that we have had the Commissioner and Deputy Commissioner sitting around this table, participating in debates, the Commissioner has not voted but the Deputy Commissioner has, and in so doing, answering for the government. We have been able to on numerous occasions to pursue them on the matters of legislation, matters of program, and matters of spending. And they have said on many, many occasions, we were persuaded, we agreed, we undertook to do it. What this bill runs the danger of doing is, if they are not part of this Council, they do not by right have a seat here and are not required to sit around with us, then obviously they will be somewhere else. They will therefore be in the office, they will have someone probably from the Executive Secretariat, sitting over there taking notes, who will then have to report from time to time back as to what occurred.

In addition, of course, there will be the two unfortunates who will be on the Executive Committee who will be sitting here, and have the responsibility of answering all questions in respect to the government. Not just for the two departments that they would be responsible for but the government in general, all of the departments. And in most cases they will have to say we will take that ballot back to the Executive Committee for decision. An Executive Committee composed of approximately 5 people, only 2 of which actually are seated here around this table. We will undoubtedly be in the position of having wholly elected people here and preaching in effect to the converted, and those two people having to take back and repeat the arguments made here to the Executive and then come back with the decisions. The effect could therefore be of having an Executive sitting aside somewhere else, not accountable publicly except for these two unfortunates. Not publicly engaging in debates, not publicly stating their positions and not having to answer as they do today in debates across this floor.

You can sit here and say to the Commissioner, "Mr. Commissioner, what is your position on such and so", and he will answer you, and it is reported in the press, it is reported on the radio and he has to be publicly accountable. The same with the Deputy Commissioner.

Executive as Part of the House

Now, I think that what we should have in keeping with the parliamentary tradition in both Ottawa and in the provincial legislation, is that we should insist that our Executive, whoever they are, should be part of this chamber and should sit here, should be engaged in debate and should be publicly accountable that is in keeping with parliamentary procedure, British parliamentary procedure in Canada and in England. What is not in keeping with the form of parliamentary democracy that we have, is the Executive sitting somewhere off. That is the presidential system, and that is the sort of system that gives birth to the Watergates and other things, and it is the sort of system that they have in the Yukon.

Now for all these reasons I think that we should have our Executive here as a matter of right, participating in the debate, not as to whether or not you want the persons other than elected Members to vote is a moot point, however as to whether or not they would deign to sit in the chamber with you if they are masculine so to speak, is another question. In other words, they may say, "well, we are going to sit here, we want the right to debate and to vote". I do not know, that is up to them to take that position. So for these reasons I feel that the Executive should be part of the house.

Concerning the Next Council Members

There is a legal question that I have and that is whether or not the next Council, because that is who we are talking about, could legally require and permit the Executive of the Government of the Northwest Territories -- and at the risk of repeating myself it would obviously consist of the Commissioner, the Deputy Commissioner, two persons from this Council and probably one other person, probably an Assistant Commissioner -- whether we could acquire and permit that Executive to fit in this chamber with the 15 elected Members. Appreciating that at that point you would then have a Council of 18, in fact. Because there would be the 15 elected of which 2 would be of the Council, part of it, then there would be the other 3 of the Executive who would not be elected. And if that next Council could properly require and permit that sort of discussion, then I think it is academic here, because we can let them do it or not as they choose.

But if on the other hand they could not do that, then in my view it is something that we should ask to be billed into the act at this point in time. Because I think without it, what you are going to have in exactly six months of that next Council, and I am certain of it, is you are going to have the Executive over here, you are going to have cabinet solidarity, secrecy, all this stuff opposed on the two elected Members, you are going to have the Council over here, and you are going to have the Executive more closely forced into the role of defending the minister and the department.

So in time you are going to have your Executive, the department and the minister on this side, and the Council on the other side, if you do not have this. You will have had to the vehicle of this bill, a division of this whole process. You will have the Executive wedged off from this Council, and you will have a beautiful situation of us fighting them, and they will be our Executive and the department and the ministry, if they are not here, part of this house engaging in discussion openly and openly accountable, and capable of being persuaded, not by any third parties, not by some official who reaches over and takes notes and not even by the two Executive members.

Close Communication between Commissioner and Members Needed

So my question then is whether or not the new Council with the structure of the bill set out could require and permit that Executive to sit around here as we are doing here, given the right to engage in debates, and to my mind a lot turns on the answer that we get to that. If it is yes, then proceed and let the new Council decide whether or not they want to. If the answer is no, then I think the act should be written in such a way that that new Council has that right to include those people here if they want them. They have the right as well not to include them, but if I am on that new Council and that is up to the public, I know that I would certainly want them here to answer my questions openly and publicly. Because gentlemen, what is going to happen otherwise, is once a day at 2 o'clock the Commissioner will be marched in like they do at the Yukon. He sits down. Members get up and ask him questions, he says he will take them as notice and file a reply, he marches out and says that is enough of those so-and-so's today and out he goes and they come in and file a reply.

That is going to be the communication, and if that is not what we have got Mr. Butters, nonsense, well that is what happens, what kind of sessions does it happen in? So that is the issue and I wonder if Mr. Slaven might have any comments on the legal questions.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Slaven, the Commissioner indicated the desire to speak. No? Would you answer the question please?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, the matters that I expected that would be discussed here ascending back to political science textbooks in the last couple of days, I am very much struck by how much is parliamentary custom and usage rather than law going back to political science. If you look in the BNA Act and virtually all the statutes in Canada, except for a couple of minor exceptions, there was no mention of a Prime Minister or a cabinet. The most important person, and the most important group in the running of this country, then went to some of the provincial statutes. I did a quick survey today. One province mentions as an act providing for a president of the Executive Council but there is no statutory basis for an Executive Council and outside of that no mention of an Executive Council, which in that province is the cabinet, that is Newfoundland. Manitoba has an act setting up an Executive Council which is a cabinet so I do not want to be adamant, I will give my opinion for what it is worth.

Council Can Set Up Its Own Rules

Provinces once they become a province, can change anything in their constitution except for the role of the Lieutenant Governor. I am looking at the act before you now, pointing at the Speaker. And I wonder, does that Speaker have a vote or does he have a deciding vote in the event of a tie vote? It is not mentioned. Again I would think its usage and conferring with the Clerk of the Council, is likely within the powers of this Council to decide whether the Speaker would have a vote or a casting vote or what have you, in their rules. And I think this Council can set up its own rules.

Now in the situation you pose, I suppose the Commissioner and Deputy Commissioner and other Members of the Executive, would be in the same position as the witnesses that you now invite in to speak at the witnesses table and talk to you. They come here by invitation so now however, they were invited and refused to appear, if it were the case of the various witnesses we have, the directors of departments, I suppose they would be open to administrative sanctuary and possibly lose their jobs. I would think that if you invited the Commissioner or the Deputy Commissioner or what have you in to question them, and they refused to appear, that the sanctuary would be a matter of public sanctuary. So that I suggest you can invite them in, it is quite possible you could pass ordinances that would make it contempt of Council, and subject to penalty for any witnesses who did not come in when summoned, but that might not be necessary because of public opinion.

MR. SEARLE: Mr. Chairman, I do not think the Legal Advisor quite got my question. It was not whether or not you could invite them as witnesses or whether they are compelled to come as witnesses, but whether or not we could require them, and invite them and permit them to sit as participants engaging in debates as part of this Council as we do here now.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle, just a point of clarification, are you asking the question in the situation where we sit as committee of the whole or formal Council or both?

MR. SEARLE: Both.

THE CHAIRMAN (Deputy Commissioner Parker): Both. Mr. Slaven?

Concerning Council Votes

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I would think it would be within the confidence of this legislature to make provision for them to take part in debates, but not to vote.

MR. SEARLE: Not to vote?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I do not see how when the federal act says there are 15 elected Members that you can allow anyone else to vote.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Legal Advisor, then you think that such persons could be invited to take part in formal session as well as the committee of the whole?

LEGAL ADVISOR (Mr. Slaven): Yes, Mr. Chairman.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Commissioner.

THE COMMISSIONER: Mr. Chairman, I did not intend to speak but I think that as I will be playing a part in this because of the office that I hold, perhaps I should say a few words to give you some indication as to how I see it. Now you have two subjects before you, the first that of the Deputy Commissioner and the second that of the Executive Committee. I do not propose to say anything on the former and will confine my remarks specifically to the latter.

Responsibility of the Commissioner

First of all, no one knows better than me the role of the Commissioner, and the many aspects of responsibility. There is responsibility first to the Crown, those were those responsibilities that are referred to in the Northwest Territories Act as all of those things performed by the lieutenant governor prior to 1905. Now I can not remember all of the things that he did before 1905 but I imagine that they are along the lines of one giving assent and making the opening address and prorogation and things of that kind. It is also the role that you have to play that is more of a social role, things of this kind.

Then there is the role of the head of the government wherein you are the responsible one for the policy and you are the responsible one for what you might call that of the cabinet.

The third and the one that I hope soon to shed is that of the Speaker.

The fourth is that of the chief of the territorial Administration as stated in the territorial Public Service Ordinance.

The fifth is my responsibilities to the Government of Canada under the act and reporting relationship to the government or cabinet or parliament through the Minister of Indian Affairs.

No Power to Change Terms of Reference

I can not change any of those terms of reference. The only people that can change my terms of reference are parliament themselves. The minister can give me instructions as per the act which I must carry out but it is not possible for me to change any of the things that have been assigned to me so therefore, I am in effect, a creature or in the role of a creature that has been invented, controlled and directed by some other body.

Council Can Set Own Rules

As for Council however, it seems to me that they can set their own rules. These rules of Council were not developed by me, they were developed by this territorial Council, and not only lay out the role that you play, but the role that I play. I would assume that in the new rules there, you would have a role for me to play, and the role I hope would be at least, coming in at the start of the session and telling you some of the plans of the government. I would hope also that you would make provision for me to come in during formal Council session and give assent to the bills and you would also give me an opportunity to speak on prorogation. In any event I doubt if you would want to give me the right to sit with you during formal Council, because I do not know that you want me to debate with you in formal Council.

There are no detailed discussions. The details, the main discussions are in the committee of the whole, it seems to me that is the important aspect of your deliberations and it would seem to me that when it comes to a question of standing up and being counted, or win or lose, there is no one that can expect an appointed person to come from outside to either take part in that discussion or take part in that debate, to vote on it or try to influence it one way or another. You have to stand or fall as a Council, when in Council.

However, I see the actual committee stages as a much different thing, and I would hope that there would be one or two seats available for some of us to sit with you, and speak with your permission, or answer your questions. This would be the method that we have used over these past few years. I take you back to my predecessor, Mr. Sivertz. Mr. Sivertz I think, used to vote or used to pass motions, used to move motions. I have never done that. I did not think that was my right to make motions and I never thought it was my right to vote so I have refrained from it, and I have more or less been in a role of giving you advice. I admit every once in a while, I felt strong about something, I enter into the debates, but the new Council may not want that. They may tell me to mind my own business, so I would think that in the future, with the new Council, it would only be right for anybody from the Administration here that are not Members of the Council, to open their statements always with the words, "with your permission, I would like to say something".

Commissioner's Plan to Sit in Council

Now for my own part, as I would see it, I propose to sit through the whole Council whether I am inside the ropes or outside of the ropes. I do not think it is possible for anybody to be in a position, with all of the responsibilities that I have, and not be here. So if there is any fear that I will be somewhere upstairs while you are downstairs, no. I would also say that as far as the new Executive Council, as far as the appointed ones on it are concerned, I would insist that they sit here through the whole thing also. If it is three weeks, four weeks, and it is from 9:00 a.m. to 1:00 p.m., from 2:30 p.m. to 5:30 p.m., I think we have to stay here because we have too many things happening that we have a direct interest in, or we have a responsibility for. You can not leave it to a bunch of the boys sitting around talking about it, without the kind of back-up and support they need, so I think that that is the way I see it, and I would hope that whoever succeeds me as Commissioner would see it the same way.

Of course, again it can be said that the Commissioner can say "the heck with you", and take off but I am not so sure that he could because I would imagine if he did something like that and Council objected and spoke to the minister there would be a rocket come down from Ottawa so quick that he would be back in here before he even got outside the door. Remember that the minister instructs the Commissioner and I think he would take a very -- no matter who the minister was, I think he would take a very, very dim view of the staff of the territorial Administration taking the Council lightly or not attending or participating in the session.

I do not want to get into the Yukon because I know nothing about the Yukon and I would not want anything I say to be misunderstood as far as the Yukon is concerned. I remember however, when Frank Carter, and then following him Clare Bolger, used to come before Council and answer for the Administration. The Administration at that time was the federal government and if you remember they never left here and they sat here whether they were invited inside to answer questions or not because they realized that they were responsible for much of the spending responsibilities and as a result it would be foolhardy on their part not to be there.

Commissioner Must Respond to Council

So I would think that whoever was the head of the Administration or Members of the Executive it would be very foolish and a mistake on their part not to respond to Council and be here even if they were not at the table participating. I would believe that a paper would have to be developed, a sessional paper as to the terms of reference of the Executive Council. Certainly the minister will give certain instructions, he has given me no instructions and he has not said how it is going to work, but trying to second-guess him and that is not always

a good thing to do, but I think you should have the advantage of my thinking.

It would seem to me that one of the first problems is that we have an Executive of four members at the moment and there might be some difficulty if we just had two people from this Executive from the Council. Perhaps you might think about a third, I do not know. Something you might think about anyway. I would also think that of the Executive Committee the ones from the Administration, I would hope that the Council and the minister would allow me to choose them. Now of course if all of them were to be on there that is very, very simple. One is the Deputy Commissioner appointed by the minister not by me, but the two Assistant Commissioners are appointed by me in consultation of course, with the Deputy Commissioner and so whoever holds those offices would be automatic because it would be inconceivable that you would put someone on the Executive Council who was only a director or perhaps even lower and yet leave the Assistant Commissioner or the Deputy Commissioner out of it. So it would have to be your senior people.

Concerning Elected Members of Council

As for the Members from the Council I would think that that would be the Council's responsibility to choose them. I think they would have to elect them and only they could remove them. I would think that they would stay on even if an election was called or if Council was dissolved they would stay on the Executive until such time as they were either defeated or they chose not to run and they were replaced. The reason for that is simple; you must have some kind of continuity and just like the ministers of the cabinet stay on you know they are out campaigning for re-election. I think the same thing should apply here. I would think that they should be given real responsibility and it appears I was misunderstood when I made this point the other day -- they have to have a feeling that not only are they running their departments but they in fact look to be running their departments but I would think it would be foolish on our part to give them the toughest department. I think you would give them something that they have a good hope of defending because we have no idea who you are going to elect. You may elect a person that may have been a worker on the bench all his life or may come in off the trapline and he may find it very, very difficult to take over and be responsible for the Department of Administration who is charged with looking after all of the finances. So I think that this is something that you work out in consultation with the minister, in consultation with the Council itself and of course, with the Administration.

Concerning Pay of Elected Members

I would think that those men that were on there would be paid the same as their counterparts, they would not be paid any more. In other words, if the senior officers of the government, the Assistant Commissioners, were being paid \$30,000 a year, and they are not, but if they were, then that is what these people would get from Council including their indemnity. I do not think you could pay them any more and you could not pay them any less because they would all be doing the same job.

It would seem to me that the Council would have to maybe buy a separate vote but I think that Council would have to put them on the finance committee. Now it might be a different kind of a finance committee and it might be that I may have to be the chairman of that finance committee or it may be the Deputy Commissioner or it may be one of the elected ones. But remember when we established the finance committee we did not have Members of the territorial Council on the Executive Committee and in fact we formed the Executive Committee since coming here to Yellowknife. So I would say with reference to the chairman of the finance or the budget committee, that is something that we

would have to think about, who it was going to be. It would seem to me that he would have to be one of those people that are sitting on the Executive and in all probability it would have to be an elected one. They would have to sit on the legislative planning committee because they would certainly have great responsibilities for moving and seconding the legislation.

I would not see the Speaker on the Executive for the simple reason I think it would defeat the whole purpose of what we are trying to do. So while there are many unknowns in this there are certain things that we can presuppose and I think we can allay some of these fears if you worry or the other Council to be elected would worry that there would be any indifference on the part of the Administration.

I think that my record speaks for itself as to my concern for the people of the territories, certainly for this Council, and I think that I can speak for all of the Administration sometimes they smart and they hurt and they go out of here licking their wounds feeling they did not deserve it, but nevertheless they come back the next morning and I think that is the main point that if this Administration is going to function, if this Council is going to be successful then the only way we are going to be able to do it is working together. If we are stupid sometimes and you are harsh other times I think in the final analysis it all works out.

Welcome Changes

When you look back on the history of this achievement of the Northwest Territories Council, certainly since the time that Mr. Trimble has been on it and Mr. Searle and the Air Marshal who is not here today, and the Deputy Commissioner, in 7 years you have come a long way, a long, long way. I agree with Mr. Butters who made this point earlier, and for my part I welcome these changes and I welcome the changes that are going to come in 1978 and I hope they will bring you a lot further ahead.

Who will bring those changes and who will be here to see them I can not answer that but I can assure you that it only stands to reason based on what the minister said when he spoke here in January, what he wanted to do that this was in his view the over-all approach and a continuing approach to more and more responsible government in the Northwest Territories. I think he kept faith with you and I think there should be no fear. I want to make sure that if there is any, that you allay your fears, that there will be no change in attitude from the Administration. I am certain that Mr. Chrétien or his successor will not feel that okay, we have given this to the Council now we can abandon them and let them go out on their own. So Mr. Chairman, that is all I have to say.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Sibbeston.

Both Elected and Governing People in Council

MR. SIBBESTON: I can not help but think -- where were we before Mr. Commissioner spoke. I think we were dealing with the matter of the Executive Council and the proposal I have seen suggested is that there be an Executive Council of two elected persons and a greater number of appointed people. I can not help but think in just looking at the proposed change theoretically you can imagine our situation in a year, year and a half, two years from now after the new Council is in, whereas now we have a Council which is made up of more or less like a regular type of government where those elected are in Council and those that govern are also here.

The Commissioner and Deputy Commissioner are part of Council, it will work and it has worked but where you get a situation now as is being suggested where you have a completely elected Council and it has been suggested that of the 15 or so, 2 only will be on the Executive. I feel we are getting into a different

situation where it means as Mr. Genest has said, that we are going to have an Executive which will be apart from this Council. Only 2 of us will be on the Executive so you can just imagine the situation where we have problems like talking about a situation in formal sessions where the people that are supposedly answering are going to be in a very precarious or odd situation, where perhaps they will receive the brunt or the problem will be on their laps, but then they do not hold a majority on the Executive so they will not be in a position to say "yes" to a Member from Mackenzie Liard. I see a problem and the government will react and do this and this, because you know being in a minority on an Executive outside a Council, they will not be able to say this and do this so I can see where offhand you are going to have a problem in that. I can see this theoretically, but just apply it and think ahead and you can see where this is going to pose a problem.

I think this is what has happened in the Yukon, where they have seven elected. Of the seven, two are on the Executive but then you have a majority of the Executive who are not on Council so any time I once talk to a Member who is on the Council and the Executive, you ask him a question, I do not think he is in a position to say "yes" the government will respond in this way and will do this, because how can he? He is a majority on the Executive, so you are always left on somewhat of a limb of a situation and so I think it has become obvious, and it is obvious to me now that I can see where we are going to have problems.

Deputy Minister - Elected or Appointed

So when we talk about the situation of the Deputy Commissioner on a question of whether he should be elected or appointed, where this may be of value -- well, I guess just as the minister can appoint two elected Members to the Executive, perhaps he can appoint three or four and thus in effect, appoint the majority or have the majority of the elected on the Executive. I suppose the question of having an elected Deputy Commissioner will come in handy, with the setting up of the next Council -- the elections and so forth -- if two elected persons get on the Executive and if after a year or two he finds that this situation has not worked, just as it has apparently not worked in the Yukon, well he can suddenly say, well the Deputy Commissioner who has been appointed by the federal government will now cease and now we will get another Member from amongst you to be the Deputy Commissioner. The majority of the Executive would be of this Council, so they being in the majority can say "yes" the government will react this way and will do this. Whereas before they would not have been able to do this. So, I think it is only for this little possibility that I would think it would serve some purpose to leave the option of the Deputy Commissioner to be appointed or elected.

Majority on the Executive

But definitely I think the minister is in a position where all the Executive has been appointed and the trend is to give us more power, I think he is caught in a quandary where he wants to give us only a certain amount of power but not wholly. I do not think this situation is going to work unless he makes the final step of saying "yes, the Council will have a majority", say on the Executive. I think we will be in a situation where it will not work. And it is just unfortunate that with the present thinking that we have to go through the stages the Yukon has gone through.

So to me, I think it is inasmuch as the federal government may think that they are doing us a service in the sense of not giving us complete responsible government. I think in the long run they would be doing themselves and the Government of Canada, and certainly the people of the Northwest Territories, a big favour by not giving us that little extra, that will in effect give us the majority on the Executive so that the Executive in the majority could in fact be on this Council. So we should explore this and really consider it fully before we decide on a certain final proposal.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Butters.

MR. BUTTERS: Mr. Chairman, the thrust of the bill is that this house, in the next Council will have 15 elected Members. I wish to comment on some remarks made prior to the Commissioner's statement which I think was very welcome and positive and very realistic. There was some suggestion that -- in fact the Member from Yellowknife accepted the minister's recommendation of two Members on the Executive Committee with alacrity which surprises me. I agree that as Mr. Sibbeston has suggested that our Executive Committee should be fleshed out.

The Yukon Council

The Yukon, I understand according to the minister's statement in the House of Commons is that in the Yukon he will be increasing the number of Councillors on the Executive Committee from two to three. I suggest that this Council should seek a similar number of Councillors on the Executive Committee or even four Members to cover all the program departments of the territorial government which so basically relate to the lives of the people of the territories. I suggest that when we get to this item or when we are discussing that aspect I would trust our recommendation would be that we seek four Members, four elected Members to be named to the Executive Committee or at least a figure comparable to the number which the minister has offered to the Yukon. I am no expert on the Yukon either -- but I have attended a number of sessions in the Yukon and as I recollect the Commissioner there, as you know the Yukon Council has been a wholly elected Council since 1908, as our Commissioner referred to, opens the Council, I believe, gives the assent and has the opportunity for remarks at prorogation. During the time the Council sits in committee of the whole, there is a chair that is reserved for the Commissioner and I have seen the Commissioner in that chair answering questions, taking part in a session in the Yukon Council as does the Commissioner of the Northwest Territories Council. There is no situation where the Commissioner marched in lock step, questioned and marched out again. Nonsense, nonsense. He functions as part of a Member of that Council.

Now, I have looked in the act, the Yukon Act, and I find nowhere in that act which provides that there shall be reserved a chair for the Commissioner of the Yukon to participate in committee of the whole. Likewise, nowhere in the rules of the Yukon Council is there provision for that seat. But obviously it is done, obviously it is working so I can not see any great alarm that the Commissioner would be not allowed to so attend sessions of Council if the next Council wish that this occur. And in the Yukon as you probably know there is no Deputy Commissioner, there is an Administrator of the Yukon and the Administrator of the Yukon is an administrative official. Here, however, I see no reason why the future Council could not likewise develop a seat at which the Deputy Commissioner be present to participate in the sessions as a participant as the Commissioner does in the Yukon. As I say they provide for it in the Yukon and it is not provided for in either the Yukon Act or the rules of the Yukon Council.

Executive Committee in the Yukon

I would like to comment, too, on the matter of the Executive Committee in the Yukon. The Executive Committee in the Yukon has been described as a failure, and I think there are a number of reasons for that charge -- very good reasons. First of all, the Council numbers seven Members and when you separate out two Members for the Executive Committee, two Members on the government side and two Members on the opposition you have government by Speaker in the Yukon, which you have had for the last three years, the Speaker usually casting the deciding vote. But the other important thing is that in the Yukon the Council, a group of people made the mistake of running a party slate with the result that a certain party group got in and you had a serious division in the house consisting of seven Members.

So, I do not think that the Executive Committee as developed in this bill and the concept as it was originally conceived has received a chance. Likewise, as the Commissioner pointed out earlier, Members who are named to an Executive Committee are named by the Council and we saw recently in the Yukon where an Executive Committee Member was also removed by the Council. There is no clique. You can not have a clique of four or five Executive Committee when only two of those people have the vote and the other thirteen can get rid of them. No sir. They must be responsible to the Council, to the elected Members. No way. No way they could not run around on their own merry way, on power trips as the Councillor from Yellowknife has suggested. This is not correct. From what I have heard that would not be the situation, the elected Members of the Council who were just representing their constituencies and the Executive Committee wedged off from Council. I think we will be discussing the motion later on and I will talk further on it at that time.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle.

