

# The Pukon Legislative Assembly

Number 31

**2nd Session** 

24th Legislature

# **HANSARD**

Monday, October 29, 1979 — 7:30 p.m. Tuesday, October 30, 1979 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

# **Yukon Legislative Assembly**

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake DEPUTY SPEAKER — Geoffrey Lattin, MLA, Whitehorse North Centre

# **CABINET MINISTERS**

NAME	CONSTITUENCY	PORTFOLIO	and the second s
Hon. Chris Pearson	Whitehorse Riverdale North	Government House Leader — responsible for Executive, Council office, Public Service Commission, Finance and Pipeline.	
Hon. Doug Graham	Whitehorse Porter Creek West	Minister responsible for Education, Justice, Information Resources, Government Services	
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Highways and Public Works, Municipa and Community Affairs, Yukon Housing Corporation, and Yukon Liquor Corporation.	
Hon. Meg McCall	Klondike	Minister responsible for Health and Human Resources and Workers' Compensation Board.	
Hon. Peter Hanson	Mayo	Minister responsible for Renewable Resources, Consumer & Corporate Affairs, Tourism & Economic Development.	
Government Me	embers	Opposition Me	mbers
(Progressive (	Conservative)		(Liberal)
Al Falle Jack Hibberd	Hootalinqua Whitehorse South Centre	lain MacKay Alice P. McGuire	Whitehorse Riverdale South Kluane
Geoffrey Lattin Grafton Njootli	Whitehorse North Centre Old Crow	(New Democratic Party)	
Donald Taylor	Watson Lake	Tony Penikett	Whitehorse West
Howard Tracey Tatchun			(Independent)
		Maurice J. Byblow Robert Fleming	Faro Campbell

Clerk Of Assembly
Clerk Assistant (Legislative)
Clerk Assistant (Administrative)
Sergeant-at-Arms
Editor of Hansard

Patrick L. Michael Missy Parnell Jane Steele G.I. Cameron Lois Cameron Whitehorse, Yukon Tuesday, October 30, 1979

Mr. Speaker: I will now call the House to order.

We will proceed at this time with Prayers.

Prayers

Mr. Speaker: We will proceed at this time with the Order Paper.

#### **DAILY ROUTINE**

Mr. Speaker: Are there any Returns or Documents for Tabling?

#### TABLING OF DOCUMENTS

Hon. Mr. Pearson: Mr. Speaker, I would like to table an answer to a question by Mr. Penikett, asked on October 16th, regarding the Demptster Highway traffic count results.

Mr. Speaker: Reports of Standing or Special Committees?

Presentation of Petitions?

Reading of Petitions?

Introduction of Bills?

Notices of Motion for the Production of Papers?

Notices of Motion?

Are there any Statements by Ministers?

This then brings us to the Question Period. Are there any questions?

#### QUESTION PERIOD

Question re: Land Transfer Delay

Mr. MacKay: Thank you, Mr. Speaker. I have a question for the Government Leader today.

Respecting his negotiations last week, in Ottawa, he indicated to the House yesterday that, as a concession, the Yukon Government had agreed to a delay in the transfer of recreational land for some six months.

I hear a report on a local radio station, which indicates that, in fact, Ottawa had made this decision before he went to that meeting.

Can be confirm which version is correct?

Hon. Mr. Pearson: Yes, Mr. Speaker, thank you. I would like to thank the Honourable Member, Mr. Speaker, for asking me the question.

Mr. Speaker, I, too, heard the radio broadcast and was, needless to say, taken aback because it was definitely my impression, when I got to Ottawa, when I was asked to go to Ottawa and when I arrived there, that the Minister had a completely open mind in respect to Land Claims negotiations, that he was trying to reach some kind of an accord with the CYI, in respect to getting those land claims negotiations going, and that it was his opinion that the Government of Yukon could possibly participate in that.

Now, Mr. Speaker, the implication in the CBC report is completely erroneous. I have checked with the Minister, personally, this morning and he is prepared, if it is deemed necessary, to make a statement to the effect that, in fact, the CBC report was erroneous, that a process of negotiation did take place and that we did make concessions.

Mr. MacKay: It is certainly not beyond the imagination of this Member that CBC could make a mistake.

Mr. Speaker, further to the negotiations that went on there, I would like to have some clarification from the Government Leader as to the reason for this very sudden, it seems to me, change in policy by the Federal Government. In particular, was it due to any concerns raised by him with respect to the gas pipeline being jeopardized by a failure to settle Land Claims?

Mr. Speaker: Is this question relating to the Government of Yukon Territory or what the Federal Government is doing? I wonder if I could have some clarification.

Mr. MacKay: My question was whether the Government Leader raised this issue.

