

*Yukon and Territorial Lands Acts*

refer to those clauses in the bill that relate to the administration of justice, namely, clauses 6, 11, 17 and 22, other than to state that my remarks are confined mainly to those aspects of reform contained in the bill introduced by my colleague, the Minister of Indian Affairs and Northern Development (Mr. Chrétien).

A year ago in April when I was in Whitehorse and Yellowknife prior to embarking on a circuit with Mr. Justice William Morrow into the eastern Arctic, I had discussions with the Commissioner of the Northwest Territories and with the legal adviser of the Commissioner of the Yukon Territory. I had a meeting with the select committee on justice of the Yukon Territorial Council which consists of three elected members of that council. I had informal discussions in Yellowknife with members of the Territorial Council of the Northwest Territories. In both Whitehorse and Yellowknife I had the occasion also to hold informal discussions with members of the Bar of the Yukon Territory and the Bar of the Northwest Territories. I am sorry the hon. member for Yukon (Mr. Nielsen) is not in his seat to hear me thank him once again for having sponsored me as a member of the Yukon Bar when I was in Whitehorse. By virtue of the statutes delimiting the duties of my department I happen as well to be the Attorney General of the Northwest Territories and the Attorney General of the Yukon, and it is that capacity that I am addressing myself to this bill.

Subsequent to those visits and to active and meaningful consultation with the elected representatives of both territorial councils, I announced in Whitehorse and Yellowknife on November 20 last that the government intended to propose to the territorial governments a transfer of certain matters relating to the administration of justice from the government of Canada. These proposals related to and followed very closely the various studies made on the governments of the two territories, and notably the report of the advisory committee on the development of the Northwest Territories which was commissioned in 1965 and which was known as the Carrothers Commission. The Chairman was Dean Carrothers of the University of Western Ontario law school. The two other members of the commission were Jean Beetz, then associate dean of law at the University of Montreal, and John Parker who was then mayor of Yellowknife and is now deputy commissioner of the Northwest Territories. That commis-

sion recommended that territorial governments assume more control over local judicial affairs.

I believe that the proposals I made in November, which are reflected in the bill, in large measure meet the recommendations of the Carrothers Commission and of the studies that preceded it. I believe that those proposals that are reflected now in this bill and which fulfil the commitment that I made to both territorial councils constitute a step which will bring the administration of the law closer to the citizens in the territories. They are designed to give our northern citizens, through their elected representatives and through their appointed officials now resident both in Whitehorse and Yellowknife, a much fuller and more complete responsibility in the administration of local legal affairs.

What this bill does, in fulfilment of the proposals which I announced in November and of the commitment I made to the people of both territories, is to transfer the administration of criminal and civil justice from Ottawa to the territories, except for two fundamental points. First, the appointment of the judges of the territorial courts of the Northwest Territories and of the Yukon remains vested in the federal government pursuant to article 96 of the BNA Act, similar to the appointment of high court judges of the provincial courts. So there is no transfer of the appointment of the territorial judges to the territories. The second reservation is that the institution of criminal proceedings under the Criminal Code of Canada remains with the Attorney General of Canada in his capacity as Attorney General of the Northwest Territories and the Yukon.

**Mr. Baldwin:** May I ask the minister a question for clarification? I was going to mention it later, but this might save me referring to it later. Does the change involve the right on the part of the commissioner in council under territorial authority to appoint the territorial magistrates?

**Mr. Turner (Ottawa-Carleton):** Yes, it does. The appointment of magistrates will lie with the commissioner in council. Representations were made to me, both in the Yukon and in the Northwest Territories, for the transfer of the institution of criminal proceedings—in other words, the transfer of the role of the Attorney General—to the territories. I said both in Whitehorse and Yellowknife that I did not consider that to be possible at this stage in the growth of responsible government in

[Mr. Turner (Ottawa-Carleton).]