The Effect of the Bill

MR. SEARLE: Mr. Chairman, I think the matter is pretty well resolved if I might say so. Assuming Mr. Slaven's advice to be correct, that the new Council -- the matter that I had in mind. I am not speaking as to the number of executives, I have not got into that, but as to whether or not the Executive can sit with the Council both in formal session and committee as a whole. If the Council can permit them to do that and as the Commissioner has indicated he would be happy to do that, then again that is a matter of decision for that new Council. My only point was, I wanted to be sure that the amendment so written did not prohibit that and that that new Council had that choice. I am assured by Mr. Slaven, they would have that choice to participate though not to vote, and so I am satisfied on that score.

My only concern was that the bill might have the effect of cutting off the Executive from the legislature and if the Executive can be part of the legislature, if the next Council wishes to make them part of the legislature, then that satisfies me. I was only worried that the bill might prohibit that, and I am satisfied from Mr. Slaven that it does not prohibit that. So that is all I want to say. In that case, the comments I made become irrelevant to that extent. But I wanted that question, as I indicated Mr. Chairman, answered by the Legal Advisor because if the answer was "yes" the Council can do it, fine, I have no quarrel. And that was the answer he gave. If the answer had been "no" then I would have wanted a motion structured so that the act would permit that, if that Council wanted to do that. Because we have to realize that if that new Council may or may not want to do these things, not necessarily what we want at this time, because it is not going to effect us. So assuming that the Council can do that, I have no further comments on that aspect.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Slaven.

LEGAL ADVISOR (Mr. Slaven): If I may, Mr. Chairman. I gave my opinions, only my opinion, but I think the words of the Commissioner and Mr. Butters on the Yukon practice would appear to support it. As soon as I spoke, I was deluged with a couple of notes to point out that here and in the House of Commons in Ottawa, witnesses are only called before committees. As far as I know that is the only custom in usage, but this is a unique situation we have here and certainly can set up our ground-breaking customs if you wish.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Genest.

MR. GENEST: I want to first of all say that I agree with the advice of the Legal Advisor. I also want to echo what Mr. Searle says about the assurance of the Commissioner which I found quite reassuring. All we need really is for one Commissioner for one session to adopt the practices Commissioner Hodgson

intends to adopt and we have set a precedent and we have established parliamentary law for this Council. So that with that opinion and with those reassurances I see no reason for not supporting Councillor Butters' motion. My only fear was that we might lose by that the value of the presence in this chamber of members of the Administration and having heard the debate I do not think we will.

Problems of Persons on the Executive Committee

I have another comment sir, a couple of comments first as to the Executive Committee. We can go on for many hours describing the problems that will be faced by those persons who are elected or appointed to that committee. There is no doubt that there are many and the reason is that it is a half way house. It is a half way house between a colonial type of administration and a fully responsible government; but it is a half way house we must get to. What the minister proposes, subject to whatever the wishes of this Council are as to the number of Members of Council who should be on the Executive, is, I think, a sound proposal. I think that it is sound for him to say that it should not be, and it would be unwise for this Council to ask, that it be sort of set in stone in legislation. This is surely a matter of parliamentary practice; it may or it may not work. As I said, it is a half way house and if you have it in legislation, it is not working and you want to fix it, it takes an amendment. It will require you to go to the House of Commons when they may have other things on their minds besides the problems of the Northwest Territories at the time, to fix up or amend the act and it would remove in my submission a good deal of the flexibility which an arrangement like that should have.

So that I say it is not going to add much to describe the real problems which the Members of an Executive are going to face. They are going to have problems and it is inherent in the kind of job that they have. They are not ministers of a government that can be dismissed by vote of a house. When you reach that stage it will be a province. But I think it is necessary to try out the first stage before you move on to the second.

News of the North Editorial

In this connection sir, I would like to take this opportunity to place on record my violent exception to an editorial that I have in front of me in the News of the North which I have generally found a responsible newspaper. I can speak as an appointed Councillor who is not, I believe, aimed at in this editorial, it is aimed at the elected Members of this Council. It makes what I believe are scurrilous, yellow and groundless charges against the elected Members of this Council. I read that according to the editorial writer it is clear that some territorial Council Members promoted the advice to have Members sit on the Executive out of venal self-interest. There is not a tittle of evidence to support that.

I believe that every Member of this Council who has been engaged on these debates on constitutional development has been interested in advancing the cause of democracy and of responsible government of the North. I think that to accuse the Members, the elected Members of this Council of trying to line their own pockets, is defamatory and in fact is probably actionable. On behalf of this Council, I do it as an appointed Member because elected Members who feel personally aimed at may be shy of speaking of this. I state that that is one of the most irresponsible charges I have read in that newspaper.

I also take exception to the very bad opinion of the North expressed in this editorial where the writer says "the fact is that there is nobody in the territories worth anything approaching \$22,000 a year who is prepared to consider taking on a position as a puppet on the territorial Executive Committee." I think that expresses a very low opinion of the people of these territories. I think that to give the people of these territories, to attract them to a job in government where they are able to exercise some responsibility and make some contribution, will bring out able people of which there are large numbers in these territories. That concludes what I have to say sir.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Sibbeston.

Trusting Northerners

MR. SIBBESTON: Mr. Commissioner, Mr. Chairman. While I would like to just respond to what the Commissioner has said and I think in many ways we are fortunate that we have Mr. Commissioner with his attitudes. There is no question that perhaps as northerners, I have always thought as northerners that we are just too easy, we are just too mild, we sort of trust. When somebody like Mr. Hodgson says he will do something in a certain way, we as northerners sort of just listen to him and agree with him and perhaps trust in a person's words. But there is no question, even if the Commissioner were running the whole of the North by himself and he said he would do justice and govern as a fair person, I would tend to believe him and I think he would probably do a good job. But I wonder if we should perhaps get away from this trusting and sort of easy going approach and do things a little bit more formal, or do things in a little bit more business like fashion. To point out that theoretically it does not make any sense whereas the Commissioner and the Deputy Commissioner are presently sitting on Council they are the government, and because of the fact that they are on this Council they just in their nature respond to a lot of the things that we say.

Executive Apart from Council

Theoretically at the next Council session where we are all elected and somewhere apart from this Council there will be an Executive Council and the majority of who will not be amongst us, theoretically it does not make sense and theoretically it should not work. Because if we say to two of the elected people who are on the Executive "you should do this", and so forth, what can they say but well, "I do not really know, I will have to wait until there is an Executive meeting." And "if the other majority agree with us well then I suppose that I will be able to carry out what you suggest, but if not I guess it is tough luck."

So it really puts them in a situation and Council in a situation where what could happen theoretically is that in action or where Executive is really in fact apart from Council and theoretically it should not work. So I do not know, it does not appear as though I am convincing a great deal of people but it is theoretically correct only if the Executive are on this Council. If the majority of the Executive are on this Council it really means that we should be doing is, if there is an Executive of 5 persons, 3 of them should be here so that they in a sense could say "yes, we will do this", and it will be done because of the fact that they are the majority. I just feel that perhaps we should not be so kind or so northern in our attitudes and sort of believe what Mr. Hodgson has said. If he should die or what if he should have to resign and some hard nosed Indian Affairs guy comes in things would certainly be different. It just seems to me that we perhaps have the opportunity of avoiding this stage that the Yukon has gone through. The minister wants to give us more power but he does not quite want us to have control. I say why not if possible, try to persuade the minister to give us this control.

The Need for More Power

The thing that always comes to my mind is that perhaps years and years ago the people in the North were perhaps not able, not sophisticated enough to run a department or run a government. I say times have changed and I like to think that we the people are educated enough, sophisticated enough that I think we can do a much better job than those people who are presently running departments, and I sincerely feel that this is in fact true. So I do not think there should be this great fear that if we suddenly give control to the elected people that

they are going to screw up things, they are not going to do things in a rash, in a democratic or what is normal government way. I think if they are willing to give us more power they should go all the way and give us this power because I think we can you know, I think there are sufficiently educated and sophisticated people in the North that can run departments and can run governments.

THE CHAIRMAN (Deputy Commissioner Parker): Mrs. Pedersen.

Northerners are Capable

MRS. PEDERSEN: Mr. Chairman, going back to the motion 2(d). After reading the minister's speech on the second reading of the Bill C-9, I wholeheartedly support the minister when he says "the most important change for the Northwest Territories Act is to establish a fully elected territorial Council by replacing four appointed Members with four elected Members. It is also supposed to increase the size of the Council to 15 all elected." Furthermore the minister said, "there are capable northern residents who can and should represent the people of the North in the operation of their government." If they looked at the motion 2(d) it is just the way I see it right now, the people in the North are ready for the fully elected Council, and the minister is supporting that and this is the change we have. If we do not fully support what the minister brings up in 2(d) we are not going further ahead, we will be sitting still maybe 4 or maybe 8 years more, sitting with the same system we have now. Therefore I feel we must bear with the motion moved by Mr. Butters. I think we have enough discussion going around. I very strongly support what was discussed on the minister's -- regarding Bill C-9, and I would just like to remind you, Mr. Chairman, that we keep to the rules and I would appreciate it if a speaker not speak more than 15 minutes.

THE CHAIRMAN (Deputy Commissioner Parker): I do not think any person has spoken more than 15 minutes, Mrs. Pedersen, and I had general agreement from the Members of committee to broaden the discussion to include the matter of point 3 which was brought up by a Member of the committee. Have you anything further ...

In Support of Motion

MRS. PEDERSEN: Mr. Chairman, I supported the minister when he said that Members for appointment which included the Deputy Commissioner. I feel that this is the time, the time is now to take all appointed Members away. Therefore I am very strongly against it because this is the thing -- my understanding is that if we want to keep another appointed Member, we are stepping down what the minister feels what they should be amending for the Northwest Territories Act. This is my feelings. Thank you, Mr. Chairman.

THE CHAIRMAN (Deputy Commissioner Parker): Mrs. Pedersen took my way of explanation, the broad motion of Mr. Genest's merely suggested in 2(d) that the Council may wish to endorse and to discuss the provisions in the bill relating to the position of Deputy Commissioner and of course, the provisions in the bill called for a fully elected Council and for the Deputy Commissioner not to be a Member. So Mr. Genest's point including it here, was simply to raise it as something being discussed in the bill. I do not think we were expecting any old thing in here. Mr. Genest.

MR. GENEST: Thanks Mr. Chairman. And in fact I am prepared to, in having heard the debate, I am prepared to support Councillor Butters' motion which I understand is to the effect that we merely endorse the bill provisions as to the Deputy Commissioner. Now I am prepared to do that, we have had a long debate on it, so I do not think we should vote on it.

THE CHAIRMAN (Deputy Commissioner Parker): And I think you better wait until the chair -- besides there are other speakers. Dr. Hamelin.

Danger of Divorce between Legislative and Executive Wings

DR. HAMELIN: Mr. Chairman, I was very glad to listen to Commissioner Hodgson, when he said that he will be sitting in the next Council, if the Council desires so, because I am still afraid of kind of a divorce between the legislative wing and the Executive wing. I am not going so far as to imagine the Commissioner far away from this house, but there is still a danger and I think that the Yukon Territory has suffered a divorce between the Executive Commissioner and the legislative Council. We have not to foresee the same thing here. There is a danger and even if I am ready to vote for the motion presented by Mr. Butters to have a kind of unity in that Council, I repeat if the Deputy Commissioner is not a Member of this Council we are losing something. We are going backwards and maybe it will take years to discover that but I see it right now.

Second thing, when Mr. Sibbeston said let us have three elected Members in the next Executive Council and we will have control of it and they will give us a definite answer, it will be a quicker way to make Administration. I do not think so. The next Council will not have a bit more power than this one, not a bit, because none of the power of the Commissioner, none of the power of the minister is eroded. Where will you take your next power from? There is no way as Mr. Butters said, there is no way a fully elected Member will have more power because the Commissioner stays the same Commissioner and I think it is the failure of that legislation to have on one hand the growing up of the legislative body and on the other hand not to give the elected people more power. It is just an illusion, and I am sure that six months after the next Council there will be elected Councillors who will realize that.

Executive Committee is only an Advisory Committee

So when we say the three Members in the Executive Committee will give answers before us, it is just an illusion, it can not work like this. And the minister said that the Executive Committee is only an advisory committee and advisory is only advisory, it is not more than that. I think it should be called pseudo-Executive Committee instead of Executive Committee. In fact it is not an Executive Committee. These elected Members will not make decisions. Commissioner Hodgson is great enough to listen to their advice and it is a great chance, one of the great chances of this government to have that kind of Commissioner who listens. But we may have another Commissioner and we may have other situations and we will not be protected at all in the next legislation. So do not be too proud to have only elected Members because the real appointees that count in that government are not Messrs. Genest, Campbell, Parker and myself. The appointee that counts here is the Commissioner, and if there is no erosion of his power, the elected Member will have gained nothing except illusion. I think it is the shortness of that legislation.

This Council may ask to have more power, to have more elected Members. The next Council will make more noise; Members will say there are more representatives but they will not be more responsible. Even with two or three Members on the advisory Executive Committee. The legislation does not provide any erosion on the actual power. If it is not provided you will not have it. You may be satisfied in your heart but it is a pseudo-Executive Committee, it is just an advisory committee. As it is better than nothing I approve it. It is one small space; it is better than to have nothing. But do not imagine that you have reached the sky.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Trimble.

Number and Powers of Members of the Executive Committee

MR. TRIMBLE: Mr. Chairman, we have two different subjects before us, which rather confuses things. The one is the matter of the Executive Committee, and I personally feel that we should endorse what the minister has offered to do but ask that the number of Members on the Executive Committee be increased. I would suggest four instead of two. As far as the powers of the Executive Committee, and whether or not there should be a majority of elected Members of Council on that Executive Committee is immaterial, I believe, because the powers -- as far as the Administration and the Executive is concerned rest with the Commissioner of the Northwest Territories. This is designated to him and this authority and responsibility is placed on him by virtue of sections 4 and 5 of the Northwest Territories Act. So it is immaterial, even if there were a wholly elected Executive Committee the authority and the responsibility rests with the Commissioner.

Now, I do not believe that the Government of Canada is prepared at this stage to change this situation, because if it does, then we have much the same authority as a province, as desirable as that might be, I do not think they are prepared to move that far at this time. I do not personally believe that we are ready to move that far at this time but I do believe that we are ready to make a step forward whereby the territories will get some experience in the administrative function.

Council Will Take More Authority

Now, Dr. Hamelin suggested that in six months time the new Council will be frustrated as to its lack of power. From my experience on three successful Councils, I would suggest that in six months time the new Council will be quite related, feel that they are making great progress. The Members will have given great speeches, moved a lot of motions and had them accepted, and think things are going along fine. But it will be after 1 or 2 years when they will realize that the motions they have made and had adopted had been made by previous Councils, the speeches they have given were also given by previous Members of Council, and the situations continue. Then they become rather frustrated, and I believe it will be at that time when, although they may not legislatively have authority, they will start taking authority. I submit that this Council could take a great deal more authority than it has and is now, and it has not done it.

I suggest, Mr. Chairman, that the type of Council that we have today, in its present structure, will never arrive at that place. But I do believe there is hope that the next Council, a fifteen Member fully elected Council, will arrive at the place where a majority of Members if not the whole Council at least a majority who will say, "we are not satisfied, these changes must be made", and they will be made. I suggest that democracy does not come by way of a gift bestowed from above. It comes by climbing up from below and grabbing hold of that which is withheld from you. And I believe that the means whereby this evolution can take place is being contained within this bill to amend the Northwest Territories Act. Therefore, Mr. Chairman, I am satisfied with the stage that the bill is prepared to go at this time.

Now as far as the motion of Mr. Butters concerning paragraph (d) of the motion which put us into committee, I think it has been made clear enough that the new Council will be able to determine how the house will operate, so I am satisfied with that. The Commissioner has pledged his co-operation, in fact he has pointed out, which I think we should realize anyway that he and succeeding Commissioners would be obligated to co-operate to the greatest extent with Council. Otherwise, the minister and the government to whom the Commissioner is responsible would see to it that he did or would be replaced. It has also

been pointed out, by Mr. Genest, that such co-operation would set precedent in this house which would lead to the future running of the house. So I feel that we are prepared at this time to vote on Mr. Butters' motion and then there should be another motion concerning the number of Members in the Executive Committee.

THE CHAIRMAN (Deputy Commissioner Parker): I think I have a full house now that wishes to speak so I think we just better wait on the vote. Mr. Pearson. Mr. Butters.

MR. BUTTERS: Sir, if the remainder of the Members are ready to vote on the motion, then this is fine, I will pass too because I wish to comment on the Executive Committee.

THE CHAIRMAN (Deputy Commissioner Parker): Mrs. Pedersen. No? Well, would you prefer to question, I have a number -- no -- Mr. Searle.

Motion Should be Withdrawn

MR. SEARLE: Mr. Chairman, I do not mean to be delaying the question, but as I have already indicated to Mr. Butters, we have already supported the motion that the new Council consist of fifteen Members all of whom should be elected. And unless there were a motion that the Deputy Commissioner be ex officio or in addition to that, I really do not see the point of Mr. Butters' motion because it is really redundant at this point. In other words, unless there was a motion that said something else other than that there should be fifteen Members, it seems to me we are just whipping a dead horse so to speak, so I do not know what the point of the motion is. I think it should simply be withdrawn and the matter of the number of persons on the Executive Committee.

I would like to say too while I have the floor, that I agree one hundred per cent with what Dr. Hamelin said. I agree one hundred per cent as well with what Mr. Trimble said because I do not think they differed substantially. I think both of them are exactly on the right track; I think that the power rests with the Commissioner, it rests with the minister and it does not rest in my view, so much with the Commissioner but rather with the setup that we have.

Control of Council

There are very important things we have not discussed. For instance, fiscal control, I have been chairman of the standing committee on finance and its establishment. The real problem is the method of getting more money and unless you control money you are in trouble. This process of going through the inter-departmental committee is a dreadful scheme, as long as we have that, we will have no control. Because we end up with a budget that we do not really want, that they do not really want us to have, that is a compromise between about four different committees all down the road and is always subject to treasury board guidelines. The real control will come when we get a formula of financing this government that is composed of an unconditional grant structure based on a budget of year "X" where we then talk about only additional areas. Firstly, the second time where we get real control as a Council, will be when we are not just responsible for the welfare expenditures areas of government, but have some real meaningful jurisdiction over the areas of resource.

Now at the risk of repeating what Dr. Hamelin said, highways, construction, reconstruction, forestry, fisheries, health services, public health, NCPC, land, inland water, surplus rights, land and inland water sub-surplus rights, attorney general; these are all responsibilities which we do not have. And this is what Dr. Hamelin was saying, I think that until there is some movement in Ottawa to give us meaningful fiscal control and meaningful control over the resource

and revenue areas, forget it, you can have the Commissioner elected. You can have everybody on that Executive elected, you can have a fully elected house, and as long as you have the same fiscal control the thing is going to be done the very same way it is done now, because the decisions are made by the "Digby Hunts" of this world who are chairmen of the interdepartmental committee on finance. And that is where the problem is, and all the rest of this illusion, illusion is all it is. Again at the risk of repeating what Dr. Hamelin said, that really is where it counts, is where you get your finger in the jam pot in a meaningful way.

Meaningful Fiscal Formula

You can spend and raise money and have jurisdiction over these meaningful areas. And these are the things we have not talked about, they are not in the bill but these are the things which have to be transferred and these are the things in a meaningful fiscal formula that we should be talking about. I agree with what Mr. Trimble says, Dr. Hamelin says, it is a little step not really a step forward, not in terms of responsible government. It is more representative, we get more representatives in this chamber who are elected and we have a little bit of input in the Executive according to the strict fiscal arrangements that we are under. Over those limited jurisdictional areas that we have jurisdiction over, all subject to disallowance, subject to the minister's direction, subject, subject.

And that is where it is at gentlemen -- these are other points that I want to bring up later, the matter of the fiscal formula, the matter of disillusion and these other things and I think we should get on with them because that is really where it is at, where the money is.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Sibbeston.

Executive Powers

MR. SIBBESTON: Mr. Searle has twice been right on the point today, what Dr. Hamelin has said about the fact that the Commissioner by section 3, section 5, of the Northwest Territories Act, I think really brings home the fact that it says the Executive powers that were immediately before the first day of September 1905, vested and so forth, shall be exercised by the Commissioner. I think I had not really noticed this but I had gone on the assumption that if you have an executive of anything be it a company, a government, or whatever, if you have the majority, you supposedly rule. But this is really not so, you can have all, if we have an Executive of ten persons and nine were elected and one was the Commissioner, the Commissioner would still have a say according to this.

So I am just wondering why in the last few minutes, we have been getting down to the nitty gritty of the situation and perhaps it might be worth something too. We have to recognize the clock shortly and tomorrow go over these areas as well, as what Mr. Searle has talked about, and make proposals to the standing committee on Indian Affairs and Northern Development. Perhaps there will be a possibility of having something done, these areas changed. Perhaps, you know it might be worth something. I, as an elected person, always like to see an elected person bring out these things so that we are not overshadowed by the appointed Members. But it is down as a whole, perhaps it would serve some purpose and really make the federal government realize that perhaps it is just as though they have restricted us to this little area that we have to look at -- and sort of tricking us into just looking at these little things. Perhaps we should you know, outsmart them in the sense of these more important areas tomorrow and go to Ottawa with something really meaningful. On that Mr. Chairman, can I recognize the clock?

THE CHAIRMAN (Deputy Commissioner Parker): I suppose it is your prerogative but perhaps, Mr. Sibbeston, I might just ask if there are other Members who wish to speak to Mr. Butters' motion before I call the motion. Mr. Butters.

MR. BUTTERS: If there are other Members who wish to speak we can, if they wish to go on, fine, if not, we can comment tomorrow. I want to have some say in just what has transpired here which I think is more important, if I may.

THE CHAIRMAN (Deputy Commissioner Parker): I am really just seeking the views of Members whether you would like to call the motion or if you would like to wait and continue this discussion and then call the motion.

MR. TRIMBLE: Mr. Chairman, we have three main items under discussion and we should complete the first one which is item 2(d) that is a motion to determine what we do with item 2(d) so we can pass on to something else. That is the reason for the motion, and I think the motion should be put now, and then we are free to go on to the other items in the morning. I think there is a general consensus that the motion should be put.

Motion Carried

THE CHAIRMAN (Deputy Commissioner Parker): I think there is a general consensus that the motion should be put. The motion is moved that the office of Deputy Commissioner remain with the Administration of the Northwest Territories and in keeping with Item 10, Bill C-9 that the Deputy Commissioner no longer be a Member of the Northwest Territories Council. In other words, that the motion supports the wording of the bill. Is the question called? All those in favour? Opposed if any?

--- Carried

MR. SEARLE: I abstain because it is redundant in my opinion.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Butters.

MR. BUTTERS: I just wish to comment on the remarks made by the last two speakers. Mr. Sibbeston, I think, referred to our meeting here as being brought about by the federal government. I recollect we are meeting here to discuss this bill specifically as a result of the motion by a Member of this Council, and the agenda as I recollect, according to that motion is the very narrow terms of this bill. I do not wish to, although it is most interesting and most necessary, I do not wish to at this time get into a discussion of provincial-type responsibilities and the progress of Mr. Searle's committee or the manner in which we can increase our fiscal autonomy and fiscal control. I think this is beyond the limits of the agenda and I think that we would be making a great mistake to get into this area at this time.

THE CHAIRMAN (Deputy Commissioner Parker): Well, I do believe that the clock has been recognized and perhaps Members can review their thoughts for tomorrow, therefore may I report progress.

THE COMMISSIONER: Council come to order. Deputy Commissioner Parker.

Report of the Committee of the Whole of Motion 1-52, Consideration of Recommendation by Council on Bill C-11, Certain Portions of Bill C-9 and Other Matters

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, your committee has met and wishes to report progress.

THE COMMISSIONER: Thank you very much. Are there any announcements? Deputy Commissioner Parker, the orders of the day.