Hon. Mr. Pearson: Mr. Speaker, it is all well and good to say that development is going to continue in the Territory as long as Land Claims are not jeopardized, that this is going to happen and that is going to happen. But, Mr. Speaker, it becomes very difficult for anyone, the Federal Government, the Government of Yukon Territory or the CYI to definitively make any plans, any long range plans as long as Land Claims are not settled, because Mr. Speaker, it is a priority with everyone.

The object of the exercise last week was to try and get an accord whereby Land Claims negotiations could start once again, not because of the pipeline, or not specifically because of the pipeline, or not specifically because of any one thing, Mr. Speaker, but for the good and the benefit of all of the people in the Territory.

# Question re: Education/School Boards

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister of Education. Last week the Minister equated the concepts of parental involvement and parental control in describing the policies of his Department. I would like to now ask him if in the context of parental control, his Department will now be actively promoting the development of local school boards in the Territory?

Hon. Mr. Graham: Mr. Speaker, the legislation in this area is reasonably clear. It states that if any school attendance area in the Yukon wishes to become a school board, they may make application, under the regulations, to the Department of Education. To date, we have received one inquiry and no application. We would be only too happy to look at any applications that were received from any school attendance areas in the Yukon.

Mr. Penikett: Thank you, Mr. Speaker. In light of the Minister's enthusiasm for school boards, I would like to ask him if it is the intention of his Department, as a matter of policy, to require municipalities to raise, in cases where there are school boards, a portion of money spent for school purposes by that school board?

Hon. Mr. Graham: Mr. Speaker, I did not think that I was showing any great enthusiasm for the concept of school boards. It is just my natural inclination to be easy-going and gentle with the Members opposite. I am only too anxious to look at any proposal submitted to the Department of Education by any member of the public in Yukon.

Mr. Penikett: Thank you, Mr. Speaker. As a gentle supplementary I would like to ask the Minister if his Department has studied the implications of a situation in Yukon where we might have school boards and where the local tax base could not support even a large portion of the school in question.

Hon. Mr. Graham: Mr. Speaker, we have had some interesting conversations from time to time in the Department of Education on this concept, but of course since we have not received any applications or even any realistic inquiries, we have not proceeded beyond that point.

# Question re: Yukon Housing Corporation in Ross River

Mr. Fleming: I have a question, Mr. Speaker, for the Minister of Community Affairs on the Yukon Housing Corporation. In the Ross River area, does the Yukon Housing Corporation have control of some housing in the village of Ross River?

Hon. Mr. Lang: Yes, they do.

Mr. Fleming: Supplementary, Mr. Speaker, to the Minister: is the Minister aware that, out of the number of houses that are under control there by the Yukon Housing Corporation, a very large number are empty?

Hon. Mr. Lang: Mr. Speaker, I have gone through Ross River a number of times. Yes, I think that is a fairly accurate statement to make.

They were built some time ago and I think it is a concern of the Housing Corporation, the fact that some of them are empty.

I understand that there are problems with the structure, with the foundations of some of the houses, which, obviously, would affect whether or not anybody could utilize the premises that the Member speaks of.

Mr. Fleming: Yes, a final supplementary, Mr. Speaker: when you consider the possibilities of the tax load on the people of the Yukon Territory, when Yukon Housing Corporation has a number of houses empty in these areas, would the Minister not agree that this did seem logical that there was some mismanagement on the part of the Yukon Housing Corporation?

Hon. Mr. Lang: Mr. Speaker, I think that each one could judge it accordingly. As I say, it happened some time ago.

In view of what the Honourable Member is saying, I think that he would agree that the idea of private ownership is much better than the idea of housing being provided through the Government.

Subsequently, as he well knows, which I am sure he agrees with as well, is that that is the policy that this Government is prepared to stand by and actually encourage people to build or purchase their own homes, even those homes which are now under the auspices of the Housing Corporation.

### Question re: White Pass Inquiry

Mr. MacKay: My question is to the Government Leader, Mr. Speaker, with respect to an inquiry that is being launched into the White Pass and Yukon Route.

It has been cited in the reasons for the inquiry that, due to correspondence between the Government Leader and Mr. Fraser, of White Pass, following a request by Mr. Epp for an inquiry, that the inquiry will now be held.

Will the Government Leader be prepared to table this correspondence to the House?

Hon. Mr. Pearson: Mr. Speaker, this is the second such request from the Honourable Leader of the Opposition. The first time he did it through the press and, Mr. Speaker, I do not have any problem with this. I am just wondering where this is really all going to end.

We are trying to run government, be concerned with the affairs of people in this Territory, and as such, is it perceived by the Honourable Member that all of my correspondence should be tabled in this House? I am really not sure where all of this is going to end.

