

The Legislative Assembly of the Northwest Territories seeks the following amendments to the proposed Constitution of Canada in recognition of the special responsibilities of Canada for the

THE POSITION OF THE
LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES
ON THE AMENDMENTS TO THE PROPOSED
CONSTITUTION OF CANADA

(1) The Legislative Assembly seeks to have Clause 30 of the proposed resolution reinstated in the Constitution recognizing and affirming the Aboriginal and Treaty Rights of the aboriginal peoples of the Northwest Territories. The Assembly would further request that the clause be listed in the category of matters that can be amended only with the approval of Canada and the legislative assemblies of all of the provinces.

(2) The Legislative Assembly seeks the deletion of Clause 31 of the amending formula in the proposed Constitution which provides for the

The Legislative Assembly of the Northwest Territories seeks the following amendments to the proposed Constitution of Canada in recognition of the special responsibility of the Government of Canada for the native peoples of the Northwest Territories and the exclusive jurisdiction of the Government of Canada over the Territories:

- (1) The Legislative Assembly seeks to have Clause 34 of the proposed resolution reinstated in the Constitution recognizing and affirming the Aboriginal and Treaty Rights of the aboriginal peoples of the Northwest Territories. The Assembly would further request that the clause be listed in the category of matters that can be amended only with the approval of Canada and the legislative assemblies of all of the provinces.
- (2) The Legislative Assembly seeks the deletion of Clause ⁴¹ (e) of the amending formula in the proposed Constitution which provides for the



extension of existing provinces into the territories. The Legislative Assembly sees this authority as an affront to its legislative authority and an infringement of the democratic rights of the people of the Northwest Territories. The Legislative Assembly requests that the power to alter boundaries be exercised as presently provided under the British North America Act 1871.

- (3) The Legislative Assembly also seeks the deletion of Clause ⁴¹ (f) from the amending formula in the proposed Constitution. This clause provides that notwithstanding any other law or practice, the establishment of new provinces can only be achieved with the consent of Canada and at least two-thirds of the provinces whose total population exceeds 50 per cent of the population of Canada. The Legislative Assembly's position is that the right to establish new provinces out of existing territories is vested in the federal parliament by virtue of the British North America Act 1871 and this power should continue to reside in the Parliament of Canada.