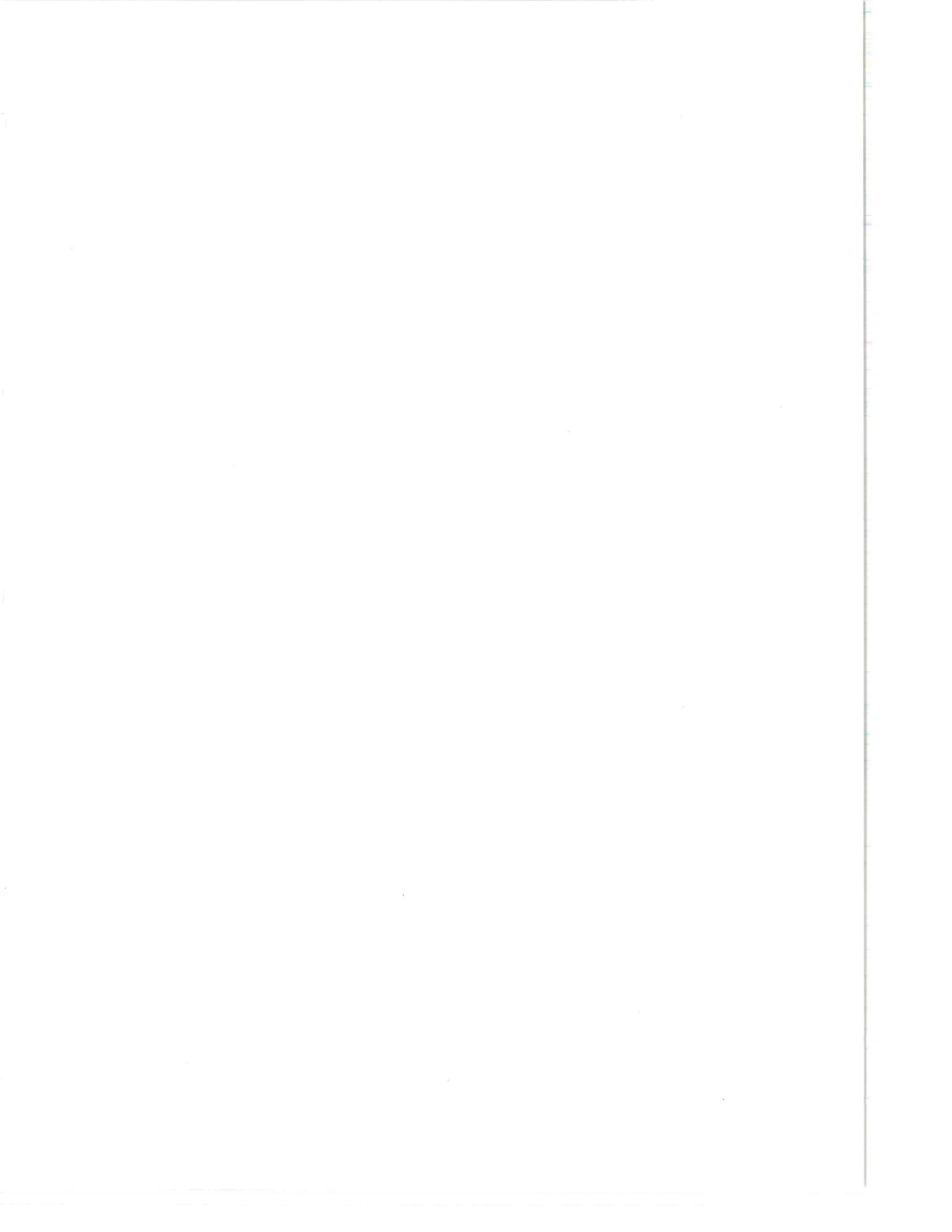
ITEM NO. 12: ORDERS OF THE DAY

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, orders of the day, March 28th, 1974, at 9:00 o'clock a.m. at Sir John Franklin School.

1. Prayer
2. Questions and Returns
3. Oral Questions
4. Presenting Petitions
5. Reports of Standing and Special Committees
6. Notices of Motions
7. Motions
8. Tabling of Documents
9. Continuing Consideration in the Committee of the Whole of Response to Communications from the House of Commons Standing Committee on Indian Affairs and Northern Development
10. Prorogation

The hour is 9:30 o'clock p.m. Council stands adjourned until 9:00 o'clock a.m. Thursday, March 28th, 1974, at Sir John Franklin School.

--- ADJOURNMENT





COUNCIL OF THE NORTHWEST TERRITORIES DEBATES

52nd Session

7th Council

Official Report

Thursday, March 28, 1974

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YELLOWKNIFE, NORTHWEST TERRITORIES

THURSDAY, MARCH 28, 1974

ITEM NO. 1: PRAYER

--- PRAYER

THE COMMISSIONER: Turning to the orders of the day.

Item 2, questions and returns.

Item 3, oral questions. Mr. Butters.

ITEM NO. 3: ORAL QUESTIONS

Question 01-52: Consideration of Labour Standards Ordinance

MR. BUTTERS: Mr. Commissioner, since we met in January, I have heard that the Labour Standards Ordinance which was to be considered by this Council in the summer, will be deferred until the next Council incoming in 1975.

Return to Question 01-52: Consideration of Labour Standards Ordinance

THE COMMISSIONER: Maybe I could explain. We had thought that we should hold a special session in October and as the Labour Standards Ordinance is such a massive and controversial one, we felt that it could take up to a week itself. So for that reason we felt that it would be wrong to put it into the June session. We have a number of other pieces of legislation so we thought we better plan on a special session. We think October would probably be the best and we will put the resolution forward then, and any one or two others that may have been passed by the present Council before the end of the year.

Item 4, presenting of petitions.

Item 5, reports of standing and special committees.

Item 6, notices of motions.

Item 7, motions.

Item 8, tabling of documents.

Item 9, continued consideration in committee of the whole of Motion 01-52.

ITEM NO. 9: CONTINUING CONSIDERATION IN COMMITTEE OF THE WHOLE OF MOTION 01-52
CONSIDERATION OF RECOMMENDATION BY COUNCIL ON BILL C-11, CERTAIN PORTIONS OF C-9
AND OTHER MATTERS

Council will resolve in committee of the whole for continued consideration of Motion 01-52 with Deputy Commissioner Parker in the chair.

--- Council resolved into Committee of the Whole for consideration of Motion 01-52 Consideration of Recommendation by Council on Bill C-11, Certain Portions of C-9 and Other Matters with Deputy Commissioner Parker in the chair.

PROCEEDINGS IN COMMITTEE OF THE WHOLE TO CONSIDER MOTION 01-52, CONSIDERATION OF RECOMMENDATION BY COUNCIL ON BILL C-11, CERTAIN PORTIONS OF C-9 AND OTHER MATTERS

THE CHAIRMAN (Deputy Commissioner Parker): Committee will come to order for the continued study of the matter placed in its hands. When we left off yesterday, we had concluded the matters under 2 (d) and were in consideration of point 3 which deals with the Executive Committee. There were one or two people who indicated the desire to speak, Mr. Genest and Dr. Hamelin, I do not know whether they wish to speak on this subject first off this morning, but I will give them that opportunity.

MR. GENEST: Just confused by the noise going on here, Mr. Chairman.

THE CHAIRMAN (Deputy Commissioner Parker): I know that the Member when we came in, remarked on how quiet the assembly was but it is no longer quiet, and so we can only draw one inference from that.

Achievement of Full Independence

MR. GENEST: Sir, I wanted to speak yesterday in a more fiery way than I will this morning because mainly I forget what I wanted to speak about. But it had something to do with the remarks made by Dr. Hamelin who is amongst us a thinker and philosopher. I did wish to make the point that it seemed to me that a lot of the discussion we had about lack of power and so on, displayed the constitutional confusion between Executive and legislative power. I thought that the point should be made that this body is essentially a legislature. That it will not achieve any control worth the name of Executive and Administration until there is achieved full independence. That is, until it can bring down a government, and that means provincial status. As a number of Members have said, there is no doubt that we are not ready for that, there is no doubt that Ottawa is not prepared to grant anywhere near those powers.

So what we are looking at is the power of this body as a legislature. What the appointment of Members of this body to the Executive does is not to grant control in the absolute sense over the Executive. What it does is provide the interim period, it provides, as I said yesterday, a half way house. It provides training. It involves elected representatives of the North for the first time in a part of Administration. It is for that reason that I would support the proposals of the minister and that we should not be led into thinking, as Professor Hamelin has said, and I have great respect for his views, but I think they were erroneous, that this is all window-dressing, because in my submission it is not.

Motion to Have Four Appointed Members

Sir, without attempting to stifle the discussion in any way, I have a motion that I would like to move in connection with point 3, and of course I leave it to you. It is understood that the whole subject raised by point 3 should not be confined by the motion, but I felt that while it is fresh in my mind, I would like to move it. And that is to this effect. I move that this Council endorse the proposal of the minister. That elected Members of Council be appointed to the territorial Executive Committee. And that such proposal in the first instance be implemented as a matter of administrative practice and not provided for in legislation, but that this Council requests that the number of Members to be appointed be 4 instead of 2 as proposed by the minister. That is all I have to say sir.

THE CHAIRMAN (Deputy Commissioner Parker): Dr. Hamelin, did you wish to speak?

DR. HAMELIN: Mr. Chairman, I think the distinction made by Mr. Genest is very important. He has made so very clear the distinction between legislative and Executive powers. I see that very clearly too and when I said this Council would not have more power after that bill, I do not mean Executive power at all, I mean legislative power. It is what I tried to say yesterday. But I think we could have a very long argument on it, but I maintain that on the legislative

level the future Council will not have a bit more power. On the Executive side it is already clear. I asked yesterday for the floor to deal with the section (e), page 2, there is a second paragraph, subsection (e). It says "any other provisions of the bill on which this Council may wish to make recommendations." So did we deal with that yesterday? I do not remember that.

THE CHAIRMAN (Deputy Commissioner Parker): No, Dr. Hamelin. We were led from 2 (d) into 3 as a natural consequence so I would propose that we continue and conclude our discussion of the matter of the Executive Committee and then I propose to go back to 2 (e) to see if there were any other matters that Members wish to discuss which related directly to the bill.

DR. HAMELIN: Okay, Mr. Chairman, I will wait a little bit further to have that matter on the floor.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Butters.

Establishment of an Executive Committee

MR. BUTTERS: To strongly support the motion of Councillor Genest, I agree that the establishment of the Executive Committee should not be set up in the bill. As we know, the practice in the past has not been carried out in this manner. The Executive Council in the Yukon as we know, was set up by a "Dear Jim" letter to the Commissioner from the minister saying that this can be done. And I anticipate that such a letter, if the bill passes, and I emphasize that if the bill passes the federal house, there will be forthcoming to the Commissioner a "Dear Stu" in April of 1975, suggesting that an Executive Committee be set up along the lines outlined in the letter from the minister.

I was a little disappointed initially when I read the minister's statement made on second reading in the house, when he actually mentioned that two Members would be apportioned to the Council of the Northwest Territories. I felt, in view of the fact that the Executive Committee was set up by letter that it was unnecessary to name the number. However, the minister did point out in his remarks, "it is my intention to further increase the authority" and "intention" is the word outlining purpose. As we know the minister is very open to suggestion as he proved with regard to re-establishing the number of seats in this Council from 14 to 15 on very short notice. Not only did this Council unanimously request the change but Councillor Pearson talked with him and his intent to set up 14 seats was changed to 15. So his statement there obviously is also open to change. I would anticipate that the next Council could take it upon themselves, if the motion is lost, to recommend the number of Members on the Executive Committee.

Lack of Power

I would like to speak a bit too on this business of lack of power. I think probably of any Member of this Council, I have been the one that has been cut down most by section 21 of the act losing a Private Members Bill. As you will recollect too, when the minister spoke on second reading, he pointed out that some Councillors have questioned the provision regarding the introduction of money bills. And later on he said "I believe both Councils have considerably more power than they are given credit for". And thinking the minister's remarks over, I agree with this. This Council has not used the power it has. There are many things we have not done, that we have left undone and that we will leave undone for the next Council. Too often, I feel we fault the federal people, we fault the minister for omissions and sins of commission that are ours. And because we have no responsibility, it is easy to blame "daddy". And we do this too often, sir.

One other thing with regard to section 21. I had on occasion, after having the Commissioner rule out of order my Private Members Bill and my motions in Inuvik to examine the debates from the 44th session onward, and found many instances in which section 21 has been violated. In fact, we have made many changes of a financial nature in legislation, and they are surprisingly many in number.

As we heard yesterday, this is how legislatures go on precedent so we do have powers. It is just a matter of utilizing this power and seeking ways and means to take more control than we apparently have.

Three Elected Members More Logical

MR. SEARLE: Mr. Chairman, as to the number of Members on this Executive, I support Mr. Genest's motion. I am not so sure I support the first part but I am not going to quarrel about it, but the last part, four Executive Members, I think it is a very shrewd motion because it allows for a little bargaining and maybe we will get three. It looks like the old negotiator is in the act. But I would just like to say that the reason I think we should be looking at more than two is because in this very same statement of the minister's on page 6, second paragraph, he says, "it is my intention to complement the larger Council" -- he is speaking of the Yukon -- "by increasing the number of elected Councillors on the Executive Committee from two to three". It goes on to say further that this puts the elected people in the majority. It seems to me that if the logic that there should be three there, and that they are then in the majority is good, then the same logic surely applies here.

I know that the Yukon feels that it has taken them 50 years to get where they are and hence it should take us 50 more years, but I do not buy that logic. So on the basis of the minister's own statement with respect to the Yukon, it seems that three would be more logical here, at least. So for those reasons I support it.

THE CHAIRMAN (Deputy Commissioner Parker): Mrs. Pedersen.

Election of Executive Members

MRS. PEDERSEN: Mr. Chairman, my feelings regarding the Executive Committee, I feel there should be at least four to begin with. The reason I put the figure as four -- at least four, I felt at the beginning when the Executive Committee started, they should take over the departments of Education, Industry and Development, Social Development and Local Government. To begin with, I used it as an example.

The second point. I would like to have a clarification on the minister's speech on the second reading of Bill C-9, which shows on page 8. I would like to have advice from the Legal Advisor or from Mr. Chairman, yourself, that when the Executive Committee started, who appointed them?

THE CHAIRMAN (Deputy Commissioner Parker): In the Yukon, Mrs. Pedersen, the practice was for the Members of the Council to choose the Executive Members by election. They elected their own.

MRS. PEDERSEN: Mr. Chairman, I feel as we are sitting here and trying to put some sort of guidelines for the next Council, probably it would be the best thing to leave it for the next Council, let them decide how they want to elect their Executive rather than being appointed by the -- somebody else. The Council itself should appoint the Executive in the Northwest Territories. That is my own point of view.

THE CHAIRMAN (Deputy Commissioner Parker): If I could just interject. This precedent has already been established in the Yukon. The Yukon Council chose its own Executive Members and I would suspect that would be followed over here. Mr. Pearson.

MR. PEARSON: I just wanted to point out that the minister is of the opinion that the Council will choose from amongst its own ranks the Members for the Executive Committee. I support Councillor Genest's motion. I think that we should aim for as high as we possibly can, negotiate, bargain, wheel and deal to try and get -- (laughter) I think four will do for the third week. The interesting thing -- the part I feel confident about is that parliament has run on precedent and this gives us power if we want to take it, as we discussed yesterday. That is all.

Motion Carried

THE CHAIRMAN (Deputy Commissioner Parker): Further comments? Are you ready for the question? Councillor Genest moved that this Council endorses the proposal of the minister that elected Members of the Council be appointed to the territorial Executive Committee and that such proposal be implemented in the first instance as a matter of administrative practice and not provided for in legislation, but that this Council requests that the number of Members so appointed be four instead of two.

All those in favour of the motion? Opposed? The motion is carried unanimously.
--- Carried

Now, I would propose that we go back to item 2 (e), "any other provisions of the bill on which this Council may wish to make recommendations." Dr. Hamelin.

Question of Terminology

DR. HAMELIN: Mr. Chairman, it is a small point but it could be important. It is a question of terminology. I have two comments: first, the very name of the federal department of the North. On this letter, the minister's letter of March 18, the minister used Indian and Northern Affairs. But in the Bill C-9, it is said Indian Affairs and Northern Development. I am a little bit bothered by these two or three names that are running parallel for the same department. I think we have to be clear on this. My question is, not only a question of terminology but a question of content. Is "development" still in or already out of this federal department? There also is a question of translation of the official name of the department. I think in the legislation we must have a clear idea of the name of the department. So maybe someone may not care about terminology matters, but I would like very much to have only one name for the same department.

My second comment on terminology deals with the French translation. I want to suggest a better manner to write in French, the translation of Northwest Territories and Yukon Territories. I think that has been studied enough. We still write these two terms in French as we did after the last century, when these northern lands did no specific administration. At that time they were territories in a sense bound in a common language but that is no longer the case today. The term "territory" is a part of a government name, it is part of an official name, the name of the country, a part of the country. And you can see that the bill uses the capital in English, for instance in clause 1 and 8 of Bill C-9. They are not using the capitals in French, and I think the difference is not justified at all.

More than that, as Northwest Territories is an administrative name, not just a common name, we have to use in French hyphens between all the terms of expression. That means three hyphens instead of one. I do not know why on an official document as a bill, these things are not taken care of. Legislation is an important matter and we can not write as we write in the streets. So that is a manner, a new and acceptable manner to write in French. I do not know who will make correction to the bill on that matter. I add that in the publication you are making in French here there are not too many, but there is the report of the Commissioner each year, I think we have to use hyphens and capital letters for the expression "Territoires du Nord-Ouest." It is that I have to say on this matter of terminology. Thank you.

Indian and Northern Affairs

THE CHAIRMAN (Députy Commissioner Parker): Thank you very much, Dr. Hamelin. On the matter of the name of the department it seems that somehow or other the officers of the department and perhaps the minister apparently in conjunction with Information Canada decided on a new name. What we can not seem to find out is whether or not this has actually been given parliamentary accord. Certainly they have changed their letterhead and so forth. The intention is that it be Indian and Northern Affairs, but unless I am mistaken I believe that final step of putting it to parliament has not been done yet, although I understand that is their intention.

With regard to the French translation, I am afraid I am not competent to comment there, but we have your remarks noted of course. Mr. Searle.

MR. SEARLE: Mr. Chairman, I assume that we are dealing with matters under (e). I think that this is where we should really have an input. I do not see any point of someone going down to Ottawa and just saying within the strict confines of that bill, "yes that is very fine thank you." You may as well send a wire. We should use the opportunity I submit, to comment on the substantive things that are of real concern to us. And to that end I would like to offer a list of matters that I think we should discuss here, under that subheading of other matters.

Firstly, matter of dissolution.

Secondly, fiscal matters.

Thirdly, the philosophy, by this I mean the policy side.

Fourthly, the name of the legislature.

Fifthly, further administrative transfers of provincial-type responsibilities.

Sixthly, the matter of the delegation to Ottawa.

Maybe it would facilitate discussion Mr. Chairman, if I just stopped there for a moment and you might see if other Members had any other matters to add to the list and then we could go through them in some order.

Delegation to Ottawa

THE CHAIRMAN (Deputy Commissioner Parker): Just before we go ahead with this, your number 6, "delegation to Ottawa", are you referring to a delegation with respect to this current situation?

MR. SEARLE: Yes, to present these views.

THE CHAIRMAN (Deputy Commissioner Parker): That is dealt with as item 5 in the paper that we are studying. So that is on there, so we are really dealing with 5 matters. I suppose the question the chair might ask would be, how many of these matters would likely be changed by legislation, should there be agreement to still make a change?

MR. SEARLE: That is a legitimate question, Mr. Chairman. Not many of them involve legislation, but notwithstanding that, certainly the item of dissolution does and the name of the Council. But surely the standing Committee on Indian and Northern Affairs is concerned with policy, the white paper comments, and the philosophy. That is the sort of thing that can properly be debated in the committee and of course on the floor of the house. The fiscal arrangement is important too. And I do not think we should lose the opportunity in addition to saying "Mr. Minister thank you very much, we are very grateful", and hold out our tin cup. We should also say "however, apart from those things that you have offered and we have humbly accepted, we have these other comments." And that is my point. And unless we get into those things and the sort of things that Dr. Hamelin alluded to, then I think we might as well go home.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Trimble.

Purpose of this Council Session

MR. TRIMBLE: Mr. Chairman. Council has been called into session by the Commissioner for one purpose and that is on the request of the Council by motion to consider the aspects of Bill C-9 as they relate to the amendments to the Northwest Territories Act. And then to determine how the feelings of these Members of Council can be transmitted to the standing Committee on Indian and Northern Affairs. I think that we have pretty well done that. I do not feel that it is necessary or even expedient that we go into a great many other matters at this time, which may very well have the effect of clouding the issue, muddying the

water, that are not related to the bill that the standing committee is considering. This bill must be handled very expeditiously by the standing committee of the House of Commons to enable the corresponding changes to both the Council Ordinance of the Northwest Territories and the Yukon in preparation for pending election.

I do feel that other matters are important. Fiscal matters are certainly very important, however they are not a matter which concerns this bill before us. I would suggest that the best way to approach these matters of fiscal control and also matters of administrative responsibilities as they relate in the Northwest Territories vis-a-vis the provinces, are in the committees of Council that we have set up for that purpose.

We have a finance committee and I would suggest that the finance committee should undertake to determine just what changes could and should be made in the negotiating of money with the federal government for the use of the territories. After it has studied this and compiled it with a proposal, then the Council could consider that proposal and negotiate with the minister and his department at whatever level is necessary to undertake changes. But they do not have anything to do with this bill, and I suggest, Mr. Chairman, that we have to do our homework first, before we go down to a standing committee on Indian Affairs and tell them what we want.

Also, the same thing applies to the standing committee on provincial-type responsibilities. I do not know where that lies at the present time. It seems to me that for about a year things have been sort of in limbo while we have debated constitutional aspects. I feel that we should proceed with our committee and then get into debates by the Council as to how we proceed to negotiate with the minister with regard to having the territorial Administration take over more administrative responsibilities similar as to what is being done in the provinces. As I suggest, Mr. Chairman, they have nothing to do with this bill and I do not feel it is wise for us to go into the matter at this time and muddy the whole issue on the standing committee on Indian and Northern Affairs when they are considering this bill.

THE CHAIRMAN (Deputy Commissioner Parker): Dr. Hamelin.

Ottawa is Waiting for Us

DR. HAMELIN: In fact, I agree to discuss some of the matters proposed by Mr. Searle. In fact in Ottawa they are waiting for that. If I take page 2:10 of the report of this Indian Affairs and Northern Development standing committee that had a meeting in Ottawa March 21, Mr. Barnett said and I quote: "in light of some of the statements made by the minister in the house on certain matters of government in the territories that are not really in the bill." It is what we are speaking about now -- "particularly the remarks he made with regard to the proposals he has in mind for the Executive structure of government in the territories."

It is a very great point Mr. Searle has brought up. It would be useful to spend a little time exploring some of these matters. Again, I quote the report, "my disposition quite frankly, is not to try to formulate in final form any proposed amendments to the existing bill until I have heard from the Councils."

So, I think it is better for us to get prepared, Mr. Chairman, because if someone in the standing committee is asking for these questions, we will have something to say. But on the other hand, let me say Mr. Chairman, that I should like very much that Mr. Genest's motion be finished first, and after that we could go on to other matters. I think it should be better to get through Mr. Genest's motion.

THE CHAIRMAN (Deputy Commissioner Parker): It seems that we are still on the subject of Mr. Genest's formal motion. I do not think we have strayed from that. I do not think it is a case really of getting away from that. There are a number of people who wish to speak. I think that perhaps I should adopt a little procedure here first, of asking if there are other items that should be added to

this list and then I will seek a device to determine whether Members want to discuss these matters at all or not. Now are there other points beyond the five that Mr. Searle has raised that Members would like to add to it for discussion this morning?

Points Requiring Act Amendments

All right then, the five points that Mr. Searle has raised consist of some that would not require legislative changes and some that would require legislative changes within the Northwest Territories Act. Do you wish me to divide those and ask if you wish discussion on those that would require act amendments and those that would not? Or would you prefer to address yourself to the total question? What I would propose to say to you is, would you care to discuss the matters one and four that is "dissolution" and the "name of legislature", since they are obviously two items that would require a change to the act. And then I would propose to ask if you wanted to discuss the other items that were listed.

Well then, hearing no negatives I would propose that I ask the committee's direction on the discussion of the matters of "dissolution" and "name of legislature" here. Do you wish to discuss those two items?

It seems that there is general agreement then, so perhaps we could turn our attention to those two items, "dissolution" and "name of legislature." Mr. Searle introduced them, so I suppose he should have the opportunity to speak to them if he wishes.

Dissolution

MR. SEARLE: Well dealing first with "dissolution" Mr. Chairman, if I might. If you look at Bill C-9 on page 5. In that bill, it is clause 10, and dealing with an amendment to section 8, subsection (2). It says there, "every Council shall continue for 4 years from the date of the return of the writs of the general election and no longer, but the Governor in Council may at any time after consultation with the Council where he deems such consultation be practicable or, otherwise, after consultation with each of the Members of the Council with whom consultation can then be effected, dissolve the Council and cause a new Council to be elected."