I have no problem at all in tabling this particular piece of correspondence, but is there going to be another piece tomorrow and another piece the following day?

Mr. MacKay: I would have thought, Mr. Speaker, in view of the current vogue of freedom of information that such a request would have been met routinely. However, if he is reluctant to table the actual document perhaps he could inform the House as to its contents in a general sense today?

Hon. Mr. Pearson: Mr. Speaker, I indicated that I would table the correspondence.

Mr. Speaker: Order please, I think that questions such as that are so broad that they ought not to be asked.

Mr. Mackay: Thank you, Mr. Speaker. In view of the urgent nature of these hearings and the fact that they pertain to, and are of vital interest to all Yukoners, is the Government prepared to request that this inquiry be held in public and that there be an ability for the public to have input into the inquiry?

Hon. Mr. Pearson: Mr. Speaker, I am not absolutely positive of my appointment calendar, but I am quite confident that it is tomorrow that the two gentlemen that have been named by the CTC to conduct this inquiry will be in Whitehorse and will be meeting with me then.

Of course, Mr. Speaker, it will be my intention to make as strong a representation as we possibly can, hopefully the first thing that we can find out is exactly what there terms of reference are because we do not know them yet, and if their inquiry is going to take the form of hearings, certainly Whitehorse would be a logical locality to have some of these hearings.

# Question re: Livestock Assistance Act

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister responsible for the Department of Renewable Resources particularly agriculture. The Federal Agriculture Minister has introduced into the House of Commons a Bill which would extend the Livestock Assistance Act to cover Yukon and this would make freight assistance available to livestock feeders here. I would like to ask the Minister if there was any consultation between this Government and the Federal Government on the subject prior to the introduction of this legislation?

Hon. Mr. Hanson: I have just been informed that we have talked to them and we have asked them to invite us to the meeting so that we can go into it a little deeper.

Hon. Mr. Lang: Further on the subject I would like to inform the Honourable Member and I have to go back to longevity in this House, there was a resolution passed and unanimously supported by all Members approximately four or five years ago to have the Yukon included under that particular piece of legislation.

Mr. Penikett: Mr. Speaker, this is wonderful. I have got some

more supplementaries now. I have got a meeting that I do not know about and something else over here. I would like to ask the Minister responsible if the Government plans to encourage, as a result of this legislation, in some form or another, local grain production so that feed need not be brought in from outside in such large quantities as it is.

Hon. Mr. Hanson: This could happen when we get around to making an agricultural policy, which we have not done as yet.

Mr. Penikett: Thank you, Mr. Speaker. Since the agricultural policy has now been seven months in the making, I would like to ask the Minister when we can expect this policy and, if the Minister will entertain any public input into its development before it is finally presented to this body?

Hon. Mr. Hanson: Soon.

# Question re: Eagle's Nest Bluff Feasibility Study

 $\mbox{Mr. Byblow:} \ \ I$  direct this question Mr. Speaker to the Government Leader.

I enquired last week about the availability of a market analysis study for power generation that emanated from the Eagle's Nest Bluff feasibility. I would like to enquire of the Government Leader if his Government has received this analysis.

Hon. Mr. Pearson: Yes, Mr. Speaker, it was my intention to rise during Question Period sometime today, to advise the Honourable Member, and other Members of the Legislature, that we have received one copy of this report from the Northern Canada Power Commission.

It is quite an extensive volume. I would suggest that it really is not practical to copy it; however, it is in the files of the Electrical Public Utilities Board and can be made available to any Member of the Legislature who wishes to study it through that means.

**Mr. Byblow:** I would just direct a supplementary if the Government Leader can indicate the general content of the report in terms of power feasibility and market.

Mr. Speaker: This question would appear, from the Chair, to require a rather broad answer. Perhaps the Honourable Member could be a little more specific as the question, in its form, would be out of order.

#### Question re: Unemployment and Job Creation

Mr. MacKay: Thank you, Mr. Speaker. My question is directed to the Government Leader. It certainly is good to have him back.

Yesterday in the House, Mr. Speaker, the Government Leader took credit for a reduced rate of unemployment in the Yukon over last year. I wonder if he can tell the House which particular new jobs his Government has created over the past year.

Hon. Mr. Pearson: Mr. Speaker, I did not take credit for the reduced rate of unemployment like I do not intend to take the blame for any increased rate of unemployment. But, Mr. Speaker, the fact was one that was not brought out that the rate of unemployment had been substantially reduced from a year prior.

Mr. MacKay: Not only was some credit apparently taken, Mr. Speaker, but he indicated this Government would continue to create these new jobs and I would like him to tell us what programs in the future he is going to introduce to create more jobs.

Hon. Mr. Pearson: Mr. Speaker, we are very cognizant, on this side of the House, of the apparent plateau that we have reached in our economic development in this Territory.

