

Yukon and Territorial Lands Acts

• (4:00 p.m.)

The powers of the council are set forth in section 16 of the Yukon Act. Those powers cannot be exercised except by the commissioner in Council. The powers that the minister has with respect to the setting up of bodies of this nature are contained in the act, and if they are not in the act then he has no such power. So I very much question the constitutionality of the minister instructing the commissioner to set up an executive committee, howsoever he wants to compose it.

There is no objection, and it is certainly within the power of the minister to instruct the commissioner to set up a committee comprised of civil servants. But when he purports to instruct the commissioner to include in the administrative fabric of his department two elected members of the council I think he is going too far constitutionally, and certainly he would be going too far if he attempted to clothe that committee with any powers unless he did it by way of amendment to the Yukon Act. However, it is a simple matter to resolve. If he wishes to do this, I am sure it would not take long to prepare an amendment and perhaps pass it to the chairman of the committee to which this bill will be referred.

I have one main objection with respect to the amendments to the Northwest Territories Act. The arguments I have advanced with respect to the Yukon apply equally with respect to the Northwest Territories, save perhaps with one exception which is that progress to eventual autonomy in the Northwest Territories will likely be somewhat slower than in the Yukon because the Northwest Territories do not have the comparative legislative history and the comparative history of the functional institutions of government that the Yukon has. But one thing that is completely repugnant to any system of democratic government is the idea that bureaucrats should appoint members to sit on a legislative body. There is no earthly reason why the people of the Northwest Territories should not be entitled to elect the whole of the council. But the bureaucrats here in Ottawa say, "If they were all elected members they would be denied the necessary expertise in order to assist the legislative council of the Territories to properly perform its functions." That, Mr. Speaker, makes two assumptions. One is that if bureaucrats do not sit with the council, the members of the council will act improperly. The second is that if bureaucrats do not sit

with them, they will be unable to find the necessary expertise from among their own members.

I think both arguments are redundant, because what is to prevent the Northwest Territories Council, if they feel the need of expert advice, asking the government body here in Ottawa, or the department or whatever board or what-have-you, to supply the necessary witness or individual to appear before the council and give that expert advice to them? It is just not good enough to have the bureaucrats appointing members to a legislative body and in the same breath saying this is real progress toward a responsible form of government. That element of the Northwest Territories Act should be altered and there should be an amendment which would permit the people of the Northwest Territories to elect all of the members of their council.

There is one other disturbing feature of this bill. I want to draw this matter specifically to the attention of the minister, although he does not appear to be too interested at the moment. I hope the hon. member for Northwest Territories will forgive this interruption.

Mr. Turner (Ottawa-Carleton): It is pretty hard to concentrate on your speech.

Mr. Nielsen: Sometimes it is difficult to concentrate on what I am saying, but I do not want to be interrupting while they are talking over there. Many times in the past the minister has promised the members of the council, not only here in Ottawa when they visited him but also in Whitehorse when he visited them, that he would consult them on any measure that was going to affect the lives of the people of the Yukon. The latest incident where there was no consultation concerned the granting of a huge timber berth in the Yukon, with the possibility of timber development. As soon as the minister found out that the council had not been consulted, he ordered the whole thing stopped immediately until there was an opportunity to consult them. That is to his credit. But, Mr. Speaker, they have not been consulted on these amendments to the Yukon Act, and I think they will be very put out because they were not consulted. They had a right to be consulted and they had a right to rely on the minister's promise to consult them.

Mr. Chrétien: They came to Ottawa and the Prime Minister (Mr. Trudeau) and I had a long talk with them.