THE COUNCIL OF THE
NORTHWEST TERRITORIES
THE COUNCIL OF THE NORTHWEST TERRITORIES

A STUDY OF POLITICAL DEVELOPMENT IN THE NORTH

By

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Introduction
More than a century has elapsed since the present boundaries of the Northwest Territories were constituted. Within that time the Northwest has gradually developed its political institutions. The evolution of Territorial political institutions, however, has generated less interest than has the economic development of the Northwest. It has only been in the recent past that Canadians south of the 60th parallel have directed attention to this vast area of Canada. To many, the Northwest was seen as Canada's last frontier, or as F. R. Scott describes "an area large as Europe, silent, waiting the contest".

At present, the confusion over Canada's energy requirements has focused interest in the economic and political development in the Northwest. Is it a quirk of Canadian history that economic concerns are placed above those of the political sphere? Were it not for the need of transcontinental rail service and the opening of the West to agriculture, the old North-Western Territory would have remained the preserve of the fur trade longer than it had. The same is true of the Northwest Territories. Man's quest for mineral wealth and energy fuels has placed the Northwest on the verge of potential development undreamed of by its original inhabitants.

It goes without saying that little has been written on the subject of political development of the Northwest. Kenneth Rea has examined the economic development of the Northwest in his "Political
Economy of the Canadian North", a Ph. D. thesis for the University of Saskatchewan. Numerous statements have been made by elected representatives and public officials involved in the Northwest Territories, but no overall study has been undertaken on the Northwest Territories Council and the political development of the Northwest Territories. This is not to infer that this thesis will be of the magnitude of Cecil Lingard's "Territorial Government in Canada-The Autonomy Question in the Old North-West Territories". Rather, the intent is much less ambitious, although it attempts to add to the work done in this virgin field.

This paper should not be seen as an empirical test. It does not break new ground on the study of political development. Rather it is a description of political development of the Northwest Territories. The paper may be seen as an examination of the Council of the Northwest Territories and the political development of territorial institutions in an historical and descriptive manner. The paper further attempts to draw some conclusions on the direction this political development may take in the future. To realize the stated objective it was necessary to separate the paper into chapters, each dealing with an aspect of the Council or Territorial political development.

Chapter I, condenses the history of the Northwest Territories Council between 1867 and 1967. It shows the constitutional
beginnings of Territorial institutions in Canada from the time of the British North America Act came into being through the attainment of representative, then responsible government and provincial status in the old North-West Territory. The Chapter then traces the progression of the Territorial Council then existing after 1905 up to 1967. This outline acts as an introduction to the subsequent discussion of the Council after 1967.

Chapter 2 deals with the set of objectives of the Federal and Territorial governments in and for the North. It further attempts to outline the structure of the various governments and departments involved in the development of government policies and services in the Territories. Its object is simply to describe the structure of government as it exists at present, and to present the objectives that the governments have adopted for themselves in the Northwest Territories.

Chapter 3 "The Northwest Territories Council" describes the institution itself. It attempts to outline the composition and procedure of the Council. This entails giving some indication of the internal structure and workings of the Council, its powers and jurisdiction and political nature to name a few.

The following chapter, "The Northwest Territories Act and Federal-Provincial-Type Services and Responsibilities" is devoted to determining the authority under the Act vested in the
Council, the Commissioner in Council and the Governor General in Council. From this the Chapter goes on to determine the services and responsibilities of a provincial nature that are performed by the Federal government in the Northwest Territories.

Chapter 5 attempts to determine the status of the Northwest Territories, primarily in the last decade. This requires an examination of the most recent amendments to the Northwest Territories Act in 1970 and 1974. This discussion will thus give the reader an idea of the present day status of the political development of the Northwest Territories.

The final section of the paper, contains the conclusions and recommendations of the study of the Northwest Territories Council and the political development of the Territories. It focuses on the evolution of the Territories toward a responsible system of government as well as provincial status. In addition, this examination attempts to determine the prerequisites of these two terms as they relate to the Northwest Territories. The intent is to suggest recommendations for the possible future developments of a political nature, which the writer feels are warranted to give the Council and residents of the Territories a greater role in the political system in which they exist.

In an effort to avoid confusion with the terms used in this study, the following definitions of provincial status,
representative and responsible government and political
development are presented.

Provincial status for the Northwest Territories, implies
that the Territories would possess equal and similar powers and
jurisdiction exercised by the Provinces in Canada under the British
North America Act; and as conferred by the Federal Parliament.
Although the actual powers conferred upon a province may be
modified by the federal parliament, they are for the most part
uniform. Since as Dawson has remarked the Provinces can be seen
as "one government rather than ten". So in the case of the
Northwest Territories, provincial status would be seen as similar
to that of this one form of status.

The term, representative government is used here in its
traditional sense. Thus representative denotes the delegation
of the people's authority in the form of an elected representative
or representatives, who may act on behalf of the voters.

Representative government implies that in a democracy the
voice of the people is heard in the Council of the state through
their elected representatives. Hence, representative government
means no more than, representatives are elected to sit on a
legislative body, but says nothing of the powers of that body.

The term responsible government will be used in this paper

1 R. MacGregor Dawson, Democratic Government in Canada, p. 103
to mean, the control of the executive by the legislative branch of government. According to Dawson, this "control" is the key to understanding the term, responsible government.

A further note of explanation is in order. Since in theory, the executive or cabinet is controlled by the Parliamentary Assembly, the executive must retain the confidence of the members of the Assembly if it is to remain in office. Should the executive lose this confidence, it can no longer effectively perform its duties.

The Prime Minister must consult the Governor General who may dissolve the Parliament or find another party "willing and able to form a government and test its support in the Commons"2, should the government lose the favour of the elected representatives.*

One writer has noted that responsible government in Canada has "ceased to mean the meticulous and systematic control of the executive by the assembly"3.

Although in theory the assembly or parliament is sovereign through its ability to make laws and the need of the executive for its support, in actual fact, the assembly has little control over the day to day performance of the executive. It may be argued that since in Canada a party system operates, this further reduces the power of the assembly.4

1 Ibid., p. 7.
3 Thomas, A. Hockin, Government in Canada, p. 177.

* Arguments have been made on the practical application of a responsible system of government as suggested. For example see Roman R. March, The Myth of Parliament, p. 77-81.
In the case of the Northwest Territories, no party system is adhered to, thus responsible government for the Territories, may have more of a traditional significance. However, it may be assumed that with the coming of responsible government, a party system would ensue thus the use of the term responsible government in the Territories would hold the same meaning as it does in the rest of Canada.

The term, political development, is not easily defined. It would not be incorrect to imply that the "phenomenon" of political development, may be best understood as "the character of the political culture of a society". Therefore the meaning of the term, political development, may vary from one political culture or society to another.

In the case of the Northwest Territories, probably the most feasible definition of the concept of political development is that which means "democratic development". In this way the ongoing process of development suggests that "the greater the state of development, the greater the advance of ... popular sovereignty and free institutions". Furthermore, in this context the political development of the Northwest Territories implies that a key element of political development is the "capacity of

2 Ibid., p. 13.
3 Ibid., p. 12.
4 Ibid., p. 12.
the political [institutions] to manage [the] public affairs\(^1\) of the Territories, in a like manner as those of the provincial and federal political institutions in Canada.

It has proved necessary to place a time frame on this discussion. The paper deals with the period beginning with the first Territorial Council after 1867 and terminates in December of 1975. The major need to terminate the discussion at this point is that the political development of the Territories is an ongoing process. With each subsequent Council Session modifications in the role, powers, jurisdiction and functions of the Council are suggested or implemented. In an effort to conclude the study it was felt a predetermined period would be helpful.

It is also worthy of note that the political development of the Northwest Territories is not the only important issue to the North. Native land claims and national energy policies and projects are quite visible issues in the press today. However, these issues of public policy cannot be dealt with adequately in this paper, given the restraints of material and time, associated with these topics. Nevertheless it is felt the exclusion of these public policy issues will not have a detrimental effect on this paper, considering the scope of the examination itself.

Chapter I:

History of the Northwest Territories Council
1867-1966
The Canadian Northwest has developed its own peculiar system of government over a period of more than a century. While discussing the process of development of governmental and political institutions, Cecil Lingard, suggests that the Northwest Territories have:

"passed through almost every stage of political evolution known to the British people and have witnessed a greater variety of government than any other section of the Dominion."

As shall be seen in the following pages, Lingard has not overstated the political and governmental development of the Territories. This historical discussion herein contained, it should be noted, ends in the year 1966. The period following that year is discussed more fully elsewhere in this paper.

The purpose here is to demonstrate this development as it occurred, in three stages. The first period, from Confederation to the creation of the Provinces of Alberta and Saskatchewan shows the beginnings of territorial government in Canada. The second period, between the years 1905 and 1951 shows the political development of government in the new Northwest Territories. The third period, from 1951 to the culmination of the Advisory Commission on the Development of Government in the Northwest Territories shows the further evolution of political development in the North and acts as a basis for the ex-

1 Cecil, Lingard, Territorial Government in Canada, p. 3
amination of the Northwest Territories Council in the next decade.

Prior to the union of the British North American colonies the lands of the North-West were the preserve of the Hudson's Bay Company. For nearly two hundred years the Hudson's Bay Company explored and charted this terrain, and trapped fur-bearing animals which were much in demand in European markets. Title had been granted to the Company by King Charles II of England in a Royal Charter in 1670.

With the advent of Confederation, the vast lands of the North-West attained a new importance to the new Dominion of Canada. Any attempt to expand the Dominion to the west would require control of the Northwest. One of the conditions for the union of the Colony of British Columbia with Canada was that a railway be constructed to link them together. Any development of a transcontinental railway to the Pacific or the settling of the west entailed gaining control of the Hudson's Bay Company's holdings in the Northwest. Negotiation between the Dominion Government and the Hudson's Bay Company resulted in the transferral of title to the lands of the Northwest to Canada from Britain in 1870. The transfer of title established Canadian sovereignty over Rupert's Land and the North-Western Territories.
At the time of Confederation no allowance was made to provide for Government in Canada's North-West. The British North America Act conferred upon the Parliament of Canada the authority to admit other British colonies in North America into the Union under such conditions it saw fit, subject to the provisions of the Act.¹

It was not until the passage of the "Act for the Temporary Government of Rupert's Land and the North-Western Territory when united with Canada"² that Government was provided for the North-West. Rupert's Land and the North-Western Territory consisted of those lands north of the United States, east of the colony of British Columbia, west of the Province of Ontario, and "all those lands drained by rivers flowing into Hudson's Bay and Hudson Strait which had been ceded to the Hudson's Bay Company by the Charter of 1670".³ Subsequently, title to the Arctic Islands was ceded by Britain in 1880.

The Temporary Government Act, 1869, provided for the appointment of a Lieutenant Governor and a Council of not less than seven and not more than fifteen members to administer the Territory subject to instructions of the Governor in Council. This Act may be seen as the basis for territorial government as it evolved in Canada.

¹ British North America Act 1867, Section 146, 30 Victoria, Chapter 3, March 29, 1867.
² Statutes of Canada, 32-3 Victoria, Chapter 3, (1869)
³ Kenneth J. Rea, The Political Economy of the Canadian North, P.
Between 1869 and 1875 the Lieutenant Governor of Manitoba and the North-West Council administered the Territories from Fort Garry. In 1873 the Council was increased to twenty-one appointed members. The Province of Manitoba was established out of the North-West Territories in 1870.

By 1875, a new Act had replaced the Temporary Government Act of 1869. This "North-West Territories Act" separated the administration of government of Manitoba and the Territories and moved the seat of Government from Fort Garry to Livingston in 1867 and Battleford on the North Saskatchewan River in 1878.

The Territories were to be governed by a Lieutenant Governor and a Council of up to five appointed members to serve during pleasure. The Act also provided for an increase of the Council membership based upon a formula of one electoral district when an area of 1,000 square miles had a franchised population in excess of one thousand. This provision gave the Territories its first elected representatives. It was understood that once the elected complement on the Council reached twenty-one, the Council would become a wholly elected Legislative Assembly.

The powers of the Council included the raising of revenues by taxation for local and municipal purposes;
administration of justice, property and civil rights; providing for public health, police, roads, highways and bridges; and in general to legislate in all matters of a purely local and private nature. Federal control over territorial legislation was reduced under the provisions of the Act; no longer did territorial legislation need federal approval before becoming law as it had previously, subject only to the federal power of disallowance.

It was not until 1881, however, that the first member was elected to the Council, but by 1887 this number had increased to twenty. The seat of government during this time was moved to Regina in 1882 and remained there until 1905.

With the increased complement of elected members on the Council since 1881, these members began to "exert considerable influence on legislation". According to one writer, by 1887 "considerable pressure was building up for the establishment of a responsible ministry and an entirely elected assembly". Given these demands, the Federal Government passed legislation in 1888 enabling the re-organization of the Territorial Council.

Provisions of this Act entailed changing the name of the Council to that of Legislative Assembly of the North-West Territories. This new assembly was to be comprised of a Lieutenant Governor, three appointed legal experts "chosen from among the Territorial judges" and twenty-two elected

1 Cecil, Lingard, Territorial Government in Canada, p. 15
3 Ibid., p. 79
members. The Assembly would choose a speaker from among its members and would function similarly to a provincial legislature. The legislative powers of the assembly remained the same as those of the North-West Territories Council.

The Act did not make provision for an executive form of government, however, but did authorize the Lieutenant Governor to appoint an Advisory Council on Finance from among the members of the Assembly. This council would serve only during pleasure and was empowered to manage general territorial revenues.

Although the Assembly could not control the spending of territorial funds, it had attained a certain degree of self-government. The next ten year period marks the movement toward responsible government in the North-West Territories.

In 1891, the Federal Parliament amended the North-West Territories Act 1888, to give the Assembly similar powers to those exercised by the Provinces, except in relation to borrowing money for territorial purposes.¹ This followed a period of three years, in which a struggle for control of public finances were waged. In this vein, the Assembly approved an ordinance in 1891 establishing a form of Executive Committee on finance. The demands of the Legislative Assembly were such that by 1897 the Federal government conceded full responsible government for the Territories. By responsible

government this writer means that the executive of the territorial government was controlled by the Assembly. The North-West Territories were granted provincial-type powers without provincial-type status.

The Northwest Territories Amendment Act of 1897, provided for an executive council chosen by the Lieutenant Governor from the Assembly. The Assembly and the executive functions as its provincial counterparts in Canada.

The increasing population of the territories throughout this period and subsequent economic viability of the area resulted in the granting of provincial status to the North-West in 1905. The Provinces of Alberta and Saskatchewan were established with all provincial-type powers and jurisdictions except one. The Federal Government retained control over lands and natural resources, but gave the provinces jurisdiction over wildlife. The argument put forward for this aberration, was that, control over land and resources was vital to the "Dominion's Immigration Policy" in the West and therefore should remain under Federal jurisdiction.

With the creation of these two Provinces, what remained of the North-West Territories reverted back to the form of government that existed in 1869.

1 Ibid., p. 80.
It should be noted that the Yukon district of the North-West Territories became a separate Territory in 1898 with its own system of government.

The Northwest Territories Act of 1905 did away with elected representation on the Council. Under the administrative authority of a Commissioner, the Territories would enjoy a Council of four appointed members. At that time the population of the new Territory was estimated at less than 4,900 natives\(^1\). The only government representatives at that time (in the Territory) were law officers. It seems appropriate, therefore, that the first Commissioner of the Northwest Territories was Lieutenant Colonel Frederick White, Comptroller of the Northwest Mounted Police.

Members were not appointed to the Council until 1921, and between 1905 and 1920 no legislation was enacted. Territorial government did not, in fact, exist, and the territories were left to themselves.

Upon the death of Lieutenant Colonel White, the Deputy Minister of the Department of the Interior was appointed in 1919. This established a precedence which lasted for forty-three years.

In 1921 the Northwest Territories Act was amended with the purpose of increasing the number of Council members from four to six. In that year, appointments were finally made.

\(^1\) Ibid. p. 432
Between the years 1921 and 1951 the powers of the Council remained the same. Administration of government for the Territories was left to Federal civil servants. The seat of Government of the Territories was moved from Regina to Ottawa. The Council itself was seen more as an "interdepartmental advisory committee, co-ordinating the activities of several Federal departments within the Territories"\(^1\), rather than a representative legislative body per se. Membership on the Council was restricted to government departmental heads until 1960. A typical council in the 1930's consisted of the Assistant Deputy Minister of the Department of the Interior, the Deputy Minister of the Department of Mines, a representative of the Dominion Lands Board, the Commissioner of the Royal Canadian Mounted Police, the Deputy Superintendent General, Department of Indian Affairs and the Director of the Northwest Territories and Yukon Branch of the Department of the Interior\(^2\).

According to Kenneth Rea, the primary purpose of the Council during the 1920's and 1930's was "modifying the old North-West Territories ordinances to bring them into conformity with the different and changing social and economic environment of the new Territories"\(^3\). This task was not an onerous one, it would seem. Between 1921 and 1930 only ele-

ven ordinances were approved by the Council, and in some years the Council did not even meet. The legislative powers of the Council under the 1921 amendment of the Act included direct taxation in the Territories, establishment and tenure of territorial offices, appointment and payment of officers, maintenance of prisons, municipal institutions, licenses, solemnization of marriage, property and civil rights, administration of justice and matters of a local and private nature in the Territories. It was not until 1946 that a Territorial resident was appointed to the Council, and it was five years later that elected representatives were included on the Council.

The most significant changes affecting the Northwest Territories Council have occurred since 1951. In that year the population of the Territories had reached 16,000. With the expanded population the Federal government saw fit to enact an amendment of the Northwest Territories Act that would enable local representation on the Council. As noted, only one resident of the Territories had been appointed to the Council since 1905.

The 1951 amendment of the Northwest Territories Act increased the size of the Council from six to eight, three of whom were to be elected members representing constituencies

in the MacKenzie District. According to one writer, by the year 1951, the Federal government "was able to concede that with the increase in population and development of the Territories... there should be some elected representatives on the Council".\(^1\) As inferred, the electoral districts established for the purpose of returning elected representatives to the Council were all found in the MacKenzie district. The Districts of Keewatin and Franklin were not included in the scope of the Act. The electoral districts of MacKenzie North, South and West were formed to elect one member each for a three year term of office.

Although the provision of three elected members to a Council of eight did not give totally representative government, it was a step in the evolutionary development of political institutions in the Northwest Territories.

The rational for a mixed appointed-elected Council was based on economic factors. Since the residents of the Territories contributed only "a small part of the cost of government"\(^2\) services, they could not expect to have a "fully elected Council"\(^3\).

The 1951 amendment of the Act also set a requirement for a minimum of two council sessions annually one to be held in the Territories, the other in Ottawa. This practice was continued until 1967, when the Territorial government was relocated in the North.

2 Ibid., p. 39
3 Ibid., p. 40.
In 1952 the Federal government amended the Act with the purpose of transferring "additional revenues to the territorial government"\(^1\) and greater responsibilities. The additional responsibilities incorporated into the Act were for roads, wills, married women's property, coroners, inquests, controverted elections, intoxicants, hospitals, agriculture, incorporation of companies, and civil rights\(^2\).

The transfer of these legislative responsibilities to the Council increased the Council's authority in matters of a provincial nature.

In 1954 the size of the Council was increased to nine elected representatives to four\(^3\), by statute, and remained the same until 1966.

The new electoral district established in 1954 divided the Mackenzie West district in two, forming the new Mackenzie Delta, and Mackenzie River Constituencies.

Even though the Northwest Territories Council included elected representatives, the presence of senior civil servants on the Council demonstrates the continued involvement of the public service in the development of political institutions, throughout the decade of the 1950's. By 1961 this pattern began to change; of the five appointed members of the Council only two were public servants. The remainder were individuals

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2 *An Act respecting the Northwest Territories, R.S. 1952, Chapter 331.* pages 5835-5836.
3 *An Act to amend the Acts Respecting the Northwest Territories, February 16, 1954, Chapter 8* p. 19
selected from the private sector.

Further developments of a political nature in the early 1960's resulted in the appointment of the first full-time Commissioner and Deputy Commissioner for the Northwest Territories in 1964. Prior to this the Territories' Commissioner performed dual Federal and Territorial responsibilities. The year 1964 also marked the first time since 1905 that the Territories Government maintained offices separate from those of the Department of Northern Affairs. These changes demonstrate to a certain extent the seriousness in which the Federal Government began to view the Northwest Territories.

In January of 1961 the Territorial Council passed a motion which, if accepted, would have divided the Territories into two separate political and governmental units. The Council was of the opinion that the political development of the Mackenzie District could be advanced at a faster rate if the Keewatin and Franklin Districts became a separate Territory. The Federal Government concurred. The Minister of Northern Affairs and Natural Resources introduced Bills C-83 and C-84* into the House of Commons on July 8, 19631. Bill C-83 recommended the creation of a "Mackenzie Territory" in place of the Mackenzie District of the Northwest Territories with its own Council and seat of government. Bill C-84 made

1 Ibid., p. 82.
* These two Bills were introduced for the purpose of amending the Northwest Territories Act.
provision for the creation of the "Nunassiaq Territory" out of the remainder of the Northwest Territories. This new Territory would also have a Council, but no provision was made for the seat of government in the Territory. Following the second reading of the Bills, the Standing Committee on Mines, Forests, and Waters began an examination into the proposed legislation. However, the Bills were never reintroduced in the House of Commons during that session, and they died on the Order Paper. Opposition to the division was such that the Government did not see fit to continue the discussion. Rather, the Federal Government responded to a Council request in 1964 for a Commission to examine and make recommendations for the development of government in the Northwest Territories.

