

Northwest Territories Act

much because they have not had the experience of myself and the hon. member for Mackenzie River of how this is handled in other places. Therefore, we have to move perhaps a little slower than they are asking for, but an examination of the matter is going on at the present time. As the hon. member will appreciate, it will not move with great rapidity because one does not go up there today and come back tomorrow. One has to wait for the occasion. I hope these remarks will put the hon. member for Mackenzie River at ease.

Mr. Hardie: I thank the minister for his statement. I am sure we all know that he has the good will of the people of the country. Certainly, he is trying to do something to provide those steps toward greater autonomy and I want to thank him for his reassurance.

Mr. Godin: I rise to speak for a few moments on this resolution. I do so now because if we do not make proper suggestions at this stage we find that when the government presents a bill it is usually prepared to adopt it in the form in which it is presented. As I listened to the remarks made by the Minister of Northern Affairs and National Resources I had the fear that possibly the bill which will follow this resolution will not contain proper amendments which undoubtedly should be made to the Northwest Territories Act. The minister indicated that there will be problems in the new procedure for the appointment of judicial officers. Therefore, I fear it may take away certain provisions which definitely should remain in the act. If I do speak now and if I have read the act to some extent it was for the purpose of trying to assist the house in these matters, since we know that in the house we have only one worthy representative of the territory, namely the hon. member for Mackenzie River.

No doubt the general purpose of the amendments is to bring about greater autonomy in the administration of justice in that great territory. I should like to refer to one problem which was not mentioned by the minister in the explanation which he gave of the proposed amendments to the Northwest Territories Act. It is a problem which was discussed to some extent by the hon. member for Mackenzie River. I refer to the concurrent jurisdiction which is permitted in civil and criminal matters in the Northwest Territories.

Perhaps I should explain for the enlightenment of hon. members that the procedure in the Northwest Territories, contrary to the

[Mr. Hamilton (Qu'Appelle).]

laws laid down in the provinces permits trials to be held outside of the Northwest Territories in any province of Canada east of the Saskatchewan west border, namely the 102nd parallel of longitude. This means that a legal problem of a fishing company having to do with something which took place in Chesterfield Inlet on the west boundary of Hudson bay could be tried in Newfoundland if the company came from Newfoundland. As the act reads now, a judge in Newfoundland would decide whether the action should be tried in Newfoundland. The judge in Newfoundland would decide upon the applicant in Newfoundland presenting certain evidence of merit as to why the trial should be held there. Of course, as explained by the hon. member for Mackenzie River, there is no doubt that a judge in the Northwest Territories could possibly much better ascertain the merits of the demand for the trial to be held in Newfoundland. Therefore, I respectfully submit to the minister that an amendment should permit a decision to be made on the merits of the case presented by such an applicant, not by a judge of a court in Newfoundland, Ontario, Quebec or Manitoba but by a judge of the Northwest Territories, who would have before him an affidavit of the merits of the trial to be held in Ontario or in any of those other provinces. The same thing would apply necessarily to cases west of the 102nd parallel of longitude which under the act can also be tried concurrently in the province of Alberta. This would, I believe, enable the judge of the Northwest Territories more properly to decide if the merits of the case presented were such that the case should be heard outside. I believe this is the very thing that the minister wishes to do by his amendments, namely bring about more autonomy to the Northwest Territories.

I have indicated that these are the problems which may be involved in granting this concurrent jurisdiction which, no doubt, there are good reasons for. Then there is a second matter. The minister has suggested that the purpose of the bill will be to enlarge the possibilities of appointing more judicial officers. If that is to be done I trust that section 32 (1) will be retained in the act. In order to enlighten hon. members, I will read the section. It reads as follows:

The governor in council may appoint one or more persons who are barristers or advocates of at least three years standing at the bar of any of the provinces of Canada to be police magistrates in and for the territories and may fix their salaries and allowances.

There is no doubt that possibly in an effort to make provision for further appointments this clause may be amended. I must tell