Now I am not going to purport to come up with the wording because that is not my job, but what I would like to suggest as a matter of principle, that we encourage the act to permit the Council on either majority vote or two-thirds vote, whatever this committee thinks would be appropriate to dissolve itself. Now that is the thought I have.

I think it is a ridiculous situation where you could get a group that, because the minister will not dissolve it, and I have certainly had conversation with him on the subject and he has indicated that he just would not unless he virtually had a unanimous decision. On such a subject I doubt that you would ever get unanimity, that he just would not exercise that right so you could have, through the lack then, of him being willing to exercise that power through the Council, not having it themselves, the unfortunate position of 15 people in the next house having to, in effect, put up with each other for the full term of 4 years. Where in fact it may be entirely in the interests of the people for them to go back to the people, which before the expiry of the 4 years is a generally recognized thing for legislatures and parliaments to do. Indeed we are probably unique in being the only one that lives out the full 4 year term to the day.

I am not suggesting that it should be a thing that should be exercised frivolously, I am just saying that if you want to be masters in your own house as other houses are -- well of course they are. If the Prime Minister wants to dissolve parliament he goes to the Governor General. Well I know, but we do not have that vehicle, this is the closest we can have to it and certainly you know the government can be defeated and an election required by a majority vote in most houses. The mere fact that you have the legalities of going to the

Lieutenant Governor or the Governor General is just that. But what effectively causes the election is the majority defeat of say, estimates. But you could do that here each and every session and you would not go back to the people. Anyway that is the purpose of it. I think it makes this house more of a master of itself and its own destiny.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle you have stated the case now would you be prepared to place a motion on the floor which would then give us some concrete direction?

Motion to Permit Council to Dissolve Itself

MR. SEARLE: Yes, well I would be prepared to move that we request an amendment to clause 10 of Bill C-9, which would have the effect of permitting the Council instead of the Governor in Council to dissolve itself on a vote by the Council to that effect. Now I do not care whether it is majority or two-thirds or what, I will leave that up to others, but that is the principle I will deal with.

THE CHAIRMAN (Deputy Commissioner Parker): Very good. You have heard the motion. Discussion. Mr. Butters.

MR. BUTTERS: Mr. Chairman, a question to the Legal Advisor. We have been talking of precedent. Is there such a principle presently in existence within the parliamentary system of Canada? Does any house dissolve itself? Is that not the decision of the representative of the Crown or the Crown?

LEGAL ADVISOR (Mr. Slaven): Taking Canada and England the mother of parliament, to my knowledge the house has never dissolved itself. As one of the Honourable Members has mentioned its usage, where the Prime Minister goes to the Governor General and asks the Governor General to dissolve. I believe the strict wording of the British North America Act is that the Governor General is out of the house.

MR. BUTTERS: Mr. Chairman, a secondary question. Under the provisions of the act as it is presently set down, to the knowledge of yourself or of the chairman or the Commissioner, has either Council in majority, gone to the minister and requested dissolution? And if this has happened has such dissolution been refused to Council?

THE CHAIRMAN (Deputy Commissioner Parker): I have no knowledge of this happening to either Council. Mr. Commissioner, have you?

THE COMMISSIONER: I do not know anything about it.

MR. BUTTERS: I was just wondering whether the Honourable Member was working in the hypothetical area or whether it is some practical basis for his motion.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Trimble.

Power to Dissolve a Legislative Body

MR. TRIMBLE: Mr. Chairman, I do not feel that there is such a change necessary or for that matter in keeping with parliamentary traditions, because it is my understanding as it has been pointed out, that the power to dissolve a legislative body does not rest with that body. It does not even rest with the head of the government, the Prime Minister or premier. It rests with the Governor General or the Lieutenant Governor, and I understand that he has the option of dissolving the house and calling the election, or asking some other part of the house to assume responsibility for the government. But I do not believe he is compelled to even dissolve the house at the request of the head of the Government. I do not think there is any precedent for it. I think that would be quite a change and for what purpose I am not sure.

I do feel that the act provides the vehicle whereby the Council, if it feels it should be dissolved and an election called, can request this of the government. I personally can not see the Government of Canada refusing a majority of this Council if it requests by motion that the Governor in Council dissolves the

Council of the Northwest Territories. I can not see them refusing unless there is some valid reason, depending on what the cause of the disagreement on Council might be. So I see that the provision in the bill itself is as close to parliamentary tradition as we can get with this form of government that we have and I see no need for a change.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle.

Power to Dissolve Should Not be Vested in the Minister

MR. SEARLE: Firstly going back to the Carrothers Commission report. As I recall that report, they recommended that the power to dissolve be with the Commissioner and I think you can confirm that Mr. Chairman. They felt that was as close to parliamentary tradition as you can get it, rather than it being with the Governor in Council of Canada. But let us not kid ourselves, all this poppycock about referring to the tradition in other houses is just that. This is not like another house. We know it is not, we do not have a Lieutenant Governor. There is not a logical vehicle that we can go to. This house is a bastardization created by statute and the statute can set out how it shall be dissolved. It would be nothing improper at all with that power being vested either in the Commissioner or the house itself.

My point is that I do not think it should be vested in the minister and as to precedents or hypothetical -- well Mr. Butters is always referring to his private conversations and correspondence with the minister. I had a conversation with him and it is clear to me from those conversations that at least this particular minister, unless he had a unanimous request from the Council to dissolve itself, he would not do it. He said as much. And all I am trying to do in the interest of the people -- not the Members and their security to sit here for four years, obstruct and do nothing, and yet get paid -- is come up with a vehicle whereby in the interest of the people -- this Council can dissolve itself, go back to the people and get fifteen people here who are prepared to work in the people's interest. Now if that does not make sense, I do not know what does.

THE CHAIRMAN (Deputy Commissioner Parker): Further discussion? Mrs. Pedersen.

Regarding Regional Conferences

MRS. PEDERSEN: Mr. Chairman, now when I said I do not see the need of the motion before us. We are elected by the people and we must do the job. We had a session in January, right after that one I got the telegram from the Central Arctic communities that they were having a regional council conference and they asked me to attend it. I was away from February 25 to March 5 to listen to the local what they would like to see in their own affairs, how things should be done. And they had really, really good resolutions at their conference. If the Council Members did not receive their minutes so far, they are on the way because they were to send their minutes straight to the minister and send copies to the Commissioner and to all the Council Members. This is our job, not just sitting in the house approximately six weeks a year. Our job is to listen to the people who elected us, or listen to the people who are living in the territories.

Council has Much Work to Do

We have lots of letters coming to us -- I am given lots of letters. I am sure the other Members are getting lots of them. On the other hand, the still most important thing is that we must -- I repeat it, and I mentioned it in January, that local government is a very, very important structure in this government. Sometimes some of the Members feel, they are not accomplishing what they should. It is their decision and I think we must listen to them and carry on. Let them try in their own way first, and if they can not do it, they will ask their member, or they will ask their member of parliament.

I can not see the reason for dissolving. I can not see dissolving this Council now, and I never heard from the residents of the Northwest Territories if they were satisfied with the Council as being in a small community not having CBC, just having an Edmonton Journal, Time magazine and News of the North, which

quite often I am very disappointed with what they put up regarding what is going on in the North. It is only where I get the news. However, I feel in the last three years we have been in this house, we are still alive and we have many months to go yet before the next election and I can not see the point of dissolving this Council.

MR. SEARLE: No one suggested we dissolve this Council, as good a point as that might be. (laughter)

THE CHAIRMAN (Deputy Commissioner Parker): The motion before us deals with a suggested change in the act to permit at some future date a Council to dissolve itself, should it so vote by at least majority motion. The sense of the motion in no way is dealing with the current situation. It is not dealing with this Council I am sure. Mr. Pearson.

Maturity of Council

MR. PEARSON: Mr. Chairman, I was just going to concur with Mr. Searle's comments, and I support that principle one hundred per cent. I think it is a very important tool for this legislature. And if we get into the position, if the new Council got into the position of being unable to function, then it has no choice but to sit there for four years and not function. If it was given this very important tool to dissolve itself I think the interests of the people of the North would be better served, and I support that principle very strongly. I think maturity is what it points at. That is all.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Genest.

The Power of Dissolution is Dangerous

MR. GENEST: Mr. Chairman, Mr. Pearson and Mr. Searle with whose views I find myself in sympathy on this issue, detach themselves from my sympathy. I would strongly oppose an unfettered power in this Council on a whim, on a hot political issue of one moment to dissolve itself. It puts a weapon in a temporary majority who feel strongly on one issue to cow a minority of this Council who might be right in the long run.

The parallel between this house, which is going to be a house of fifteen members, which means that only eight people can force a dissolution without the by-your-leave of the minister who is still responsible under the constitution for the administration and running of these territories. In my submission it is dangerous and it is not sound to draw a parallel between the large House of Commons or a large provincial legislature where you have over a hundred members to convince. This is still a very small group and it seems to me that a non-fettered power of dissolution in which the Executive branch of government has no say whatever, could lead to a form of legislative dictatorship.

This was a weapon used in the French revolution when you could whip up the people on one issue, you would dissolve yourself and defeat everybody who held a point of view contrary to the popular one of the moment. And I think it would lead to great instability in the political institutions of the North if the legislature was given the kind of power that Mr. Searle speaks of. I think that the legislation as it is, provides a balance. I do not think a minister could ignore a serious request by this Council that it should be dissolved on some crisis that had arisen. You would have to seriously consider it and he would of course refuse a dissolution at his peril, at his political peril. That provides a check and a balance, but on the other hand he could control emotions that may be passing but may not -- issues that may have been whipped up and may not last. There is a system of checks and balances here which I think we should keep and it seems to me that giving to the Council, at any time, a power to just paralyse government, is unwanted and I am not prepared to support the motion.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Butters.

MR. BUTTERS: The Councillor has said it all sir.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle.

Concerning a Majority

MR. SEARLE: Well, Mr. Chairman, I could not disagree more with my learned colleague. The motion that I put, dealt with the principle as to whether then you would have majority or a two-thirds majority, would be a matter that presumably we would next discuss. I said on the point I was not talking about a simple majority that it could be two-thirds if this Council agreed in principle, that this is where that power should rest. I can not imagine anyone suggesting that assuming we took two-thirds majority, ten out of fifteen that those ten people would vote in that way on a whim or on a caprice, or would be bludgeoning the minority. It is just a question of whether or not we want that to rest here as it rests in other houses.

Now I know the legal mechanisms of going to the Governor General and recommending that the house be dissolved and I know that he can say, "well can someone else form a government?", and all of these things. But the practicalities are that the Prime Minister really can go to the people virtually whenever he wishes to go to the people or if he is defeated he must go to the people. So let us just forget the legalities and decide whether or not as colonial puppets, we want the power to rest in Ottawa as it does, with so many other things, or whether you want it here, and that is the sense of the motion.

And if you want it here, lady and gentlemen, pardon me, if you want it in Ottawa, if you want that is where this important power should remain, then I suggest we take the next item off the agenda which deals with name. I think it is aptly called the Council, I think it is a group of people who do not want any meaningful authority, do not want to discuss anything of any importance but want to continue on collecting their six and a quarter a month for a secure term of four years and do not really want to be a legislature and do not really want to do anything. Then I think we have to go back to the editorial that Mr. Genest thought was so unfair, and rethink my support of his comments -- I might write the next one.

THE CHAIRMAN (Deputy Commissioner Parker): Dr. Hamelin.

Should it be the Power of Council or Commissioner in Council to Dissolve

DR. HAMELIN: May I ask a question to Mr. Searle? Has he in mind to give to the Council the power of dissolving himself or to the Commissioner in Council?

MR. SEARLE: Well, you know the principle is, should Council have it whether it is Commissioner in Council, whether it is a majority, whether it is two-thirds would be the next matter of detail ...

DR. HAMELIN: Yes, but it is not the same, the Commissioner in Council is something, and the Council is another thing, so what is your opinion on it?

THE CHAIRMAN (Deputy Commissioner Parker): Just before you answer that, Mr. Searle, perhaps we should ask the Legal Advisor if the amendments to the bill are passed, whether or not there will be such a situation as Commissioner in Council?

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, I would take it that it will continue to be Commissioner in Council. The Commissioner in Council may pass ordinances. I believe that section 13 for example, "the Commissioner in Council may, subject to this act, make ordinances for the government of the territories", and there is no change in that.

THE CHAIRMAN (Deputy Commissioner Parker): Then Mr. Legal Advisor, the Commissioner in Council in this situation refers to a Council moving three readings and then the Commissioner giving assent. That would be his role. Is that correct?

LEGAL ADVISOR (Mr. Slaven): Yes Mr. Chairman, that is how I see it, and as it would apply to Mr. Searle's motion I would think we are talking here about a motion of Council which is different from the Commissioner in Council.

THE CHAIRMAN (Deputy Commissioner Parker): Then I think it is a matter of importance that this point be clarified with the mover of the motion. Mr. Searle, were you considering this act to be carried out by the Council alone or Commissioner in Council, that is, requiring the assent of the Commissioner?

MR. SEARLE: Well, I would say Commissioner in Council would be much more appropriate. I must say that I was thinking of the principle of whether it should rest here, whether it be with the Commissioner, the Commissioner in Council, or whether it would be a majority or two-thirds majority with the details which after adoption of the principle, I thought we might get into. The difficulty I have is that everybody wants to know the details before the matter of principle is decided.

THE CHAIRMAN (Deputy Commissioner Parker): Well, if I could just go one step farther from the chair, I think that the matter of Council alone or Commissioner in Council probably is a matter of principle.

MR. SEARLE: Well, in that case the Commissioner in Council is ...

THE CHAIRMAN (Deputy Commissioner Parker): That is your intent?

MR. SEARLE: Yes.

THE CHAIRMAN (Deputy Commissioner Parker): I see. Dr. Hamelin?

DR. HAMELIN: Yes, I have asked a question because in fact it is a Commissioner in Council that has power to deal with election of members for constituencies. According to me if we are to make a choice between the Council alone and the Commissioner in Council, it should be the Commissioner in Council.

THE CHAIRMAN (Deputy Commissioner Parker): Well, just to be absolutely clear, Mr. Searle has advised that the intent of his motion is that it be Commissioner in Council. Mr. Genest.

Assent of the Commissioner

MR. GENEST: Well, Mr. Chairman, that changes the whole ball game. What I think Mr. Searle was talking about before was a power in the Council itself without any input from the Administration, being able to dissolve of its own motion. Now what we are talking about is a motion passed by Council which requires the assent of the Commissioner who by law is under the direction of the Minister of Northern Affairs. So it is really power of dissolution with the permission of the Minister of Northern Affairs from whom the Commissioner would have to seek direction on a matter of that importance. Whether you want that power to rest with the minister and the Commissioner or with the Canadian Cabinet where it is now, is really what we are talking about. I do not know which is best, and I take it that the amendment now would just bring the power of dissolution in line with the power to legislate and the power to do other things. It is a much milder thing than what we were originally talking about.

MR. SEARLE: With all due respect, what I was raising in principle is whether we should have it here or whether it should stay in Ottawa. Not really, not really. The Commissioner may seek the advice of the minister or he may not. This would be between him and the minister. I do not think we can judge that. What passes between the two of them is up to them.

THE CHAIRMAN (Deputy Commissioner Parker): Further Discussion? Question is called. Pardon me, Mr. Trimble.

MR. TRIMBLE: Mr. Chairman, I do not think the effect of such a change as Mr. -- that there would be much effect if any change, as Mr. Searle suggests. I do feel that it is unfortunate that the subject has to be kicked around again here today as it has in time past. I suggest that, certainly in my opinion, that the honourable Member is throwing insinuations for the benefit of the press perhaps, on other Members of Council, in particular I would suggest Mrs. Pedersen. I would further like to suggest that Mrs. Pedersen has been home 10 days since the last Council session, that is the prime problem ...

MR. SEARLE: I have named no Member.

THE CHAIRMAN (Deputy Commissioner Parker): I think I will have to exercise the prerogative of the Chairman. I do not think that any Member here has directed his or her remarks at any other Member. I detected none of that. It seemed to me that the debate was on the matter of the principle of what future Councils might do.

Time Spent on Council Work

MR. TRIMBLE: That is correct Mr. Chairman, but the suggestion has been made to Members of Council to sit here and do nothing, draw their paychecks, obstructionists and so forth. I do not know the exact words but some of those words were there. I was just using Mrs. Pedersen as an example, she could have objected if she chose, but to my knowledge she has been home 10 days since the last Council session. The rest of the time travelling, mostly with regards to this Council work. It would be interesting to know just how much of the time of the honourable Member who has made these suggestions, these innuendos, has been away from home on Council work,

Therefore, Mr. Chairman, I suggest that this whole idea of some Members of Council wanting to sit here and not do their job and draw paychecks, and obstruct the rest of the Council from having an election, really means nothing. If the Council for some reason wants to have itself dissolved and an election called, then I would suggest that by a vote of that Council, resolution of that Council, the governor in Council in Ottawa would call the election.

I would further suggest that such an occasion could very well develop and I would hope develop after the passing of this bill, at the earliest possible time constitutionally when an election can be called to provide for the new house of legislature, fifteen Members of the newly elected Council. But this Council would in fact, request that that by-election be called at the earliest possible time and I am quite sure that the government in Council would accept that and act upon it.

THE CHAIRMAN (Deputy Commissioner Parker): Committee Members, I think that you have shown, thus far, a rare degree of co-operation and understanding for the matters at hand and I would caution you against destroying the good work that you have done. I think this is something that can be said from the chair. As I read the remarks that the Member made, as I understood them, reference was being made to a situation that might exist in the future, a situation that might happen, and which would then, according to his views, require some action of Council. I did not understand it to refer to any existing situation. I would hope that we could deal with it in that way.

Now, we have a motion before us which through discussion has emerged as a motion suggesting that the power of dissolution of Council be brought here and that it be in conjunction with the action of the Commissioner. If I may sum up a bit further, Mr. Genest has suggested that this is a very mild change from what is now in the bill, in that the Commissioner is indeed subject to direction from the minister. But the other view that has been expressed is that it may be a mild change but it does bring things a little closer to home. Now I think that is a fair summation, now if we could maybe go from there.

It has been moved to request an amendment to clause 10, Bill C-9 which will have the effect of permitting the Commissioner in Council instead of the Governor in Council, to dissolve the Council. That is the sense of the motion? Mr. Butters.

Only a Minor Motion

MR. BUTTERS: Mr. Chairman, I would like to clarify something in my own mind. I think that at the present time I see this as a very minor motion in the relation to a number of the other motions which has been passed by this Council. It is a minor motion because it is all in the academic sense. Had the Member elected to leave the motion for dissolution on the order paper in January and had that motion been approved and the minister turned it down or the cabinet turned it down, then I would say fine this becomes a major item. But that did not occur. The motion for dissolution was not put to this Council. What I would suggest is that at the present time in accordance with this bill, if such a motion were

approved by this Council, we would go to whom? The minister? The cabinet? As the way it stands now in the bill, I can not find a clarifying reference.

THE CHAIRMAN (Deputy Commissioner Parker): The matter occurs on page 5 of the bill, under clause 10, which is an amendment to former clause 8, subclause 2.

MR. BUTTERS: The Governor in Council then is the cabinet?

THE CHAIRMAN (Deputy Commissioner Parker): Pardon me?

MR. BUTTERS: The Governor in Council then is the cabinet?

THE CHAIRMAN (Deputy Commissioner Parker): Yes.

The Governor in Council is the Cabinet

MR. BUTTERS: The Governor in Council is the cabinet. I tend to feel that we would have a better chance of being dissolved by going to the cabinet than going to the minister, if it came to that case. And I would say that the motion that the Members now put has more latitude in it because the Commissioner in Council is the Council plus the Commissioner, and the Commissioner as we well know is an appointee, a servant of the Minister of Indian Affairs and Northern Development.

THE CHAIRMAN (Deputy Commissioner Parker): Well, if I could just interject here, in fact both the Commissioner and myself are not appointed by the minister, we are appointed by the Governor in Council, so you see the same technicality exists. For the purpose of the Northwest Territories Act, in the practical sense, the minister acts as the Governor in Council.

MR. BUTTERS: So really in fact this is just a change in words and we are changing nothing. We are playing with words with this motion.

Motion Defeated

THE CHAIRMAN (Deputy Commissioner Parker): Well I will not comment on that. I guess I have commented enough. The question being called. The motion is clear in everyone's mind? All those in favour. One, two, three. Opposed. One, two, three, four, five, six. The motion is lost. The second item -- or I think maybe we could break for coffee if that is agreeable before we go into the matter of the name.

--- SHORT RECESS

Name of the Council

THE CHAIRMAN (Deputy Commissioner Parker): Committee come to order. The second subject for discussion on the Councillors list is the "name of this Council." Any views, comments or short speeches on the name of the Council? Mr. Trimble.

MR. TRIMBLE: Mr. Chairman, I am presently of the opinion that the name should be changed from "Council" to "Legislative Assembly." It is legislation that this Council is primarily concerned with. The ordinances of the Northwest Territories as well as the appropriations of this government which are contained in the appropriation ordinances. It is in legislation that this assembly does have authority. The legislation can not be approved unless it is approved by this Assembly. This Council does have the authority to enact legislation, the same as exists in the provinces. Therefore I believe that the name should be changed to "Legislative Assembly."

THE CHAIRMAN (Deputy Commissioner Parker): Are you prepared to make a motion?

Motion to Change Council's Name

MR. TRIMBLE: Yes Mr. Chairman, I will move that the name of the Council of the Northwest Territories be changed, that we recommend the name of the Council of

the Northwest Territories be changed to "Legislative Assembly" of the Northwest Territories.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Butters.

MR. BUTTERS: Mr. Chairman, I suggest that all we require is the approval of this house since the federal government has already recognized that fact. Revised Statutes of Canada, 1970, Interpretation Act, defines "legislature: Legislative Council or Legislative Assembly includes the Lieutenant Governor and Council and the Legislative Assembly of the Northwest Territories as constituted before the first day of September 1905, the Commissioner in Council of the Yukon Territory and the Commissioner in Council of the Northwest Territories." So it is just a matter of making the necessary changes.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Legal Advisor, the term used in the Northwest Territories Act amendment which we are studying seems to be consistently "Council." You have heard Mr. Butters' view. Do you feel that it is within the power of this Council to effectively make a change to "Legislative Assembly" without further changes in the Act?

LEGAL ADVISOR (Mr. Slaven): No, Mr. Chairman, I do not. I feel that the definition of "Council" has to be taken out of the Northwest Territories Act and all references to Council throughout changed to "legislative". What Mr. Butters quoted I think, is for ease of referring to the various bodies by one word. The same applies to "province". "Province" includes "territories" but we sure are not a province. By the same token Lieutenant Governor means Commissioner in the Criminal Code and certain other places and it is just for ease of reference.

THE CHAIRMAN (Deputy Commissioner Parker): Thank you. Mr. Pearson.

MR. PEARSON: Just an inquiry Mr. Chairman, at Mr. Trimble's suggestion. We would then be called Assemblies would we or Assembliaus? Councillors, I think Councillor is sometimes referring to a psychiatrist's assistant.

THE CHAIRMAN (Deputy Commissioner Parker): I think you would be called a Member of the Legislative Assembly.

MR. PEARSON: It is a bit of a mouthful is it not?

THE CHAIRMAN (Deputy Commissioner Parker): You can slur it a bit and get MLA ...

MR. PEARSON: MLA.

THE CHAIRMAN (Deputy Commissioner Parker): Further discussion.

MR. PEARSON: I think that we should also consider what we will also be known as perhaps -- I would like to be known as an MLA.

Motion Carried

THE CHAIRMAN (Deputy Commissioner Parker): Are you ready for the question? All those in favour? Opposed if any?

--- Carried

DR. HAMELIN: Mr. Chairman, speaking with the Legal Advisor yesterday I made the suggestion to change the name from the "Council" to "Assembly". The Legal Advisor told me that in the same token we could change the term "ordinance" to "act". In future this legislative assembly may pass acts. So are you ready to consider that change too? Now?

THE CHAIRMAN (Deputy Commissioner Parker): I think it is in order since we have discussed the matter of names. Would you care to make a motion Dr. Hamelin?

DR. HAMELIN: Yes.

THE CHAIRMAN (Deputy Commissioner Parker): Then your motion is that the ...

Motion to Change the Term "Ordinance"

DR. HAMELIN: To change the term "ordinance" to "act."

