

Yukon and Territorial Lands Act

I was interested in the minister's explanation of why he wanted to amend the bill that the committee, regardless of party lines, unanimously recommended to this House. The minister says these people can be called on the phone because there are difficulties in getting them together. If there is to be such an absolute power given to the Governor in Council to dissolve a duly elected assembly, surely that power should only be exercised after due diligence, care and with some discretion. It should not be done on an individual basis of getting one councillor on the radio telephone, getting another councillor on the telephone or going on the ski-doo to someone's home or igloo to talk to him individually.

If something so absolute and basic to the rights of the northern people is to be done, it should be done only with the assembly duly convened. That is obviously what the committee thought when they said that such an absolute power should only be invoked after consultation with the council. It certainly should not be done by letter or telegram. There should be no attempt to do this on an individual basis. Yet by the minister's own amendment to the bill, in spite of the unanimous recommendation of the committee, this is what will happen.

• (3:10 p.m.)

The minister could single out individual members of the council and call on them under the midnight sun to discuss individually with them the pros and cons of dissolution, to suggest to them little plums or carrots in connection with what they should or should not do. I suggest that when an elected committee of the House, after hearing different views, recommends that such power should be invoked only after the council as a whole has been consulted, this is the only way in which it should be done. The minister has put forward an amendment which makes a mockery of consultation. If anyone doubts this, he has only to read the terms of the motion which has been placed before the House. How can there be meaningful consultation if it depends upon the minister to decide whether or not it is practicable? This is as wide as it is long; it is as broad as it is high. It opens up the whole can of worms. If there should be any restriction placed on the minister's interpretation of what is practical, he can rely on the all inclusive words which have been written into every dictatorial document since the time of King Canute—if he ever wrote one, and I am not so sure he did.

I refer, of course, to the words "or otherwise". There cannot be consultation when it is left entirely to the government to decide whether it is practicable or not. The very words used by the minister in attempting to justify this amendment are words which confound his argument. The vast distances of the north, the rigour of the climate and the uncertainty of transport would enable the hon. gentleman to tell the House whenever he wishes "I tried to get hold of the council but it was not practicable because the temperature was 50 degrees below zero and the wind was blowing at 100 miles an hour." So he might have had to sit in Yellowknife, or Whitehorse and amuse himself by gambling, or something. He could then write a bulletin saying "I tried to get to you, Harry; I tried to get to you, Sam, but it was too damn cold; it was not practicable; the dogs were not working that day." And, as I say, if any problem arose about practicability the minister could confound us by the words "or otherwise".

No member of the committee which produced this recommendation can accept the minister's recommendation if he believes in the value of consultation. If there should be any doubt about what I am saying, if hon. members think I have gone too far in my interpretation, if it is too extreme, if the term "flexibility" has not been clearly defined, or if the term "otherwise" can be given a different interpretation, let us come back to the last restriction contained in the minister's amendment. I refer to the provision regarding consultation with council members "with whom consultation can be effected." The minister wants this phrase included because of the distances encountered in the north, because of the extreme cold which prevails there. These are the reasons he can use for saying it is not practicable to consult members of the council. I have no hesitation in speaking against such a spurious amendment, one which makes a mockery of the word consultation. I am informed that the bill as it presently stands was approved by a committee which said there should be no limitation as to consultation. The committee said clearly, concisely, and constructively—

An hon. Member: And unanimously.

Mr. Nowlan: —and unanimously that the governor in council might, after consultation with the council, do certain things. What a calamity it is that a sincere minister who is trying to bring new life to self government in the north should decide to make a mockery of consultation by substituting this amendment