

The Address—Mr. Penner

Yukon, and leading that territory toward provincehood. The government has taken major steps to move the yardsticks toward what it calls responsible government in the Yukon, and the House should know that the government has already taken these major constitutional changes in that territory.

In a letter dated October 9, the Minister of Indian Affairs and Northern Development, acting, as he said, pursuant to section 4 of the Yukon Act, directed the commissioner of the Yukon as follows:

You are instructed to request the territorial government leader that he shall constitute and appoint a body known as the cabinet or the executive council—

He then informed the commissioner:

You will not be a member of the cabinet . . . and will not participate on a day to day basis in the affairs of the cabinet, and council—

Elsewhere in the letter the minister said:

You should advise the government leader that he may use the term premier to describe his office and the term Minister to describe the other members of the (cabinet).

However, and this is the most interesting part of the letter, he cautioned the commissioner with these words:

Until legislative amendments to the Yukon Act are passed, however, these terms should not be used in Territorial legislation or legal instruments.

It does seem rather elementary to point out that any title which one is not entitled to use by law is not a legal title. Indeed, I am told that the leader of the territorial government himself has been sufficiently distressed about this that he has decided on his own not to bother using the title "premier" which the minister would want to confer upon him.

I think we can snicker with some justification at the ineptitude of the minister in conferring provincial titles on territorial leaders and their institutions, but what we cannot take so lightly are the constitutional changes which he attempted to bring about on the strength of nothing more than his own signature. The fact is that the relationship of the Yukon government to the Government of Canada has been altered without the consent of Parliament. Acting under the cloak of section 4 of the Yukon Act, the minister added insult to his constitutional improprieties when he told the commissioner, Mrs. Ione Christensen, to pack her bags and move out of the legislative buildings altogether.

Let me refer to the section the minister uses to justify all his actions under law. Section 4 of the Yukon Act reads as follows:

The commissioner shall administer the government of the territory under instructions from time to time given her by the Governor in Council or minister.

Instructions to administer, says the act, but it does not say that the minister has the authority under law to tell the commissioner not to administer at all, which is in effect and in fact what he has actually done. The commissioner, therefore, received her new instructions shortly after learning from the local press that they were on the way to her, and to no one's surprise but to everyone's dismay, particularly the people of the Yukon Territory, Mrs. Christensen promptly resigned.

Whether Mrs. Christensen, a native Yukoner, an immensely popular lady and a good administrator who enjoys the confi-

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dence of both the Indian and white communities in the Yukon, felt that she could no longer properly administer a government in which she was no longer even physically present, we do not know. Whether she felt that the Parliament of Canada had instructed her to carry out responsibilities with her council within the normal meaning of the word "administer", which the minister had told her to ignore, we do not know either.

Maybe she felt that Yukoners could not afford full fiscal responsibility until they were able to pay the cost of their own public services. Maybe she was merely disappointed that she, like all Yukoners, was not consulted in the matter, and that is another tragic error this new minister has made so early in his career. He has taken an enormous constitutional step without bothering to come to Parliament to get the authority to do so by amending the Yukon Act, and not bothering to consult the people who are directly affected.

He has taken his advice from whom? Well, certainly from the hon. member for Yukon, the Minister of Public Works, and from the leader of the government in the Yukon. That is who he consulted, and that is the end result of this serious step taken by the minister.

Mr. Epp: Both are elected, Keith.

Mr. Penner: We do not know the major points of disagreement between the commissioner and the minister, because when I asked him in this House to tell us what were the major points of disagreement, he would not say. All he would tell us was that his commissioner felt the government was moving the Yukon too quickly along the path to responsible government.

What we do know is that the commissioner could not be faulted for having had at least some of the concerns I have already mentioned. She would have known full well, for example, that historical precedent required the minister and his government to bring forward amendments to the Yukon Act in order to remove her from the deliberations of her council. It must have been common knowledge to a person as wise in the ways of government as Mrs. Christensen that in 1966 the Parliament of Canada specifically repealed a section in the Yukon Act which had previously required the commissioner to sit separate and apart from the council.

Evidently this made no difference to the minister. The fact that he had to come to Parliament to do that did not bother the minister at all, because someone told him that under section 4, by which he could instruct the commissioner how to administer, he could now instruct the commissioner not to administer at all, not to be physically present, not to consult with any committee, nor to consult with elected representatives.

Perhaps the former commissioner was offended at this slight to Parliament, although "slight" is hardly a strong enough word to describe the rearrangement of constitutional relationships without any reference to Parliament. On the other hand, perhaps she was not so jealous of the rights of Parliament, but we here in this House certainly must be. We can only speculate about her attitude to this irresponsible encroachment by a minister of the Crown upon federal jurisdiction. This gasp for