In June, 1965 the Advisory Committee on the Development of Government in the Northwest Territories was formed under the Chairmanship of Dr. A.W.R. Carrothers with John H. Parker and Jean Beetz as members.

Before the Commission report was completed the Northwest Territories Act was amended. These amendments of 1966 increased the number of elected members to seven of a Council of twelve and increased the Council legislative powers in financial matters.

In summation to this point, the history of the Council
of the Northwest Territories between the years 1905 and 1966 as demonstrated in this brief discussion, may be seen as a slow evolutionary process. Just as the development of political institutions in the old North-Western Territory had evolved over time, so has that of the present Territories, although at a slower pace. A small population and geographic location may be seen as the primary reasons for what may seem to be a lack of interest in developing government, north of the sixtieth parallel. Only the periodic discovery of exploitable natural resources seems to have disturbed an otherwise, complacent Federal Government in its administration of the Territorial Government. Only then did amendment come to the Northwest Territories Act which advanced the cause of self-government gradually over half a century.
Chapter 2:

The Structure of Government in the Northwest Territories and the Federal-Territorial Objectives in the North
Government in the Northwest Territories

The administration of government services in the North is performed at both the Federal and Territorial levels. Planning for such services is the responsibility of three bodies: the Advisory Committee on Northern Development, the Department of Indian Affairs and Northern Development, and the Government of the Northwest Territories. Each of these bodies plays a role in the development of governmental policies and programs in the Northwest Territories.

The Advisory Committee on Northern Development (ACND)

First established in 1946, the Advisory Committee on Northern Development has responsibility to co-ordinate "all federal government activities" in the North. As its name suggests, it acts only in an advisory role to the Federal Cabinet. Under the Chairmanship of the Deputy Minister of Indian Affairs and Northern Development the Committee brings together representatives of those Federal departments and agencies which are most involved in the development of the Northwest Territories. It has as its primary function the review of "major policy matters and development projects"²


Advisory Committee on Northern Development
Committee Structure

Select Committee on Northern Communications

Advisory Committee on Northern Development
Chairman - H. B. Robinson (IAND)

Policy Committee

Environmental Committee of the Mackenzie Hwy.
Chairman - A. T. Davidson (DOE)

Co-ordinating Committee
Chairman - G. S. Murray (IAND)

Sub-committee on Transportation
Chairman - M. Hagglund (MOT)

Sub-committee on Science and Technology
Chairman - Dr. J. D. Keys (NRC)

Sub-committee on Northern Communications
Chairman - de M. Marchand (DOC)

Co-ordinating Sub-committee
Yellowknife
Chairman - Commissioner, NWT

Co-ordinating Sub-committee
Whitehorse
Chairman - Commissioner, YT

Sub-committee on Employment of Native Northerners
Chairman - S. W. Hancock, NWT

Working Groups
Arctic Pollution
Post-Operational Phase - DEW Line
Archaeological
Salvage
E.O.S. Project
Housing - Accommodation

Steering Group
Marine
Transport

Executive Group

Working Groups
Radio
Broadcasting
Anikinfo
Project

Working Groups
Canada - USSR
Scientific Agreement
Scientific Guidelines
Grants to Extra-Governmental Agencies
National Representation
Vh Congress:
Oil and Gas - France
Standing Committee on Research Projects
International Polar Organizations

Working Group
Financial
Implications
of Northern Development
Policy

Advisory Committee on Northern Development, Government Activities in the North,
under consideration by the Federal departments before they are presented to the Cabinet for ratification and implementation.

Membership on this interdepartmental Committee is restricted to Deputy Ministers of Federal departments and the Territorial Commissioner. Under the main committee are various subcommittees charged with specific responsibilities for Northern development programs. A broader base of membership on the subcommittees is seen with the inclusion of personnel from throughout the Federal and Territorial government bureaucracies. The Advisory Committee on Northern Development may be seen as the highest policy-making body under the Cabinet and Minister of Indian Affairs and Northern Development for general government activities in the North.

The Department of Indian Affairs—Northern Development

The Department of Indian Affairs and Northern Development is the major Federal department involved in the administration of government services in the North.

The Minister and the Department derive authority under the Northwest Territories Act. Administration of the Act is vested in the Minister and he has a residual power to co-ordinate those government activities not specifically assigned to other Federal government departments. Section 4 of the Northwest Territories Act gives the Minister the power to instruct the Commissioner of the Territories on the

1 Ibid., p. 13.
administration of Territorial government in the North.

In addition, the Department of Indian Affairs and Northern Development Act assigns to the Minister additional duties for Indians and Eskimos and Territorial lands and resources. Section 5 of this Act also charges the Minister with recommending any economic and political development that should occur in the Northwest Territories.

The Government of the Northwest Territories

A separate government for the Northwest Territories was established in 1966. Since that time the Territorial public service has expanded to the point where it employs more than 2,500 people throughout the North. The Northwest Territories Government is under the direction of a Commissioner who directs its day to day operations. Appointed by the Governor General in Council upon the recommendation of the Minister of Indian Affairs and Northern Development he serves during pleasure. The Commissioner is the chief executive officer of the Northwest Territories Government.

The Territorial Government is separated into program and service departments of which there are nine. The primary provincial-type services and responsibilities performed by the Territorial Government are for education, social and

1 The Department of Indian Affairs and Northern Development Act, Section 4.
2 Ibid., Section 5
and economic development, local government and public works and services.

The headquarters of the government are located in Yellowknife, but the government is further decentralized into four regional districts.

Funding for Territorial government is derived from both internal and external sources. Local taxes and income tax are the two major territorial contributions to the territorial government. In 1975 these sources of revenue accounted for twenty per cent of territorial revenues and recoveries. The remaining eighty per cent were derived from a Federal government operating grant (45%) capital loans from Canada (24%) and cost shared programs (11%). Territorial government expenditures have shown a remarkable growth rate over the last ten fiscal year period as demonstrated in the following budget figures:

<table>
<thead>
<tr>
<th>Year</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966-67</td>
<td>12,365,000</td>
</tr>
<tr>
<td>1967-68</td>
<td>14,584,000</td>
</tr>
<tr>
<td>1968-69</td>
<td>20,218,000</td>
</tr>
<tr>
<td>1969-70</td>
<td>40,986,000</td>
</tr>
<tr>
<td>1970-71</td>
<td>72,237,000</td>
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<tr>
<td>1971-72</td>
<td>90,957,000</td>
</tr>
<tr>
<td>1972-73</td>
<td>111,652,000</td>
</tr>
<tr>
<td>1973-74</td>
<td>128,456,000</td>
</tr>
<tr>
<td>1974-75</td>
<td>139,466,000</td>
</tr>
<tr>
<td>1975-76</td>
<td>168,894,000</td>
</tr>
<tr>
<td>1976-77</td>
<td>206,000,000</td>
</tr>
</tbody>
</table>

(estimated)

Because the Northwest Territories' share of the revenues and expenditures is small, the Territorial government is dependent upon the Federal Government for financial assistance.

Historical Federal Government objectives, as they relate to the North, have not been clearly defined national policy goals. Gordon Robertson, a former Commissioner of the Northwest Territories in the 1950's, when discussing the Federal Government's policies in the old North-West Territories suggests:

There is no evidence that the Federal Government—whatever its political persuasion—or the Federal Parliament, gave much consistent thought to the principles that should underlie the constitutional arrangements, to a careful adjustment of them to the circumstances of the area, or to the orderly process of development.¹

He continues:

At almost every stage the Canadian Government found itself with no clear programme, and it had to be prodded and shoved into conceding the changes demanded by the steadily more numerous and more vocal settlers of the West. There was a reluctance to surrender power and an unwillingness to plan for the developments that must have been reasonably obvious.²

To many critics of government in the North today, the situation has not improved. To them the Federal Government still requires prodding and shoving to concede the obvious.


2 Ibid., p. 139
The early history of the Northwest Territories since 1905 would seem to demonstrate a lack of concern on the part of the Federal Government in the social, political and economic development of the North, through to the period of the Second World War. After that time greater governmental and private entrepreneurial involvement has occurred.

The reorganization of the Ministry of Interior which resulted in the formation of the Department of Northern Affairs, and the vision of Prime Minister Diefenbaker's "Roads to Resources" plan, are probably the two most significant occurrences in terms of the Federal Government's northern involvement in the 1950's and early 1960's.

Nevertheless, no overall government strategy was implemented for the North until recently. In 1967 the Carrother's Commission was presented the task of suggesting reforms for government in the Northwest Territories. Since that time the real potential development of the North was begun in earnest. The influx of civil servants into the Northwest Territories, following the relocation of the Territorial Government from Ottawa to Yellowknife in 1967, started a process of determining objectives for the North never before undertaken on such a vast scale.
By 1972, the Federal Government had devised a list of objectives and priorities which would serve as aims for the next decade.

In a report to the Standing Committee on Indian Affairs and Northern Development, the Minister of the Department of Indian Affairs and Northern Development outlined the policies of the Government of Canada and his department which would be pursued in the North. Entitled "Northern Objectives, Priorities and Strategies for the 70's", this policy statement was a concrete indication of the commitment to northern Canada's future development. Although not a blueprint for the future, this statement of objectives was nevertheless the only major statement of objectives in dealing with the problems of development and government in the Yukon and Northwest Territories in recent years.

The importance of this statement of objectives in demonstrating the Federal Government's policies in the North cannot be overlooked. The government's stated national objectives in the North are as follows:

1. To provide for a higher standard of living, quality of life and equality of opportunity for northern residents by methods which are compatible with their own preferences and aspirations;
(2) to maintain and enhance the northern environment with due consideration to economic and social development;

(3) to encourage viable economic development within regions of northern Territories so as to realize their potential contribution to the national economy and the material well-being of Canadians;

(4) to realize the potential contribution of the northern Territories to the social and cultural development of Canada;

(5) to further the evolution of government in the Northern Territories;

(6) to maintain Canadian sovereignty and security in the north;

(7) to develop fully the leisure and recreation opportunities in northern Territories.¹

In addition to the national objectives the government enunciated five ordered priorities for northern development. These are:

(1) to give rapid effect to the approved guidelines for social development;

(2) to maintain and enhance the natural environment through intensified ecological research, wildlife conservation and the establishment of northern national parks;

(3) to create jobs and economic opportunities through encouragement and stimulation of development of renewable resources, light industries and tourism;

(4) to encourage and assist strategic projects in the development of non-renewable resources and in which joint participation by government and private interests are generally desirable;

(5) to provide necessary support for other non-renewable resource projects of recognized benefit to northern residents and Canadians generally.²

¹ Honourable Jean Chretien, "Northern Canada in the 70's", March 28, 1972, p. 3
² Ibid., p. 9.
It becomes apparent in reviewing the national objectives that the Federal Government places the social development of northern residents and environmental protection before the resource development of the north. The Minister stated:

The statement is founded on the Government's conviction that the needs of the people of the North are more important than resource development and that the maintenance of ecological balance is essential.¹

In addition, guidelines have been developed pursuant to the government's objectives in the North. The guidelines are:

(1) Consciously create in government and industry employment opportunities for native peoples through attractive incentives meaningful targets and where necessary imposed obligations;

(2) reorient employment practices of government and industry in order to provide intensive training, not only in preparation for forseeable employment but including on-the-job training;

(3) liberalize education and training techniques to produce more quickly qualified native practitioners in all professions and skills including teachers, nurses, mechanical engineers, communication technicians, management personnel, aircraft pilots and mechanics, among others, with full provision for continuity and upgrading;

(4) train and provide experience for native northerners in executive and administrative posts, especially at municipal levels, and even at the risk of higher costs and some mistakes;

(5) improve opportunities and mechanisms for consultations involving native peoples, industry and government, for social and economic development of native bands and communities; for hearing grievances;

¹ Ibid., p. 1.
(6) maintain opportunities for traditional pursuits (hunting, fishing, trapping), encouraging a shift to analogous activities (campsite supervisors, tourist guide, game and fire wardens) for native peoples, and expanding well-established programs providing cultural outlets for the indigenous peoples so that they will be involved increasingly in all phases (including marketing).

(7) ensure sensitive counselling of native peoples and would-be immigrants, closest liaison with industry and effective co-operation as a group on the part of all government departments and agencies concerned with people programs.

Once the Federal Government's objectives, priorities and strategies for the North were approved by the Cabinet, the Minister of Indian Affairs and Northern Development instructed the Commissioner of the Territories to devise a set of objectives and priorities for the Territorial Government. These Territorial objectives were to conform with the broad outlines of the Federal statement.

The Commissioner received approval for the Territorial goals in 1975. These goals have the effect of directing the course of Territorial policy in the 70's. The following are the stated goals and objectives of the Government of the Northwest Territories as presented to the Council in June, 1975.

1 Ibid., p. 11
A Basic Principle

Equal and meaningful participation for all of Canada's territorial citizens, regardless of station, in the political, social and economic activities, and in the traditional ways of life in accordance with the ability, desires and wishes of the individual.

Goals

1) Controlled growth, expansion and development in the north in keeping with the aspirations of the people, their culture, tradition, pursuits, life styles and skills, while affording useful and meaningful employment opportunities at all levels of society.

2) The re-affirmation and encouragement of the development of local responsible government in and for the territories by giving the territorial government control over the provision of social services so as to ensure:

(a) the provision of proper physical and mental health care facilities;

(b) the provision of adequate municipal services consistent with the needs of a growing population and yet reflecting the fiscal capacity of government to provide these services;

(c) the provision of adequate housing and recreation facilities;

(d) the provision of adequate social welfare services including counselling services;

(e) the Development of a system of justice, including the availability of counsel, which reflects the traditional ways of life and sense of justice in the North;

(f) the provision of a broad system of education available to all territorial residents, with a view to raising basic literacy and to facilitate full participation in contemporary life.
3) Improved information, communication and transportation services so as to ease the sense of isolation felt by many residents of the North and to develop stronger ties between the North and the rest of Canada.

Policy Guidelines

Emphasis at this time will be given to policy guidelines which give priority to:

1) The increase in employment of native people, not only through controlled economic development, but also by providing training to raise the level of skills of those who wish to participate so that all residents of the North can share in the benefits of the economic development of their region of Canada.

2) Preservation of northern life styles and all aspects of human environment in keeping with the wishes of the northern people.

3) The controlled development of municipal (or community) services adequate to meet the needs of the growing populations and consistent with good health and sanitation standards.

4) Development in communities of design and construction methods to provide for the centralization of facilities and services that provide for the minimum use of power, heat, water and sewerage, and the maximum use and benefits from municipal facilities in keeping with the capability of the community, the availability of resources, and wise use of land.

5) The increase in participation and responsibility of native people within the institutions of government in the Northwest Territories.

6) The successful transition to a new form of Territorial government which will permit major involvement of elected representatives in the governmental processes.

7) The introduction of improved efficiency in government operations consistent with responsive
service to the residents of the North and taking into account the limited financial resources available to the government.¹

The growing importance of Canada's Northern Territories to Canada as a whole, seems to be the basis of the Government's statement. With the present problems Canada has had to develop policies which will assist the exploration and production of natural resources, and at the same time measure the effect such development will have on the North.

The objectives may be seen as the aims of government to be achieved in and for the North. However, primary importance is placed upon the objectives for providing a higher standard of living, quality of life, maintaining the northern environment and encouraging economic development. The remaining objectives seem to hold less preference for the government. All are "suggestive of problems" faced in the North. Therefore the government devised priorities and guidelines to assist it in developing policies compatible with the desires of northern residents and the requirements of the North.

These policies were established through consultation with the governments of the Yukon and Northwest Territories. Their purpose is to "provide a framework within which political, social and economic development"² will occur.

1 Government of the N.W.T., Goals and Objectives, Yellowknife, April, 1975

2 Department of Indian Affairs and Northern Development, "Northern Development and Territorial Governments—An Overview", 1974, p. 2
Where problems develop between the objectives and the priorities "a trade-off" can result. This is implied in the following statement: "Flexibility and responsiveness (of these objectives) are essential to achieve solid progress". Although the objectives are general in nature, they do provide a basis in which Federal and Territorial policy can be devised and implemented.

Development of the North will not be an easy task. Social and environmental problems will have to be worked out before development can be achieved. In order to demonstrate how these northern objectives and priorities operate in conjunction with the developmental goals consider the example of the inquiry into the environmental and societal effects of pipelines on the North. The Burger Inquiry was formed after application had been received by the Federal Government to build a gas pipeline along the Mackenzie Valley by the Arctic Gas Consortium. The Inquiry's task is to determine what the costs to the society and environment of the North will be should a pipeline be built, considering the benefits that could result. If the well-being of the northern resident is to be enhanced then development must occur. Without development the government's objectives in the North are not relevant.

Before such development should occur, however, the

1 Nils Orvik, The North as Politics, p. 152
costs must be determined. At the present, the environmental effects of a pipeline have not been determined, although the Federal Government has established certain guidelines of an environmental nature, in which northern development must occur. Territorial land use regulations are only one example of the restrictions adopted by the Federal Government to control development practices.

The benefits of development for the North can be measured in terms of employment of northern residents and expansion of northern business enterprises. It remains to be seen what the results will be, considering the costs and the benefits of development, or how the government will perceive its primary objectives in that light. No simple answers to these problems can be expected. The Government has yet to demonstrate how it will balance the need for growth and development and the societal and environmental requirements of the North.
Chapter 3:

The Northwest Territories Council
Composition and Electoral Districts

The Northwest Territories Council, unlike provincial legislatures and the federal parliament has had both elected and appointed members serving on it. From 1921 to 1951 the Council was wholly appointed. Following 1951, the Council was comprised of both elected and appointed members. At present, the Council is wholly elected.

Of the appointed members to the Council, there have been forty-one in all, who have served on the average for terms of six years. Prior to 1950, three appointed members, Dr. Charles Camsell, K.R. Daly and A.L. Cummings each served for fifteen years. Since 1950, however, appointed Council members' terms have been of shorter duration as a rule. The length of service in this capacity have averaged four years after 1950. It should be noted that the first resident of the Territories was appointed to Council in 1946. The only Eskimo and native Indian appointed to the Council were in 1965 and 1967 respectively. Neither served for more than three years.

As suggested it was only in 1951 that the Northwest Territories Act made provisions for elected representatives on the Council. There have been thirty-nine elected members since then.

The average length of service of elected Council members
between 1951 and 1975 was four years. Of the individual members the longest period served in this capacity was thirteen years, by John Goodall of Fort Simpson. The shortest period served was a mere three months by William Berg, whose service was cut short by an aviation accident.

Traditionally, the Council was comprised of white inhabitants of the Territories. It was not until 1966 that the first Eskimo was elected to the Council and not until 1970 when the native Indian population of the Territories was represented on this body.

The 1974 amendment of the Northwest Territories Act by the federal Parliament changed the representative nature of the Council. The amendment had the effect of eliminating the tradition of the Governor in Council appointing individuals to the Council. The amendment increased the number of elected members to Council to fifteen from ten and eliminated the four appointed members.

The Council elected on March 10, 1975 therefore was the first wholly elected Council in the history of the Northwest Territories. These fifteen elected members represent single member districts. Under the authority of the Northwest Territories Act boundaries of the electoral districts are established by the Commissioner-in-Council. At the June 1974 Council session the present district boundaries were established to come into effect in time for
the March 10, 1975 Council election. The fifteen new districts or constituencies are as follows: Slave River, Hay River, Mackenzie-Liard, Great Slave Lake, Yellowknife North, Yellowknife South, Mackenzie-Great Bear, Inuvik, Western Arctic, Central Arctic, High Arctic, Foxe Basin, Keewatin, Central Baffin, and South Baffin. Nine of these fifteen electoral districts are located in the Mackenzie District, the most western part of the Northwest Territories. The remaining six districts are located in the Keewatin and Franklin Districts of the Territories.

Two basic reasons account for the boundaries as established. First, population density was a factor. Where applicable, it was determined that no one constituency was to have a disproportionate number of electors. The inherent principle seems to be one of establishing constituencies of relatively equal numbers of electors, as far as possible. The following tables demonstrate this. In the case of Yellowknife, the largest population centre in the Northwest Territories, two districts were created from what was previously one district. Other major population centres, Fort Smith, Hay River, Inuvik and Frobisher Bay, are in separate districts, or included with smaller centres of population, in an attempt to equalize the constituencies in terms of population.
The second factor taken into consideration is geography. Given the land mass of the Territories, it was imperative to attempt to limit the geographic size of the districts. Where possible, this seems to have been achieved, keeping in mind at the same time, local and regional identities.

Since almost two-thirds of the Northwest Territories' population of 44,000 resides in the Mackenzie District, it is not surprising that nine of the Council Districts are located there. Of the remaining six districts, the High Arctic District is the largest in geographic area. The remainder are roughly equal in area.

It would seem that the Northwest Territories Council Districts have been adequately established to allow for meaningful representation of local and regional needs, and that this has been done with consideration of the small population and vast geographic area of the Territories.
Population of Electoral Districts of the Council of the N.W.T.

