

*Yukon Act*

Territory was made a separate territory before the creation of the western provinces of Alberta and Saskatchewan, and when searching for a name by which to call the government-appointed representative in the Yukon the term "commissioner" was evolved because there could not be two governors, one sitting in Regina and one in the Yukon Territory.

The Yukon has been represented in this house since the turn of the century and because of varying economic conditions the size of the legislative council has fluctuated from time to time. I do not think the minister would for a moment gainsay the proposition that the Yukon Territory is breaking through not only in the economic field, which at the moment does not concern me, but also in the field of the creation of fully democratic ways of life.

● (2:10 p.m.)

The minister put his finger on the nub of the issue when he was speaking on the bill to amend the Northwest Territories Act, namely, that complete separation exists between the executive and the legislative arms of government. The executive arm of government in the Yukon is in effect an appointee of the federal government of the day. In effect the commissioner, who is the appointee of the minister through the governor in council, administers the Yukon Territory from time to time on instructions of the minister himself. Any legislation that is passed is created by the federal administration, is laid before the council and it is simply asked to rubberstamp it. Nothing can emanate from the council affecting expenditures of money. Notwithstanding the fact that we have been taxing ourselves for decades we have not yet the power by positive legislation to spend a single penny of that money. There is this vast difference in the historic development of the territories. Consequently there is bound to be that same kind of gap existing between the extent of the demand for reform in the Yukon and the extent of that demand in the Northwest Territories.

As the minister well knows, there is a growing and insistent demand in the Yukon for positive and immediate reforms. Unlike the Northwest Territories, the members of the Yukon Legislative Council have thought a good deal about the nature of the reforms that can be brought about in order to achieve a greater degree of executive control.

I might embark at this moment to lay the groundwork for the proposals I will be making by pointing out a few of the more important distinctions between the administration in the Yukon and that in the Northwest Territories. When discussing the preceding bill the minister mentioned the example of liquor in the Northwest Territories. That in effect is the only field in which positive local control—the minister shakes his head in the negative—exists in the hands of the people there. They, for instance, have no control, as we do, over company's legislation. In effect, in the Yukon Territory the legislative power is exactly the same as that which exists in any provincial legislature, with three very important exceptions.

The first of these exceptions is that the council of the Yukon has no power to introduce money bills, and that is the most important. Second, it has no power to legislate with respect to natural resources and, third, it has no power to legislate with respect to the administration of justice. These three areas are omitted from section 16 of the Yukon Act which sets forth the division of powers between the federal and territorial authority legislatively, as does the B.N.A. Act in sections 91 and 92.

The question of the continued separation of the executive from the legislative function has to be faced. For many years, unlike the Northwest Territories, the administration in the Yukon as distinct from the council—because the council has no executive authority—has had the autonomous power to deal with all matters affecting education in the territory, has had the same kind of power with respect to the construction and maintenance of the territorial road system, has the same kind of power with respect to taxation for territorial purposes of the residents of the territory, and has assumed partial administrative authority in the fields of forestry, game and fishery. It also has partial authority in labour matters and in the control exercised over the professions of law, medicine and engineering.

But the members of the council and the people of the territory generally have reached the stage where they require that there be transferred from the federal jurisdiction partial, not whole, executive control. They feel that if they are going to be responsible for the administration of education they should have the legislative power to do so and not be told what to do by Ottawa through the commissioner.