

Yukon and Territorial Lands Act

intended to give the elected members a majority on the committee. However, since Your Honour has disallowed both amendments I will save the time of the House, without accepting the principles the minister has espoused in his amendment, by not insisting on a procedural argument in respect of Motion No. 5.

Mr. Deputy Speaker: The next amendment is Motion No. 6 in the name of the Minister of Indian Affairs and Northern Development (Mr. Chrétien).

Hon. Jean Chrétien (Minister of Indian Affairs and Northern Development) moved:

That Bill C-212, an act to amend the Yukon Act, the Northwest Territories Act and the Territorial Lands Act, be amended by striking out subclause 2 of clause 5 on page 3 thereof.

[*Translation*]

He said: Mr. Speaker, I should like to explain to hon. members why we have to propose this amendment. We do not want to limit the authority of the elected members of the Council of the Yukon Territory but only to maintain, as I explained earlier, in the Northwest Territories and in the Yukon, the constitutional development which took place in the Canadian legislatures and is mostly derived from the British parliamentary system.

Under sections 54 and 90 of the British North America Act, in our parliamentary system, it is forbidden to pass resolutions, addresses or bills proposing the allocation of public funds or taxes without recommendation from the Lieutenant-Governor in the case of legislatures or from the Governor General in the case of Parliament.

If we agreed to the amendment moved by the committee members, who have done so in good faith, in order to meet the objectives of the administration, that wanted the members of the Council of the Yukon Territory to vote themselves the amount of their indemnity in addition to the expenses involved to go to their riding or to the seat of the Council, thus exempting them from considering this appropriation of money, done without the consent of the Commissioner of the Territories, we would be going against our parliamentary tradition and against the one we intend to establish in The Yukon where, for the first time, will be established an Executive Council made up of two members elected by the Assembly and two other appointed members and of the Commissioner of the Yukon Territory as well.

Now, as I have said several times, it is hopefully a first step toward the establishment of an Executive Council whose members will all be appointed by the elected members of the Territorial Assembly. However, I cannot forecast when this will happen. If we were to pass this amendment, we would completely deny Parliament the basic executive power which, under a British parliamentary system, gives it the exclusive authority to introduce legislation involving the spending of public funds.

And since we want a continuity in attitude and approach to constitutional development in Canada, we think that such a precedent would be totally contrary to sections 54 and 90 of the British North America Act as regards the administration of the provinces and of the federal government, and would be contrary to the recognized constitutional practices of our parliamentary system.

However, so as to reassure the House, I would say that the salaries recommended by the members of the Territorial Councils will be approved by the administration. I have every reason to believe they will be very easy to approve, unless of course they are exaggerated. But, according to the conversations my officials and I have had with the members of the Councils, it seems the salaries they intend to vote themselves will be altogether acceptable to the minister. Indeed, we do not intend to create any difficulties.

● (3:40 p.m.)

Obviously, what I am now saying may not be completely in line with the decision made by the committee, but hon. members will understand that we do not want to create a precedent that might be absolutely contrary to the attitude and approach taken so far about constitutional development in the Northwest and Yukon Territories. In any event, I am sure we will accept readily the recommendations of the members from the Territories when under the law, they set themselves their own salaries. Then, the administration will present a bill to the assembly for the expenditure of public funds, as is usually done according to the British tradition which prevails in the administration of parliamentary institutions in our country.

[*English*]

Mr. Nielsen: What the minister was speaking about was the practice that was in vogue 100 or 200 years ago. It appears that for a long time to come the Yukon and Northwest