**South Baffin District:**
- Frobisher Bay: 2,385
- Lake Harbour: 224
- Port Burwell: 126
- **Total:** 2,735

**Central Baffin District:**
- Broughton Island: 395
- Cape Kjukjuak: 50*
- Cape Dyer: 50*
- Cape Hooper: 50*
- Clyde River: 324
- Dewar Lakes: 50*
- Keepeeshaw: 50*
- Pangnirtung: 817
- **Total:** 1,786

**High Arctic District:**
- Arctic Bay: 318
- Eureka: 50*
- Grise Fiord: 129
- Pond Inlet: 493
- Rea Point: 100
- Resolute Bay: 218
- **Total:** 1,308

**Keewatin District:**
- Baker Lake: 894
- Chesterfield Inlet: 305
- Eskimo Point: 708
- Rankin Inlet: 671
- Sanikiluaq: 277
- Whale Cove: 253
- **Total:** 3,108
<table>
<thead>
<tr>
<th>Central Arctic District:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bathurst Inlet</td>
</tr>
<tr>
<td>Cambridge Bay</td>
</tr>
<tr>
<td>Cape Young</td>
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<tr>
<td>Coppermine</td>
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<tr>
<td>Gjoa Haven</td>
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<tr>
<td>Holman Island</td>
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<tr>
<td>Pelly Bay</td>
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<tr>
<td>Sheadward Bay</td>
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<tr>
<td>Spence Bay</td>
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<tr>
<td>Thom Bay</td>
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<tr>
<td>West Simpson</td>
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<tr>
<td>61</td>
</tr>
<tr>
<td>846</td>
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<td>756</td>
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<td>433</td>
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<td>50*</td>
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<tr>
<td>50*</td>
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<td>3,241</td>
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<table>
<thead>
<tr>
<th>Foxe Basin District:</th>
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<tbody>
<tr>
<td>Cape Dorset</td>
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<tr>
<td>Coral Harbour</td>
</tr>
<tr>
<td>Hall Beach</td>
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<td>Igloolik</td>
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<td>Longstaff Bluff</td>
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<td>Repulse Bay</td>
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<tr>
<td>Rowley Island</td>
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<tr>
<td></td>
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<td>706</td>
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<td>420</td>
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<td>688</td>
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<tr>
<td>287</td>
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<tr>
<td>50*</td>
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<td>2,493</td>
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<table>
<thead>
<tr>
<th>Mackenzie-Liard District:</th>
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</thead>
<tbody>
<tr>
<td>Fort Liard</td>
</tr>
<tr>
<td>Fort Providence</td>
</tr>
<tr>
<td>Fort Simpson</td>
</tr>
<tr>
<td>Jean Marie River</td>
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<tr>
<td>Kakisa Lake</td>
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<tr>
<td>Trout Lake</td>
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<tr>
<td>Tungsten</td>
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<td></td>
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<tr>
<td>309</td>
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<td>695</td>
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<td>56</td>
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<td>50*</td>
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<tr>
<td>79</td>
</tr>
<tr>
<td>50*</td>
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<tr>
<td>2,180</td>
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<table>
<thead>
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<td>3,164</td>
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<td>3,164</td>
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<tr>
<td>District</td>
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<td>--------------------------------</td>
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<tr>
<td>Mackenzie Great Bear District</td>
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<tr>
<td>Western Arctic District</td>
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<td>Hay River District</td>
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<td>Slave River District</td>
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<td></td>
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<tr>
<td>Great Slave South District</td>
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<tr>
<td>---------------------------</td>
</tr>
<tr>
<td>Yellowknife</td>
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* Denotes less than fifty residents

The figures are based on 1975 estimates
Elected and Appointed Members of the Council of the North-West Territories under the Provisions of the Northwest Territories Act:

<table>
<thead>
<tr>
<th>Year</th>
<th>Elected</th>
<th>Appointed</th>
<th>Total</th>
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<tr>
<td>1905-1921</td>
<td>none</td>
<td>4 provided for but not appointed</td>
<td>6</td>
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<tr>
<td>1921-1951</td>
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<td>6</td>
</tr>
<tr>
<td>1951-1954</td>
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<td>5</td>
<td>8</td>
</tr>
<tr>
<td>1954-1957</td>
<td>4</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>1957-1960</td>
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<td>5</td>
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<tr>
<td>1960-1964</td>
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<td>1964-1967</td>
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<td>1967-1970</td>
<td>7</td>
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<td>12</td>
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<td>1970-1974</td>
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<td>4</td>
<td>14</td>
</tr>
<tr>
<td>1974-</td>
<td>15</td>
<td>none</td>
<td>15</td>
</tr>
</tbody>
</table>
Powers and Jurisdiction

Subject to limitations of the Northwest Territories Act, the Council of the Northwest Territories may make laws in relation to the Northwest Territories, and its residents, including Indians and Inuit. Since the Metis are not covered under the provisions of the Indian Act 1952, they are considered for all intents and purposes not to have any special rights in Canadian law.

The Northwest Territories Act is considered the constitution of the Northwest Territories and the Council, now Legislative Assembly, is the "Parliament" of the Northwest Territories.

The Commissioner-in-Council can make laws in the classes of subjects delegated by the federal Parliament. The general powers and jurisdiction of the Council, subject to the Northwest Territories Act and any other Act of the federal Parliament are:

(a) to prescribe qualifications for eligible voters in a Territorial election and those residents eligible for nomination to seek election to the Territorial Council;

(b) to determine the electoral districts of the N.W.T.;

(c) to provide payment of indemnities and allowances of Territorial Council members;

(d) to determine reasons for the disqualification of a Council member from holding office;

(e) to elect one member to be a speaker of the Council;
(f) to recommend to the Commissioner a location for a Council session outside the Territorial Capital each year;

(g) to make ordinances in the following legislative areas:

(1) direct taxation;
(2) establishment of a civil service;
(3) municipal institutions, school and irrigation districts;
(4) controverted elections;
(5) business licences;
(6) incorporation of companies;
(7) solemnization of marriage;
(8) property and civil rights;
(9) administration of justice (within limits);
(10) licences for scientists and explorers;
(11) fur taxes;
(12) game laws;
(13) education;
(14) roads;
(15) intoxicants;
(16) agriculture;
(17) expenditure of money;
(18) establish, maintain and manage prisons;
(19) hospitals;
(20) imposition of fines and punishments;
(21) all local and private matters;
(22) other matters designated by the Governor in Council:

(h) to authorize the Commissioner to make agreements with the government of Canada where any Act authorizes federal-provincial agreement;

(i) to spend Monies appropriated by Parliament only for specified purposes;

(j) to borrow, loan or invest monies within limitations;

(k) to establish prisons; and

(l) to exercise control over some crown lands.

The legislative powers of the Commissioner in Council are more fully discussed in Chapter 4 of this paper.
Council Procedure

The business of the Council is governed by the Rules of the Council, as amended in January 1975. These rules are in keeping with British and Canadian Parliamentary procedure.

The Council is presided over by a speaker who is elected by and from the Council. Beginning in 1969 a Committee system was established. The Council utilizes various standing and special committees in the performance of its duties. The Committees usually consist of four or five members who meet when required. Apart from the Committee of the Whole, the Council has formed the following committees: Standing Committee on Finance, Legislation, Indemnities and Allowances, Rules and Procedures, Development and Ecology (disbanded 56th Session, June 1975). In addition to these, a number of special committees have been formed to deal with specific matters. These have included The Special Committee on Provincial-Type Responsibilities, Constituency Boundaries, Education, Public Revenue, and a committee to look into liquor problems in the Northwest Territories.

Since the Council became wholly elected, a reorganization of responsibilities has been arranged. Apart from the Speaker, Council members have been selected to fill the positions of (a) Deputy Speaker, (b) Deputy Chairman of Committees,
(c) Executive Committee Member for Education, and (d) Executive Committee Member for Social Development. More will be said later of these last two positions, and the Council executive. It should be remembered that because the Council is non-partisan in nature, no responsible Cabinet system exists, nor is the council divided into government and opposition groups that might distinguish the Council, from the Federal and Provincial legislatures in Canada.

In January 1976 the Council changed its' name to Legislative Assembly of the Northwest Territories. This change, however, has not as yet received the official sanction of the Federal Cabinet.

It is also worthy of note that the Northwest Territories does not have a Lieutenant Governor. The Commissioner performs the duty of assenting to Territorial legislation and prorogation of the Council in the absence of a Lieutenant Governor. In this role the Commissioner likewise presents Territorial ordinances to the Governor in Council, which can be disallowed up to one year of its passing. In addition, since Territorial legislative authority under Section 13 is derived from Parliament, it is subordinate and subject to any Federal statute. The Council sets its own indemnities and allowances for Council members under the provision of the Northwest Territories Act and can be found in the Council ordinance.
STANDING COMMITTEES

Finance
Mr. W. Lafferty (Chairman)
Mr. D. Stewart (Deputy Chairman)
Mr. T. Butters
Mr. I. Kilabuk
Mr. W. Lyall
Mr. B. Pearson
Mr. L. Pudluk
Mr. J. Steen
Mr. J. Wah-Shee

Indemnities, Allowances and Member's Services
Mr. W. Lafferty (A/Chairman)
Mr. P. Ernerk
Mr. W. Lyall
Mr. D. Stewart

Legislation
Mr. D. Nickerson (Chairman)
Mr. P. Ernerk
Mr. W. Lyall
Mr. A. McCallum
Mr. J. Wah-Shee

Rules and Procedure
Mr. A. McCallum (Chairman)
Mr. T. Butters
Mr. D. Searle
Mr. J. Wah-Shee

SPECIAL COMMITTEES

Re: Membership of Standing and Special Committee
Mr. D. Nickerson (Chairman)
Mr. T. Butters
Mr. W. Lyall
Mr. B. Pearson

To Look into Liquor Problems in the N.W.T.
Mr. P. Ernerk
Mr. M. Evaluarjuk
Mr. I. Kilabuk
Mr. W. Lafferty
Mr. A. McCallum

To Inquire into Matters Relating to Public Revenue
Mr. D. Nickerson
Mr. T. Butters
Mr. J. Steen

Legislative Assembly of the Northwest Territories

May, 1976

Mr. David H. Searle, Q.C.
Yellowknife, N.W.T.
(Yellowknife South)
(Speaker of the Council)

Mr. Donald M. Stewart
Hay River, N.W.T.
(Hay River)
(Deputy Speaker)

Mr. Arnold McCallum
Yellowknife, N.W.T.
(Slave River)
(Executive Committee Member for Education)

Mr. Peter Fraser
Fort Good Hope, N.W.T.
(MacKenzie Great Bear)

Mr. Mark Evlaarjuk
Igloolik, N.W.T.
(Foxe Basin)

Mr. Ipeele Kilabuk
Pangnirtung, N.W.T.
(Central Baffin)

Mr. W.A. Lafferty
Fort Simpson, N.W.T.
(MacKenzie Liard)

Mr. William Lyall
Cambridge Bay, N.W.T.
(Central Arctic)

Mr. Thomas H. Butters
Inuvik, N.W.T.
(Inuvik)
(Deputy Chairman of Committees)

Mr. Peter Ernerk
Yellowknife, N.W.T.
(Keewatin)
(Executive Committee Member for Social Development)

Mr. Dave Nickerson
Yellowknife, N.W.T.
(Yellowknife North)

Mr. Bryan R. Pearson
Frobisher Bay, N.W.T.
(South Baffin)

Mr. Ludy Puclluk
Resolute Bay, N.W.T.
(High Arctic)

Mr. John Steen
Tuktoyatuk, N.W.T.
(Western Arctic)

Vacant
(Great Slave Lake)

Officers of Council

Clerk of the Council
Mr. W.H. Remnant
Yellowknife, N.W.T.

Clerk Assistant
Vacant

Legal Advisor

Mr. J. Slaven
Yellowknife, N.W.T.

1 Legislative Assembly of the Northwest Territories, Members Book, Section 12, p. 1.
Council Sessions

Under the authority of the Northwest Territories Act, Section II, the Commissioner is responsible for convening "at least two sessions of the Council in every calendar year so that twelve months shall not intervene between the last sitting of the Council in one session and its first sitting in the next session"¹.

In practice, the Council meets twice yearly, in January and June, for varying durations, usually not in excess of four weeks. Section 7 of The Rules of the Council of the Northwest Territories states:

A (1) Subject to the Northwest Territories Act the Council when convened in each year may sit for periods not exceeding:

(a) four weeks to consider the annual appropriations, legislation and other matters at the first session, and
(b) three weeks principally to consider the legislative program at the second session.

(2) Notwithstanding subrule (1) the Council if convened for further sessions during any year may sit for additional periods not exceeding two weeks each.

(3) Notwithstanding anything contained in this rule, the Council by a majority vote made prior to the prorogation of any session, may extend the sittings of the Council at that session.(adopted June 21, 1973) ¹.

1 Northwest Territories Act, Section II (2).

Thus the January session examines the annual budget of the government of the Northwest Territories, and the June session is primarily concerned with legislation. Should two Council sessions not suffice to complete the business of the Council, a fall session may be convened. This has been the case in four of the past seven years and since the Northwest Territories Act, Section II (2) gives the Commissioner and Council the prerogative to convene Council sessions outside of the capital, a fall session may be held in another territorial community, when it is required. Most recent sessions outside the capital have been held in Inuvik in 1973, Frobisher Bay in 1972 and Baker Lake in 1969.

It should be noted that the Council sessions are usually of short duration. Prior to 1967 when the seat of government of the N.W.T. was changed from Ottawa to Yellowknife, the average duration of a Council session was in approximate figures; seven and a half days. During that period, sessions held in Ottawa, averaged three days longer or nine days each as opposed to sessions held in the Northwest Territories which averaged six days each. After 1967, all but three Council sessions have been held in Yellowknife. The average length of these sessions is approximately eleven days.

This analysis demonstrates that the average length of
Territorial Council sessions has increased somewhat since 1967 (from 7.5 to 11 days each) but that still the Council does not sit for any extended period of time, as may be expected in other legislatures in Canada.

Executive

By tradition in Canada the centre of power and responsibility of government rests with the Cabinet. The Cabinet has both executive and legislative functions. In the Northwest Territories, however, the Cabinet system of government is not applicable, since the Council of the Northwest Territories has no executive function.

Under the Northwest Territories Act, executive power rests with an appointed Commissioner and Deputy Commissioner. The office of Commissioner of the present Northwest Territories dates back to 1905. Since then the Northwest Territories has had nine Commissioners since it was created in 1905. Of these, four have served from terms of ten years or more. The present Commissioner Stewart M. Hodgson, has served in this appointed role since 1967, after having served two years as Deputy Commissioner.

The office of Deputy Commissioner was established in 1921. Since that time there have been five Deputy Commissioners. The first Deputy Commissioner, R.A. Gibson, held that post
for twenty-nine years or more than half the time that this office has existed. The present Deputy Commissioner, John Parker has served since 1967.

In the place of a Cabinet the Territories has an executive committee. Prior to 1975 the executive committee was comprised of appointed senior level civil servants. With the removal of appointed members to the Council a re-organization of the executive committee resulted.

On March 18, 1974, during the second reading of Bill C-9, an Act to Amend the Northwest Territories Act, the Minister of Indian Affairs and Northern Development, Jean Chretien announced his intention of creating an executive committee for the Northwest Territories. Although this committee was to have no legal basis, it would function similarly to that of a Federal or Provincial Cabinet. Since the Federal Cabinet functions as an unwritten part of the Canadian constitution it is only natural that no reference be made of the executive committee in the Northwest Territories Act. The idea of an executive committee for the Territories was first suggested and implemented in the Yukon Territory in 1970.

The experiment with the executive committee in the Yukon proved satisfactory. Yukon Territory Councillors gained a greater degree of activity in the administration
of the government. Greater political responsibility was gained by the Council even though this responsibility did not form part of the Yukon Territory Act. The Northwest Territories Council approved the same concept of an executive Committee at its 52nd Session, in March, 1974.

The Executive Committee consists of five members at present, although it may be assumed that this number can be increased in future on the advise of the Minister.

The members include the Commissioner, the Chief Executive Officer of the Northwest Territories government, as Chairperson, the Deputy Commissioner, an assistant Commissioner and two elected members of the Council.

Authority is vested in the Commissioner to appoint two members of the Council to the Committee who have been selected by motion of the Council. In actual fact the Commissioner selected the two Council members he wished on the Committee and asked for Council approval for his selection.

As noted, the Committee has no legal powers and is in effect an advisory body. Its responsibilities are to advise the Commissioner in areas of policy coming within the jurisdiction of the Council and government of the Northwest Territories.

The two Council appointees are each responsible for the administration of a government department, a role similar
to that of a Minister of a Federal or Provincial legislature. They serve during pleasure and can be removed from the Committee by the Commissioner or by the Council. This further shows the advisory nature of this body. Since the Commissioner can remove either of the Council members himself, the Council's ability to control the executive is minimized in theory.

The executive committee members have a collective responsibility to each other. They must therefore maintain a policy of agreement before the public and the Council.

Should a member of the committee disagree with a committee decision he must either accept it or resign. The role of the Council member on the executive committee is also one of explaining and defending Committee decisions before the Council, since the Commissioner, Deputy Commissioner and Assistant Commissioner do not sit on Council. These members are thus responsible for sponsoring the government's legislative program in Council.

Non-Partisan Council

Since the first elected members were returned in 1951, the territorial Council has been a non-partisan body. Two basic reasons can be offered for this. First, the Council was comprised of both elected and appointed members. with the appointed members in the majority from 1951 until 1967.
Traditional parliamentary procedures (for example, the introduction of administrative bills), are the responsibility of the appointed executive. Under such circumstances, the creation of a party system was retarded. Furthermore, the elected Council members have been small in number. Between 1951 and 1967 the number of elected council members did not exceed five. In 1967 there were seven, and by 1970 this number had increased to ten. Presently the Council is comprised of fifteen elected members.

From this it may be argued that a small council with limited responsibility is not conducive to a party system of government. Available information suggests that over time, individual Council members have been associated with either of the three major political parties in Canada, but that such affiliation has not resulted in the formation of party politics on the Council. For example, David Searle, the Speaker of the Council, was the President of the Liberal Association in Yellowknife, in 1972.

An attempt to develop a party system was made in 1975. The New Democratic Party of the Northwest Territories endorsed a slate of candidates in the Territorial Council election of that year. However, these candidates met with limited success; five of thirteen endorsed candidates were elected to Territorial office. The other two political parties (Liberal
and Progressive Conservative) did not officially contest the election.

In the opinion of this writer, it would seem that there is no concensus of opinion in favour of a partisan council. Also, it would seem that the affiliation of some candidates with a political party was not the major cause of their success. More will be said of this later. Let it suffice to say at this point that the Territorial Council seems to have a non-partisan nature at present, although some attempt to form a partisan council may be expected in the future.

Voter Participation

Voter turnout in the March 10, 1975 territorial election was approximately sixty per cent of the total number of eligible voters in the fifteen districts. This is a reduction of nine per cent from the December, 1970 election, when only ten districts existed.

From these figures it seems that voter participation does not differ significantly from that in other regions of Canada. The results of the two most recent Council elections demonstrates an average level of interest on the part of the electorate in the electoral process.

It should be remembered that to date, partisan politics does not function at the Council level. Although various Council members are affiliated with the major Canadian political
parties, this affiliation is not demonstrated in Council elections. Few candidates to date have been successful in being elected to the Council as official representatives of a political party.
<table>
<thead>
<tr>
<th>District</th>
<th>Eligible</th>
<th>Actual</th>
<th>%</th>
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<td>1,830</td>
<td>842</td>
<td>46</td>
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<tr>
<td>Foxe Basin</td>
<td>1,031</td>
<td>557</td>
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<tr>
<td>Hay River</td>
<td>1,600</td>
<td>1,023</td>
<td>64</td>
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<tr>
<td>Inuvik</td>
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<td>674</td>
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<td>Keewatin</td>
<td>1,152</td>
<td>853</td>
<td>74</td>
</tr>
<tr>
<td>Mackenzie-Great Bear</td>
<td>685</td>
<td>616</td>
<td>68</td>
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<tr>
<td>Mackenzie-Liard</td>
<td>1,077</td>
<td>652</td>
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<td>584</td>
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<tr>
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<td>994</td>
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<tr>
<td>Yellowknife North</td>
<td>1,232</td>
<td>677</td>
<td>55</td>
</tr>
<tr>
<td>Yellowknife South</td>
<td>2,116</td>
<td>1,292</td>
<td>61</td>
</tr>
<tr>
<td>South Baffin</td>
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</tr>
<tr>
<td>Central Baffin</td>
<td>--incomplete--</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slave River</td>
<td>--incomplete--</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Great Slave Lake</td>
<td>--acclaimed--</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1970 Voter turnout 69%
1975 Voter turnout 60%
1976 By Election Mackenzie Great Bear 54.5%

1 News of the North, March 12, 1975
Chapter 4:

The Northwest Territories Act and Federal-Provincial-Type Services and Responsibilities
The Northwest Territories Act

The Northwest Territories Act is the written constitution of the Northwest Territories Government. It is a statute of the Federal Parliament, and contains the powers of the executive and legislative branches of government delegated by Parliament. Federal control is exercised over the Territories because of its constitutional designation as a Territory, rather than a Province of Canada.