Motion Carried

THE CHAIRMAN (Deputy Commissioner Parker): Let this request be made. Further discussion. All those in favour? Carried. Opposed.

--- Carried

Now there were three other matters that Mr. Searle raised which fell into a slightly different category, that is fiscal matters, philosophy or policy and further administrative transfers. Does this committee wish to address itself to those questions? Mr. Butters.

Committee on Provincial-type Responsibilities

MR. BUTTERS: Mr. Commissioner I would be interested in addressing myself to the matter, but I would like to finish the matter for which we came to Yellowknife, which is the bill under question. I think Mr. Trimble when speaking of the two committees which have made recommendation in the areas of fiscal authority and provincial-type responsibilities, suggested that with regard to the increased fiscal autonomy that the finance committee would prepare a recommendation to this Council for discussion which seems like an excellent suggestion.

He also asked for the report of the committee on provincial-type responsibilities or words to that effect. Now that committee was set up on July 23, 1972, and produced a report which was tabled at the October session of Council in Inuvik but no discussion occurred on that paper. That was a very important report from that committee since not only did it outline the various provincial-type responsibilities that are presently being carried out by this government, but it suggested a timetable for turning over other responsibilities that are presently managed by the federal government to this government. As I say this whole area has never been discussed. When we first had an opportunity to discuss this during the 51st Session it was not raised at that time. I feel that these matters, both in the fiscal area and in the area of provincial-type responsibilities should not be brought in at this time and discussed hastily and hurriedly.

Adequate Time for Discussion Needed

The second point I wish to make is that, and Mr. Trimble made it once but I do not think it would be remiss to make it again, and that is there is a very great danger of the objective of the bill being muddled by the introduction of these two major and very important areas into the debates at this time. I think that this Council has got to have the opportunity of examining these areas, that adequate and complete reports have to be brought forward by the committees responsible for these matters which are the provincial-type responsibilities committee and the finance committee, and we should have adequate time to discuss them, and adequate time is not a few minutes. I feel that this has not been adequately discussed by Council prior to this meeting. We do not have the time at this session to discuss either aspects of these two areas.

The other thing is, I would remind this Council that if too much extraneous material is introduced into the bill and it becomes cluttered with amendments, legislative barnacles, then the ship will go under. I can point to an act which has been deferred, which was an act to create three national parks in the territories, an act which has been sunk or has disappeared because of amendments. If we get too much material, too many amendments to the present bill, we will sit again with this oddball house that we have today. I do not agree that we could not be more effective. I do not agree that dissolution may not be considered. But we have produced a lot of productive work in the time we have sat with all the disadvantages that accrued to us as a result of the situation, the legislative situation which we have found ourselves in. I think we have done very

well. But let us move on and let us not see this chance to move on lost and give other individuals a chance to succeed where we failed. Let us not sit again in this type of house, yet this is what Mr. Searle will bring about if we clutter up this whole bill with this suggestion and that suggestion; unconsidered and ill-considered.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle.

Report of the Provincial-type Responsibilities Committee

MR. SEARLE: Well Mr. Chairman I think the last speaker was surely speaking with tongue in cheek when he said that the matters reported by the provincial-type responsibilities committee have not been considered and debated fully. In fact that is really what we have done the last two days here without anyone getting it. That is really what was done when that other position was put forward. Just by way of -- and in fact if we all know why the provincial-type responsibilities committee has been stifled, I will just go through the report under the following headings:

1. Basic policy, is what I want to discuss here. That is something that we have not discussed.
2. The Executive Council we have discussed and all the recommendations we made were disagreed with here.
3. Commissioner and Deputy Commissioner's salaries have not been discussed.
4. The size of the Council we have discussed.
5. The role of the Deputy Commissioner, is discussed and disposed of here.
6. The Speaker is discussed and disposed of here.
7. The position of the Commissioner, we recommended that he continue to be part of the Council with voting privileges. That is disposed of.

Financial is the second item I want to get in and that is major heading (b) and (c) administrative transfers. So with all due respect to my friend Mr. Butters, the only three matters in that report left that have not yet been disposed of are: fiscal, administrative transfers and the philosophy or policy side. Those are the only three matters left. They have been before you since last October. You have read them. It is a matter of producing the report now and seeing, at least on these three items, this Council is in agreement with the committee.

Financial Formula

Now, secondly, further as to financial, not only was it covered in the committee's report but the committee I have been chairman of has reported to this Council each and every year on the matter and has dealt in the area of recommendations with the fiscal deficiencies. I am putting them very simply. We have said that we have to get from this elaborate system of negotiations that continually go around between committees, particularly in the Interdepartmental Development Committee, and we have to come up with a simple financial formula which recognizes the need for an unconditional grant. Now, nobody at this stage can talk about what the formula could be. You could study that until you are blue in the face. If, once the principle is accepted, you need to come up with a formula, then the federal government and the territorial Council can get down to that business of coming up with a formula. But that is not accepted in principle and I think it is a legitimate comment to make at this time. Just that simply, to the committee in Ottawa, the standing committee. That is all that I suggest we say with respect to fiscal matters.

Administrative Transfers

With respect to administrative transfers, the committee report that I referred to, schedule I, identified all of the matters left of a provincial-type nature. They set up a proposed date of transfer, they identified the legislation,

amended or repealed, and the administrative procedures, they identified the money that has to come, the number of staff and where they are. And if that is not before you, I do not know what is. I do not think any of those matters run the remotest risk of sinking the bill.

We have said in essence here in the last day and a half, Mr. Chairman, that we agree with the legislation. The fiscal, the philosophy, and the matters of administrative transfer are not legislative matters and will not sink the bill. But there are legitimate comments of policy outside the bill and I am convinced that is what this committee wants to hear from us on. I mean if you adopt Mr. Butters' philosophy of talking just about what is in the bill, presumably if you had an amendment as to the name, he would go down there with comment only as to the name, and would not feel it be proper to comment on anything else.

Long Term Policy Control Areas

Now, quite frankly if you do not want to comment on these two areas which are the long term policy control areas that we need that are the real meaningful areas that Dr. Hamelin was talking about, the areas where you do get your power. If you do not want to talk about them, then you are being absolutely ridiculous to even talk about changing the name because you are not a legislature. You can call yourself one but if you do not get into the philosophy, the policy, the fiscal and the matter of further administrative transfer in the meaningful areas of revenue, then you are kidding yourselves. I kid you not. And let us forget the pettiness. You know, let us get down and talk about the real issues of money, control of money, control of the responsibilities and the philosophy, the negative philosophy which is the basis of the act.

The philosophy is not stated in the act, it is stated in the minister's white paper. If you are not prepared to start there, then you are just dotting "i's" and crossing "t's" and wasting everyones time. I really do appeal to you to seriously, very seriously, get down, cut through the crap and get down to the very gut issues and those three are the gut issues. They are the three from which everything flows, otherwise you are clipping at the branches. You know, let us deal with the roots of the tree.

Areas of Concern

THE CHAIRMAN (Deputy Commissioner Parker): Just by way of clarification, Mr. Searle, what you are suggesting is that in a presentation before the standing committee, the three items that you mentioned not be gone into in great depth but may be identified as areas of concern to this Council? Is that the sense of what you propose?

MR. SEARLE: Well, yes, and if the Clerk would distribute copies of the provincial-type committee's report, the three remaining areas that I speak of are dealt with in there. As I recall the proceedings in committee, even Mr. Trimble agreed with these three areas. It was only with respect to the Executive Committee that we parted company. That is disposed of -- even he surely at this point must say "yes" to these areas.

THE CHAIRMAN (Deputy Commissioner Parker): Before I ask the other speakers who have indicated a desire to speak, I think I have to get some indication from the committee as to whether they wish to, at this time, deal with the three subjects that have been raised. Are you agreeable to continuing a discussion on these three subjects?

Continuing the Order of Business

MR. BUTTERS: I agree that we continue this discussion but I suggest we complete one order of business first. The order of business being Mr. Genest's motion and then, when we complete that order of business, we go on to the report of Mr. Searle's provincial-type responsibilities committee tabled in October last year following a motion when it has been accepted. Then we can go on to that order of business. But this is all I am saying. There is the fiscal matter too, but that will come after we complete this first order of business.

THE CHAIRMAN (Deputy Commissioner Parker): Now, it seems to me that we have dealt effectively with 2 (e) which said, "any other provisions of the bill on which this Council may wish to make recommendations". I believe we have dealt with the provisions of the bill now. We have a fair degree of latitude in point 4 under the formal motion which says "any other subject relating to the aforesaid bills and aforesaid statement of the minister this Council wishes to make". The minister touched on a fair breadth of matters dealing with both the Yukon and Northwest Territories, but I am in your hands as far as how wide you would like that discussion. The discussion that Mr. Searle has suggested could fall under 4, or it could come after, as Mr. Butters has suggested. The one thing that must be decided by this group is point 5, and that is "the appointment of representatives of this Council to appear before the standing committee" and so on. Now, would you like to deal with the appointment of representatives now or would you like to go ahead with the discussion at hand? Dr. Hamelin, I think, wants to speak at this point.

Committee Not to Study Provincial-type Responsibilities

DR. HAMELIN: Yes, Mr. Chairman, I agree with what Mr. Butters said when he proposed that we finish with Mr. Genest's motion first, and after that we deal with the related extra matters. So I shall like to study the item 5 of Mr. Genest's motion. If I may add something, I wonder if we have to study specifically the provincial-type responsibility report? I think we have not enough time. The related matter of Bill C-9 is not specifically that. I think Mr. Searle may speak on three or four subjects. It is by coincidence that the same subjects can be brought up here, but this committee of the whole is not here to study the provincial-type responsibilities.

THE CHAIRMAN (Deputy Commissioner Parker): There are a number of people who wish to speak, but I think at this point, I had better, as chairman, suggest that we deal with point 5 and then we proceed to a discussion of the points Mr. Searle has raised. If it emerges in that discussion that those points should also be brought to the attention of the standing committee, there would be nothing to inhibit them being added to the list to whomsoever is chosen as the representative. Now, is that procedure reasonably acceptable? O.K. Do you want to speak on point 5?

Judd Buchanan

Before we go into point 5, I asked the Clerk last night to get in touch with Judd Buchanan, chairman of the standing committee, with regard to the timing of the sitting of the committee. He was successful and Mr. Buchanan's opinion last night was that the committee will be sitting this forthcoming Tuesday and Thursday and he saw no problem in hearing from the Northwest Territories representatives on either of those dates. In other words, he saw a possibility of hearing from them on the Thursday, if that was more appropriate, or on the Tuesday. So I just wanted you to know that those options are open to you. I am sure if this Council insisted on being heard on a later date, they would undoubtedly try to accommodate you, but their desire is to hear from the committee -- or the Council on one of those two days next week.

Now, on point 5. Mr. Trimble. Oh, Mr. Commissioner.

THE COMMISSIONER: I think there is a message coming from Ottawa this afternoon and may add a little bit to that. I do not know what it is or what it is going to be but apparently they are taking it up and having a discussion on it. Probably a little later on they will tell us exactly what they have in mind. But as yet, I am like you, I do not know.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Trimble.

Regarding a Delegate to Ottawa

MR. TRIMBLE: Mr. Chairman, in my opinion it is not necessary to have any delegate go to Ottawa to appear before the standing committee. I feel that it should suffice if the minutes of the debates of this Council, this session, and the recommendations and resolutions of this Council in this session are transmitted to the standing committee, that should suffice. If in fact we are going to send one or more representatives, then I think that the decision as to who those

representatives should be, should not be made until all the business of this house has been completed and we know just what they are to take to Ottawa. I suggest that in the type of Council that we have, that when the Members appear before the standing committee, they are subject to answer any questions that are put to them by the Members of that standing committee who are politicians, political Members of the various political organizations in Canada. All of whom will be seeking answers to support their own point of view.

The Members that appear before that committee are going to be asked a lot of questions on which they will feel obligated to comment and might have difficulty knowing and being able to comment, and in fact transmit the feelings of this Council. Because a great many of the questions will likely be on matters that this Council has not by resolution made any decisions. Therefore this I think, is dangerous to send a delegation, but if we do, well then I think the Members who are going should be picked after we know just what the report is to be. But as I say, my own opinion is that we do not require a delegation to go. If we can transmit our recommendations on the bill without a delegation going to Ottawa.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Sibbeston.

Matter Must be Discussed Fully

MR. SIBBESTON: I think that Mr. Trimble's views are absolutely wrong and not proper for him to suggest that we send copies of debates on the subject, I think this is meaningless. I mean they are going to get it in the mail and will look at it. What effect will it have on them? Certainly the recommendations are meaningful in terms of -- we agree with fifteen Members and other things, which might provide an indication of how we feel on those things. But to me the final recommendation that, whoever is going to Ottawa has, is more or less a blueprint. I say that it will be necessary to perhaps talk of the background and discuss the matter fully before the Council. His suggestion, that anybody who was to go down there, perhaps might be asked questions and answer and not represent the feeling of all the Council. It is never possible, it never will be possible for anyone to speak in a manner that will fully represent everyone.

So I just feel that it is just as vitally important that someone, one or two or three persons do go down to Ottawa and it should be decided at this time. Certainly there are other things to be discussed, but whatever has been decided we will -- their suggestion of talking about the provincial-type responsibilities and so forth. Well, whatever is decided there will be the majority views of the people here, so it can just be added on to the main points of Bill C-9. So, I think we should definitely at this point, delegate certain persons to go down to Ottawa.

THE CHAIRMAN (Deputy Commissioner Parker): Dr. Hamelin.

Sending a Delegation to Ottawa

DR. HAMELIN: Mr. Chairman, I think where we have not to propose not to go to Ottawa. This Council has already been voted on, this motion has been accepted unanimously to send a group to Ottawa. So we can not go back -- the question is already solved. But if I may add something to what Mr. Trimble said, he is very right in thinking that in Ottawa our delegation might be asked many kinds of questions and difficult questions. On many of these questions we have no answer at all. So I see that this delegation in Ottawa will make two kinds of participation.

One will be very specific answers to the questions on this bill. "Do you agree with 15 Members?" We say "yes". "Do you agree with the Speaker?" We would say "yes". The first group of questions will be these questions and we are concerned with the answers to them.

The second group of questions will be the outside question, external question, extra question, and I think that the delegation can not go more than just to say "it is my personal feeling that some Members think with that view." I made a great distinction between these two levels.

For the first one we can give a clear answer, for the second one it would have to be said publicly that it is only the opinion of some of the Members or maybe the delegation will present several thoughts. If we have this distinction in mind,

I think that this delegation may go to Ottawa and may have a very fruitful journey.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle.

Choosing Members of the Delegation

MR. SEARLE: Well, Mr. Chairman, I find myself in agreement with Mr. Trimble's point to this extent that certainly if everything we were going to say to the standing committee on Indian and Northern Affairs was items that we decided now, they can probably be said in a telegram or a telex. I do not think you need anyone. But if you are going to get into the three other basic areas that I have mentioned, I think that maybe you should have a delegation. I therefore agree with his suggestion that let us see if we want to comment on the other three areas first, and then come back to the matter of the delegation and who it should be. So I think we should leave that matter of the delegation and who it should be and when they should go, until we have decided whether we want to comment on the policy, fiscal and on other administrative transfers that are yet to be made.

THE CHAIRMAN (Deputy Commissioner Parker): I tried to steer the committee in that direction a minute ago and was unsuccessful and so I moved the committee in the direction of dealing with point 5. Committee Members, you have heard the opinion expressed by two Members that perhaps all matters should be considered and then as a final item of business a delegate or delegates be chosen. Do you want to follow that procedure?

MR. BUTTERS: Mr. Chairman, I understand that all aspects of Councillor Genest's motion have been discussed with the one exception of point 5, which is choosing or not choosing representatives to go to Ottawa. The other aspects of the motion have been completed. And now we are going into these other areas, fiscal and provincial-type responsibilities discussions?

THE CHAIRMAN (Deputy Commissioner Parker): It is a matter of judgement as to whether or not those items should fall under his point 4 or not. It could be construed that they do and some Members could say that they do not. So I really do not think that it is a strong matter one way or the other. Beyond that though, yes, the matters under his motion have been dealt with. Would you now like to proceed with the discussion of the three items that have been raised under the report of the committee on provincial-type responsibilities? Mr. Pearson.

Personal Views on Delegation

MR. PEARSON: Well Mr. Chairman, I just wanted to have my name down there for a few minutes -- then after Mr. Trimble's statement here, which I find hard to understand. It is the ostrich approach, stick your head in the sand and your bum in the air. We represent the Northwest Territories. I represent a large chunk of it. I am not sure at the moment -- and I am certainly not afraid to go to Ottawa and stand before those characters down there, I do not care a damn what party they belong to. I am too busy to go.

It is like the matter of the CRTC hearings. All the Members here signed the petition that I was to take down there and then Councillor Butters contacted them himself and says that he did not sign it because he did not feel that he felt it was too strong. We have got to make our voice go after these fellows, present our case, point out that these are our opinions and our feelings and not necessarily the opinions of the whole Council. Holy mackerel! What is wrong, get down there. In fact they should be here, this is the Northwest Territories and it is a hell of a big piece of this country and a very important piece of this country. We have to go running down there with our tails between our legs with a tin cup, "thank you sir, how nice of you to give us this little bit, thank you, we will all be good little boys, and girls, -- ladies."

THE CHAIRMAN (Deputy Commissioner Parker): Well, before we argue about whether or not person or persons should or should not attend, I must draw the committee back. I am going to insist on the decision of whether you want to discuss the three items which have been proposed or not.

Material Provided to Councillors

MR. BUTTERS: I have a question on the aforementioned provincial-type responsibilities. I have a question on that sir. I suggest that a great deal more material is required to be provided by the Clerk of the Council to Members. The only material that has actually been made public is Table Document 16-50, October 19, 1973, entitled "Interim Report of the Provincial-Type Responsibilities Committee to the 50th session of the Council of the Northwest Territories." This report covers mainly the constitutional aspects, the other, the provincial-type responsibilities aspects are not contained in here at all. The timetable is on there, but the background material which was prepared by Mr. Gilchrist is certainly not condensed in that report. And just by way of footnote, the motion which outlined the terms of reference that this committee was given, contained no reference to the constitutional area at all. The constitutional area may have been an area in which the committee felt it must move, and moved into, but it certainly was not identified in the terms of reference of the committee.

So what I am saying is that as we have discussed a lot of material in the constitutional area, I now would like to get the Clerk to circulate Mr. Gilchrist's report of May, 1973, which contains all the background material required to carry out a reasonable and mature discussion of the transfer of provincial-type responsibilities. We have to date received only an interim report and I assume that the committee will be preparing another final report and whether it will be based on the discussion that takes place here or whether they have something else in the hopper, I do not know.

THE CHAIRMAN (Deputy Commissioner Parker): Mrs. Pedersen.

MRS. PEDERSEN: Mr. Chairman, I would like to have advice from the Legal Advisor. At the last session, when we made the special session, the motion itself, what did it say? Did it just specifically deal with the bill and whether it will be amended by the House of Commons? Mr. Chairman.

THE CHAIRMAN (Deputy Commissioner Parker): Mrs. Pedersen has asked a question and I will seek an answer to it. Her question is, the form of motion that was moved, amended and approved calling for this special session, did it confine the discussion or not? Mr. Clerk, have you a copy of that?

Motion 11-51, Delegation Before Parliament

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, the Commissioner has been good enough to provide me with a copy, I will read it. Motion 11-51, Delegation Before Parliament:

WHEREAS it is incumbent on northerners to make their position on the future of northern Canada known to the parliament of Canada;

AND WHEREAS between the end of this Session and prior to the beginning of the June session parliament or a committee thereof may be required to consider amendments to the Northwest Territories Act;

AND WHEREAS a delegation of Council of parliament or a committee thereof should be prepared to present the views of the people of the Northwest Territories;

NOW THEREFORE, I move that the Commissioner be and is hereby authorized to name delegates from this Council to appear before parliament or a committee thereof to express the views of the people of the Northwest Territories on any proposed amendments to the Northwest Territories Act.

THE CHAIRMAN (Deputy Commissioner Parker): Now in addition to that, when we commenced our operations here yesterday, we dealt with a formal motion, which is the one that we have been following, which broadened the matter out somewhat beyond the words of that motion. Now I believe that Mrs. Pedersen's question Mr. Legal Advisor, is whether or not there is anything constitutionally wrong in dealing with the motion that was put yesterday or must we restrict ourselves to the motion that was passed in January.

LEGAL ADVISOR (Mr. Slaven): Mr. Chairman, certainly a motion could be passed now that would overrule or change, it is only a motion made in January, I presume that is what was done yesterday. Going further on the interpretation of proposed amendments, I suppose you might say that you can comment on omissions as well as commissions in laws and omission negligence announced to an overt act, so taking the broad viewpoint I would think you could discuss what is not in the amendment as well as what is in the amendment.

THE CHAIRMAN (Deputy Commissioner Parker): Mrs. Pedersen.

A Very Broad Subject

MRS. PEDERSEN: Mr. Chairman, when we got the Motion 01-52 yesterday, my understanding was that the mover of the motion tried in the best way to discuss the amendment to the act, on his motion he pointed things out, and my understanding is that he put them as a guideline. On my feelings regarding the number 4 is that this number 4 actually not the motion passed at the last session, does not cover, if something is added it is my feeling on that matter. It is a very broad subject.

LEGAL ADVISOR (Mr. Slaven): Well, Mr. Chairman, it would occur to be wider in particular because it refers to a statement of the minister. Now of course in January, you did not know if there was going to be a statement or certainly what its contents would be. And also in January you did not know what the content of the bill would be, so certainly yesterday's motion is wider than the January motion.

THE CHAIRMAN (Deputy Commissioner Parker): I think as chairman, I must say that the motion that was put yesterday, was properly put. It was unanimously agreed to, both that it be put and that it be agreed to, and in clause 4 of that motion which says "any other subject relating to the aforesaid bills and the aforesaid statement of the minister this Council wishes to make." My interpretation is that that gives a fair degree of latitude. The minister in his statement touched on fiscal matters at the very least, touched on them rather extensively. So I believe that there is no question but this committee has a right to discuss those matters. What I would now like to determine is whether or not this committee does wish to discuss those matters?

I do not at this time, wish to hear from any more speakers on the pros and cons. I would really prefer to see a show of hands as to whether or not the matters of fiscal responsibility, philosophy and further administrative transfer should be discussed at this time.

Now, all those in favour of continuing the discussion on those three items. One, two, three, four, five, six, seven. Opposed? It appears then that we are in favour of discussing those items. Now, Mr. Trimble I held you back but go ahead.

Guidelines for Delegation to Ottawa

MR. TRIMBLE: Well yes, Mr. Chairman you held me back from discussing whether or not we should discuss these items, that is what I wanted to comment on. But what I was going to say was that I think we should discuss them. As to whether or not the items should be included in the report that would go before the standing committee is another matter, and I feel that if a delegation is going down to appear before that committee, then it is important that that delegation, whether it be an individual or more than one, be given some broad guideline with regard to these other matters. Whether or not he can comment on them, or to what extent he can comment on them as far as representing the Council is concerned.

More Fiscal Control

Sir, as I say it depends on the outcome of our discussion on these three items or more if there should become more, whether or not we send a delegation and how big a delegation and who would be on it. As for fiscal matters, I certainly feel and I probably think all Members of the Council feel that there should be more fiscal control. I think we would like to see some different formula than at present, whereby at least a portion of the budget of the territorial government was provided without the strings attached as at present, where every dollar almost, has

to be negotiated for individual projects and for specific purposes. And then the government and the Council is committed to some extent to spend that money for these purposes for which it was negotiated and which the federal Treasury Board approved. I think that we would like to see at least a portion of our money come under some other formula.

Now whether or not that goes before the standing committee at this time or not is another question. I believe that we have homework to do first. I believe that this should come under the finance committee to come up with a proposal as to how much of the territorial budget we should be going after and the justification for it. And then I think we should feel ourselves more responsible to appear before the minister and present our case to the minister, because it is not a matter of legislation, it is a matter of policy under the minister's and cabinet's control. Present our case to him to see if we can not move farther along in this direction. I think it is rather unfair of us to go directly to the standing committee to try and get something done that we never asked the minister for.

