

Yukon and Territorial Lands Act

for an unanimous recommendation by a committee. By using these words "where he deems such consultation to be practicable, or, otherwise, after consultation with each of the members of the council with whom consultation can then be effected" he builds a little snow fence or ice fence. Perhaps the council cannot get into town. Then, he will pick the members off one by one. If, as the hon. gentleman says, there are problems about transport in the north, cannot the existence of those problems be used to suggest that it was not practicable to consult with the council? The minister is caught by his own words; he is hoist with his own petard.

Mr. Deputy Speaker: The House has heard the motion proposed by the hon. minister. All those in favour please say yea.

Some hon. Members: Yea.

Mr. Deputy Speaker: All those against, please say nay.

Some hon. Members: Nay.

Mr. Deputy Speaker: In my opinion, the yeas have it.

Pursuant to Section 11 of Standing Order 75 a recorded division on the motion stands deferred.

As I indicated earlier in the sitting, I have doubts about the admissibility of amendment No. 4 and also amendment No. 5. I am prepared to hear procedural arguments in this connection should hon. members wish to advance them.

Mr. Nielsen: I raised this matter, too, on March 13 as a point of order. The Speaker at that time had reservations about it. I will deal with the arguments very briefly, but when introducing this legislation on May 13, the minister had this to say, as reported at page 6924 of *Hansard*:

• (3:20 p.m.)

Before I deal with the provisions of the bill in detail, Mr. Speaker, I should like to point out that there is a major step in the constitutional development of the Yukon Territory which does not appear in the bill.

I draw to Your Honour's attention the words:

—a major step in the constitutional development of the Yukon territory which does not appear in the bill.

The minister continued:

In order to have the members of the council of the Yukon participate more fully in the executive functions of government I will be instructing the commissioner—

[Mr. Nowlan.]

That is, the minister's appointee.

—to establish an executive committee which will assist him in the exercise of his responsibilities as chief executive officer of the territory.

In other words, he is going to smuggle some civil servants into the legislative function.

This committee is to consist of two members of the Yukon council to be selected by the members of council, the two assistant commissioners, who are officers of the Yukon administration, and the commissioner himself who will be the chairman of the committee.

This means three bureaucrats and two elected representatives of the people in the Yukon.

This change in the executive structure of the government of the Yukon has great potential for the future.

Mr. Chrétien: Hear, hear.

Mr. Nielsen: The minister is the only one who applauds. Everyone in the Yukon is shedding tears of bitter disappointment.

I will be following it closely. If the changes now being introduced prove successful, they could point the way to further constitutional progress.

Then, on May 14, when a question was raised as to this method of proceeding, the minister had this to say, as reported at page 6978 of *Hansard*. This is what I have been saying in this House for a good many years, not only to this minister but to ministers who preceded him in both political parties:

It is true that this is not provided in the bill—

That is, the setting up of the executive committee.

—but this is because we want more flexibility.

He wants more power.

The fact that no provision is made for this in the bill means nothing at all, since the commissioners always act on the direction of the minister.

In other words, they take his orders, presumably as assistant commissioners.

My submission is that this constitutional development—it was correctly called a constitutional development and is about the only accurate statement in the minister's remarks that I have read today—is in fact just that. The Yukon Act is a mini-BNA act. It spells out the legislative powers the council that has been set up by this Parliament acquires.

In 1960 a constitutional development occurred which was embodied in the Act, and it was intended to have an embryo effect under the act at that time. This amendment in 1960 appears in the present Act as section 12, which set up an advisory committee on