The Act delegates powers and responsibilities to the Commissioner in Council, the Commissioner, and the Federal Minister responsible for the Territories, as well as outlining the powers of the Governor in Council in relation to the Territories.

Territorial Powers

Subject to the Act and any other Act of the Parliament of Canada, the legislative powers of the Commissioner in Council to make ordinances for the government of the Northwest Territories are included in Section 13 of the Act. These powers are:

a) Direct taxation within the Territories in order to raise a revenue for territorial, municipal or local purposes;
b) The establishment and tenure of territorial offices and the appointment of territorial officers;

c) Municipal institutions in the Territories, including local administrative districts, school districts, local improvement districts and irrigation districts;

d) Controverted elections;

e) The licensing of any business, trade, calling industry, employment or occupation in order to raise a revenue for territorial, municipal or local purposes;

f) The incorporation of companies with territorial objects, including tramways, and street railway companies but excluding railways, steamship, airtransport, canal, telegraph, telephone or irrigation companies;

g) The solemnization of Marriage in the Territories;

h) The administration of justice in the Territories including the constitution, maintenance, and organization of territorial courts, both of civil and of criminal jurisdiction and including procedure in civil matters in those courts;

i) Property and civil rights in the Territories;

j) The establishment, maintenance, and management of prisons, gaols or lock-ups by the Commissioner in Council under Paragraph 44 (1) (b), the duties and conduct of prison employees therein or otherwise charged with the custody of prisoners, and all matters pertaining to the maintenance, discipline or conduct of prisoners including their employment outside as within any such prison, gaol or lock-up;

k) (k) to (n) Repealed R.S.C. 1970 (1st. supp.) C.48, S.17;
o) The issuing of licences or permits to scientists or explorers to enter the Territories or any part thereof and the prescription of the conditions under which such licences or permits may be issued and used;

p) The levying of a tax upon furs or any portions of the fur-bearing animals to be shipped or taken from the Territories to any place outside the Territories;

q) The preservation of game in the Territories;

r) Education in the Territories, subject to the conditions that any ordinance respecting education shall always provide that a majority of the ratepayers of any district or portion of the Territories, or of any less portion or subdivision thereof, by whatever name it is known, may establish such schools therein, as they think fit, and make the necessary assessment and collection of rates therefore and also that the minority of the ratepayers therein, whether Protestant or Roman Catholic may establish separate schools therein, and in such case the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessment of such rates as they impose upon themselves in respect thereof;

s) The closing up, varying, opening, establishing building, management or control of any roads, streets, lanes, or trails on public land;

t) Intoxicants;

u) The establishment, maintenance, and management of hospitals in and for the Territories;

v) Agriculture;

w) The expenditure of money for Territorial purposes;

x) Generally all matters of a merely local or private nature in the Territories;
y) The imposition of fines, penalties, imprisonment, or other punishments in respect of a violation of the provisions of any ordinance;

z) Such other matters as are from time to time designated by the Governor in Council.¹

The enumerated subjects included in the Act are similar to those of a Provincial legislature. The major difference between the two is that in the case of the Northwest Territories, certain Provincial-type services and responsibilities are retained and administered by the Federal Government on behalf of the Northwest Territories.

In addition, the Commissioner in Council is empowered to:

a) name and describe the electoral districts in the Territories (S.8 (1));

b) prescribe the qualifications for electors and candidates for election to Council; and the reasons for disqualifying a member from sitting (S. II (3));

c) elect one of its members to be speaker (S.II (3));

d) prescribe the payment of indemnities and expenses of Council members within the limits of the Act (S.12);

e) make ordinances authorizing the Commissioner to enter into agreements with Canada for the purposes of any Act that authorizes Canada to enter into agreements with the Provinces(S. 15);

f) appropriate moneys granted by Parliament subject to the specified purpose for which it is granted (S. 22);

g) make ordinances for borrowing, lending, and investing money (S. 24);

¹ Northwest Territories Act, Section 13.
h) designate places as prisons, gaols, and lock-ups (S. 44);

i) exercise control over certain lands vested in her Majesty (S.46);

The Northwest Territories Act also gives the Commissioner the power to perform certain responsibilities without the advice or consent of Council. These added responsibilities of the Commissioner alone are to:

a) administer the government of the Northwest Territories under instructions from time to time given by the Governor in Council and the Minister (S. 4);

b) exercise the executive powers vested prior to September 1, 1905 in the Lieutenant Governor of the Northwest Territories in Council, so far as such powers are applicable to the government of the Northwest Territories (S. 5);

c) give instructions for the issue of writs for the election of members of the Council (S. 8 (3 ));

d) convene at least two sessions of the Council each year (S. 11 (1) );

e) designate the place in the Territories where a session of the Council shall be held ( S. 11 (2) );

f) transmit all ordinances made by the Commissioner in Council to the Governor in Council within thirty days after the passing thereof (S. 16 (1));

g) order by what person a duty shall be performed where an Act or ordinance designates an officer to perform the function and no such officer exists in the Territories (S. 19);

h) establish bank accounts in the name of the government of the Northwest Territories for the deposit of public money (S. 20 (2) );
i) recommend in his message to Council appropriations and taxes (S. 21);

j) lay before Council the Territorial Accounts for each fiscal year in such form as he directs (S. 23);

k) hold lands and roads for the beneficial use of the Territories, subject to the control of the Commissioner in Council (S. 46);

l) control the manufacture and importation of intoxicants (S. 48);

m) to arrange with Provinces for the admission to Provincial institutions of mentally disordered persons and neglected children (S. 49, 50, 51).

In addition the Commissioner may exercise any powers delegated to him by ordinance of the Council.

Under the scope of this Act the Minister of Indian Affairs and Northern Development has the power to give instructions to the Commissioner "on the administration of the government of the Northwest Territories" (S. 4). He may also "approve arrangements made by the Commissioner with a province for the admission of mentally disordered persons or neglected children to provincial institutions" (S. 49, 50).

The powers of the Governor in Council as they relate to the Northwest Territories are not for the most part traditional Federal-type powers. The Governor in Council has power to:

a) appoint a Commissioner and a Deputy Commissioner (S. 4):
b) instruct the Commissioner on the administration of the government of the Northwest Territories (S. 4);

c) prescribe oaths of office for the Commissioner and Deputy Commissioner (S. 6);

d) prescribe the seat of government of the Territories (S. 7);

e) dissolve the Council, after consultation with the Council if practical and cause a new Council to be elected (S. 8);

f) designate matters other than those specified in Section 13 in respect of which the Commissioner in Council may make ordinances (S. 13 (2));

g) approve any agreements between the Commissioner and the Government of Canada under an Act that authorizes Canada to enter agreements with the Provinces (S. 15);

h) prescribe oaths of office of members of Council (S. 10);

i) disallow any ordinance within one year of its passage (S. 16);

j) approve the borrowing of any money under the authority of an ordinance made under Section 4 (S. 24);

k) appoint judges and deputy judges of the superior, district or county courts (S. 24 (1));

l) make rules for the management, discipline and policy of places of confinement maintained by the R.C.M.P. (S. 44);

m) make regulations respecting reindeer and archaeological sites (S. 47, 52).

In summation to this point, the Northwest Territories Act may be seen as a relatively limiting document as it relates to the powers of the Territorial Council. In separating the legislative and executive functions, it removes from the Council any power to direct the executive branch and makes it a purely legislative assembly.
Federal-Provincial Powers

In practice, Canada has a federal system of government in which each level of government has defined areas of legislative jurisdiction. The British North America Act, in Sections 91 through 95, and 132, enumerates the powers of the respective levels of government.

Under the authority of this Act the central government was empowered with a residual power to make laws for the "Peace, Order and Good Government of Canada" in all areas not exclusively assigned to the Provinces. The Act enumerates twenty-nine classes of subjects for which the central government has legislative jurisdiction and sixteen subjects over which the provinces have jurisdiction. Section 132 gives the central government exclusive power to conduct external affairs. Section 93 of the Act places education under the legislative control of the Provinces subject to a number of considerations. By Section 94 of the Act the Parliament of Canada and the Legislatures of the Provinces were given concurrent powers to make legislation in relation to old age pensioners. Section 95 gives both levels of government concurrent powers in relation to agriculture and immigration although where conflicting legislation occurred Federal

1 British North America Act, 1867, Section 91.
2 Ibid, Section 93, subsections 1, 2, 3.
legislation would supercede that of provincial legislature.

It would seem that the intent of the Fathers of Confederation was to develop a strong central government in Canada, yet at the same time protect the legislative role of the Provinces. The principle of Federal government was not to be applied in Canada in a pure sense.

This discussion of the Federal system of government in Canada and the legislative powers of the Federal Parliament and Provincial Legislatures demonstrates the co-ordinate and independent relationship between the two levels of government and the exclusive legislative powers of each, as well as denoting the residual power of the Federal Parliament.

In the case of the Northwest Territories Council and Government, the Federal Government principle does not necessarily apply. It must be remembered that the Northwest Territories Council and Government are creatures of the Federal Parliament.

Since the Report of the Advisory Committee on the Development of Government in the Northwest Territories a great deal of discussion has centered around the role the Federal Government has played in areas of Provincial-type services and responsibilities in the Territories. By Provincial-type services and responsibilities it is meant

1 K.C. Wheare, Federal Government.
areas of jurisdiction which are provincial in nature, as are enunciated in Section 92 of the British North America Act, 1867.

In the case of the Northwest Territories, a number of these Provincial-type services and responsibilities have been performed by the Federal Government. This was the result of the lack of a Territorial civil service prior to 1966 which was capable of providing services of a Provincial nature required in the North. Because the Northwest Territories is under the control of the Federal Parliament and government, these services, if performed at all, had to be administered at the Federal level. In 1966 the only service of a Provincial nature that was performed and payed for by the Territorial government with Territorial employees was the Northwest Territories Liquor system. With the subsequent development of the Territorial government administration after 1966 a number of Provincial-type responsibilities were transferred on a specified schedule to the Northwest Territories government.

At present the Federal government retains control over nine program areas of a Provincial nature. A list of the Provincial-type services and responsibilities performed by the Federal Government in the Northwest Territories follows:

1) The amendment of the Northwest Territories Act;
2) Changing the seat of Government of the Territories;
3) Health Services;
4) Direct taxation in the Territories;
5) Borrowing of money;
6) Natural resources;
7) Office of Attorney General and Law Enforcement;
8) Highway construction and maintenance; and
9) Immigration

Each of these areas of provincial-type powers will be discussed.

1) Amendment of the Northwest Territories Act

The Northwest Territories Act does not make reference to any power of the Territorial Council or Government to amend the Northwest Territories Act. Rather, this power is vested in the Federal Parliament. Normally, Provincial legislatures have the power to amend their own constitutions in areas of exclusive provincial jurisdictions. The Provinces' ability to amend their constitutions is only restricted in the case of the office of Lieutenant Governor. Since the Northwest Territories does not have this power, it must lie within the complete power of the Federal Parliament to amend the Northwest Territories Act.

This Federal Government power is only restricted in that the Northwest Territories Act states that the legislative powers as enumerated in the Act are not to give the Commissioner in Council greater powers than those of a Provincial Premier.  

1 Northwest Territories Act, 1974, Section 13.
This implies that the government of the Northwest Territories has powers similar to those of a provincial legislature in the classes of subjects as enumerated in the Northwest Territories Act.

2) Seat of Government

The Federal Parliament can determine the seat of government for the Territories. This power was exercised when the Government of the Northwest Territories was moved from Ottawa to Yellowknife in 1967, upon the recommendation of the Federal Government. In the case of a Province, it is within the power of their own legislature to change the seat of government. Although the British North America Act named the seats of the Provincial governments, the power to change them was left up to the individual Provinces themselves.

In the case of the Northwest Territories, the Governor in Council may change the seat of government "from time to time", should the need arise. As indicated, this provincial-type power is exercised by the Governor in Council, solely, and cannot be changed by the Northwest Territories Council. However, this does not restrict the Commissioner in Council from requesting a change in the seat of government; and it is doubtful whether such a request would ever be refused.
3) Direct Taxation

The power to legislate direct taxation is a Provincial responsibility under Section 92 (2) of the British North America Act. The power to levy direct taxation in the Northwest Territories is a territorial responsibility according to Section 13 (subsection A) of the Northwest Territories Act. However, the Northwest Territories Government has given up this power in return for grants of public monies of Canada. Financial arrangements between the governments of the Northwest Territories and Canada are worked out on an annual basis.

The Territorial government's responsibility to assess personal and corporate taxation and succession duties are therefore waived in return for Federal government funding to cover territorial expenditures and the amortization of the territorial debt. Although direct taxation is a Provincial-type responsibility, it is unlikely this power will be used, given the fact that the Territories has a small tax base and is therefore dependent upon Federal financial assistance. The concept of financial arrangement between the Federal and Provincial or Territorial governments is long-established in Canada, and has been used at various times since Confederation and during the Second World War.
4) Borrowing Money on Behalf of the Northwest Territories

The legislative power to borrow money on behalf of the Northwest Territories is subject to the approval of the Governor in Council. According to Section 24 (1) of the Act:

The Commissioner in Council may make ordinances- (a) for the borrowing of money by the Commissioner for territorial, municipal or local purposes on behalf of the Territories.¹

However, subsection (2) states:

No money shall be borrowed under the authority of this section without the approval of the Governor in Council.²

This legislative power falls within the legislative responsibility of the Provinces, and is not subject to the Governor in Council's approval.

Why this restriction has been placed upon the Northwest Territories is uncertain. One reason may be that the Northwest Territories does not have legislative power over natural resources, as do the Provinces. Since the Provinces can borrow money "on the sole credit of the province"³, their ability to generate revenue through direct taxation on natural resource development and exploitation to repay their debt is important. Since other forms of taxation as a source of revenue are limited in the case of the Northwest Territories, taxation on natural resource products would be the only major

¹ Northwest Territories Act, Section 24 (1).
² Ibid, Section 24 (1) subsection (2).
³ British North America Act, Section 92.
form of revenue that could be used to service debts incurred through the borrowing of money. Because the Federal Government is responsible for natural resources in the Northwest Territories, and is the major source of financial assistance in the Territories, it is therefore not willing to have the Territories incur debts for which it would be responsible.

Should the Northwest Territories be allowed to incur debts without the Governor in Council's approval, its status would be closer to that of a Province, and at this time the Federal Government is not ready to confer such status.

5) Health

The Department of National Health and Welfare, apart from its Federal responsibilities, performs through the Northern Health Services of the Medical Services Branch with the following goals:

a) developing total health care in the north; and

b) acting in the capacity of a provincial health department for both territories.

These duties are Provincial-type responsibilities usually given to Provincial government departments. The Northwest Territories government operates its own health insurance plan, as do Provincial governments in Canada. Under the agreement between the

Federal and Territorial Governments, costs are shared for hospital and medical care insurance plans which meet Federal regulations.

6) **Natural Resources**

At the present time the administration of natural resources in the Northwest Territories is the responsibility of the Department of Indian Affairs and Northern Development, under the authority vested in it by Section 4 of the Department of Indian Affairs and Northern Development Act of 1966-67. In this capacity, the Department is primarily involved in activities relating to oil and gas and mining exploration, development and transportation.

Control over natural resources is a Provincial right. In two cases, the Federal government maintained control over the natural resources of a Province. When the Provinces of Alberta and Saskatchewan united with Canada in 1905 they were not given legislative authority in relation to their natural resources. Neither was Manitoba, in 1872. However, in 1930 the Federal Parliament amended the British North America Act to:

> confirm the agreements which transferred to the Prairie Provinces the natural resources which had been held by the Dominion since their admission to the Federation. ¹

Since ownership of public lands and natural resources is Provincial in nature, the Federal Government made restitution

¹ *British North America Act, 1930.*
to the aggrieved Provinces in the form of annual grants during the years in which it had control of these lands and resources.

Because natural resources are a significant means of generating Provincial revenue, once developed, they become an important responsibility for the Provinces. In the case of the Northwest Territories, the Federal Government exercises all rights to public lands and natural resources, except in two instances. The Territorial Council can make ordinances for the preservation of game in the Territories. Also, the Territorial Government has some administrative control over Crown Lands within municipalities, townsites and settlements and any lands "transferred by the Governor in Council to the Territories".

The Federal Government's administrative authority over natural resources is derived from various Acts. These include: the Department of Indian Affairs and Northern Development Act, 1966-1970; the Territorial Lands Act, 1970; Northern Inland Waters Act, 1972; and the Arctic Waters Pollution Prevention Act, 1972.

In addition the Federal Government has devised Land Use Regulations to regulate land usage and protect the northern environment. These Acts and regulations effectively grant the Federal Government complete control of natural resources in the Northwest Territories, to the exclusion of the Territorial Council. Thus the Federal government,
exercises control over "forestry, fisheries in inland waters, provision of electrical energy, sub surface and surface rights to both land and inland waters"\(^1\)

In 1969 the Minister of Indian Affairs and Northern Development stated that it was the intention of the Federal Government to control the development of natural resources in the Territories indefinitely\(^2\). His reasoning at that time was that the Northwest Territories was under-populated and lacked a proper tax base for such development. Until such time as the Territories could sustain "provincial-type programs"\(^3\), the Federal government would retain control over natural resources.

7) **Attorney General**

The Northwest Territories Council has legislative jurisdiction for the administration of justice in the Territories under Section 13 (i) and (j) of the *Northwest Territories Act*. Subject to this Act, the Council can make ordinances in relation to "the constitution, maintenance and organization of the territorial courts"\(^4\), both civil and criminal, and "the establishment, maintenance and management of prisons, gaols, or lock-ups"\(^5\). However, in the Northwest Territories, the Minister of Justice of Canada acts as the Attorney General for the Territories. The appointment of

4 *Northwest Territories Act*, Section 13, (i), (j).
5 *Ibid*, Section 13, (i), (j).
Territorial judges is then the responsibility of the Federal Government, as is the responsibility for instituting criminal functions. In the Province, the Office of the Attorney General is a Provincial appointment. In the Northwest Territories no such office exists.

Law enforcement in the Northwest Territories is provided by the Royal Canadian Mounted Police, since no Territorial law enforcement agency has been established. Apart from its Federal duties, the R.C.M.P. enforces all Territorial laws. Thus, indirectly, the Northwest Territories government has delegated its responsibility under Section 13 (4) of the Northwest Territories Act to a Federal law enforcement body and assumes approximately twenty per cent of its cost of operation.

8) Highway Construction and Maintenance

Although construction and maintenance of highways did not form a part of Section 92 of the British North America Act, 1867, it can be considered a local works or undertaking. In the case of the Northwest Territories, road building is performed by the Federal Government's Department of Indian Affairs and Northern Development, and Department of Public Works.

Under the Northern Roads Program 1965, the Federal Government has taken upon itself the construction of highways in the northern territory, although this is a Provincial-type responsibility. This power is derived in part from the
restrictions placed upon the administration of Crown Lands by the Northwest Territories Act. The Department of Indian Affairs and Northern Development Act also gives the Minister the responsibility to administer Crown Lands. With the restrictions placed upon the Territorial Council, as shown in the discussion of natural resource jurisdiction, the Federal Government can control the construction and maintenance of highway systems throughout the Northwest Territories.

9) Immigration

Nowhere in the Northwest Territories Act is the Provincial-type power to admit immigrants to the Territories mentioned. It is uncertain whether the Northwest Territories Council can make ordinances relating to immigration since it is not covered in the Act. Section 14 (1) states:

Nothing in Section 13 shall be construed to give the Commissioner in Council greater powers with respect to any classes of subjects described therein than are given to legislatures of the Provinces of Canada under Sections 92 and 95 of the British North America Act, 1867, with respect to similar subjects therein described. 1

Section 95 of the British North America Act gives concurrent powers to the Federal and Provincial governments to make laws in relation to agriculture and immigration. It is understood that Provincial powers are subordinate to the Federal government to make such laws where conflict occurs. However, since the Northwest Territories Act only mentions the concurrent

1 Northwest Territories Act, Section 14 (1).
power to make laws in relation to agriculture, it remains uncertain whether the Northwest Territories government has any jurisdiction in immigration matters. Although the Northwest Territories Council has made ordinances for agriculture matters, it would seem to have no power in the case of immigration into the Northwest Territories.

In sum to this point, it can be said that the Northwest Territories Council has similar, but not identical powers to those given to the Provinces of Canada. This situation puts the Federal government in the position of being "much like a consultant with a veto power". The Northwest Territories Council has demonstrated its displeasure with the Federal government's control over these Provincial-type services and responsibilities frequently.

In January 1973, in response to a motion passed by the Council at its 47th Session, a committee was struck with the purpose of identifying "Provincial-type Responsibilities" which should fall within the jurisdiction of the Council, but which are in fact administered by the Federal government. The terms of reference of the Committee on Provincial-type Responsibilities were:

1) to identify and examine all areas of provincial-type responsibility;

2) to separate the areas of provincial-type responsibility into two areas: (a) those being performed by the territorial administration, and (b) those now being performed by a Federal Department or other Federal agency;

3) to recommend to Council what areas of Provincial-type responsibility now being performed by a Federal Department or other Federal Agency should be transferred from that agency or department to the territorial administration;

4) to recommend to Council what steps should be taken to achieve the objective set out in (3) above, and;

5) in the discharge of the foregoing to hold Public hearings as well as sittings of the Committee throughout the Territories and elsewhere in Canada as the Committee deems advisable...to perform its function.