Concerning Provincial-Type Responsibilities

The second matter concerning provincial-type responsibilities which is as I understand it, administrative type responsibilities again I think we should discuss the report of the committee that was set up as I understand primarily for this purpose, provincial-type responsibilities that exist in the provinces but do not at present exist in the territories, and discuss the timetable etc., contained in that report, Mr. Gilchrist's report and again make a presentation to the minister, as to what we think should be done and the timetable and the justification for it. Indeed if we do not get satisfaction from the minister and his colleagues with regard to these two fundamental matters, well then I think we are justified in taking whatever measures we can. I certainly feel that we have a responsibility to prepare our case, have our justification, approach the minister and his government at first and then if we do not succeed to go before the standing committee or anyone else we feel might give us a fair hearing.

THE CHAIRMAN (Deputy Commissioner Parker): Very good, I think Mr. Trimble, there is no doubt but what your proposal as far as procedure is acceptable, that these matters should be discussed, that decisions can then be made as to whether or not they can be placed in the hands of representatives to raise before the committee or not and at the same time a choice of persons. I think that is very good. Now, perhaps we could narrow this down and deal with these points one at a time if that is agreeable to the committee and I would suggest that we start with the discussions of the financial recommendations. Mr. Butters.

MR. BUTTERS: Mr. Chairman, would it not be better to examine Mr. Trimble's suggestion that the proposals, the final recommendations be taken to the minister, first? If we follow this procedure then I suggest, unless we wish to go ahead and discuss the material we are going to present to the minister, we are just wasting our time.

The Committee or the Minister

THE CHAIRMAN (Deputy Commissioner Parker): Well, Mr. Butters, Mr. Trimble said two things. He said that at least it should be discussed and a decision made whether it be discussed in front of the committee or in front of the minister. Then he went on to say that, in his own opinion, the matter should be reviewed carefully and discussed with the minister. I believe that he put it that way. He spoke in the general case and then he gave his own opinion. So I think it is only proper we continue with the procedure that he outlined and have a discussion on it and then decide whether or not it should go before the committee or the minister. Is that fine?

MR. BUTTERS: Well, I think that we should determine how many feel or agree with Mr. Trimble that it should go to the minister first as a proper procedure. My own feeling is, that is the way it should go, especially in the area of the provincial-type responsibilities. You will recollect it was that item alone which brought the minister to Yellowknife in July 1972. You will remember, that was probably the only motion this Council ever seconded to a man. The minister gave us his blessing to go ahead, so to bypass him now and take this matter to the standing committee, I think, is very presumptuous and irresponsible on our part. I think we have an obligation.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Butters, pardon me. When we come to the section dealing with provincial responsibilities, we will harken back to your words and give you another opportunity to express your views that the report should be to the minister.

MR. BUTTERS: No sir, I was referring to the procedure. I am discussing procedures.

THE CHAIRMAN (Deputy Commissioner Parker): But I have accepted the procedure that we will discuss each item and then make a decision as to whom the appeal will go.

Commitment is to the Minister

MR. BUTTERS: Well, I suggest, with all respect to you sir, that this is disrespectful to the minister to even determine whether or not we should take it to the standing committee on Indian Affairs and Northern Development or the minister. I would say our commitment has been to the minister in the past and it should remain there. I would like to know how other Members feel about this procedure.

THE CHAIRMAN (Deputy Commissioner Parker): We are back to discussing the procedure. Mr. Searle.

MR. SEARLE: Well, I think that the minister expects us to raise these items, frankly, because in his speech notes which he made on second reading of Bill C-9, page 9 he speaks of the financial side effects; second paragraph he begins: "For example, the Councils have as much power and latitude doing the review of their budget estimates as does any legislature in Canada, and the Members of these Councils have powers similar to the Members of provincial legislatures to influence or alter the thrust of spending proposals." Then he goes on. He has raised the subject and I think it is quite appropriate for us to comment on it. I have been involved with both of the committees in question. I have prepared what, I think, is a fair statement which is not critical of the minister or anyone else and one that, I think, should be incorporated in any comment which we make to the standing committee, and I think that the minister would expect us to do so.

I would like to read the statement that, I think, should be made and is consistent with what both those committees believe, i.e. (a) the finance committee and

(b) the committee on provincial-type responsibilities. I would like to read that statement now, Mr. Chairman. "A financial formula must be devised which would end the extensive and complicated series of interdepartmental committee meetings and negotiations. An unconditional grant such as that received by any of the provinces with complete sovereignty in the Council of the Northwest Territories with respect to spending that portion of the budget, would be desirable."

THE CHAIRMAN (Deputy Commissioner Parker): So, Mr. Searle, what you are saying with regard to financial matters is in a slightly different tone than the matter contained in the report on provincial responsibilities, do I understand that?

A statement of Principle

MR. SEARLE: Well, I think it cuts it down. It is much clearer, much simpler -- it is a statement of principle -- it does not purport to say what the formula should be at this stage and does not purport to deal in amounts, but in the direction and principle that we have to go. There is going to be a tremendous amount of work between departmental officials and our people in terms of working up the formula. I do not mind saying that even after all the experience I have had in the finance committee, I feel totally incapable, at this time and for some time, to actually come to grips with the formula, but if we had some support for the principle, then we could get down to the working of the formula. It is that sort of principle in which I think the house is interested. I do not think they are interested in the details.

THE CHAIRMAN (Deputy Commissioner Parker): Are Members prepared to deal with the statement that Mr. Searle read out as the financial end of the committee's report? Mr. Searle, would you give that to the Clerk so he can have it typed and circulated. Perhaps we could then leave the matter of the financial aspects and deal with the other two items. Perhaps they might be as resolvable as this one may well be. The second one was on philosophy. I am not just sure what was meant by that. Mr. Searle.

Basic Philosophical Policies

MR. SEARLE: Mr. Chairman, it is basically contained, if the Members have before them the provincial-type responsibilities committee, in Item 1 under "A Constitutional", the first page right after the preamble. Basic policy, this is what I am talking about in terms of philosophy, basic policy. "There are two basic philosophical policy positions of the government of Canada enunciated by the minister on the 10th of November, 1969 in his white paper statement on the development of the government of the Northwest Territories, which are totally unacceptable to the committee" and I would hope that might read "to the Council" "and which read as follows:

1. In the first place, I firmly believe that at this time and in the foreseeable future, the granting of provincial status to either territory is not a realistic alternative.
2. I further believe that the federal government should continue to manage and develop the natural resources of the North for the benefit of both northern residents and all Canadians.

The foregoing basic policy positions leave no doubt about the position of the government of Canada as to what, we in the Northwest Territories, may expect for the foreseeable future. Your committee suggests that everything possible must be done to cause these policies to be changed. Without that, our northern colonial government will continue".

Concerning Provincial Status

Now, going from there and what is not stated in here, and Members have heard this before -- what I think should be done is a statement of those principles in the positive, not the negative. In other words, the first one I think, should read something like this, "the government of Canada accepts in principle that there will be provincial status for the two northern territories in time."

What is wrong with putting it in the positive instead of the negative? In other words, why not accept that we are in the foreseeable future looking to that goal, instead of that we are not.

Secondly, with respect to the natural resources of the Northwest Territories, I think it should read, "with respect to the natural resources of the Northwest Territories at the time of provincial status, a significant share at least of the revenues from those resources, will go to any future province." In other words, an acceptance in principle of these things, in the positive. I think it says the very same thing as it says now, but it says it so positively and it changes the direction forward instead of stationary or, in fact, backwards. Because it is for so long as the goals in the minds of the people in the department and the government shall not be, we shall continue to control for the foreseeable future. As long as they are in the negative you just do not stand a chance. Whereas, if stated in the positive it seems to me that right there in the very root, the very basis is set, the stage is set and the only thing left is, what is the time phase. That brings in this business of the possibility of another commission to look at the time phase and to identify more clearly the financial formula.

At least that is how I would see it. All that I am saying is that I think we have to identify the basic philosophical problems that we have, and I think it is that simple. It is stated now by the minister in the negative, whereas the very same thing could be said, but in the positive. It would give a whole new hope and leave only the matter of time phase. That is what I want to say.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle has suggested making two points which I presume he would be prepared to write out in the positive frame. Is there a discussion on those two points? Mr. Butters.

MR. BUTTERS: I think that the remarks of the Councillor are very good and I would like to see, written out, the expression that he has just provided us orally, as soon as possible. I think that these will be very valuable and they are certainly things which this Council approved before in a report to the joint Senate/Commons parliamentary committee. Similar things were said. We are just reiterating reforms that this Council and, I believe, previous Councils have requested for some years.

THE CHAIRMAN (Deputy Commissioner Parker): Dr. Hamelin.

Any Other Appropriate Status

DR. HAMELIN: Just a very short point that I have discussed already with Mr. Searle; when he said provincial status I wish that they may accept to add "any other appropriate status". I am still not convinced that the provincial status is the best way to have a government up here. I ask him if he should accept to add "any other appropriate status".

MR. SEARLE: That is certainly acceptable because I do not purport to be able to foresee exactly what the status would be, but it certainly would not be full provincial status with even a sharing of resources. It would be a different form. But again on this matter, I would be pleased if the Council wanted to again, produce in writing like the fiscal policy. I would need some time, and I could probably do it over lunch.

THE CHAIRMAN (Deputy Commissioner Parker): Further discussion? Mr. Trimble.

Rapid Changes Taking Place

MR. TRIMBLE: Mr. Chairman, the first quote of the minister with regard to provincial status, hinges on the foreseeable future which I admit is a very indefinite thing, but the rapid changes that are taking place will eventually take place in the territories. The foreseeable future is, in my opinion, a very short period of time, but I am not so sure that the minister was thinking in terms of a short period of time and therefore, I agree with the Member for

Yellowknife that it should be in the parcel, that we should be looking at continual, political evolution towards the time when the Northwest Territories will be on equal footing with all other parts of Canada, whatever political developments take place within the country as a whole. I would like to see it passed as he says in that sense, but without timetables, etc. because I do not think it is at all practical to look ahead to foretell just what is going to happen.

With regard to resources, I feel the same way he does, that again the North should be looked at as a part of Canada and that some day it will be equal in all respects with other parts of Canada, but without trying to foretell just what manner in which this evolution will take place or timetables for it because I would suspect that the whole situation in Canada as a whole could well change. What we see in the provinces today and what they aim at may be a different situation by the time we would expect to achieve that goal.

I agree with the Member for Yellowknife that these two aspects should be put in the positive sense, but I do not feel that we should try to force on the Government of Canada at this time, or try to encourage the standing committee for any particular course of action or timetable. However, if we can get the commitment of the Government of Canada that we will move in this direction, I think we will have accomplished our objective.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Butters.

N.W.T. Constitution of June 25, 1971

MR. BUTTERS: Mr. Chairman, on the point, I would like to read what this Council recommended to the joint Senate/Commons parliamentary committee on the constitution of June 25, 1971, which I think is excellently praised, and I would suggest that we repeat this phraseology. "We expect within the foreseeable future, ideally within our own life times, the constitutional development of the Northwest Territories to full provincial status. This development will require the transfer of the management of non-renewable natural resources and the revenue thereof to the Government of the Northwest Territories from the federal government. It is our firm belief that these resources are held in trust for the Northwest Territories and that their management is to be transferred from a federal department to a provincial department. The current operating debt of the Government of the Northwest Territories balanced by federal subsidy can only increase so long as this transfer is delayed. In our opinion, it should not be delayed beyond the time when financial management is available in the Northwest Territories". So this is what we have stated earlier.

THE CHAIRMAN (Deputy Commissioner Parker): Further discussion? Mr. Trimble.

The Foreseeable Future

MR. TRIMBLE: Oh, Mr. Chairman, again the matter hinges on this phraseology of the "foreseeable future" and there it more or less defines it as during the life of the Members of the Council, which can be a very long period of time. I would say, depending on how healthy some of us are, it could maybe be forty or fifty years. I do not think the word "foreseeable" is a good word to use. I think that word should be dropped because, as far as I am personally concerned, the changes that are taking place in the North are such that I do not think anybody could actually foresee the future even just a few years from now. Therefore, I do not think we should use that word. I have no quarrel with the period of time during the life of the Members of this Council. That could be considered a pretty long period of time. I think what we should concern ourselves with, is the commitment by the Government of Canada, that we will continue to move in the direction that the provinces have moved to the place where we will be equal with all Canada. Whereas, at the present time, of course, we are not.

THE CHAIRMAN (Deputy Commissioner Parker): I would think then that there is reasonable agreement among committee Members, that Mr. Searle should draft two

paragraphs dealing with the two matters that he has raised here, in the positive fashion, and that we can then examine them and deal with them appropriately. We could conclude the first matter now, if you wish, because it has been typed. I noted one error in typing in the second line. I believe the word "service" should be "series". Were there any other corrections, Mr. Searle?

MR. SEARLE: No.

Financial Formula Statement

THE CHAIRMAN (Deputy Commissioner Parker): Have Members examined the statement that has been circulated? Perhaps I should read it. "A financial formula must be devised which would end the extensive and complicated series of interdepartmental committee meetings and negotiations and unconditional grants, such as those received by the provinces, with complete sovereignty in the Council of the Northwest Territories with respect to spending that portion of the budget, would be desirable." Now, the proposal as I understand it, if this statement is acceptable, is that it would be presented to the standing committee as the view of this Council or, if there was not agreement to do that, then at some time presented to the minister. Dr. Hamelin.

DR. HAMELIN: Mr. Chairman, let me ask a question to Mr. Searle. When he said "unconditional grants", has he in mind all the budgets of the Northwest Territories or just part of it?

MR. SEARLE: I think, Mr. Chairman, that the last line explains that. It says with respect to spending that portion of the budget.

DR. HAMELIN: So, if it is only a portion of the budget, I think that we will need this interdepartmental committee on finance for the other part of the budget.

MR. SEARLE: Well, I do not ever foresee the federal people giving us the total hundred per cent of our budget without something. So in other words, we have an "A" and a "B" level. I do not ever foresee them giving all our "A" and all our "B" level money unconditionally. What I foresee is them saying, for instance this is the best position that we could be in, is them saying we will give you the same money as you got last year plus six per cent. But that excludes "B" level items and for those items, particularly capital. Those are the only items that we want to talk to you about. Is that not the best position we could hope for?

Need Other Means of Raising Financing

THE CHAIRMAN (Deputy Commissioner Parker): I should think so. If I could be permitted a comment, just having returned from one of the major meetings of this interdepartmental committee, I raised this matter of seeking some other means of arriving at our financing and received very strong support from the Member representing the Treasury Board Secretariat. The decision that was made at that meeting was that each of the jurisdictions on the interdepartmental committee would prepare a basic position paper which would contain recommendations for changing the system and making it more streamlined. We would then meet and see if we could not -- perhaps just one step at a time to correct this very heavy and lengthy system that we now use. I must say that it is directly along the line that has been outlined here.

In other words, we would be seeking to get at least a portion of our financing through a formula which would be tied to certain factors of growth or cost increases, and these are the kind of things that we are now going to have to try and determine. So we are embarking on this course. If I may say, a mere comment of this before the standing committee will probably lend some strength to the deliberations that we are already engaged in. I do not think that it is necessary for this Council to go into great detail as to how this should be achieved, merely that the process should be tidied up and that some formula means should be sought. I apologize for speaking, but I had that information and I thought I should pass it on to you. Mr. Trimble.

Complete Sovereignty

MR. TRIMBLE: Mr. Chairman, I agree with the motion except for the second to the last line, where it says, "with complete sovereignty in the Council of the Northwest Territories, with respect to spending that portion of the budget, would be desirable." I believe that wording would be found unacceptable, as far as the Government of Canada is concerned because it is far beyond, in my opinion, what any other legislature in Canada has. The complete sovereignty over the budget is not in the legislature but is in the government. The only difference in the provincial legislation is that the government is responsible to the legislature, which is not the case in the territories. But I do not think that the Government of Canada would consider in any way putting the budget under the sovereignty of the Council. I think what we are asking for is that this sovereignty be given to the territorial government which is answerable in some respects at least, and certainly subject to influence by this Council. In the final analysis, their budget is subject to the approval of this Council, so I would suggest that wording be changed to "Government in the Northwest Territories."

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle.

MR. SEARLE: Well, I think in view of the other things we have dealt with the Executive Committee, and really it will have the budgetary responsibility, I would think the goal is achieved by, instead of saying with complete sovereignty in the Council of the Northwest Territories, by saying with complete sovereignty in the Executive Committee of the Council of the Northwest Territories.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Trimble.

Executive and Administrative Responsibility

MR. TRIMBLE: Mr. Chairman, I submit that, that is the same thing, the Executive responsibility for the Government of the Northwest Territories and the administrative responsibility rests on the Commissioner of the Northwest Territories by virtue of section 4 and 5 of the Northwest Territories Act, and in carrying out that responsibility he is answerable to and subject to the Minister of the Department of Indian and Northern Affairs. It does not matter how many Members we have on the Executive Committee and if they are elected or not, that Executive Committee is still, in effect, advisory to the Executive authority which is the Commissioner.

I submit that there is no way that the Government of Canada would entertain the idea of putting the fiscal sovereignty in the hands of the Council because this does not exist in provincial legislatures. If we ask that it be put into the hands of the territorial Executive, which is the Commissioner, then I submit that it might be acceptable to the Government of Canada, but I think that the terminology of the Government of the Northwest Territories is probably better than the Executive.

THE CHAIRMAN (Deputy Commissioner Parker): Dr. Hamelin?

An Unconditional Grant

DR. HAMELIN: Mr. Chairman, maybe there are too many ideas. I think the main purpose of Mr. Searle's motion is to have an unconditional grant. It is something to have that grant. Spending it with a complete sovereignty is another idea. I wonder if Mr. Searle does not want to accept to divide the two things. Maybe we can achieve the first one, but not the second one now. Do you accept the distinction?

MR. SEARLE: Well, Mr. Chairman, I am getting a little frustrated. I have tried to make it as simple as possible. I think that anybody can amend it as they see fit. I mean, I have nothing more I can do. I am out of ideas.

DR. HAMELIN: Yes, but the unconditional grant is something Ottawa can do, while the other is something we can do so it is mixed up.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Trimble.

Amendment to the Report

MR. TRIMBLE: Mr. Chairman, I believe that the words "in the Council" would have the effect of deceiving our intention here, that the minister would just say that they are not reasonable, they are asking for much authority beyond what any jurisdiction in Canada under British Commonwealth democracy exists to day and, therefore, would not consider it. If we ask for an evolution towards a similar situation in the provinces, we have hopes of achieving our objective and to accomplish that. I will move that the words "in the Council" be deleted and substituted by the words "in the Government of the Northwest Territories."

THE CHAIRMAN (Deputy Commissioner Parker): Fine, Mr. Trimble, I think that from what various Members have said, the sense of it is still there and it is probably in the frame that it can be accepted. The Government of the Northwest Territories then is perceived by different people in different ways and you pretty well covered all bases. Mr. Pearson?

MR. PEARSON: Mr. Chairman, I do not object to that amendment but I just wanted to get something clear from Mr. Trimble. He says that this would be giving us more authority than any of the provinces have. Surely, if the provinces get their grant from the federal government, the federal government has no further interest, at least to the extent that the territorial government has. It is paid out and that is it. It has gone to the government or the Council or whatever you want to call it. I do not see any difference between this and what goes on in the provinces. We would not have any more authority than what they have in the provinces.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Trimble.

MR. TRIMBLE: Mr. Chairman, the word is Council and the Council is a legislature. That is what we have sitting here today. The legislature in the provinces do not have this fiscal sovereignty control. That sovereignty is vested in the provincial government, not in the legislature and this is what I am dealing with. I think that in using these words we would defeat our purpose.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Butters.

MR. BUTTERS: Mr. Chairman, I agree with Dr. Hamelin that the objective here is to ensure that we achieve this, that we develop an unconditional grant and, in keeping with that objective, I am wondering if you could explain something about the grant that the provinces receive. It sounds very strange to me that they get such a grant. Under what provision do they get such a grant if it does exist? Is this correct? It does exist? Such a grant exists?

Transfer of Funds

THE CHAIRMAN (Deputy Commissioner Parker): I am not sure that it is called an unconditional grant but there are transfer payments made from the federal government to provincial governments, I believe, for specific purposes.

MR. BUTTERS: Well, it seems to me that we should be very accurate in what we are referring to here, if there is no such unconditional grant, then we should not bring the provinces into it. I think our suggestion will be stronger if that section were deleted unless we know exactly what the provinces are getting. If it is a transfer of funds, let us say that, or remove it altogether.

THE CHAIRMAN (Deputy Commissioner Parker): Dr. Hamelin.

DR. HAMELIN: Yes, I think we could have this serve as an idea with a more clear wording. I suggest to not have the first two lines changed, and the third could read "meetings and negotiations by providing an unconditional grant to the Northwest Territories government". Final point. The main purpose is to have an unconditional grant from the federal government. I think we should not be too precise and compare with provinces and sovereignty, I think we will scare other people with this. I suggest that this motion could be read as follows: "A financial formula must be divided which would have the extensity and complete series of interdepartmental committee meetings and negotiations by providing unconditional grants to the Northwest Territories government."

Amendment to Report Carried

THE CHAIRMAN (Deputy Commissioner Parker): Well, in the Chair's view, that certainly clarifies the matter. Will that wording be acceptable, may I put it to the vote? Agreed?

--- Agreed

Mr. Searle.

Incorporate Amendment in the Statement to the Standing Committee

MR. SEARLE: Mr. Chairman, the second aspect of that is, will you seek the committee's agreement to incorporate that in the statement to the standing committee?

THE CHAIRMAN (Deputy Commissioner Parker): The question that Mr. Searle has put is, if agreed, that this statement be made to the standing committee. Agree?

--- Agreed

Now that deals with the fiscal aspect, Mr. Searle is going to prepare two paragraphs on the policy matters and that leaves us with the third matter of further administrative transfers. Mr. Searle?

Administrative Transfers

MR. SEARLE: Well, Mr. Chairman, we all I think, know that the matter of administrative transfers has fallen somewhat short of what the Carrothers Commission firstly envisaged. There is, attached to that committee report, an identification of the programs, some details as to proposed dates of transfer which, quite frankly, due to the fact that we are now in March and some of them suggest April 1st, you know at this point in time are unrealistic. I suppose that in keeping

with saying something brief, we should not get into that sort of detail at this time. What I think we should do is similarly a simple statement in principle, as we made with respect to fiscal matters, that there are still areas of a provincial-type nature that have not yet been transferred and we would encourage parliament and the minister to give consideration to these remaining matters and set up a realistic schedule of their transfer.

I think we can go on and identify the matters specifically, but for instance housing, highways and their construction and maintenance, forestry, fisheries that is inland waters, health services, NCPC, land and inland waters (surface), land and inland waters (subsurface) and attorney general. Those are the remaining provincial-type areas untransferred. I think we could identify them and I think we could ask for a schedule to be established and leave it as simple as that at this point.

THE CHAIRMAN (Deputy Commissioner Parker): Further comment? Mr. Butters.

Transfer of Provincial-Type Responsibilities

MR. BUTTERS: Mr. Chairman, it is interesting to note in the schedule that Councillor Searle read to us, that the only one we have accomplished to date is housing on April 1, 1974 which adds weight to Mr. Trimble's suggestion yesterday that you get what you take. I am still uncertain about the procedure. This is an interim report of the provincial-type responsibilities committee which was tabled, as I mentioned earlier, in October. I would like to see us first discuss the recommendations of the committee in Council as we are doing now, in some detail, examine the timetable and if we agree, indicate to Mr. Searle's committee to go ahead to the minister and negotiate for the transfer of responsibilities as laid out here. I think this is the natural step that should follow now. I would like to see Mr. Searle and his committee, because of the work they have put into it, enabled to open those negotiations before this Council dies, and our life is very, very short. The committee's work may be lost unless we go ahead now.

So what I am suggesting is that maybe a discussion and then our support to Mr. Searle and his committee to go to the minister and to negotiate the transfer of the provincial-type responsibilities that we have here. As I say, we have had one turned over to us -- housing, but we had to go after that and get that. I think that Mr. Searle's committee could get many more commitments if we begin to move on it.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle.

Things that Could and Should be Transferred

MR. SEARLE: Well, Mr. Chairman, I agree there is a lot to be done to actually achieve this. All that I am suggesting is that we should, in this statement to the interdepartmental committee, simply state that in our view there are many yet untransferred areas which should, in accordance with the timetable to be determined, be done. In particular, highways, forestry, fisheries, health services, NCPC, surface rights to land and waters, ultimately land and inland waters, subsurface rights and the attorney general. The latter two of course, being areas that would be done very close to, are in fact, not right at provincial or other special status time. I think that all I am suggesting is that we need to come up with a simple statement that these things are still outstanding and a timetable has to be set for them.