In its report, the Committee made a number of recommendations. In terms of administration, the Committee determined nine areas of provincial responsibility under the administration or financial control of the Federal Government. of the nine, three programs (Housing, Highways and Health Services for Indians and Eskimos) are the responsibilities of the Territorial government, as outlined in the Northwest Territories Act of 1970 and 1974. However, "funding and administrative control" is exercised by the Federal government. The remaining six programs and the powers of the Attorney General and law enforcement are not included in the list of powers of the Northwest Territories Act, and are


under complete Federal authority. (The remaining six program areas are Inland fisheries, forestry, hydro electric power, land and inland water (surface rights), land and inland water (sub surface rights). The Committee indicated that these responsibilities should be transferred to the Territorial administration on a prescribed schedule. ¹

The Council reiterated these demands in its Political Development Position Paper in September 1975. Section 5 of this paper states:

We note that the Federal government is directly involved outside and independent of the Territorial government in the provision of Provincial-type services and responsibilities... These responsibilities together with the funding and positions should be promptly transferred, as a first step, to the Territorial Government. ²

Nevertheless, the Federal Government has given no indication of when it will transfer the administration and funding for these programs to the Territories. Obviously such a transfer would assist the development of self-government in the Northwest Territories.

Since the Federal government principle does not apply in a true sense in the Northwest Territories, only the amendment of the Northwest Territories Act can achieve this result. Furthermore, until the Federal Government renounces its jurisdiction over the Territories, in the area

¹ Ibid., June 1973

² Political Development Position Paper, Council of the Northwest Territories, September 29, 1975, p. 3
of Provincial-type services and responsibilities, the Territorial government is only administering a delegated responsibility on behalf of the Federal government. It is not conceivable that the Federal government would take such action in the foreseeable future. Likewise no further amendments to the Northwest Territories Act have been proposed until at least 1978, although the Territorial government has shown its capabilities in performing such responsibilities as those mentioned above with Federal financial assistance.
Chapter 5:

Political Development in the Northwest Territories
1966-1975
Northern Political Development 1966 - 1975

The political development of the Northwest Territories has undergone much change since the Provinces of Alberta and Saskatchewan were formed out of the old North-West Territories in 1905. The preliminary designation of the Northwest Territories may be termed colonial. At that time, (after 1905), the affairs of the Northwest Territories were conducted by the Federal Government alone. Territorial involvement in the formation of public policy in the North did not exist. As noted earlier, this situation lasted for forty-six years, until 1951 when the Northwest Territories Act was amended.

Developing from this colonial status with a gradual movement toward greater self-government, the political status of the Northwest Territories changed. In 1966, the Advisory Commission on the Development of Government in the Northwest Territories termed the Territories "semi-Provincial". With subsequent amendments to the Northwest Territories Act, in 1970 and 1974, the political status could be termed quasi-Provincial.

In order to fully realize this present designation of status, it is necessary to determine the reasons for the


In the Commission report the Commissioner noted that it is difficult to define what is meant by semi- and quasi-Provincial status. It was their opinion that a comparison of the Northwest Territories and Yukon Territory Act would facilitate this discussion. At that time the major differences between the two territories, which lead to the Yukon Territory being designated as quasi-Provincial and the Northwest Territories being designated as semi-Provincial, were as follows:

(A) The Yukon Legislative Council is wholly elected whereas the Council of the Northwest Territories was comprised of four elected and five appointed members, in 1966.

(B) The Yukon Council is chaired by a Speaker chosen by the members of the Council. The Council of the Northwest Territories was chaired by the Commissioner of the Northwest Territories and in his absence by the Deputy Commissioner.

(C) The Commissioner of the Yukon, the "chief executive officer", may visit the Council, but does not participate "as of right" in Council deliberations, although he may be invited to do so, since he sits in Council. The Commissioner of the Northwest Territories did participate in the Council as a right.

1 Ibid., p. 108 & 109.
2 Ibid., p. 109.
even though he is the chief executive officer.

(D) The administrative function in the Yukon is divided into departments, while in the Northwest Territories departments did not exist.

(E) The government of the Yukon has its own public service while the government of the Northwest Territories did not, except in one instance. The department of Indian Affairs and Northern Development performed this function prior to 1966.

(F) The seat of government in the Yukon is situated at Whitehorse. That of the Northwest Territories was in Ottawa.

(G) Under the Yukon Territory Act, a consolidated revenue fund was established for the Yukon. The funds for the Northwest Territories government were included in the Consolidated Revenue Fund of Canada.

In 1966, these seven differences between the Councils and governments of the Yukon and Northwest Territories were the major reasons for the designation of semi-Provincial status for the Northwest Territories. By virtue of the discrepancies between the two Territorial Acts, the Advisory Commission recommended that:

(a) The Northwest Territories Council be comprised of fourteen elected and four appointed members for a total of eighteen; 2

(b) The Commissioner be the presiding officer of Council; 3

(c) that a departmental structure be established; 4

1 Ibid., p. 109.
2 Ibid., p. 163.
3 Ibid., p. 158.
4 Ibid., p. 157
(d) the administrative functions of government be transferred to the Territorial civil service;¹

(e) the seat of government and the capital of the Northwest Territories should be located at Yellowknife. ²

The Commission did not need to recommend a Consolidated Revenue Fund for the Northwest Territories because provision had been made for such a fund in Bill C-146, An Act to Amend the Northwest Territories Act, in March, 1966. The Commission did not suggest that the Northwest Territories be granted all powers held by the Yukon Territory. It was not their intent that the political status of the Northwest Territories should become quasi-Provincial at that time, as indicated by the major recommendations made. The Commissioners did suggest a departmental structure for the Territorial government; the transfer of administrative functions to a Territorial public service, and a change in the seat of government, and capital of the Territories. These are the provisions which the Yukon Territory Act allows. However, in suggesting that the mixed elected-appointed Council composition be retained with modifications, and that the Commissioner of the Northwest Territories remain the presiding officer of the Council, the Commission stopped short of recommending the designation of quasi-Provincial status for the Northwest Territories.

¹ Ibid., p. 170.
² Ibid., p. 153.
The Federal Government acted upon the Commission's report when it implemented some of its recommendations in 1967. At that time Yellowknife became the seat of government and capital of the Northwest Territories and the Commissioner and his administration took up residence there on September 18, 1967; a public service was recruited and the organization of government followed a departmental structure; the transfer of administrative functions from the Federal government to the Territorial government was accepted in principle on a specified schedule. Thus, three of the major features which distinguished the political status of the Yukon and Northwest Territories were not removed: the wholly elected Council, the role of the Commissioner of the Northwest Territories in Council, and the choosing of an elected Council member to act as Speaker.

Nevertheless, with the implementation of some of the Advisory Commission's recommendations, the political status of the Northwest Territories began to resemble that of the Yukon Territory. A shift from a semi-Provincial status to one of a quasi-Provincial status, as demonstrated in this comparison, had begun. Amendments to the Northwest Territories Act in 1974 furthered this evolutionary process, as they followed changes in the structure of the Territorial
A careful reading of the Carrothers Commission Report indicates that the amendments of the Northwest Territories Act of 1970 may be attributed to the Commission's recommendations. The 1970 amendments to the Act are as follows:

(1) There shall be a Council of the Territories consisting of ten members elected to represent such electoral districts in the Territories as are named and described by the Commissioner in Council. (no. 8). The number of appointed members was decreased from five to four (R.S., C. 331, S. 8, S.S. 2).

(2) The Governor in Council may at any time, after consultation with the Council where he deems such consultation to be practicable...dissolve the Council... (R.S., C. 331, S.8, S.S. 2)

(3) The Governor in Council can reduce the number of appointed members "at such times and in such numbers as the Commissioner in Council may determine" (R.S.,C. 331, S.8,S.2)

(4) The Commissioner in Council can prescribe qualifications of electors and candidates (R.S., C. 221, S.9)

(5) The Commissioner in Council can prescribe sessional indemnities, and expenses of committee members out of the Northwest Territories Consolidated Revenue Fund (R.S. C. 331, S.12)

(6) The legislative powers of the Commissioner in Council were vastly increased in the area
of justice. Prior to the amendment the Commissioner could make ordinances in relation only to the "constitution, organization and maintenance of territorial courts of civil jurisdiction and the procedure in such courts" excluding the appointment of any judicial officer except coroners "or the constitution, organization and maintenance of courts of criminal jurisdiction or procedure in criminal matters" (R.S., c.331, S.13, S.S. (j)). The amendment substituted the following for the above: "(i) the administration of justice in the Territories, including the constitution, maintenance and organization of territorial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those courts". In addition, public and reformatory prisons have been put under the legislative powers of the Commissioner in Council(R.S., c.331, S.13, S.S. (i), (j)).

The most important amendment was that which increased the size of the Council and reduced the number of appointed members. The amendments are the result of the White Paper on Northern Development, 1969. The Minister had said at the time that it was the objective of the Federal government to "accomodate the desire of many in the North for a greater measure of self-government."1

This accommodation, however, was limited. The increase in the size of the Council and its legislative jurisdiction over justice cannot be seen as a major concession towards self-government. The Council shared this view. It continued to agitate for greater responsibility throughout the early

1970's. In both 1973 and 1974 the Council made recommendations of a constitutional nature to increase its power. The Council requested the appointment of an executive council, a Speaker, a fully representative council and a re-definition of the position of Deputy Commissioner.

The Federal government acted upon these recommendations when it amended the *Northwest Territories Act* in 1974. These most recent amendments are, in part, as follows:

3 (2) The Governor in Council may appoint a Deputy Commissioner.

(3) If the Commissioner is absent, ill or unable to act or the office of Commissioner is vacant, the Deputy Commissioner has and may exercise all the powers and functions of the Commissioner.

8 (1) There shall be a Council of the Northwest Territories consisting of fifteen members...

Subsections 11 (3) and (4) were repealed and amended and a fifth was added. They now read:

11 (3) The Council shall elect one of its members to be Speaker.

(4) The Speaker shall preside over the Council when it is in session.

(5) A majority of the Council including the Speaker, constitutes a quorum.

These amendments had the effect of making the Council wholly representative, made the Speaker the presiding officer of the Council instead of the Commissioner and removed the

These recommendations were made in the Report of the Provincial Type Responsibilities Committee in 1973 and before the Standing Committee on Indian Affairs and Northern Development in 1974. These are included in the Appendix I.
Deputy Commissioner from full membership on the Council. In addition, an executive committee which included elected representatives was established, although provision for it was not included in the Act.

The amendments of the Northwest Territories Act in 1970 and 1974 overcame the discrepancies between the Yukon and the Northwest Territories Acts as they had existed in 1966. The political status of the Northwest Territories approximated that of the Yukon Territory. In particular, the three major differences that had existed in 1966—those of an elected Speaker from Council, a fully representative Council and the Commissioner as presiding officer—had been overcome. Through these amendments the Northwest Territories Council had received fully representative government and some further legislative powers and responsibilities, but still lacked what is popularly referred to as responsible government.

The position of the Council had gradually evolved to one between "quasi-Provincial" and "responsible". The recent changes in the constitution of the Northwest Territories, which began in 1966 and developed from the Carrothers Commission and culminated with the 1974 amendments to the Northwest Territories Act have assisted the political development of the North.
Furthermore, the alteration in the structure of the executive Committee, discussed elsewhere in this paper, brought the Northwest Territories a step closer to responsible government. This stage is the present position of political development of the Northwest Territories. Over a period of only ten years the Northwest Territories Council and government have progressed to the point where it is just short of responsible government.

In the opinion of this writer, the Northwest Territories Council is in a peculiar situation at present. It functions as a legislative body, but has little or no authority in directing the executive of the Northwest Territories Government. This is obviously the responsibility of the Commissioner and not the Commissioner in Council. Since the Council only performs tasks which are delegated to it from the Federal government, the scope of its responsibility is limited. Because of this it seems that important political developments are occurring in the North in which the Council has only the role of a spectator. This statement is made in light of the Inuit Tapirisat proposal for a settlement of Inuit land claims which puts forth the suggestion for a Nunavut Territory, and the Dene Declaration. Section 401 of the Inuit Claim proposes that there be established as soon as possible a territory of approximately 250,000 square miles with its own territorial
government and legislative assembly.

The Dene Declaration for its part states "the government of Canada is not the government of the Dene. The government of the Northwest Territories is not the government of the Dene. These governments were not the choice of the Dene, they were imposed upon the Dene". The Dene are asking for political control over 450,000 square miles in the Mackenzie District of the Northwest Territories.

Should these two demands be acknowledged, the question would be over what would the Territorial Council maintain legislative control?

It is surprising that the Council is not involved in the negotiations with these two groups. The Federal Government alone is conducting these negotiations itself within its constitutional authority. Therefore, although the Northwest Territories Council has a vested interest in the outcome of the negotiations it is powerless to interfere.

It has been demonstrated throughout this paper that the Council has been evolving in such a manner that it has been granted greater and greater provincial type jurisdiction in its activities, gained total representative government at the Territorial level, and now places two of its members on the executive committee. It is quickly approaching a responsible system of government, the outline of which was contained in

1 Indian Brotherhood of the N.W.T., Dene Declaration, Yellowknife, 1975.
the Carrothers Report.

The purpose here is not to discuss the land claims question, which is beyond the scope of this paper, but rather to show the problems the Territorial Council will have to reconcile, should it wish to continue in its evolution toward self-government. In defence of the Council is should be noted that the changes in the Northwest Territories Act which have expanded the legislative authority and activities of the Council have occurred primarily over the last ten year period generally, and in the last year, primarily. That the Councillors have not yet been able to exert much influence upon the major discussions in progress in the Territories may be the result of their lack of familiarity with their roles and the political institutions of which they are a part. A good example of this observation is the delay of the Political Development Position Paper in September of 1975. It would seem that the Council could not reach a consensus on the development of political institutions until after the settlement of the Inuit and Dene land claims. Yet such a delay seems to suggest that the Territorial Council has removed itself from the discussion of the development of self-government for the time being.

In the opinion of this writer, it is debatable whether the Council has acted in its own best interest in this matter.
The future development of the Northwest Territories Council depends upon the outcome of the aboriginal land claims. That this is so makes it difficult to suggest what future political developments one can expect. Will the Territories be divided as suggested by the Inuit Tapirisat? Will the Mackenzie District be joined with the Yukon Territory to form a new Canadian Province?¹ This then leads to a discussion of whether the Northwest Territories could expect to attain responsible government and Provincial status in the foreseeable future.

Conclusions and Recommendations
The process of creating political institutions in the Northwest Territories which are responsive to the needs of northerners has been a focus of this study.

It remains to attempt to discuss two possible future stages of political development for the North. These stages are a responsible system of government and provincial status.

In order that the Northwest Territories achieve responsible government, a number of changes are necessary, to give the Council control over the executive branch of government. In theory, responsible government implies that the Council, lawfully controls the executive. The representative council, would through legislative responsibility and budgetary control, act as a check on the executive and administrative functions of government.

At present, the Northwest Territories does not have a truly responsible executive. A separation exists between the executive and legislative branches of government. The Council has a power to make legislation but the Territorial executive is not legally responsible to the Council. In a responsible system the Council would have the power to recall the executive should it lose the Council's confidence. At present the Council has no authority to remove the Commissioner, the chief executive officer of the Territorial Government. Furthermore, only the Governor in Council has the power to dissolve the Council, since
there is no Lieutenant Governor for the Territories. The practice in the Northwest Territories is different from a responsible system of government. The Northwest Territories Act states that: (1) the appointed Commissioner administers the government of the Territories under the instruction of the Governor in Council and the Minister, (2) the Commissioner serves during pleasure of the Governor in Council and not the Council, and (3) the financial responsibility of appropriation, borrowing, lending and investing Territorial monies are regulated by the Governor in Council. Thus, the system of government termed "responsible" does not function in the Northwest Territories.

It is interesting to note that the Carrothers Commission foresaw a time when the Territories would take on a responsible nature. It suggested in its Report that:

the office of Commissioner approximate that of a provincial premier, with this difference: that he gradually work himself out of office, on instructions of the Minister...by exercising his powers as though he were partially responsible to the Legislative Assembly.  

It continued:

eventually the office of Commissioner will take on the role of Lieutenant Governor...

...the office of Deputy Commissioner will grow into the office of Provincial Premier.  

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2 Ibid., p. 159.
3 Ibid., p. 161.
As noted earlier, the establishment of a wholly representative Council lead to a change in the executive structure of the Territorial government, which brought the Territories one step closer to a responsible system of government. It is also worthy of note that the political development of the old North-Western Territory in some ways parallels that of the present Territories, and may demonstrate a course of action to be followed in the future.

The old North-Western Territory began with an appointed Council, and slowly developed into a representative legislative council. Some time elapsed before the Federal government reduced its legislative control over the Territory; established an advisory Committee on Finance, changed the name of the Council to that of Legislative Assembly, allowed for a Speaker from the Council to preside over its deliberations and finally established a responsible executive council.

As demonstrated, the Northwest Territories Council resembles its predecessor in all areas except for a responsible executive committee. It would not require much imagination to see that the Northwest Territories can expect to develop a responsible executive committee in the future. In the opinion of this writer, this is a logical and feasible development that should be expected in the near future.

For responsible government to be implemented in the Territories
would require that the office of Commissioner be dissolved and a Lieutenant Governor be appointed. Furthermore, an executive committee would have to be formed of the elected members of the assembly. Individual committee members would administer government departments and would be held responsible to the Assembly and the Chairman of the Executive (Premier).

Furthermore, the Assembly would have to have conferred upon it the powers to legislate in areas of provincial-type services and responsibilities presently performed by the Federal government, its departments and agencies. This conferral of responsibility however, could be in keeping with Canadian tradition and precedent, as shown in the cases of the Provinces of Alberta and Saskatchewan. However, attainment of Provincial status for the Northwest Territories is another matter entirely. The Advisory Commission on the Development of Government in the Northwest Territories suggests that for "full provincial status"\(^1\) to be realized, a "change in nature"\(^2\) has to occur. In the opinion of the Carrothers Commission, the relationship between the Federal and Territorial governments has to be modified for provincial status to develop. It stated:

> The Federal government would by statute, relinquish its jurisdiction over the Territories for provincial purposes; instead of merely delegating jurisdiction to the Territorial government as it now does, it would irrevocably vest the jurisdiction in the new provincial government, while

1. Ibid., p. 111.
2. Ibid., p. 111.
retaining its own specifically Federal jurisdiction over the same Territory. Furthermore, although the Federal Parliament is not compelled to bestow upon a new province precisely the powers possessed by other provinces (for instance the Prairie Provinces were not given control over their natural resources for 25 years) provincial status would mean that a new province would acquire jurisdiction over its own constitution except for the office of Lieutenant Governor. Finally, the appointment of federal nominees to the executive and legislative branches of the Territorial government is not compatible with full provincial status, save again for the office of Lieutenant Governor.

In addition to these provisions for provincial status, a number of other prerequisites must result before the Northwest Territories becomes a Province. In particular, the development of party politics, a cabinet system of government, and a sound financial basis for the Territorial government are necessary. At the time of this writing, only one of the prerequisites suggested by the Carrothers Commission has occurred. The Federal practice of appointing public servants and individuals from the private sector to the Council was terminated when the Council became wholly representative. However, the Federal government continues to delegate jurisdiction over provincial-type responsibilities to the territorial council; it continues to retain authority over the Northwest Territories constitution (The Northwest Territories Act), and appoints three of its own nominees to the

1 Ibid., p. 111-112.
territorial executive in the positions of the Commissioner and Deputy Commissioner and an Assistent Commissioner.

The major drawback to the conferring of Provincial status on the Territories is the lack of a sufficient financial base. If the Northwest Territories were to become a Province, it is not unreasonable to assume that the Federal government would expect the Territories to be financially independent. As a Province, the Territories would not be able to depend upon the Federal government to balance its budget, as it does presently.

The major sources of revenue and recoveries available to the Territorial government are income tax, recovery grants under Federal-Territorial cost-sharing agreements, and general licenses and fees. Traditionally, the Federal government has assumed the responsibility for financing government activities in the North which are beyond the resources of the Territorial administration. Because Territorial revenues and recoveries are a small percentage of total expenditures, its share of the costs of services has also been small. Coupled with the limited revenue base of the Territorial government is the significant growth over the last decade, of territorial expenditures.

For example, these expenditures totalled 9,225,804 dollars in 1967\(^1\), and are estimated to be 206,445,300 dollars for 1976\(^2\). The Federal Government's share of these expenditures is


2 Main Estimates, Government of the Northwest Territories, 1976-77.
approximately eighty per cent. In addition, the conferral of provincial status on the Northwest Territories would result in further costs to the Territories.* Given the limited usefulness of public resource taxation, it would seem that the burden of additional expenditures is beyond the capabilities of the Territories.

While it is true that in future the taxation upon public resources could provide sizeable revenues for the Territorial government, their present-day value does not amount to more than 10% of territorial expenditures. Thus the question of territorial financing must be resolved before provincial status can be conferred upon the Territories.

As regards the need to establish a cabinet system of government and political parties in the Territories, some degree of experimentation can result. No hard and fast rule need apply. A cabinet system of government could develop from a responsible executive committee. Councillors could be responsible for administering government departments, subject to and chosen by the Council. This was the practice in the old North-West and was in operation for seventeen years before the leaders of the Liberal Party in Alberta and Saskatchewan were called upon to form provincial administrations in 1905 by Prime Minister Laurier. It is conceivable that a non-partisan legislature could have

* A breakdown of these additional expenses are included in Appendix V.
continued in office after provincial status was conferred, if not for Laurier's action.

Establishing a party system in the Northwest Territories may prove to be difficult. The Northwest Territories is not conducive to the traditional party system as it exists in Canada. Cleavages exist among the population of the Territories that would be difficult to overcome by a party system.

As the Minister suggested to the Assembly of the Northwest Territories, the native peoples are intent on settling their claims to ancestral lands, while the white population strives for greater political development. These two objectives are not necessarily compatible. That this is true is evident from the recent debates of the Assembly. While native Councillors refuse to discuss political development before land claims are resolved, white councillors have demonstrated frustration at what is felt to be an obstruction of their goals.

G. L. Vanderhaden, in his article "Political Parties in Canada's North" notes two cleavages peculiar to the North. These are native-white and North-South. They are peculiar to the North in that the majority of the Territories' population is non-white, and the objectives of native northerners do not correspond to those of white residents. Also, the relative isolation of the North necessitates that its problems are different from

those in southern Canada. The party system functions at the Federal level in the Territories, but has not progressed to the Council level. Attempts to develop the party system at this level have proved of limited success. According to Vanderhaden, in reference to the 1975 Council election: "It seems that party politics per se did not emerge as an issue in the Council elections; the election issues seem to have been more concerned with questions of economic development and land claims"\(^1\).

In the opinion of this writer, the party system will prove difficult to implement in the Northwest Territories. The issues, as presented, do not seem to have changed since 1975. It would also seem difficult to establish partisan politics in the North, given the relatively homogeneous nature of the Inuit, Indian and white residents of the North. All, it seems, are striving for different goals.

For the major parties in Canada to present issues at the territorial level that could encompass the objectives of these groups seems optimistic at this time, although it can be assumed that when these major issues have been resolved, a party system could function in the North, based on philosophies and personalities.

If a prerequisite of provincial status is a party system, then perhaps a majority of Council members could function together

\(^1\) G.L. Vanderhaden, "Political Parties in Canada's North", p. 5
as a party or parties. Whether they would be similar to political parties in the south, with their discipline and executive direction is not certain. A degree of co-operation and compromise would have to be achieved to hold the parties together. The question remains whether party members in the assembly could agree to policies that interfere with racial objectives. It would seem too early to know if this would be possible. Since a majority of Council members are natives who are unfamiliar with party politics, it seems that a party system of government of a traditional nature will not develop in the Territories in the near future.

It should be noted, however, that the three racial groups represented on Council have at times functioned as blocs, thus indicating that a loose party system has developed in the North, based on racial lines. This, however, points out the racial differences in the Council that would be difficult to overcome, and that the function of such parties, if formed, would be different than those in southern Canada.

In summation, it has been demonstrated that the political development of the Northwest Territories has occurred over a long period of time. Great strides have been made in allowing the residents of the Territories to participate in a democratic system of government, as do southern Canadians. This stage of political development of the Northwest Territories can now be
termed quasi-provincial.

Nevertheless, it is the opinion of this writer, that the political development of the North should not be terminated at this point. The granting of a responsible system of government for the Territories should be the short term objective of the federal government.

Such an action would be compatible with the Federal Cabinet objective to foster greater self-government for territorial residents

However, as regards to Provincial status, this writer does not feel the Northwest Territories should be granted this status at present. Nevertheless, the Federal government should support the concept of establishing a Province or Provinces in the North as a long term objective.

It is interesting to note that the Leader of the Opposition, Joe Clark, has said that in his opinion, the Northwest Territories is, "not ready to become a province". This would seem to be a commonly held belief of the Federal cabinet as well.

Thus there does not seem to be any immediacy to granting provincial status before the Territories have functioned under a responsible government system. It can be assumed that it will take some time for the Territories to meaningfully adapt itself


* The White Paper on Northern Development was approved by the Federal Cabinet before it was presented by Mr. Chretien as the Federal Governments' policy for northern development.
to a new structure of government proposed within the concept of responsible government. This is especially important given the problems generated by the native peoples' unfamiliarity with European-style democracy. That the native people not be alienated by a system of government which is non-native in concept and applied for their benefit is significant. Furthermore, the small population of the Territories presently estimated at 44,000 and the problems of a northern nature (economic development, transportation, communications and others) seem to imply that the most advantageous course of political development of territorial institutions is one which is gradual and evolutionary.

The fact that the leadership of the native associations reject the usefulness of the Territorial Council in favour of their own undefined political institutions implies that no major decisions affecting territorial political development can reasonably be expected until at least 1978. The Council's deferral of the Political Development Position Paper which contains reasonable request for change demonstrates that a lack of cohesiveness is evident in the Northwest Territories. This will retard the future development of political institutions in the North, until agreement can be reached on the sensitive issues of land claims and economic development.

Once this agreement has been found, the political development
of Canada's North can be resumed with the effect that the people of the North will at that time assume the democratic rights they deserve. Only then will the Legislative Assembly of the Northwest Territories truly resemble its provincial counterparts in Canada.
Appendices
Appendix I

Interim Report of the Provincial-Type Responsibilities Committee to the 49th Session of the Northwest Territories Council
INTERIM REPORT
OF THE
PROVINCIAL-TYPE RESPONSIBILITIES COMMITTEE
TO THE
49TH SESSION OF THE N.W.T. COUNCIL

JUNE 1973

CONFIDENTIAL
In response to Motion 5-47 passed at the 47th Session of the Council of the Northwest Territories, the Commissioner appointed a Committee of Council to identify Provincial-Type Responsibilities that are presently not being performed by the Territorial Government but are in fact being administered by a Federal Department or Agency. The Committee, Chaired by David Searle and having as Members: Councillor Air Marshal Hugh M. Campbell, Councillor Bryan Pearson, Councillor Lyle Trimble and Councillor Louis-Edmond Hamelin; has held meetings, studied reports and information papers as well as discussions with all Members of the Territorial Council. In identifying programs for transfer, the Committee has also noted the significant difference in the nature and extent of the authority and responsibility assigned to a Province for its programs and the limited authority granted the Territorial Council under the N.W.T. Act.

The Committee tables the following Interim Report dealing with its study under three headings: Administrative, Financial and Constitutional.

Administrative

Your Committee has identified nine programs designated as Provincial responsibilities under the Canadian Constitution that are still controlled by the Federal Government. For three of these programs: Housing, Highways, and Health Services for Indians and Eskimos, the N.W.T. Act has given the Commissioner-in-Council power to enact legislation but funding and administrative control still rests with a Federal Government Department. The other six programs that have remained completely under Federal control are: Inland Fisheries, Forested, Hydro-Electric Power, Land and Inland Water (Surface Rights), Land and Inland Water (Sub-Surface Rights), and Attorney General. Your Committee believes that all of these programs should transfer to the Territorial Government and attached as Schedule 1 is a summary of the proposed timing for transfer as well as an estimate of present Federal spending and manpower requirements for these programs.

Financial

The present financial arrangements for funding Territorial Government Programs makes it impossible for the elected representatives to have any substantive input into budgeting. By the time Council sees spending estimates the funds are locked into programs. By Section 21 of the N.W.T. Act it is unlawful for Council to adopt or pass any vote, resolution or bill appropriating money. There is little incentive to Council to refuse spending. On the other hand we now have a well established base for the amount of money required to operate the programs in the N.W.T. on which our annual subsidy is based.

This Committee, therefore, recommends two amendments to the N.W.T. Act.

1. Repeal Section 21 of the Act and make an Executive of the Council, as hereinbefore described, responsible for advancing expenditure and revenue proposals to the Legislative Council.
2. Repeal Section 22 and provide for an annual unconditional grant based on the present subsidy and increased annually as a result of:
   a) Additional programs taken over from Federal Government;
   b) Growth in population;
   c) Increase in cost of living index;
   d) Increased revenues for Sub-Surface Rights.

Constitutional Matters

1. Executive Council

Your Committee does not yet have a recommendation for a complete program for constitutional development in the N.W.T. but will continue study to try to complete one. We do believe, however, that a first step is a closer melding of the Executive and Legislative arms of Government with the Executive becoming more responsible to the Legislative Council. We do not believe that the Executive Council now operating in the Yukon provides this kind of development and reject that form of an Executive Committee. Your Committee recommends that the N.W.T. Act be amended to provide for:

An Executive of the Council under the following terms:

a) The Commissioner to be the Chairman;
   b) Members to be nominated by the Commissioner and appointed by the Commissioner-in-Council, thereby becoming not only members of the Executive of Council but also members of Council;
   c) A minimum of 50% of the Members to be elected Members with other nominees coming from the administration or even from outside Government;
   d) To be responsible to sit with and be part of the Legislative Council;
   e) To be responsible for co-ordinating finance and for preparation of the budget;
   f) Prepare legislation in principle;
   g) Each Member of the Executive to be in charge of the Administration of one or more Departments.

2. Commissioner and Deputy Commissioner's Salaries

The salaries of the Commissioner and the Deputy Commissioner to be paid out of Territorial Government funds voted by Council.

3. Size of Council

Subject to the Minister's acceptance of the type of an Executive of Council described in 1 above, we find there to be a general consensus among Members of Council that at the time of the next General Election of the Council (approximately January of 1975) there should be affected by an amendment to the N.W.T. Act, a Council of not less than fourteen elected members. Furthermore, assuming our suggestion in 1 above is acceptable, Council should have authority to add to its Members those persons who become part of the Executive of Council who are not elected Members.
4. Deputy Commissioner

If the recommendation made above as no. 1 is accepted, then presumably the Deputy Commissioner would be a member of the Executive of the Council and would be one of those persons added by the Commissioner in Council pursuant to no. 3 above. However, if recommendation no. 1 is not accepted, then the consensus of Council appears to be that the Deputy Commissioner remain as the sole appointed member after the next General Election.

5. Speaker

When the N.W.T. Act is opened up the consensus of Council is that provision should be made to provide that the Council may appoint a Speaker, either from within or from outside its membership as it sees fit at the time.

In conclusion, let us emphasize that the foregoing do not represent any series of steps to take place over a period of time covering the foreseeable future. To the contrary, the above five recommendations cover a consensus of the feelings of this Committee and the Council as to those things which should all be done and planned for implementation at the time of the next general election of this Council. As to further steps, this Committee will continue its work and make additional recommendations bearing on the timing and identification of other constitutional changes.

Dated at Yellowknife the 14th day of June 1973.

[Signature]
David N. Scarle
Chairman


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<th>Legislation to be Repealed, Amended, Enacted</th>
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N.B. - The figures for Program Costs and Staff are rough estimates and will require further study to determine full significance of transfers.
PROVINCIAL-TYPE RESPONSIBILITIES COMMITTEE

TERMS OF REFERENCE

(1) To identify and examine all areas of provincial-type responsibility,

(2) To separate the areas of provincial-type responsibility into two areas:
   (a) Those now being performed by the territorial administration, and
   (b) Those now being performed by a federal department or other federal agency,

(3) To recommend to Council what areas of provincial-type responsibility now being performed by a federal department or other federal agency should be transferred from that agency or department to the territorial administration,

(4) To recommend to Council what steps should be taken to achieve the objective set out in (3) above, and

(5) In the discharge of the foregoing to hold Public Hearings as well as sittings of the Committee throughout the Territories and elsewhere in Canada as the Committee deems advisable; and that the Clerk of the Council provide the necessary support staff, information and material as may be requested by the Committee to enable the Committee to perform its functions.
Appendix II

Report of the Chairman of the Committee of the Whole
To Council, March 28, 1974
APPENDIX "F"
COUNCIL OF THE NORTHWEST TERRITORIES
CANADA

REPORT OF CHAIRMAN OF
COMMITTEE OF THE WHOLE
TO COUNCIL, MARCH 26, 1974

DEPUTY COMMISSIONER PARKER: Mr. Commissioner, your
committee has met to study the formal motion which was
duly and unanimously approved yesterday. The motion
called on the Committee of the Whole to study matters to
do with the two bills before the House of Commons at the
present time, and I have this report.

Senate

The first item that your committee dealt with was, by
unanimous motion, to endorse Bill C-11 to provide one
Senator for each of the Yukon Territory and the Northwest
Territories.

Federal Member

The second item that was dealt with concerned addition-
al federal representation for the Northwest Territories and
the following motion was passed:

Moved that this Council support in principle more
than one federal constituency for the Northwest Terri-
itories in the Parliament of Canada.

That motion was carried unanimously.

Dealing with Bill C-9 which amend the Northwest Terri-
itories Act, the Yukon Act and the Canada Elections Act,
the following conclusions were reached by your committee.

Elected Members

First of all, it was unanimously agreed that all Members
of Council should be elected, secondly it was unanimously
agreed that there should be 15 elected Councillors.

Speaker

The next point was in connection with the office of
Speaker and a motion was passed as follows:

The Council, while approving appointment of a Speak-
er, requests that clause 12 of Bill C-9 be amended so as
to provide that the Council shall elect or appoint a
Speaker who may be one of its Members or may be a
person not a Member of Council.

That motion was carried.

Deputy Commissioner

In dealing with the position of the Deputy Commission-
er, a motion was adopted as follows:

Moved that the office of Deputy Commissioner remain
with the Administration of the N.W.T. and in keeping
with clause 10, Bill C-9, that the Deputy Commissioner
no longer be a Member of the N.W.T. Council.

APPENDICE "F"
CONSEIL DES TERRITOIRES DU NORD OUEST
CANADA

RAPPORT DU PRÉSIDENT
DU COMITÉ PLENIER PRÉSENTÉ AU
CONSEIL LE 26 MARS 1974 À 14 HEURES

Le comissaire adjoint Parker. Monsieur le commissaire,
Votre Comité s'est réuni pour étudier la motion officielle
qui a été dûment adoptée hier à l'humanité. La motion
chargeant le Comité plénière d'étudier des questions concern-
ant les deux billes dont la Chambre des communes est
présentement saisie, et vous, notre rapport.

Sénat

La première question que votre Comité a réglée, par
motion unanime, a été d'appuyer le Bill C-11 qui prévoit la
représentation du territoire du Yukon et des territoires du
Nord-Ouest par un sénateur chacun.

Députés fédéraux

La deuxième question qui a été étudiée concernait une
représentation élargie au fédéral pour les territoires du
Nord-Ouest et la motion suivante a été adoptée.

Il est proposé que le Conseil appuie en principe la
représentation des territoires du Nord-Ouest au Parle-
ment du Canada sur plus d'une circonscription
fédérale.

Cette motion a été adoptée à l'unanimité.

Au sujet du Bill C-9 qui modifie la Loi sur le Yukon, la
Loi sur les territoires du Nord-Ouest et la Loi électorale du
Canada, votre Comité en est arrivé aux conclusions suivantes:

Membres élus

Il a été convenu en premier lieu, à l'unanimité, que tous
les membres du Conseil devraient être élus et, à l'unani-
mité également que ces conseillers devraient être au
nombre de 15.

Président du Conseil

La question suivante portant sur la présidence et la
motion suivante a été adoptée:

Le Conseil, tout en approuvant la nomination d'un
président, demande que l'article 13 du Bill C-9 soit
amendé en vue de prévoir que le Conseil doit s'élire ou
se nommer un président qui pourrait être choisi parmi
ses membres ou en dehors du Conseil.

Cette motion a été adoptée.

Commissaire adjoint

Au sujet du poste de commissaire adjoint, la motion
suivante a été adoptée:

Il est proposé que le poste de commissaire adjoint
continue à relever de l'administration de T.N.O. et
qu'en conformité de l'article 10 du Bill C-9, le commis-
saire adjoint ne soit plus membre du Conseil des terri-
itoires du Nord-Ouest.
Executive Committee

The next point dealt with the matter of elected Members of Council on a territorial Executive Committee and the following motion was adopted:

Moved that this Council endorse the proposal of the Minister that elected Members of Council be appointed to the territorial Executive Committee and that such proposal be implemented in the first instance as a matter of administrative practice and not provided for in the legislation, but that this Council requests that the number of Members so appointed be four instead of two.

Legislative Assembly

(At this point in the committee's deliberations, the matter of the name of the Council was discussed. The Chairman neglected to report the result of the discussion to Council, however, the decision of the committee is contained in the verbatim report of its proceedings.)

Acts

It was agreed, by motion, to recommend that the Council be known as the "Legislative Assembly of the Northwest Territories", and that the Act be amended as required. It was further agreed that legislation passed be named "Acts" and not "Ordinances".)

Fiscal Matters

The committee turned to other related matters and by motion agreed that the representatives appearing before the Standing Committee should make this statement regarding fiscal matters to the Standing Committee.

"A financial formula must be devised which would end the extensive and complicated series of interdepartmental committee meetings and negotiations by providing an unconditional grant to the Government of the Northwest Territories."

Basic Policy

Further, your committee agreed by motion that the following statement should also be made to the Standing Committee. This deals with basic policy and reads as follows:

There are two basic philosophical policy positions of the Government of Canada enunciated by the Minister on the 10th of November 1969 in his statement on the development of government in the Northwest Territories which are unacceptable to the Council and which read as follows:

1. "In the first place I firmly believe that at this time and for the foreseeable future, the granting of provincial status to either territory is not a realistic alternative.

2. I further believe that the federal government should continue to manage and develop the natural resources of the North for the benefit of both northern residents and all Canadians."

The foregoing two basic policy positions leave no doubt about the position of the Government of Canada as to what we, in the Northwest Territories, may expect for the foreseeable future. This Council suggests that everything possible must be done to cause these policies to be changed. What has to be done is to put the policy in the positive rather than the negative, hence we would suggest a restatement of the basic policy in the positive as follows:

Comité exécutif

Le point suivant portait sur la question des membres élus du Conseil qui font partie d'un comité exécutif territorial et la motion suivante a été adoptée:

Il est proposé que le Conseil appuie la proposition du ministre voulant que les membres élus du Conseil soient nommés au Comité exécutif territorial et que cette proposition soit appliquée, en premier lieu, à titre de pratique administrative non prévue par la loi; toutefois, le Conseil demande que les membres ainsi nommés soient au nombre de quatre et non de deux.

Assemblée législative

(A ce stade des délibérations du Comité, la question nom du Conseil a été discutée. Le président a oublié de faire rapport au Conseil des résultats de cette discussion, toutefois la décision du Comité figure au compte rendu textuel de ses délibérations.)

Lois

Il a été convenu, sur motion, de recommander que le Conseil soit connu sous le nom d'Assemblée législative des territoires du Nord-Ouest, et que la loi soit modifiée en conséquence. Il a également été convenu que les mesures législatives adoptées portent le nom de «Lois» et non d'Ordonnances.)

Questions financières

Le Comité a examiné d'autres questions connexes et il a convenu, sur motion, que les représentants qui comparaîtront devant le Comité permanent lui fassent la déclaration suivante sur les questions financières.

«Qu'il y a lieu de trouver une formule financière mettant fin aux séries compliquées et prolongées de réunions et de négociations qui tient le Comité interministériel, en fournissant une subvention inconditionnelle au gouvernement des territoires du Nord-Ouest.»

Politiques fondamentales

En outre, votre Comité a convenu, sur motion, que la déclaration suivante devrait également être faite au Comité permanent. Elle traite de politique fondamentale et se lit comme il suit:

Deux principes philosophiques fondamentaux du gouvernement du Canada, énoncés par le ministre le 10 novembre 1969 dans sa déclaration sur le développement du gouvernement des territoires du Nord-Ouest, sont inacceptables par le Conseil, à savoir:

1) «En premier lieu, je crois fermement que l'attribution du statut de province à l'un ou l'autre des territoires ne constitue pas pour le moment, ni dans un avenir prévisible, une solution réaliste.

2) De plus, je crois que le gouvernement fédéral devrait continuer de gérer et d'exploiter les ressources naturelles du Nord, pour le plus grand bien tant des habitants de ces régions que des Canadiens en général.»

Les deux principes fondamentaux énoncés ci-haut ne laissent planer aucun doute sur la position du gouvernement du Canada quant à ce que nous, des territoires du Nord-Ouest, pouvons espérer recevoir dans un avenir prévisible. Notre Conseil est d'avis qu'il faut tout faire pour changer ces principes, qu'il y a lieu de considérer dans un sens positif plutôt que négatif, c'est pourquoi, nous proposons la nouvelle formulation positive que voici des principes fondamentaux:
1. The Government of Canada is committed in principle to the granting of provincial or other special status to either territory, in time.

2. At the point in time of provincial or special status a substantial share at least of the royalties from the N.W.T. resources would go to that new government.

Invitation to Standing Committee

The next matter that the committee dealt with was on the suggestion of the Commissioner: it was agreed, that an invitation should be issued to the Standing Committee in Ottawa, to meet with Council in the north perhaps in October, but with the intention that it not be a very early meeting, to discuss whatever additional matters the Council might wish to raise at that time.