I agree with Mr. Butters, it would be premature now to attempt to set out the timetable. It is just that, quite frankly, in the last seven years I do not think there has been a transfer of a single program, has there? In other words, I think the attitude the department has taken is that, you know we have transferred all we are going to transfer and I think it is legitimate for us to make the point that as far as we are concerned, there are still things yet that could and should be transferred, and they are in these areas. What is left is the

development of a timetable for this to be done, and leave it at that. Now, if the Council thought well of a statement that simple, limit it to that and appreciate that we still have to come to grips with the timetable and negotiate with the department on it. Again, I would be happy to try and work up a very simple comment, but I think that it is pretty incomplete without that comment, is it not?

THE CHAIRMAN (Deputy Commissioner Parker): We have the basic question before us then, whether a relatively simple statement containing a listing of provincial-type functions untransferred, be placed before the standing committee or whether an alternative action would be to put a more extensive report before the minister and seek a meeting with him. I am in your hands, these are the two points of view, I believe.

MR. SEARLE: Can I just complete that comment?

THE CHAIRMAN (Deputy Commissioner Parker): Yes.

Not Much Enthusiasm Left in the Committee

MR. SEARLE: With respect to the alternative of a more extensive thing, quite frankly, I do not think my committee is going to be able to do that before this Council's life is over. I will be honest with you, we have tried to cover the future in dealing with some of these things, but as well, to a large extent the interim report was produced to cover between when we started it and the amendments to the act, which we knew were coming and which we have now dealt with. To go very much further, between now and Christmas of next year -- in the next nine months is going to be very difficult. I doubt very much whether there is much enthusiasm left in my committee to do it because these negotiations will take some time, and I doubt that we would only get started before in fact, we will be no longer there. I notice the committee is Air Marshal Campbell, Mr. Pearson, Mr. Trimble -- no, Mr. Trimble is not on it, are you? Dr. Hamelin, and Dr. Hamelin has other responsibilities with Mr. Butters' committee for hearings and whatnot. I just do not think it is possible, frankly, for this committee to do much more than it has -- produce this interim report, to be quite honest with you.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Butters.

MR. BUTTERS: Mr. Chairman, I think that if Councillor Searle produces a general statement as he gave us orally earlier in the morning and if it could be in writing for us to examine this afternoon, we could approve that. I would point out that the standing committee has already received the interim report of the committee so it has this material. The report was turned over to it on August 22, 1973, along with the transfer of responsibilities timetable. So I think all that is required now, since the standing committee has this report, is a general statement as Mr. Searle suggested to us.

THE CHAIRMAN (Deputy Commissioner Parker): To be placed before the standing committee again to emphasize the earlier report, do you mean?

MR. BUTTERS: Yes. Well, of the same manner in which the statement of the fund be set up, simple and direct and in general terms.

To Prepare a Simple Statement

MR. SEARLE: Can I have Council's indulgence then to prepare a simple statement and then we will have something before us to argue about.

MR. BUTTERS: Agreed.

THE CHAIRMAN (Deputy Commissioner Parker): Is that agreed?

--- Agreed

Now, I believe we have the statement on policy ready or almost ready. Mr. Clerk, has it come yet?

Okay. Yes, so we do not believe the "A. constitutional."

We have asked Mr. Searle to write out one other short statement. Could I just interject here? Mr. Searle, do you see the preparation of that statement taking very long?

MR. SEARLE: No.

THE CHAIRMAN (Deputy Commissioner Parker): With the indulgence of the committee I would suggest a five minute recess after which we will come back, and during that time you may read this statement that has been placed before you, and it will also give Mr. Searle a few minutes in which to prepare one more statement which he might then read out. So I suggest we just break for five minutes and then reconvene and deal with both of them.

--- SHORT RECESS

THE CHAIRMAN (Deputy Commissioner Parker): Will Members take their seats please? The matter of basic policy is contained in the paper circulated. There are two changes that should be made. If you will look to the first paragraph under basic policy, the word "committee" in the last line should read "Council", and in about the centre of the page there are the words "Your committee suggests" -- that should read "This Council suggests". Now I propose to read this page and I shall do so now.

Constitutional

"Basic Policy

There are two basic philosophical policy positions of the Government of Canada enunciated by the minister on the 10th of November, 1969 in his white paper statement on the development of government in the Northwest Territories, which are totally unacceptable to the Council and which read as follows:

- (1) In the first place, I firmly believe that at this time and for the foreseeable future, the granting of provincial status to either territory is not a realistic alternative.
- (2) I further believe that the federal government should continue to manage and develop the natural resources of the North for the benefit of both northern residents and all Canadians.

The foregoing two basic policy positions leave no doubt about the position of the Government of Canada as to what we, in the Northwest Territories, may expect for the foreseeable future. This Council suggests that everything possible must be done to cause these policies to be changed, for without that, our northern colonial government will continue.

What has to be done is to put the policy in the positive rather than the negative, hence we would suggest a restatement of the basic policy in the positive as follows:

- (1) The Government of Canada is committed in principle to the granting of provincial or other special status to either territory, in time.
- (2) At the point of time of provincial or special status a substantial share, at least of the royalties from the Northwest Territories resources would go to that new government."

Are there any comments? Mr. Butters.

White Paper Statement

MR. BUTTERS: Just a couple on the preamble, as it were. On line 3 it says the "white paper statement." Well, I do not know if it was a white paper statement. I think it is this document that I have here, the statement on development of government in the Northwest Territories, and this was delivered to the Council. Is this a white paper? I would assume that something closer akin to a white paper is the minister's policy for the seventies which the department produced in 1972, and I am wondering if there is anything in that statement which updates or changes the two positions that were contained in this speech?

THE CHAIRMAN (Deputy Commissioner Parker): You have raised a good point, Mr. Butters. I think that in the interests of clarity it probably would be wise not to refer to it as a white paper. Furthermore, his actual white paper, which was the statement for the seventies, did not change these two statements. Could I then take the liberty of suggesting that it read "enunciated by the minister on the 10th of November, 1969 in his statement on the development of government." Is that agreeable? It simply removes the two words "white paper".
Dr. Hamelin?

Amendments

DR. HAMELIN: Yes. In the fourth paragraph, the last four lines, it is said "our northern colonial government." May I suggest that we put the term "colonial" in brackets.

THE CHAIRMAN (Deputy Commissioner Parker): In quotation marks.

DR. HAMELIN: In quotation marks. Because in fact it is what we have in mind. The second suggestion ...

THE CHAIRMAN (Deputy Commissioner Parker): Is that agreed?

--- Agreed

DR. HAMELIN: The second suggestion, the first paragraph, the fifth line, I think it is a little bit too strong to say "which are totally unacceptable" -- maybe we can delete the term "totally". I think "unacceptable" would be enough.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Butters.

MR. BUTTERS: On that same paragraph I think that we should delete the word "committee." This is an extract from Mr. Searle's committee report and I think that the word "committee" has crept in there. It should be "Council".

THE CHAIRMAN (Deputy Commissioner Parker): Where was that?

MR. BUTTERS: Line 6 in the first paragraph.

THE CHAIRMAN (Deputy Commissioner Parker): Well, I had already corrected that, Mr. Butters.

MR. BUTTERS: Oh, I beg your pardon.

THE CHAIRMAN (Deputy Commissioner Parker): I guess you missed that. Dr. Hamelin suggests the removal of the word "totally" and, frankly, I think it would be probably more acceptable if that came out. Is that agreed? Very good. Further comment? Is the statement as now amended approved for presentation to the standing committee? Any opposition?

MR. BUTTERS: It improves it, sir.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Butters?

MR. BUTTERS: I wonder if the Council would consider paragraph 4 or -- is it "your Council" now, or "the Council of the Northwest Territories suggests ... ?

THE CHAIRMAN (Deputy Commissioner Parker): This Council.

Northern Colonial Government

MR. BUTTERS: "This Council suggests that everything possible be done to cause these policies to be changed, for without that, our northern colonial government will continue." Now, is this a directive to the standing committee to take action along whatever lines they think required? Might not this be taken by the committee as direction to bring in amendments?

THE CHAIRMAN (Deputy Commissioner Parker): Well, it might perhaps. The preamble is quite clear in that it draws the reader's attention to two statements which have been made which this Council does not accept. Then in the fourth paragraph it suggests, and it uses that word, "This Council suggests that everything must be done to change these policies." I would submit to you that this does not call for legislation -- it would not call for a change in the bill that is being considered.

MR. BUTTERS: Mr. Chairman, I suggest that line could be deleted entirely because it suggests a general approach to alleviate the problem and then it goes on in detail and says what has to be done. So I think that if that line were deleted entirely, and go from "may expect for the foreseeable future" and then what has to be done is due. This is a positive manner and recommendation by this Council. I think that line might prove difficult.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle.

MR. SEARLE: I think Mr. Butters is right, it would not weaken it all by taking out that whole sentence "your committee suggests" etc., because we then say what has to be done which is really restating it. I think it could come out.

THE CHAIRMAN (Deputy Commissioner Parker): Is it agreed then that the last sentence of paragraph 4 be deleted?

DR. HAMELIN: Mr. Chairman, maybe we could delete just the last part of the sentence "this Council suggests that everything possible must be done to cause these policies to be changed."

THE CHAIRMAN (Deputy Commissioner Parker): Perhaps we were a bit hasty. Is it agreed then, that we leave in that part of it?

--- Agreed

Mrs. Pedersen.

Too Much of a Rush

MRS. PEDERSEN: You are rushing too much. We have lots of time.

DR. HAMELIN: Mr. Chairman, we are not rushing when we have had the report for six months.

THE CHAIRMAN (Deputy Commissioner Parker): Well, it is not the intention of the chair to rush this matter, so I am in your hands. Would Members wish that I read this statement as it has now been amended? The statement, as amended, reads as follows:

Constitutional

"Basic Policy

There are two basic philosophical policy positions of the Government of Canada enunciated by the minister on the 10th of November, 1969 in his statement on the development of government in the Northwest Territories which are unacceptable to the Council, and which read as follows:

- (1) In the first place, I firmly believe that at this time, and for the foreseeable future, the granting of provincial status to either territory is not a realistic alternative.
- (2) I further believe that the federal government should continue to manage and develop the natural resources of the North for the benefit of both northern residents and all Canadians.

The foregoing two basic policy positions leave no doubt about the position of the Government of Canada as to what we, in the Northwest Territories, may expect for the foreseeable future. This Council suggests that everything possible must be done to cause these policies to be changed.

What has to be done is to put the policy in the positive rather than the negative, hence we would suggest a restatement of the basic policy in the positive as follows:

- (1) The Government of Canada is committed in principle to the granting of provincial or other special status to either territory, in time.
- (2) At the point in time of provincial or special status, a substantial share, at least of the royalties from Northwest Territories resources would go to that new government."

Is that statement agreed? May I have a show of hands. Opposed, if any.

Representing the People of the Territories

MR. BUTTERS: I agree with Mrs. Pedersen about rushing this matter. We have travelled a long way. We have lots of time. We have heard comments this morning about representing the people of the territories. Let us take the necessary time. Councillor Hamelin said we have had six months to study this, but we have not. These two things, the last two paragraphs, have just been developed.

DR. HAMELIN: Mr. Chairman, it is not the first time in his life that Mr. Searle is saying that in the chamber. You can check out -- read the debates. For months we had that idea in mind. We have had that text about several months and maybe it is enough.

MR. BUTTERS: The text of the two last paragraphs have not been with us several months. You are right -- the other matters therein have been discussed by this Council before. But what I would like to know is regarding part (2). Now, part (2) suggests to me that "provincial status" as referred, or "other special status" as referred to in (1) would not include ownership of the resources. If we owned the resources, we would not have to ask for a substantial share. I am wondering whether by leaving that "provincial status", will not include ownership of the resources. Maybe Dr. Hamelin could mention what he has thought about this.

THE CHAIRMAN (Deputy Commissioner Parker): Dr. Hamelin.

Concerning Provincial Status and Resources

DR. HAMELIN: Mr. Chairman, the provincial status has been given to the three prairie provinces in 1905 and these prairie provinces got that special status in 1930, 25 years later. So, I think we could have the provincial status without having all the resources. This thing should not be made here. But, again, I do not like to use the expression of "provincial status".

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle.

MR. SEARLE: That very point that Dr. Hamelin made was the reason why I have said "at least a substantial share of the resources." Quite frankly, I think that if you stated in that point (2) that actual ownership and management and control would -- asking them now to commit themselves to transfer ownership, management and control at the time of provincial or special status, I think you would get a great big resounding "No". But I think they would be prepared to admit that in all fairness, at least a substantial share of the royalties would be to the provinces.

In other words, let us not lose the point because we are talking about ownership, management and control because surely they can come back and say in part, well "Dr. Hamelin said why should you get yours 25 years sooner than say, Alberta did". What is most important in my mind is the independent funds, and this point ties back in with the fiscal -- with the financial statement.

A Matter of Trust

MR. BUTTERS: Mr. Chairman, the explanation I find very good and I think the time taken to solicit that information was time well spent. I also have a question relating to the matter of resources. I have heard talked around this Council in the past, the matter of "in trust" recognizing that the resources belong to the people of the North and these resources should be kept "in trust" by the federal government. Nothing is mentioned about that suggestion, so I assume that matter of "in trust" has been dropped and for an accounting has been dropped.

MR. SEARLE: Well, if they accept the principle of a share of the royalties, then you are going to have to have an accounting surely, because that is implied so you are assured you have your correct share. The matter of trusteeship, with all due respect, is what got that statement, that precipitated it I think, that statement by the minister on terms of management and control. I think if we go back with that we will just have to come back and say, "no sir". I think this timed the very best we can expect them to commit themselves to a substantial share of the royalties. I would think that when you get closer to that point of time of provincial status then you open the discussion, once you have at least this with respect to management control ownership.

You know, quite frankly, and I remember Gordon Gibson telling this and I think he must have been communicating with his son down there you will recall who was in Art Laing's offices, as soon as we raised the business about trusteeship of mineral resources, the hard lines started to form against us. I think that motion, which I made in successive Councils, was probably the cause for this hard line against resources. On reflection, maybe it was ill-advised to have made that point so strongly then, because now we are in a position of having to overcome it. I think this is the only way at this point in time that we can overcome it, yet leaving that matter open by using the words "at least". In other words, let us at least get a substantial share of the royalties.

The Feelings of Northerners

MRS. PEDERSEN: Mr. Chairman, the reason I said earlier he was sitting amongst the four walls and rush, rush, rush. The reason I said that was we have in front of us Tabled Document 16-50 with the interim report of the provincial-type responsibilities committee to the 50th session of the Council of the Northwest Territories October 1973, and up to that was confidential. The reason for that is that we are rushing. I realize that we are representing the people. On the other hand, what worries me is how many people in the Northwest Territories actually have input regarding the provincial or special status? What is their feelings? I feel before making the decision we should have a public hearing and see what the northerners feel about the future. Do not forget we have a special session. It is a very, very important session we are having today for the future of the North. Therefore, when I said earlier let us not rush, let us not lock ourselves in so the other ones in the North could make the decisions right now for the future of the North.

THE CHAIRMAN (Deputy Commissioner Parker): Further discussions?

Councillors to Represent the People

MR. SEARLE: Mr. Chairman, as ideal a situation as it would be to be able to go around and hold the special hearings on these sorts of things, the problem is a deadline next week to appear before this standing committee. The question now is simply, do we put in a comment which we are confident expresses our view as the duly elected representatives of the people? Surely at this point in time, that is the decision we have to make and I am confident that it expresses my feelings and I am confident, from the talks I have had with the people I speak to in my constituency, that I will not have anyone saying that I am wrong here and I think that you just have to make that sort of judgment.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Pearson.

MR. PEARSON: Well, I am just a little -- I agree completely with Councillor Searle. Councillors Butters and Pedersen, the slow approach this willy nilly thing, it is a basic philosophical policy position and we have to make that decision. That is what we are here for. We can not keep running back to the people all the time and have another cigarette on it. I mean, you have got to make a decision. You are adults, there is a decision to be made. That is the the basic philosophical policy. We have got to make a statement at this time. We can not be damned in this case for making a mistake because that is a natural course of events, that is the road to the future, that is the course that we will pursue anyway because it is the only logical course that we must pursue. Get off the pot you guys and let us get going.

THE CHAIRMAN (Deputy Commissioner Parker): Dr. Hamelin.

DR. HAMELIN: I wonder if we need a motion to have Mr. Searle's text to be included in the Ottawa presentation. Do we need that?

THE CHAIRMAN (Deputy Commissioner Parker): I think that it would be wise for us to have a motion. I have thought mistakenly on two occasions that we had come to a conclusion and I called for agreed and I was premature and I apologize, so I think it would be proper to ...

Motion to Include Mr. Searle's Text in Presentation

DR. HAMELIN: So, I do move that Mr. Searle's text should be included in the presentation to the standing committee in Ottawa next week.

THE CHAIRMAN (Deputy Commissioner Parker): Mrs. Pedersen.

Need to Consult with the People

MRS. PEDERSEN: Mr. Chairman, I just want to clarify that all of us in this house know the different type of communication problems we have in the North today. As an elected Member, I do not want to make the mistake that the government did 20 years ago, to make the decision without consulting the people. It is fine for the elected Members who have the CBC and things like it where they can listen to the news and where there are people who live in the same places who listen to the news that goes on in Canada and in the Northwest Territories.

For us who live in the isolated communities it is very, very difficult, therefore, I express my views as that I do not want to make any decisions without consulting the people who live in the communities because there is no way I can convince them. I can not explain it, just weakly, it has to be understood properly, otherwise I feel I will not properly represent them. The people, time and time again complain about it, the government deciding something for us without consulting us and here the elected Members do exactly the same thing in 1973-74, and I do not think that mistake of 20 years ago should be repeated. Therefore, with these things I can not support it.

THE CHAIRMAN (Deputy Commissioner Parker): Committee Members, what has been placed before us is a suggested restatement of two basic principles. I think that probably we have reached a stage where we can now deal with the motion. Mrs. Pedersen has very properly raised a question of complete understanding of constituents of these matters. As Chairman, I would only say that any indications that we have had from representatives here are that these two matters are very basic matters which probably have received the approval of the people of the Northwest Territories. I do not think that we are dealing with something completely new at this stage, however, we do have a motion before us and I do think it is proper to call the motion. All those in favour. Oh, pardon me, Mr. Trimble.

The Motion Expresses the Aspirations of the Majority

MR. TRIMBLE: Mr. Chairman, I support the motion because I think it is worded loosely enough that it expresses the aspirations of the majority of the people in the territories without being too restrictive. I am concerned particularly when at this stage of development in the territories we have the indigenous people, who form the majority of the people of the territories, negotiating with the Government of Canada and preparing to negotiate, what I consider to be, legitimate aboriginal and other land claims with regard to the Northwest Territories. For instance, it is referred here in the first of the two recommendations not just provincial, but other special status because we do not know just what could develop. It is conceivable, I think, that the indigenous people may choose to have the Northwest Territories be something other than a province. I think by using the terminology "other special status" we are not riding ahead of these people in committing them or committing the Northwest Territories to some certain form of development.

The second point also with regard to royalties where it states a substantial share of royalties, because I believe it conceivable and highly probable that the indigenous people are going to hold out for a percentage of royalties in any land claim settlements that they have. If we went on record as saying that the total royalties from lands within the Northwest Territories should go to the government of the territories, well then, I think we would be going ahead of the groups in their planning and negotiating. Again, instead of receiving the support of the indigenous people whom we represent, we could find ourselves at loggerheads and perhaps working against them.

I think the motion is a good motion. It expresses, I think, the aspirations of the people of the territories without being restrictive and I support it. I would hope that it would meet with the favour of the people within the territories.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Pearson.

Royalties Accrued to the N.W.T. Government

MR. PEARSON: Mr. Chairman, there was a very interesting article in the News of the North when they discussed the Pointed Mountain, the royalties that could accrue to this government from that project. That is a very minor operation I gather, in terms of pipeline and gas production, and that produces somewhere in the vicinity of thirty million dollars a year in royalties. The other very interesting thing was at Cape Dorset the other day when the people of the community there asked the Commissioner, "when will we gain provincial status?" The people are very concerned with this matter and I do not know about Mrs. Pedersen's constituency, but Dorset is just as remote as any of the others. This is our responsibility and our job and we have to exercise our responsibilities.

Motion Carried

THE CHAIRMAN (Deputy Commissioner Parker): Are you ready for the question? All those in favour? Opposed?

--- Carried

Provincial-Type Responsibilities

MRS. PEDERSEN: I abstain.

THE CHAIRMAN (Deputy Commissioner Parker): I note that Mrs. Pedersen abstains.

Now, I seek your guidance, we have the matter of provincial-type responsibilities to discuss. A paper has been circulated with two paragraphs on it and we have the matter of choosing a delegate or delegation to appear in Ottawa. Do you wish to proceed with that at this time and conclude the matter? Dr. Hamelin.

DR. HAMELIN: Yes, I think we have to proceed. Before that, I should add something dealing with the basic policy. That is, there are many other basic items that we have not discussed today and one of them has been brought up by Mr. Trimble when he spoke of the Indian, Inuit and Metis people. I wonder if we should not add a phrase saying that we are not discussing all basic policies but only a couple of them, those the minister spoke about.

THE CHAIRMAN (Deputy Commissioner Parker): I think that, if I may say, that this could be a direction given to the delegation that they must say that Council has not dealt with all of the issues but rather with a selected number of them. Would that be agreeable? Very good. Would you care to turn your attention to the paper that was circulated on provincial-type responsibilities? Perhaps, it might be just as well if I were to read this into the record now and then call for comments.

Paper on Provincial-Type Responsibilities

"The Council has identified nine programs designated as provincial responsibilities under the Canadian Constitution, that are still controlled by the federal government. For three of these programs, housing, highways and health services for Indians and Eskimos, the Northwest Territories Act has given the Commissioner in Council the power to enact legislation, but funding and administrative control still rests with federal government departments.

The other six programs that have remained completely under federal control are inland fisheries, forestry, hydro electric power, land and inland waters (surface rights), land and inland water (subsurface rights) and attorney general. This Council believes that all of these programs should transfer to the territorial government in accordance to the schedule which has yet to be negotiated. At this point we encourage the setting up of a schedule regarding the above areas of provincial responsibility."

Comments? Mr. Trimble.

MR. TRIMBLE: Mr. Chairman, again I come back to the same matter that I mentioned earlier. That the indigenous groups in the territories, who are the majority of people in the territories, are in the process of preparing for negotiations with the Government of Canada on matters relating to their claims with regards primarily to land. I, therefore, feel that we would be remiss if we at this stage, before they have completed their studies and completed the negotiations with the Government of Canada, went on record as recommending to the Government of Canada that surface and subsurface rights of the whole of the territories be turned over at some time or another to the people of the territories.

A few years ago, I would have been of a different opinion because these negotiations were not under way, well, they are under way now. I, therefore, feel that with regard to the matter of the land itself, I would also say with regard to such specific items as health services for Indians and Eskimos, that we have no right until such time as these claims have been negotiated and settled, to suggest that they should be transferred to the Government of the Northwest Territories.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle.

Administrative Responsibility

MR. SEARLE: Mr. Chairman, I think that part of Mr. Trimble's problem may be solved if we clarify that we are not talking about the ownership of land in this at all, we are talking about just the administration of these programs. Obviously, ownership would not come until you are a province. What we are just talking about is administration and so you know -- this Council believes that all of these programs should transfer, that is what we are talking about, administrative responsibility, not ownership.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Trimble. Oh, Mr. Searle.

MR. SEARLE: Well, as Dr. Hamelin was just saying to me here privately, and it would not hurt to say that subject of course to any settlement that may be made, as between the federal government and the native peoples. So, I think this can be added to clarify that we fully appreciate that these matters should be honoured and that anything that was done, either with respect to the territorial government or any future province, would be subject to that. Because I do not think there is any one who subscribes to the philosophy that those things should not be honoured regardless of who is administering them, these things, or who owns them in terms of actual ownership. Assuming we can phrase that, does that solve the problem?

THE CHAIRMAN (Deputy Commissioner Parker): Would you like a suggested wording?

MR. TRIMBLE: Mr. Chairman, I still have the reservation, that I believe the Indian and Eskimo people, for instance, should have a right to decide if health services -- this is one of the items under the first paragraph -- come under the administrative control and funding of the territorial government or remain with the federal government. I think this is their right to decide, not ours.

With regard to the administration of the land, I personally feel that the treaties in particular, are the treaties that are negotiating between the Crown and the Indian people. I think aboriginal rights in general are matters between the Crown and the indigenous people. Therefore, I personally believe that administrative responsibilities should remain with the federal government until such time as these matters are clarified, or if the native people agree that the administrative control come over to the territorial government, that is fine. I do not think we have a right to have this administrative control before they have finalized their negotiations with regard to the land unless they are agreeable to it. I do not think they are agreeable at this time.