Subjects not all-inclusive

There was one further point discussed during the deliberations of the committee, and that was, that the representatives should make a statement to the committee that he matters which have been raised at this time were not all-inclusive but dealt with only certain subjects, and that here would be certain subjects which could be raised at a later time.

Representatives

Finally, Mr. Commissioner, the committee chose two Members to represent it and appear next Thursday before he Standing Committee on Indian Affairs and Northern Development, and those two Members are Councillors Searle and Butters.

1. Le gouvernement du Canada s'est engagé en principe à attribuer en temps dû le statut de province ou tout autre statut spécial à l'un ou l'autre des territoires.

2. Lorsqu'il recevront le statut de province ou tout autre statut spécial, une part au moins substantielle des relevances provenant des ressources des territoires du Nord-Ouest irait aux nouveaux gouvernements.

Invitation au Comité permanent

Le Comité a ensuite étudié une suggestion du commissaire et a convenu de lancer une invitation au Comité permanent à Ottawa de se rendre au Nord pour rencontrer le Conseil, peut-être en Octobre, mais sans viser une réunion trop hâtive, pour discuter toutes autres questions que le Conseil voudrait soulever à cette époque.

Sujets non abordés

Une autre question a été soulevée durant les délibérations du Comité. Il s'agissait du fait que les représentants devraient faire une déclaration au Comité disant que les questions qui ont été soulevées en ce moment ne couvraient pas tout mais traitaient seulement de certains sujets, et qu'il y en aurait d'autres à soulever plus tard.

Représentants

Finalement, monsieur le commissaire, le Comité a choisi deux membres pour le représenter et comparaître jeudi prochain devant le Comité permanent des affaires indiennes et du développement du Nord canadien; ce sont les conseillers Searle et Butters.
Political Development Position Paper
September 27, 1976
POLITICAL DEVELOPMENT

WHEREAS the Council of the N.W.T. is the government of all of the people of the N.W.T. including the Dene, the Inuit, and others,

AND WHEREAS the Council of the N.W.T. is the sole legitimate political entity at the Territorial level of government,

AND WHEREAS the members of this Council are elected by all of our people based on one vote for one person; the racial mix and composition of this particular Council being evidence of this fact.

NOW THEREFORE, I move that the following become the policies and priorities which this Council deems applicable to the political development of the N.W.T.

1. Turning to the philosophy of the federal government as stated by the then Minister in his White Paper of 10, November, 1969, we quote it as follows:

(i) In the first place, I firmly believe that at this time and for the foreseeable future, the granting of provincial status to either Territory is not a realistic alternative.

(ii) I further believe that the Federal Government should continue to manage and develop the natural resources of the North for the benefit of both northern residents and all Canadians."
Regretably, the foregoing is phased in the negative, leaving this Council frustrated and uncertain as to what next, if anything, shall occur. Evolution requires a positive approach to political development. Consequently, we believe that the position of the Federal Government, stated positively should be as follows:

(i) The Government of Canada is committed in principle to provincial status for each Territory, after timing and sound financial arrangements have been negotiated.

(ii) In the meantime, however, the Federal Government will continue to manage and develop the natural resources of the North as trustee for northern residents.

2. The salaries of the Commissioner and Deputy Commissioner should be a first charge on the Consolidated Revenue Fund of the N.W.T. and should appear in Territorial Estimates.

3. Regarding Territorial finances, the present form of financial negotiation is cumbersome and should be discontinued in favour of formula financing, which system would guarantee the Territories a substantial share of resource revenue without strings attached as to how it would be spent.
4. We support a fair and speedy settlement of Native Land Claims, and recognize that their settlement is a first priority before full provincial status.

5. We note that the federal government is directly involved outside and independent of the Territorial Government in the provision of provincial-type services and responsibilities, namely: Highway Construction and Maintenance, Forestry, Fisheries in inland waters, Health Services, provision of electric power through N.C.P.C., the administrations of surface rights to land and inland waters, the administration of sub-surface rights to land and inland waters and the Attorney General. These responsibilities together with the funding and positions should be promptly transferred, as a first step, to the Territorial Government. For these responsibilities to be performed for the Minister through the Commissioner (his resident Deputy Minister) rather than through the departmental Deputy Minister in Ottawa, is no more or less remote, nor no more or less responsible. The Minister's control remains the same, but hopefully, the public servants involved, if responsible to the Minister through our Commissioner, will be more responsive to this Council. This responsiveness, though it would not amount to real control by this Council, is a step in the process of evolution.
6. The Carrothers Commission recommended a 10-year review of its recommendations which would presumably occur after August, 1976. Though we feel a review is now timely, we do not support the appointment of a Commission. Instead, we feel that it is time for Federal politicians to meet and negotiate with their Territorial counterparts because of the policy considerations involved. To that end we propose to establish a Negotiating Committee of the N.W.T. Council which would meet with a Federal negotiating committee of Cabinet. This group would identify the constitutional, administrative and resource transfers required to attain Provincial status and set a time schedule for their implementation. This would include the appointment of additional members from this House to the Territorial Executive. The Council Negotiating Committee would report to and take instructions from the Council.

7. All organizations funded by the federal government in the N.W.T. should be funded through the Territorial budget, except for those areas which are the constitutional responsibility of the Federal Government such as research necessary to settle Native Land Claims.
8. A review of all Ordinances should be undertaken to identify all powers delegated to the Commissioner by this Council for the purpose of re-examining them.
Appendix IV

Report of the Special Joint Committee of the Senate and House of Commons on the Constitution of Canada
Chapter 23, The Territories: 1972 28th Session
Chapter 23—The Territories

RECOMMENDATIONS

62. The objective of Government policy in the Yukon and the Northwest Territories should be the fostering of self-government and provincial status.

63. The provisions of the British North America Act, 1971, section 2, which provide for the admission of new provinces by action of the Federal Government alone, should be continued, provided that no territory should become a province without its consent.

64. The Yukon and the Northwest Territories should each be entitled to representation in the Senate.

65. It is recommended that a Royal Commission on the Territories be appointed to examine the economic, social and political problems of the Territories and to make recommendations thereon.

66. The Yukon and the Northwest Territories are economically and administratively like the other parts of Canada, and they are entitled to the same constitutional rights.

67. The Constitution of Canada should be such that no territory can become a province without its consent.

68. The Yukon and the Northwest Territories should be given the same constitutional rights as other parts of Canada.

69. The Yukon and the Northwest Territories should be given the same constitutional rights as other parts of Canada.

The native peoples' population, an important part of the total population of the North, is especially significant in the Northwest Territories. Indians and Eskimos make up only 1% of the total population of Canada, yet in the Northwest Territories the majority of the population is Eskimo (33%) and Indian (18%) percent. Moreover, if the remainder is 49% percent of population, almost one-third are Metis, living under the same social and economic conditions as the Indian people. The native peoples' populations make up a relatively smaller proportion of the total population of the Yukon Territory, viz., about 16 percent.

The Geological Survey of Canada indicated that Canada's northern territories are potentially extremely rich in mineral deposits and iron and gas. In the Yukon, for example, mining production has increased more than twofold in three years. The Yukon also has an estimated 24,000 miles of potential oil-bearing sediments.

As far as the Northwest Territories is concerned, of the remaining 24,000 miles of potential oil-bearing rock in Canada, 8,000 square miles lie within the Territories, and the mineral wealth of the Northwest Territories is not nearly as great as the Yukon, but the Territories have an estimated 24,000 miles of potential oil-bearing sediments. In addition, there is petroleum and natural gas in the Yukon Territory. The Yukon also has an estimated 24,000 miles of potential oil-bearing sediments.

The Yukon Territory has a largely centred around the capital, Whitehorse, which contains half of the Yukon's inhabitants. The rest live in communities along the Alaska Highway, in service centres, and in mining towns.

The Yukon and the Northwest Territories are economically and administratively like the other parts of Canada, and they are entitled to the same constitutional rights as other parts of Canada.
The first government of the Territory was held by a Commissioner and a Council of five more than twenty members appointed by the Governor in Council to aid the Commissioner in the administration of the Territory. The Council included the judges of the Territorial Court, who were also appointed by the Governor in Council. The Commissioner in Council was given legislative powers similar to those held by the Lieutenant Governor and the Legislative Assembly of the Northwest Territories. The Yukon Act was amended in 1899 to increase the membership of the Council to six by the addition of two elected members who were to hold office for two years. In 1902, provision was made for three more elected members, raising the Council membership to eleven.

A fully elected Council of ten members was introduced in 1906, when the Commissioner was prohibited from sitting in Council. In 1913 the Governor in Council was given authority by an amendment to the Yukon Act to abolish the elected Council and to substitute an appointed Council of two or more members. Second thoughts in 1916, however, led to the amendment of the Act again to provide for three elected members on the Council. From 1916 until the end of World War II, the Territorial Government remained virtually unchanged. Increased population and rising prosperity made it reasonable to increase the size of the Council to five elected members in 1941.

Between 1906 and 1990 there developed a strong tradition of separate legislative and executive powers. Frequent misunderstandings and sometimes deadlock occurred between the two branches of government. Some improvement was made in 1960 when the prohibition against the Commissioner sitting in Council was removed. In addition a Financial Advisory Committee, consisting of three members of the Council, was established to review territorial estimates before their presentation to the Council.

In 1965, further changes were made. A Budget Programming Committee was set up which includes the three members of the Financial Advisory Committee and three senior members of the Territorial Administration. Under this arrangement, the Budget Programming Committee works out the estimates for each Department with the appropriate Department Heads. Previously, the Financial Advisory Committee had only reviewed these estimates after they had been prepared by the Department Heads and approved by the Commissioner. Now the estimates are processed through the Committee and the elected Council members are involved in the actual preparation of the estimates. Further developments respecting an executive committee will be discussed later.

As in the Yukon, the early history of government in the Northwest Territories is linked with that of the Prairie Provinces. When Saskatchewan and Alberta became Provinces, the government of the remaining Northwest Territories reverted to that existing prior to 1870; an appointed Commissioner had control over all phases of government. Elected representation completely disappeared. In 1906 a Council of four appointed members was created, but no appointments were made for sixteen years. A Commissioner was appointed with all the powers previously enjoyed by the Lieutenant Governor, the Executive and the Legislative Assembly of the Northwest Territories. Finally, in 1921, the Council already provided for by the Act of 1905 was appointed, along with two additional members. From 1922 to 1930 few changes were passed, and in some years the Council did not meet at all. Until 1946 it was composed entirely of senior Federal Government officials. In that year the first territorial resident was appointed to Council. In 1946 three elected members were added for the Mackenzie District and in 1949, six for the N.W.T. After 1950, the practice of appointing Federal officials to the Council ceased, and members of the public were appointed instead, generally from outside the Territories. Three more elected members were added in 1968, and in 1969 a territorial resident was appointed to the full-time post of Deputy Commissioner.

The office of the Commissioner has had a varied history. From 1905 to 1918, the Commissioner of the Royal North-West Mounted Police was also Commissioner of the Northwest Territories. From 1918 to 1963, the Deputy Minister of the Department of the Interior and his successors held the office. The first full-time Commissioner was appointed in 1963.

As we have already indicated, the constitutional aspirations of Canadians living in Canada's two territories are, because of the governmental structures prevailing there, necessarily more ambitious than those of Canadians elsewhere.

The vast majority of those who spoke to the Committee ultimately wanted, in a word, what other Canadians now have.

We shall set forth under several headings some of the views we heard.

A. Responsible Government

Governmental reform, whereby the policy making function is democratically placed in the hands of the people through their elected representatives, is supported.

This brief urges an increase in the Territorial Council to 15 elected members, and supports the idea of a commissioner to be one of the elected members, and directed by the Territorial Council. The executive committee which is about to be formed, should concurrently with the increase in the number of Territorial Councillors, be formed so as to provide for a majority of elected members with plans to phase out the presence of appointed members entirely. Concurrent amendments to the Yukon Act to eliminate the colonial nature of the present government organization would be required as each step was taken, culminating in the amendment of Section 4 of the Yukon Act to provide for a fully responsible government in the same general terms as is now held by the provinces of Canada (C.16:30).

A plan should be initiated for the more rapid development of responsible government in the Northwest Territories with a fully elected legislature and the immediate inclusion of elected members in the administration. In effect, the Northwest Territories government is very new, very progressive and has done a great deal. We are just asking that it be given the opportunity to do more.

We in the Northwest Territories stand in a colonial status in that we function under a commissioner and a
I agree with the suggestion that has been made by the Speaker in relation to the two appointments by the Territorial Council of two members of the Executive Committee headed by the Commissioner in conjunction with a makeup of the Commissioner, his two assistant Commissioners and two elected representatives on the committee. This is something that is outside the legislative body of the Yukon Act and because it is outside the legislative body of the Yukon Act gives the right to the Minister or the Commissioner on the say-so of the Minister to remove that Executive Committee that he has set up at any time. (246:15)

These comments are made in the light of the present legislation governing the Yukon Territory. That legislation provides that the Minister of Indian Affairs and Northern Development or the Governor in Council shall have the authority to direct the Commissioner of the Yukon Territory, from time to time, on the way the Territory is to be governed. The Commissioner is appointed by the Minister. The Territorial Council is in law advisory only. Two of the members of the popularly elected, seven-man council sit on the Executive Committee with three appointed members, the Commissioner as chairman and two assistant commissioners. The Executive Committee is to be consulted by the Commissioner and his advice is to be given full consideration. The two popularly elected members of the Executive Committee have "line" or administrative responsibility for two departments of the Territorial Government, analogous to that of a Federal or provincial cabinet minister. There is, however, no obligation on the Executive Committee to resign in the event that its decisions are not supported by a majority of members of the Territorial Council. There is no request for the government in the Yukon Territory or in the North-West Territories for that matter—in the constitutional sense of the term. Indeed, the Northwest Territories does not yet have the popular participation in the Executive Committee that the Yukon Territory has.

The Minister of Indian Affairs and Northern Development summed up his views on the Yukon experiment in these words:

I suggest to you that the wisest course would be to permit the Territorial Government to develop its potential in the context of the new Executive Committee which has the responsibility for those matters which lie within its legislative framework. I cannot predict at this time what form future constitutional development will take. However, my approach to this question is a flexible and experimental one, allowing for further adjustments as experience is gained and the population and the economy of the Yukon continue to expand. (3:12:15)

II Provincial Status

Many Yukoners have expressed their desire for political evolution that would permit the Yukon to ultimately reach a constitutional status equal to that of the provinces.

For some unpredictable period in the near or distant future, mining interests need assurance that the federal government funds will be obtained to provide the missing log support needed to bring a mining industry to production, such as roads, power, terraces, etc. These being fixed, since most of these factors are in themselves declarative of the matter, and upon the theory that all democratic institutions should be available to all citizens of the country, the setting of artificial targets for such does not seem to be appropriate. (2:24:25)

I feel that the time has come when the Yukon must take over its own and go into provincial status. I have heard the remarks that the time is not ripe. That is ridiculous for the simple reason that until we do have provincial status we will never get industry into the Yukon. At the present time we have potential mining companies who, in the very near future, will be opening up mines but that is not the only thing. We have to get others than mining, we must get industry into these Territories. (2:23:7)

[Speaker] I do not believe in complete election for all offices of the administration in the Yukon. Is there one case where an appointed member has not come up to expectations?

[Speaker] Mr. Chairman, the brief is not intended as a criticism. It is intended as a suggestion on constitutional reform for constitutional reasons. I think the simple answer is "no."

[Speaker] I believe that some of these appointments from Ottawa do a job a better job than some of the people who would be elected here. (2:12:30)
C. Control of Natural Resources

It is only in this context that the average person can appreciate what it means to the Yukon Territory that the federal government regards the Yukon as a territory and the rest of Canada as a province. The Yukon is unique in that without the revenues from our natural resources, we can never be a self-sustaining territory. Our natural resources are our life's blood because we have a resource-oriented economy. If we cannot claim our natural resources, then it is also certain that we cannot make the claim to self-determination or self-government. We shall be counted forever to the status of second-class citizens, always being the federal government for "Yukonites" on whom it says, and always being underdeveloped because we shall not have the revenues on hand with which to develop our area.

On the other hand, we heard also from southern Canadians who were very sympathetic to the aspirations of northerners for a greater say in the government of their part of Canada.

made with which to develop our area, but in my own and state control several important questions to be decided, and by others who oppose the federal government is something else.

I think that the mineral rights of the provinces are the mineral rights of the Northwest Territories. I say that they are the rights of all Canadians. I believe in any kind of a system of provincial or territorials, and eventual provincial status, that certainly the mineral rights belong to the provinces. I would be part of the Territorial government and I support the people who are living and working in the North.

I think that the government should be in the hands of the people who own them. But perhaps the people of Canada who are not interested in the government of the government and the government of the government of the Territorial government. But I think we should have a clear statement as to who owns them.

We have heard a statement that the resources of the Yukon Territory are the resources of the Northwest Territories belong to the federal government. They called it the people of Canada which I take to mean the federal government. This is overreaching, and I am not talking about the control. They are doing that. We are doing that. We own our own natural resources. We are the only place in Canada where this is done. Certainly no one would suggest that in a province without fear of getting shot. But in the Yukon, they should be able to get away with it.

As to control, at the outset, my personal opinion is that I want immediately a clear statement from the federal government saying that the resources in the Yukon are ours, that they are being held in trust for us by the federal government. I would be quite prepared to allow the federal government to control them until such time as we are capable of taking over control and management of the resources ourselves.

Until that time I would not want to argue about an interim period, whereas the federal government controls resources.

There is a historical precedent for this. All of the Western provinces went through this stage—Manitoba, British Columbia, and so on and so forth. At no time was it denied that the actual ownership of their areas belonged to the people within the province or in their areas.

The position of the Government of Canada on this issue was not this way by the Minister of Indian Affairs and Northern Development.

I have noted what we would do with the resources of the Yukon. We are going to keep them as a franchise for the residents of the North. But are they to be shared by the whole population of Canada? It is a fundamental question. Some resolutions have been taken on this point. Some people think that they should be shared by all Canadians. Others think that we should keep them under "reserves" for the Territorial residents. So to how the government has been quite careful. That is sure. We do not want them under the control and we have not made a final decision on.
We sometimes hear comments that the finances of the Yukon are kept obscure because we do not wish to publish this information. I can assure you that this is not true. In fact, all the figures are public, but we have to admit that the financial pattern is complex and therefore difficult to interpret. I made an attempt to cast some light on this in November 1969. With this in mind, I think it would be useful to review the matter again now, and perhaps emphasize the fact that the financial data are accessible for examination.

Appropriations for 1970-71 provide for Territorial Government expenditures of over $25 million. Of this amount $3.5 million will come from the Yukon's own revenue, $8.7 million will come from the federal government under cost-sharing programs similar to those arranged with the provinces. The remainder which is nearly $13 million comes from the federal treasury. Of that $13 million about $2 million could be considered as the estimation of personal and corporate income tax which the Yukon would get if it were a province.

This still is not the complete picture because there are many hidden costs in provincial type services in the Yukon for which the federal government pays directly. Some of these are the costs of the courts and the RCMP, that is to say, about $1.25 million. There is another sum, nearly $500,000, that is paid through the present subsidized patient day-rate at the Whitehorse General Hospital. The full cost of all new road construction in the Yukon as well as all costs for a number of other provincial-type services are paid directly by the federal departments concerned. (112:6)

The Minister then provided the Committee with a breakdown of revenues, and projected an estimated deficit. If the Yukon were a province, in 1970-71 of $24,000,153. (112:53)

Of course, as already mentioned, fiscal capacity is not an absolute criterion. When linked however, with a sparse population, a still developing infrastructure, and the special needs of native people, as in the Yukon, the difficulties in moving immediately to complete self-government and provincial status. When these factors are combined with the very real problems of communication in the North, both natural and man-made, a step-by-step approach raises many difficulties.

It is fair to say that the evidence generally in the Territories, and in the Yukon particularly, did not demand either self-government or provincial status immediately. Most witnesses were concerned that there be some timetable of development in constitutional affairs and that the criteria be set out in the Constitution. When any territory met these predetermined criteria, complete self-government and provincial status would follow automatically. There are immense practical difficulties in this approach. If all the criteria were set out in the Constitution (assuming they could be agreed upon with sufficient certainty) it is possible a territory might qualify on all but one. Consequently, a constitutional amendment might be required in order to change the one criterion. This approach has these built-in inflexibilities. On the other hand, it is not reassuring to Northern Canadians to have their future constitutional development completely evolutionary.

We feel that the best approach would be for the Government of Canada to make the following commitment to its Northern citizens: that the objective of northern policy is to foster full self-government and Provincial status for the territories. Administrative and legislative policies in so far as they concern the structure of government in the North should be tested against and advance this objective.

Because of the special relationship between the Parliament of Canada and the Territories, an eventual decision to admit these territories to the status of provinces should be made by the Parliament of Canada pursuant to section 2 of the British North America Act, 1871, provided that no territory should become a Province without its consent. Some provision would also have to be made at that time as to how the consent of these areas would be counted for purposes of the constitutional amendment procedure and of the spending power formula.