THE CHAIRMAN (Deputy Commissioner Parker): Mrs. Pedersen.

Let the Natives Finish Negotiating

MRS. PEDERSEN: Mr. Chairman, I completely agree with Mr. Trimble's remarks. For one thing, I would like to mention at this time, at the moment the native people are doing the negotiating. Not only the natives of the Northwest Territories, there are the natives in Quebec, they have no control over. There are the natives in Labrador, they have no control over. So, leave these alone until native people themselves, completely finish the negotiations with the federal government, the Government of Canada. We have absolutely no right as territorial Councillors to ask for the administration until such time these negotiations are finished, because you are destroying what they are doing in that motion. Give them a change, let them do their job.

THE CHAIRMAN (Deputy Commissioner Parker): Committee Members, there have been two different viewpoints expressed here. One would see placing of this statement plus the addendum to the effect that transfers would be subject to current negotiations, before the standing committee. The other view is, in many instances these matters should not be dealt with in that way at this time. I think that I have tried to state as clearly as I can, without going in the detail of the wording before us, are you prepared to give me an indication as to whether or not you think the statement on provincial-type responsibility should be made before the standing committee at this stage or not? I think it has boiled down to that.

MR. BUTTERS: Mr. Chairman.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Butters.

Motion to Not have the Matter Placed Before the Standing Committee

MR. BUTTERS: I suggest, in view of the fact that this house does not seem willing to sit for an extended period to discuss this matter and in view of the many ramifications that have been suggested by previous speakers, that this Council do not make a capsule statement on provincial-type responsibilities at this time, unless we are willing to talk the implications out at some length.

THE CHAIRMAN (Deputy Commissioner Parker): Well, not having a motion either way ...

MR. BUTTERS: I so move.

THE CHAIRMAN (Deputy Commissioner Parker) Mr. Butters has moved that this particular matter not be placed before the standing committee.

Housing

MR. PEARSON: I would just like to ask Mr. Butters if that is his philosophy and I gather it is, after having listened to Councillors Trimble and Pedersen, they do not feel that this is within the round of the jurisdiction of this Council that happens to represent the native people that they represent and I represent. I wonder if Mr. Butters would like to turn back housing and the responsibility for housing to the Minister of Northern Affairs?

MR. BUTTERS: May I answer sir?

THE CHAIRMAN (Deputy Commissioner Parker): Yes.

MR. BUTTERS: I think that the point here is not housing per se, but whether or not we have considered this question before. Dr. Hamelin a short while ago suggested that some of these matters had been on our desk six months and possibly they have, but this matter has not and there are very real ramifications on what we are suggesting here. And to go ahead without examining these ramifications and implications is irresponsible on our part. This is the idea of my motion, unless we are willing to sit another couple of days and go over the whole thing.

MR. PEARSON: It seems to me Mr. Chairman, Mr. Butters would not want to be confused with the facts and if we sat here for three days, he still would not change his mind. He is determined that this is not the approach we are going to take. This has been before Council, this report was tabled at Council a long time ago. In fact you came up with a counter proposal to it that went to the minister -- the findings of the provincial -- and this is one of the main thrusts of the proposal of this committee.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Trimble.

Concerning Land Use

MR. TRIMBLE: Mr. Chairman, the matter is not in regards to specific responsibilities that concern Members etc. and myself, but it is concerning the land itself and the use of that land. And this matter is under negotiation with the indigenous people and the Government of Canada, and it will be conceivably for a few years. Right now, the prime target is the pipeline proposal which directly involves the land. I do not think we are justified in recommending to the Government of Canada that now or at any period of time until these negotiations are completed and the claims are settled one way or another between the indigenous people and the Government of Canada. I do not think we are justified in asking that this responsibility be turned over to the Government of the Northwest Territories.

The Government of the Northwest Territories is not negotiating with the indigenous people, it is the Government of Canada, and it has to be that way. Therefore, I suggest that matters relating to the land remain as they are until this matter is cleared up. Then I would suggest that these aspects which remain with the federal government or outside the agreements that may be arrived at, those responsibilities that are remaining with the federal government which are provincial in nature concerning the land, could be transferred. But, I think that until these agreements are finalized, we should leave our hands off.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Searle.

MR. SEARLE: I think there is a lot of wisdom, frankly, in what Mr. Trimble says. Listening to him carefully, I think that I have to agree with him. At the same time however, I do not think that necessarily prevents us from making a reasonably intelligent comment to the effect that these matters are outstanding, and that their transfer should come in accordance with the schedule. But then considering the schedule, we must take into account that these claims must be settled first and this settlement must occur first, particularly when we are thinking of land. Now it is very difficult to just, you know, sit here and come up with a totally acceptable statement to that effect. But, I believe

what we have got there, is say two-thirds of it and I would like to suggest we have the final third paragraph along these lines: "The schedule and timing should take into account the rights of native people and the settlement of their claim and any administrative transfer should be subject always to those claims and the completion of the settlement."

THE CHAIRMAN (Deputy Commissioner Parker): Dr. Hamelin?

Concerning a Joint Policy

DR. HAMELIN: Yes, Mr. Chairman, I think we are in a very difficult question now, that has been put about by Mr. Trimble and I realize it is a new question. If we have had that report for six months, we have never considered the relation between Indian rights and the transfer of responsibilities. So it is a new question that we have since ten minutes. It is a very difficult matter because if the indigenous people have fundamental rights to get a good solution to their claim, I think the Northwest Territories government has also rights to grow up. What attitude this Council may take? First, he may take what I may call the "until policy" that has been suggested by Mr. Trimble. Not to have another transfer until indigenous people have a solution to their claim. I wonder if we could not develop another policy, but I am not ready to speak on it, a kind of joint policy. At the same time trying to facilitate the growing up of the Northwest Territories government, and to have a fair solution to the indigenous rights and maybe to have a fair solution to the transfer of natural resources with a going up of royalties. We may think of this joint policy.

I do not like to leave half the Northwest Territories population, indigenous population of the North, say, dealt only with the federal government. I think it is federal way of thinking, and the federal has influenced the indigenous people that have followed that path. But, as it is a very new question, I think it has never been studied in this Council. I think I should accept the motion made by Mr. Butters, not to go any further on that because we have to think; if we go along with this joint policy that seems a better one, it would take months before we could imagine a kind of good bridges between indigenous people, federal government and the territorial government. In fact, it is a new dimension of the problem, for that I should suggest not to go further.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Commissioner.

An Open Invitation to the Parliamentary Committee

THE COMMISSIONER: With Council's permission and indulgence, I would like to add two words.

The first one is that I think that the Council has done remarkably well in responding to the request of the parliamentary committee on Indian Affairs and Northern Development going over the bill itself. In turn, I would think that the minister and the committee would be encouraged with the reaction of Council and some of the other things they have stated here. If it was possible for you to achieve all of the things that you have asked for up to now, it would be very remarkable indeed and something for which we could be very, very pleased and proud.

I am wondering if on this other aspect you might consider going about it the other way, and simply noting to the parliamentary committee an open invitation to perhaps come to the territories, sometime later in the year or perhaps even next year, to hear further representations from this Council on things that occur to them that they might wish to discuss. In this way you do not necessarily identify what you have in mind, but you lay the groundwork or you create the platform or you -- another way of saying it, you make it possible for such a thing to happen, where perhaps at a later time you could comment on these and other things. At the time while the parliamentary committee is here they may wish to consult other people, the native organizations, the municipalities and things of this kind. But I think that if you thought anything of that you might like to hold this in abeyance until you had more time to work on it, and develop it further.

I offer this only as a suggestion but I think you have done remarkably well, you have got unanimity amongst you and it would be a sad thing if you broke ranks on this, not because you disagreed but because you did not understand or you were not sure what would happen.

THE CHAIRMAN (Deputy Commissioner Parker): We have before us Mr. Butters' motion, we also have the Commissioner's suggestion regarding an invitation that could be issued to the committee in Ottawa to meet with Council to discuss whatever matters Council may wish to bring up at some future time.

THE COMMISSIONER: Mr. Chairman, I would be thinking in terms of something like next October or November. I do not mean tomorrow.

THE CHAIRMAN (Deputy Commissioner Parker): Further discussions? Mr. Pearson.

MR. PEARSON: I think the Commissioner's suggestion is a very good one and it would certainly be in the best interest of everybody in the North if we could get the committee to come here and discuss these matters with us and with whoever they might want to discuss it with. I think it is an excellent idea.

How about some action on this? I suppose someone should make a motion to this effect, we invite them.

THE CHAIRMAN (Deputy Commissioner Parker): I think perhaps we should deal with the motion we have before us because I sense the feeling among Members that this is a matter that might be dealt with at this time or at a later time, and the Commissioner has suggested the possibility of a later time, so I think it proper then, with your permission, that I call Mr. Butters' motion which would have the effect of not proceeding with the discussion of these particular matters with the standing committee at this time.

Motion Carried

Are you ready for the question? All those in favour? Opposed? The motion is carried.

--- Carried

Do you wish to act on the Commissioner's suggestion? Is it agreed then that the representative or representatives suggest to the standing committee that Council would be interested in a meeting perhaps this fall, to discuss other matters. Mrs. Pedersen.

MRS. PEDERSEN: Mr. Chairman, I was just wanting to know if they have it in the fall, is it possible that there will be a fall federal election?

THE CHAIRMAN (Deputy Commissioner Parker): If it interferes with a federal election, then they would not come.

MRS. PEDERSEN: Unless they came up campaigning. (laughter) Are you thinking of running suddenly? (laughter)

THE CHAIRMAN (Deputy Commissioner Parker): Well, I heard a number of agrees to the suggestion so I think that could be one of the instructions to the representatives.

I think that brings us to the last point, and that is the choice of delegate or delegates. What are your wishes? Oh, yes, we have now had confirmation that the standing committee would wish to hear from us on Thursday next. Mr. Butters.

MR. BUTTERS: Mr. Chairman, I wonder in view of the fact that decisions of this Council have been incorporated in motion form on every point that has been raised plus the fact that the two general items which were discussed this afternoon or later this morning are also in a very neat little package, that presentation would obviate the necessity of any Members of this Council going

to Ottawa and that we just present the recommendations that we have agreed to here.

Must Appear Before Standing Committee

THE CHAIRMAN (Deputy Commissioner Parker): As Chairman, I can not restrain myself from commenting. We would be doing ourselves a very grave disservice if, after having called a special session to discuss the matters and then did not appear before the standing committee. The standing committee is receptive to paper and it is also receptive to throwing it in the garbage. They are most receptive to hearing the words from a Member or Members of this committee and I think that it would have very great impact.

MR. BUTTERS: Mr. Chairman, I think then that if we do agree that there has to be a physical human presence before that committee, there must be a very clear differentiation between what this Council has agreed upon and recommended and what those delegates may say on their own, because as somebody mentioned earlier today, there would be questions and this is a very political group with political objectives in mind. Therefore, I think it is very, very important to ensure that the objectives of the Council are maintained. I have sat before the standing committee and the questions asked were very searching.

THE CHAIRMAN (Deputy Commissioner Parker): I think any representative would have to present the motions as they have been outlined here. They are now all a matter of record and that any other matters that were raised, that person would have to use great discretion, and if Council had not discussed the matter must as a matter of honour, inform the committee that the Council either had not discussed it or had come to no conclusion. I would think that person would have to be very, very cautious even in putting forward his or her own personal viewpoints, but Members of Council have great discretion. Mr. Commissioner?

Suggestion of Delegates

THE COMMISSIONER: You might be interested to know that the Yukon has picked two Councillors to go down and make their presentation, Councillor MacKinnon and Councillor Taylor.

THE CHAIRMAN (Deputy Commissioner Parker): Dr. Hamelin.

DR. HAMELIN: Yes, to go to Ottawa I suggest that we send at least two Members none of them from the appointed side, otherwise I would suggest Mr. Genest, but let us take only elected Members and I suggest Mr. Searle and Mr. Adams. I have not spoken on that matter to any of them.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Pearson wishes to speak.

MR. PEARSON: I was going to say, or suggest that in light of the comments from my colleague Mr. Butters, that I would suggest we send two, one that already lives in Ottawa and has been a tremendous ally of this group, the Air Marshal, and Councillor Searle who I am sure, is very able and capable of being able to point out the difference between his views and the views of Council. Perhaps Dr. Hamelin has a point when he says it should not be an appointed Member, therefore, I follow along with his suggestion, Councillor Adams.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Sibbeston.

MR. SIBBESTON: Mr. Chairman, I do not think it would be proper if we asked Air Marshal Campbell to attend on our behalf because he was not here, but I think the suggestion that Mr. Searle go is very, very good. I think Councillor Butters would be game to go also, so I would nominate him to go also -- and we can have three perhaps if Mr. Adams wishes.

THE CHAIRMAN (Deputy Commissioner Parker): Dr. Hamelin.

DR. HAMELIN: In fact, I think we are making only a suggestion but the Commissioner makes the final choice. I thought it was said on one of the documents. But anyway if it is the Council's choice, I maintain my own suggestion because these territories are composed of white and indigenous people, I feel that we have to put one indigenous on this matter. I should like very much to have one before the standing committee on Indian Affairs in Ottawa.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Pearson did you wish to speak?

MR. PEARSON: Well, I was just going to reply to Mr. Sibbeston's suggestion that Mr. Butters, I mean it is Mr. Butters who wants us to send a wire and I do not think that he would be anxious to go nor would he put his best foot forward. He would go there with some reluctance.

THE CHAIRMAN (Deputy Commissioner Parker): I do not think you should say that Mr. Pearson, I think that I persuaded him that there should be, as he said, warm human bodies go. Mrs. Pedersen.

Motion of Names of Delegates to Ottawa

MRS. PEDERSEN: Mr. Chairman, I make the motion that a delegate be sent down to Ottawa and the names -- Mr. Searle, Mr. Sibbeston, Mr. Butters and Mr. Trimble.

THE CHAIRMAN (Deputy Commissioner Parker): I now have a motion, previously I had ...

MRS. PEDERSEN: We did not say a motion but we mention about ...

THE CHAIRMAN (Deputy Commissioner Parker): Yes, that is true, yours is the motion. I would just like to say that formerly I had a recommendation that either two or three composed of Mr. Searle, Mr. Adams and Mr. Butters go. I now have a motion suggesting that Mr. Searle, Mr. Sibbeston, Mr. Butters and Mr. Trimble go. Are any of those Members unable to go? Because it is no use for us to debate something that is not possible. Now, Mr. Searle.

Declination

MR. SEARLE: Mr. Chairman, I think it is entirely unnecessary to send four people and to that end I would like to indicate I have a very busy time next week. I have to be in Vancouver, Saturday, Sunday, Monday and Tuesday. I have a meeting here Friday that I should not miss and if there is going to be four go I think that the three others -- I think the group of three would do just as well, and I would be just as pleased not to be one of that group and instead meet my other commitments which are very substantial and I do not take lightly. Hence, if you want four to go then that is more than enough representation and I would decline to be one of them.

MR. CHAIRMAN (Deputy Commissioner Parker): Mr. Adams.

MR. ADAMS: I think I am going to be busy too. I am going to decline myself, but I think if there is going to be four I think maybe Mr. Genest or Dr. Hamelin are right close to Ottawa, they do not have to go from the rest of the committee from the rest of the territory.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Sibbeston.

MR. SIBBESTON: Mr. Chairman, I sure hate to do this but I think I would have to decline.

THE CHAIRMAN (Deputy Commissioner Parker): We have got a number of reluctant bridegrooms here. Mr. Sibbeston feels that he can not make it, Mr. Searle feels that if four go he does not need to. Mr. Butters.

Mr. Butters Accepts

MR. BUTTERS: I can make it and I wish to advise the Councillor from the Eastern Arctic that I think it is very important that representation be made. My only concern was that the persons going there communicate for Council which is very difficult. I would certainly do the best job that I could.

THE CHAIRMAN (Deputy Commissioner Parker): I am pleased to hear that your are converted. Mr. Trimble.

MR. TRIMBLE: Mr. Chairman, I feel that Mr. Butters is quite competent to handle this matter and I feel that he alone should be sufficient. I would not refuse to go but I do not think it necessary that both he and I go.

THE CHAIRMAN (Deputy Commissioner Parker): Mr. Pearson.

MR. PEARSON: Well, it seems as how the motion called four Members by name to go, Mrs. Pedersen's motion is invalid because most of them have rejected the idea, therefore the motion is invalid. I would, therefore, suggest that the representation be Councillor Butters and Councillor Searle. Two Members are quite enough and we wish them the best of British luck.

THE CHAIRMAN (Deputy Commissioner Parker): Well, I think that this is a strange motion, but I mean -- no the motion was not strange but the way it has been dealt with has been a bit strange. It really has boiled down to the fact that Mr. Butters is available and committed to the cause. Mr. Searle has been one of the leading speakers here and has not said he would not go but he said he felt he would not go if there had to be such a large group. Mr. Trimble feels that Mr. Butters will most adequately express the points of view which he himself might have. Mr. Commissioner.

Going Up Against the Best

THE COMMISSIONER: Well, Mr. Chairman, I think you have to look at it from a little different point of view and if I could say it this way without being misunderstood. You are going up against the best. The parliamentary committee and they have very, very astute, capable people on there, Mr. Nielsen for one, Mr. Buchanan, Miss MacDonald, Mr. Burnett and these people are going to be very interested in what you have to say. So, I think that it would be wrong to send just one down there. At the same time it would be wrong if you sent all of the one opinion and none of the other because you could say "what are those sons of gun doing down there?" I think that Councillor Pearson has hit on a good suggestion and I will go a little further on it and will examine them.

Now, I do this in view of the fact that several Members have said they can not go but Mr. Butters is a former civil servant, he knows the civil service, he knows the administration, he knows the system and, I think, has experience in presentations of the parliamentary committee and, in my opinion, is an excellent choice. He has the guts, the courage and the determination to see that what is said and what comes up that the proper answers are given. Over and above that he is the only one of us around here that has a means of getting to a newspaper where he can put his viewpoint across. So, I think he would be an excellent choice if this side of the house should accept him.

As for that side of the house over there you have got Mr. Searle a lawyer, stubborn as hell, but in any event, you are looking for someone who is going to go down there and work hard and present a good point of view. He has been chairman of the committee and worked hard on it along with the other Members, but some of the other Members happen to be appointed Members and you have ruled them out. I agree that Mr. Genest would be a master in his presentation and I imagine the Air Marshal would too, if he could keep his temper. But, in view of this I think you have two excellent men, at least this is how I see it, as Mr. Pearson made the suggestion and again I go on the basis that some of the people would rather have somebody else go instead of them.

You have done so well and now all that is left is people that are going to carry the ball, they have the ball all made, it is your ball and you are going to take it down there and I would appeal to you to remain united and support the people that go down and they know full well they have the full support of this Council. You say to yourself "well, damn it all, we put two good men up there and they will do the very best they can for us." So, in that respect, I think you must think in that way.

Messrs. Searle and Butters as Representatives

THE CHAIRMAN (Deputy Commissioner Parker): Is it agreed that Messrs. Searle and Butters be representatives? Any opposed? It seems then to be unanimous.

I believe that concludes the deliberations of this committee. Is that agreed? May I report?

THE COMMISSIONER: Council come to order. Deputy Commissioner Parker.

Report of the Committee of the Whole of Motion 01-52, Consideration of Recommendation by Council on Bill C-11, Certain Portions of C-9 and Other Matters

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, your committee has met to study the formal motion which was duly and unanimously approved yesterday. The motion called on the committee of the whole to study matters to do with the two bills before the House of Commons at the present time, and I have this report.

The first item that your committee dealt with was, by unanimous motion, to endorse Bill C-11 to provide one senator for each of the Yukon Territory and the Northwest Territories.

The second item that was dealt with concerned additional federal representation for the Northwest Territories and the following motion was passed:

"Moved that this Council support in principle more than one federal constituency for the Northwest Territories in the Parliament of Canada."

That motion was carried unanimously.

Amendments to Bill C-9

Dealing with Bill C-9 which amends the Northwest Territories Act, the Yukon Act and the Canada Elections Act, the following conclusions were reached by your committee.

First of all, it was unanimously agreed that all Members of Council should be elected, secondly it was unanimously agreed that there should be 15 elected Councillors.

The next point was in connection with the office of Speaker and a motion was passed as follows:

"This Council while approving appointment of a Speaker, requests that clause 12 of Bill C-9 be amended so as to provide that the Council shall elect or appoint a Speaker who may be one of its Members or may be a person not a Member of Council."

That motion was carried.

In dealing with the position of the Deputy Commissioner, a motion was adopted as follows:

"Moved that the office of Deputy Commissioner remain with the Administration of the Northwest Territories and in keeping with clause 10, Bill C-9, that the Deputy Commissioner no longer be a Member of the Northwest Territories Council."

The next point dealt with the matter of elected Members of Council on a territorial Executive Committee and the following motion was adopted:

"Moved that this Council endorse the proposal of the Minister that elected Members of Council be appointed to the territorial Executive Committee and that such proposal be implemented in the first instance as a matter of administrative practice and not provided for in the legislation, but that this Council requests that the number of Members so appointed be four instead of two."

Financial Formula

The committee turned to other related matters and by motion agreed that the representatives appearing before the standing committee should make this statement regarding fiscal matters to the standing committee:

"A financial formula must be devised which would end the extensive and complicated series of interdepartmental committee meetings and negotiations by providing an unconditional grant to the Government of the Northwest Territories."

Further, your committee agreed by motion that the following statement should also be made to the standing committee. This deals with basic policy and reads as follows:

Basic Policy

"There are two basic philosophical policy positions of the Government of Canada enunciated by the minister on the 10th of November 1969 in his statement on the development of government in the Northwest Territories which are unacceptable to the Council and which read as follows:

- (1) "In the first place I firmly believe that at this time and for the foreseeable future, the granting of provincial status to either territory is not a realistic alternative.
- (2) I further believe that the federal government should continue to manage and develop the natural resources of the North for the benefit of both northern residents and all Canadians."

The foregoing two basic policy positions leave no doubt about the position of the Government of Canada as to what we, in the Northwest Territories, may expect for the foreseeable future. This Council suggests that everything possible must be done to cause these policies to be changed. What has to be done is to put the policy in the positive rather than the negative, hence we would suggest a restatement of the basic policy in the positive as follows:

- (1) "The Government of Canada is committed in principle to the granting of provincial or other special status to either territory, in time.
- (2) At the point in time of provincial or special status a sub-stational share at least, of the royalties from the Northwest Territories resources would go to that new government."

Meeting with Standing Committee

The next matter that the committee dealt with was on the suggestion of the Commissioner it was agreed that an invitation should be issued to the standing committee in Ottawa, to meet with Council in the North perhaps in October, but with the intention that it not be a very early meeting, to discuss whatever additional matters the Council might wish to raise at that time.

There was one further point discussed during the deliberations of the committee, and that was, that the representatives should make a statement to the committee that the matters which have been raised at this time were not all-inclusive but dealt with only certain subjects, and that there would be certain subjects which could be raised at a later time.

Finally, Mr. Commissioner, the committee chose two Members to represent it and appear next Thursday before the standing committee on Indian Affairs and Northern Development, and those two Members were Councillors Searle and Butters.

THE COMMISSIONER: Thank you very much. That completes Item 9. Is there anything further to come before Council? Okay, I want to say one thing off the record before we get into prorogation. Mrs. Jenkins would you turn that thing off. Turn all the recording equipment off.

Commissioner's Closing Remarks

Members of Council, I want to congratulate you on a very excellent session. The responsibility and charge given to you by the standing committee, the parliamentary committee on Indian and Northern Affairs or Indian Affairs and Northern Development, I think that you met admirably. I was particularly struck by the degree of unanimity on the part of Council during the deliberation and I think you are to be congratulated for the work that you have brought forward.

I would like to wish on behalf of all of the people of the Northwest Territories, the two Members that are now given the responsibility of appearing before the parliamentary committee and to thank on behalf of the Northwest Territories Council and I am sure the people of the territories agree, the parliamentary committee for their very kind invitation to this Council to give their observations and views on the recommendations contained in the bill, and for the kind invitation to Council to send Members down. I congratulate Council for accepting that invitation and to Councillor Butters and Councillor Searle go, I am sure, the best wishes of all of us on your journey to Ottawa and during your presentation to the parliamentary committee.

ITEM NO. 10: PROROGATION

On that note it is my pleasure to prorogue what to me has been a very beneficial session of Council. On that note I hereby prorogue this session of Council.

--- PROROGATION