In order to improve communications between Ottawa and the Territories at the Parliamentary level, we advocate immediate Senate representation for each of the two territories. Under the constitutional rule that a Province cannot have fewer Members in the Commons than the Senate, the appointment of two Senators for each territory would lead to an increase in the number of Members of Parliament to two for each.
Chapter 22—Provincial Relations

58. The new communication and fuller cooperation among the levels of government are imperative needs. The achievement of these ends involves the improvement and a simplification of the means of liaison and, where necessary, the creation of new mechanisms.

59. The Constitution should provide for a Federal Provincial Conference of First Ministers to be called by the Prime Minister of Canada at least once a year unless in any year a majority of the First Ministers decide to dispense with the Conference.

60. The Federal Government should appoint a Minister of State for Intergovernmental Affairs to respond to the political challenges and opportunities resulting from closer intergovernmental relationships.

61. A permanent Federal-Provincial secretariat for intergovernmental relations should be established.

62. A tri-level conference among Federal, Provincial and Municipal governments should be called at least once a year.

Chapter 23—Municipalities

63. While we recognize the difficulties of larger cities in providing for their needs, financing their programs and determining their own priorities, as well as in negotiating with the Provincial and Federal Governments on works which seriously affect municipal planning, and also their need for more status and more autonomy in order to achieve these goals, we do not see how these matters can be entrenched in the Constitution. They should be negotiated between the cities and the Provincial Governments under whose jurisdiction they fall.

64. The municipalities in each Province, in conjunction with their provincial and national bodies, should determine which representatives from what municipalities would attend the annual tri-level conferences we have recommended in Recommendation 53.

65. Such tri-level meetings would not have the power of veto over any Federal or Provincial programs but would rather operate by way of moral suasion.

66. In the light of the injustices done municipalities by their having to rely on the property tax for the bulk of their revenue, there should be a sharing of tax fields between Governments that would allow municipalities direct access to other sources of revenue.

67. Where feasible, representatives of municipalities should meet with other levels of government to discuss common problems particularly in the area of economic planning through representation at meetings of the Ministers of Finance and Provincial Treasurers.

Chapter 24—The Territories

68. The objective of Government policy for the Yukon and the Northwest Territories should be the fostering of self government and provincial status.

69. The provisions of the British North America Act, 1867, section 2, which provide for the admission of new provinces by action of the Federal Government alone, should be continued, provided that no territory should become a province without its consent.

70. The Yukon and the Northwest Territories should each be entitled to representation in the Senate.

Chapter 25—Offshore Mineral Rights

71. The Federal Government should have proprietary rights over the seabed offshore to the limit of Canada's internationally recognized jurisdiction, and the Federal Parliament should have full legislative jurisdiction over this subject matter.

72. There should be no constitutional provision as to the sharing of the profits from the exploitation of seabed resources. Nevertheless, we feel strongly that the Federal Government should share the profits of seabed development equally with the adjacent coastal Province rather than with all of the Provinces.

73. Sable Island should be recognized by the Constitution as part of the Province of Nova Scotia.

Chapter 26—International Relations

74. Section 132 of the British North America Act should be repealed.

75. The Constitution should make it clear that the Federal Government has exclusive jurisdiction over foreign policy, the making of treaties, and the exchange of diplomatic and consular representatives.

76. All formal treaties should be ratified by Parliament rather than by the Executive Branch of Government.

77. The Government of Canada should, before binding itself to perform under a treaty an obligation that deals with a matter falling within the legislative competence of the Provinces, consult with the Government of each Province that may be affected by the obligation.

78. The Government of a Province should remain free not to take any action with respect to an obligation undertaken by the Government of Canada under a treaty unless it has agreed to do so.

79. Subject to a veto moved in the Government of Canada at the exercise of its exclusive power with respect to foreign policy, the Provincial Governments should have the right to enter into contracts, and administrative, employment and other arrangements with foreign states, or constituent parts of foreign states, to maintain offices abroad for the conduct of Provincial business, and generally to
Appendix V

Comparative Statement of Expenditures and Revenues as a Territory and as a Province
## NORTHWEST TERRITORIES

### COMPARATIVE STATEMENT OF EXPENDITURES AND REVENUES AS A TERRITORY AND AS A PROVINCE FOR THE FISCAL YEARS 1973-74 AND 1974-75

#### EXPENDITURES

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<thead>
<tr>
<th>Description</th>
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<th>1974-75</th>
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<tbody>
<tr>
<td>Expenditures as a Territory</td>
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</tr>
<tr>
<td>Operation and Maintenance</td>
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<tr>
<td>Loan Amortization</td>
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<td>Total O &amp; M and Amortization</td>
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<td>Capital Projects</td>
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<td>Total Expenditures as a Territory</td>
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<td>$140,885,250</td>
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#### Additional Expenditures as a Province

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<tr>
<th>Description</th>
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<tbody>
<tr>
<td>Operation and Maintenance</td>
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</tr>
<tr>
<td>Administration of Justice</td>
<td>$125,000</td>
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<td>R.C.M.P.</td>
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<td>Provincial Elections</td>
<td>$-</td>
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<tr>
<td>Health Care and Hospital Care</td>
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<td>Natural Resources</td>
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<tr>
<td>Forestry</td>
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<td>Lands</td>
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<td>Water</td>
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<td>Oil and Gas</td>
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<td>Regional Administration</td>
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<td>Environmental</td>
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<td>Northern Science Research</td>
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<td>Additional Cost of Administration</td>
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<td>Total-Additional Operation and Maintenance as a Province</td>
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#### Capital

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<tr>
<td>Northern Roads and Airstrips</td>
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<td>Northern Science Research</td>
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<td>Total-Additional Capital as a Province</td>
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#### Additional Expenditures as a Province

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#### All Expenditures as a Province

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<tr>
<td>Total Expenditures as a Province</td>
<td>$139,085,595</td>
<td>$168,017,387</td>
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## NORTHWEST TERRITORIES

**COMPARATIVE STATEMENT OF EXPENDITURES AND REVENUES AS A TERRITORY AND AS A PROVINCE**

**FOR THE FISCAL YEARS 1973-74 AND 1974-75**

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<tr>
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<td>Capital Project Recoveries</td>
<td>$1,470,000</td>
<td>-</td>
</tr>
<tr>
<td>Art-in-lieu of Income Taxes</td>
<td>$6,471,000</td>
<td>$8,351,000</td>
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<tr>
<td><strong>Total Revenues as a Territory</strong></td>
<td>$37,063,800</td>
<td>$39,770,400</td>
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<tr>
<td><strong>(Decreased) Revenues as a Province</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Federal Equalization Payments</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Northern Roads and Airstrips</td>
<td>$(1,824,035)</td>
<td>$(2,560,035)</td>
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<tr>
<td>Natural Resources</td>
<td></td>
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<tr>
<td>Forestry</td>
<td>$12,000</td>
<td>$53,000</td>
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<tr>
<td>Lands</td>
<td>$552,000</td>
<td>$546,000</td>
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<td>Water</td>
<td>$16,000</td>
<td>$17,000</td>
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<td>Oil and Gas</td>
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<td>$6,102,000</td>
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<tr>
<td>Mining</td>
<td>$1,105,000</td>
<td>$2,097,000</td>
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<tr>
<td><strong>Total-Operation and Maintenance Revenues as a Province</strong></td>
<td>$5,260,965</td>
<td>$6,254,965</td>
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<tr>
<td><strong>Capital</strong></td>
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<tr>
<td><strong>Additional Revenues as a Province</strong></td>
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<tr>
<td><strong>Total Revenues as a Province</strong></td>
<td>$42,324,765</td>
<td>$66,025,365</td>
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### NORTHWEST TERRITORIES

**COMPARATIVE STATEMENT OF EXPENDITURES AND REVENUES AS A TERRITORY AND AS A PROVINCE FOR THE FISCAL YEARS 1973-74 AND 1974-75**

<table>
<thead>
<tr>
<th>Deficit (Surplus)</th>
<th>1973-74</th>
<th>1974-75</th>
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<tbody>
<tr>
<td>Deficit as a Territory</td>
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<tr>
<td>Operation and Maintenance</td>
<td>$62,431,500</td>
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<td>Amortization</td>
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<td>Total C&amp;M and Amortization</td>
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<td>Total Deficit as a Territory</td>
<td>$77,216,300</td>
<td>$101,114,850</td>
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</table>

| Additional Deficit as a Province  |         |         |
| Operation and Maintenance         | $12,082,530 | $12,924,172 |
| Capital                           | $8,362,000  | $7,948,000  |
| Total Additional Deficit as a Province | $20,444,530 | $20,872,172 |

| Total Deficit as a Province       | $97,660,830 | $121,987,022 |
Appendix VI

Commissioner and Deputy Commissioner of the Northwest Territories - 1905-1976
LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES

Commissioners

F. White  
August 24, 1905  
1919

W.W. Cory  
June 27, 1919  
February 17, 1931

H.H. Rowatt  
March 31, 1931  
April 30, 1934

Dr. Charles Camsell  
December 3, 1936  
December 3, 1946

Dr. H.L. Keenleyside  
January 14, 1947  
September 24, 1950

H.A. Young  
November 14, 1950  
November 15, 1953

R.G. Robertson  
November 15, 1953  
July 12, 1963

B.G. Sivertz  
July 12, 1963  
January 16, 1967

S.M. Hodgson  
March 2, 1967  

Deputy Commissioners

R.A. Gibson  
June 16, 1921  
October 3, 1950

F.J.G. Cunningham  
June 26, 1951  
April 10, 1957

W.G. Brown  
April 10, 1957  
July 23, 1965

S.M. Hodgson  
August 1, 1965  
March 1, 1967

J.H. Parker  
March 2, 1967

1 Legislative Assembly of the Northwest Territories, Members Book, 59th Session, Yellowknife, May 1976 Section 13, p. 1
Appendix VII

Appointed Members of the Council of the Northwest Territories - 1921-1974
Appointed Council Members

J.W. Greenway
Col. A.B. Perry
Dr. Charles Camsell
R.A. Gibson
H.H. Rowatt
O.S. Finnie
Lt. Col. Cortlandt Starnes
Dr. D.C. Scott
K.R. Daly
A.L. Cumming
Dr. H.W. McGill
Col. S.T. Wood
Dr. O.D. Skeleton
Dr. H.L. Keenleyside
R.A. Hoey
L.C. Audette
A/C H.B. Codwin
J.G. McNiven
D.M. McKay
L.H. Nicholson
W.I. Clements

April 20, 1921
April 20, 1921
June 16, 1921
April 20, 1921
June 16, 1921
June 16, 1921
May 9, 1922
June 16, 1928
August 14, 1931
January 12, 1932
March 30, 1932
November 2, 1932
March 12, 1938
March 31, 1938
February 17, 1941
August 21, 1945
March 20, 1947
March 21, 1947
March 27, 1947
October 5, 1948
May 16, 1951
December 23, 1951
April 24, 1928
April 1, 1922
December 3, 1936
June 16, 1921
March 31, 1931
December 31, 1931
August 1, 1931
November 2, 1932
March 12, 1938
February 20, 1947
March 31, 1947
March 21, 1945
April 25, 1951
February 7, 1941
January 30, 1945
October 5, 1948
September 26, 1959
December 28, 1951
July 6, 1951
May 19, 1953
July 25, 1960
September 17, 1954
Jean Boucher November 19, 1953 June 17, 1957
C.M. Drury September 17, 1954 July 25, 1960
H.M. Jones August 7, 1957 November 21, 1963
E.J. Gall December 3, 1958 Elected, 1959
D.M. Coolican January 11, 1961 November 21, 1963
L.A. Desrochers December 22, 1960 November 21, 1963
I.N. Smith January 11, 1961 November 21, 1963
A/M H. Campbell May 21, 1964 January 21, 1975
R.N. Harvey May 21, 1964 April 30, 1967
S.M. Hodgson May 21, 1964 March 1, 1967
Dr. Frank Vallee May 21, 1964 April 30, 1967
A.A. Okpik October 18, 1965 April 30, 1967
John H. Parker March 1, 1967 January 21, 1975
Dr. L. I. Barber November, 1967 August 3, 1970
Dr. L. E. Hamelin January 29, 1971 January 21, 1975
*L. G. Lemieux January 29, 1971 January 5, 1973

*Resigned

Appendix VIII

Elected Members of the Council of the Northwest Territories- 1951-1976
### Elected Council Members

<table>
<thead>
<tr>
<th>Name</th>
<th>Elected</th>
<th>Re-elected (2nd Term)</th>
<th>Re-elected (3rd Term)</th>
</tr>
</thead>
<tbody>
<tr>
<td>M. A. Hardie</td>
<td>Sept. 17/51</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Brodie</td>
<td>Sept. 17/51</td>
<td></td>
<td></td>
</tr>
<tr>
<td>F. Carmichael</td>
<td>Sept. 17/51</td>
<td>Sept. 7/54</td>
<td></td>
</tr>
<tr>
<td>John Parker</td>
<td>Sept. 7/54</td>
<td>July 22/57</td>
<td>(Resigned Dec. 3/58)</td>
</tr>
<tr>
<td>John W. Goodall</td>
<td>Aug. 9/54</td>
<td>Aug. 19/57</td>
<td>Sept. 19/60</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>May 11/64 (re-elected)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(4th term)</td>
</tr>
<tr>
<td>R. Porritt</td>
<td>Sept. 7/54</td>
<td>Aug. 19/57</td>
<td>May 1/64</td>
</tr>
<tr>
<td>Knut Lang</td>
<td>Aug. 19/57</td>
<td>Sept. 19/60</td>
<td></td>
</tr>
<tr>
<td>E. J. Gall</td>
<td>Nov. 2/59</td>
<td>Sept. 19/60</td>
<td></td>
</tr>
<tr>
<td>A.P. Carey</td>
<td>Sept. 19/60</td>
<td>(Resigned May 10/62)</td>
<td></td>
</tr>
<tr>
<td>P.W. Kaeser</td>
<td>July 23/62</td>
<td>Dec. 21/70</td>
<td></td>
</tr>
<tr>
<td>P. Baker</td>
<td>May 11/64</td>
<td></td>
<td></td>
</tr>
<tr>
<td>L. R. Trimble</td>
<td>Apr. 30/64</td>
<td>July 4/67</td>
<td>Dec. 21/70</td>
</tr>
<tr>
<td>D. M. Pryde</td>
<td>Aug. 22/66</td>
<td>July 4/67</td>
<td></td>
</tr>
<tr>
<td>Prof. R. G.</td>
<td>Aug. 22/66</td>
<td>July 4/67</td>
<td></td>
</tr>
<tr>
<td>Williamson</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Simonie Michael</td>
<td>Sept. 11/66</td>
<td>July 4/67</td>
<td></td>
</tr>
<tr>
<td>D.H. Searle</td>
<td>July 4/67</td>
<td>Dec. 21/70</td>
<td>March 10/75</td>
</tr>
<tr>
<td>D.M. Stewart</td>
<td>July 4/67</td>
<td></td>
<td>March 10/75</td>
</tr>
<tr>
<td>M.D. Fairbrother</td>
<td>Jan. 2/68</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lena Pedersen</td>
<td>Dec. 21/70</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Elected</td>
<td>Re-elected (2nd Term)</td>
<td>Re-elected (3rd Term)</td>
</tr>
<tr>
<td>------------------</td>
<td>---------------</td>
<td>-----------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>T.H. Butters</td>
<td>Dec. 21/70</td>
<td>March 10/75</td>
<td></td>
</tr>
<tr>
<td>W.H. Phipps</td>
<td>Dec. 21/70</td>
<td>(Resigned May 28/73)</td>
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<tr>
<td>N. Sibbeston</td>
<td>Dec. 21/70</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B.R. Pearson</td>
<td>Dec. 21/70</td>
<td>March 10/75</td>
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</tr>
<tr>
<td>J. Rabesca</td>
<td>Dec. 21/70</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. Adams</td>
<td>Dec. 21/70</td>
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<td></td>
</tr>
<tr>
<td>P. Koolerk</td>
<td>July 23/73</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W. Lyall</td>
<td>March 10/75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>L. Kilabuk</td>
<td>March 10/75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M. Evaluuarjuk</td>
<td>March 10/75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>J. Wah-Shee</td>
<td>March 10/75</td>
<td>(Resigned May 28/76)</td>
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</tr>
<tr>
<td>L. Pudluk</td>
<td>March 10/75</td>
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</tr>
<tr>
<td>P. Ernerk</td>
<td>March 10/75</td>
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<tr>
<td>G. Barnaby</td>
<td>March 10/75</td>
<td>(Resigned March 29/76)</td>
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<tr>
<td>W. Lafferty</td>
<td>March 10/75</td>
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</tr>
<tr>
<td>A. McCallum</td>
<td>March 10/75</td>
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<tr>
<td>J. Steen</td>
<td>March 10/75</td>
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</tr>
<tr>
<td>D. Nickerson</td>
<td>March 10/75</td>
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</tr>
<tr>
<td>P. Fraser</td>
<td>June 14/76(^1)</td>
<td></td>
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</tbody>
</table>

\(^1\) Legislative Assembly of the Northwest Territories, Members Book, 59th Session, Yellowknife, May 1976
Section 13, p. 4 & 5
Appendix IX

Locations and Dates of Sessions
1951-1976
<table>
<thead>
<tr>
<th>Location</th>
<th>Dates</th>
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<tbody>
<tr>
<td>Yellowknife</td>
<td>December 10–December 13, 1951</td>
</tr>
<tr>
<td>Ottawa</td>
<td>July 2 – July 10, 1952</td>
</tr>
<tr>
<td>Fort Smith</td>
<td>December 8–December 11, 1952</td>
</tr>
<tr>
<td>Yellowknife</td>
<td>June 25–June 30, 1953</td>
</tr>
<tr>
<td>Ottawa</td>
<td>December 7–December 12, 1953</td>
</tr>
<tr>
<td>Ottawa</td>
<td>February 18, 1954</td>
</tr>
<tr>
<td>Yellowknife</td>
<td>June 14–June 16, 1954</td>
</tr>
<tr>
<td>Ottawa</td>
<td>January 17–January 27, 1955</td>
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<tr>
<td>Fort Smith</td>
<td>August 29–September 8, 1955</td>
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<tr>
<td>Ottawa</td>
<td>January 14–January 23, 1957</td>
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<tr>
<td>Aklavik</td>
<td>August 23–August 31, 1956</td>
</tr>
<tr>
<td>Ottawa</td>
<td>January 14–January 23, 1957</td>
</tr>
<tr>
<td>Frobisher Bay</td>
<td>June 3–June 7, 1957</td>
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<tr>
<td>Yellowknife</td>
<td>January 14–January 21, 1958</td>
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<tr>
<td>Ottawa</td>
<td>July 14–July 18, 1958</td>
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<tr>
<td>Ottawa</td>
<td>January 26–February 3, 1959</td>
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<tr>
<td>Chesterfield Inlet</td>
<td>July 27–July 31, 1959</td>
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<td>Ottawa</td>
<td>January 11–January 20, 1960</td>
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<td>Resolute</td>
<td>July 11–July 16, 1960</td>
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<tr>
<td>Ottawa</td>
<td>January 16–January 24, 1961</td>
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<tr>
<td>Fort Simpson</td>
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<tr>
<td>23</td>
<td>Cape Dorset</td>
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<tr>
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<tr>
<td></td>
<td>Inuvik</td>
</tr>
<tr>
<td>26</td>
<td>Ottawa</td>
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<tr>
<td>27</td>
<td>Ottawa</td>
</tr>
<tr>
<td>28</td>
<td>Frobisher Bay</td>
</tr>
<tr>
<td>29</td>
<td>Ottawa</td>
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<tr>
<td>30</td>
<td>Yellowknife</td>
</tr>
<tr>
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<td>Ottawa (Special)</td>
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<td>Resolute Bay</td>
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<td>Baker Lake</td>
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<td>59</td>
<td>Yellowknife</td>
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Appendix X

Electoral Districts of the Northwest Territories 1966-1970-1974
ELECTORAL DISTRICTS
Bibliography
Books


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II Articles


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... Northern Canada in the 70's, INA Publication, Ottawa, 1972.


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.... Revised Ordinances of the Northwest Territories, Volume 1 & 2, Yellowknife, 1975.


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IV Other Documents

Indian Brotherhood of the Northwest Territories, Dené Declaration, Yellowknife, Native Press, 1975.


V Acts

The British North America Act, 1867, as amended to 1975.

The Department of Indian Affairs and Northern Development Act, 1968.

The Indian Act, 1967, as amended to 1975.

Northern Inland Waters Act, 1968.

Rupert's Land Act, 1868, Repealed by the Statute Law Revision Act, 1893.


Yukon Territory Act, 1898, as amended to 1974.

VI Bills

Bill C-9: An Act to amend the Yukon Act, the Northwest Territories Act, and the Canada Elections Act; First Reading, March 11, 1974, Queens Printer, Ottawa, 1974.

Bill C-51: An Act to increase the representation of the Northwest Territories in the House of Commons, as passed by the House of Commons, February 28, 1975, Queens Printer, Ottawa, 1975.

VII Newspapers (June 1975- July 1976)

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Globe and Mail (Toronto)

Native Press (Yellowknife)

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Ottawa Citizen (Ottawa)

Spectator (Hamilton)

Toronto Star (Toronto)

The Interpreter (Yellowknife)

The Yellowknifer (Yellowknife)