One of the major ways that we can help to offset that, we think, is with our government spending program and, Mr. Speaker, when we can bring the capital Budget forward, hopefully, a number of those questions will be answered.

#### Question re: Gravel Pile in Whitehorse West

Mr. Penikett: Thank you, Mr. Speaker. I have a constituency question for the Minister of Municipal Affairs.

A number of residents in my area have contacted the Department of Municipal Affairs concerning a mountain of gravel which is being constructed behind Sunset Drive North and I would like to ask the Minister if the Department plans that this pile of dirt should become a permanent feature of the landscape?

Hon. Mr. Lang: Mr. Speaker, this problem has come to my attention. I have had some time to look into it.

No, it is not going to become a permanent fixture in the landscape for the people of Hillcrest. It will be levelled and there will be no residents on it. It will go along the lines which it is designed for and that is the greenbelt.

It is my understanding that the excavation is primarily being put there to fill in the low spots in that particular area.

Mr. Penikett: Just for the record then, Mr. Speaker, I would, if I could, get the Minister's assurances that, in fact, they do plan to reclaim the area and not, in fact, leave that waste material there as it is now.

**Hon. Mr. Lang:** Mr. Speaker, I think I gave him that assurance, that we intend to level it and, at the same time, it is not the idea to extend the residential area. It will be preserved as a greenbelt.

# Question re: Game Harvesting of Fur-bearing Water Animals

Mrs. McGuire: Thank you, Mr. Speaker. I have a question for the Minister of Renewable Resources.

Has the Minister given any consideration to the harvesting of fur-bearing water animals in over-populated game sanctuaries?

**Hon. Mr. Hanson:** I would like to take that question under advisement, at this time.

# Question re: NCPC Head Office Relocation

Mr. MacKay: I think I can ask the Minister of Economic Development a question he can answer, Mr. Speaker.

The Minister referred yesterday to persuading NCPC to move its head office here. Is the Minister aware that this has been under study for some time by NCPC?

Hon. Mr. Hanson: So I have read.

Mr. MacKay: I am pleased to hear that the Minister has been reading.

Perhaps he can tell us if he has read the report prepared by NCPC, with respect to this?

Hon. Mr. Hanson: Mr. Speaker, I have not, as yet.

Mr. MacKay: In the event that the Minister does read this report, will he consider the economic costs of moving to Whitehorse versus towns in the NWT as a factor in continuing this persuasion, if the power rates of Yukon will increase because of a move to Whitehorse?

Hon. Mr. Hanson: Mr. Speaker, I am a very reasonable man. I think I will look at it all pretty well.

A week ago I think we were asking them to bring the power company here. Would you suggest that we build a building for the NCPC headquarters in the Northwest Territories, then, or in Ottawa?

Hon. Mr. Graham: Ottawa, for him.

#### Question re: Energy/Coal and Wood Availability

Mr. Penikett: Mr. Speaker, I have an easy question for the Government Leader.

Since this is Energy Conservation Month and last spring the Government Leader said that he would be requesting, from the Federal Government, substantive studies on the availability of coal and wood in Yukon, I would like to ask the Government Leader if he could report whether the Federal Government has yet complied with this request?

**Hon. Mr. Pearson:** No, Mr. Speaker, not yet. However, there are studies underway now that should be fairly revealing to us, hopefully, in the near future, in respect to exactly what is available in this Territory for fossil fuel consumption in the future.

Mr. Penikett: Thank you, Mr. Speaker. I would just like to pursue the matter for a moment. The Government Leader did make it clear, if the original studies referred to were being conducted or there were some other ones, but, in any case, can we expect the study to which the Minister just referred fairly shortly, or is this something which is just now being undertaken?

Hon. Mr. Pearson: Mr. Speaker, since last summer, there has been a considerable amount of research and work being done in the Territory, both by Government and by private enterprise in respect to trying to locate and determine exactly what kind of fossil fuel reserves there may be and whether they are of a type and a kind that can be economically used for heating purposes or for electrical energy purposes or whatever. There are, in fact, a number of studies going on now. As these reports and studies become available, we shall make them available to the House.

Mr. Penikett: I thank the Government Leader for his answer about fossil fuels. I wonder if he could say now if any of these studies requested on wood are under way or will be under way in the near future?

**Hon. Mr. Pearson:** Mr. Speaker, I am not aware of any studies in respect to the use of wood that are being conducted pertinent to the Territory at the moment.

Question re: Whitehorse Hospital Advisory Board Appointment

Mr. Byblow: I have a question for the Minister of Health and Human Resources. It is my understanding that the Hospital Advisory Board requires an appointee from this Legislature, and further, that the vacancy has existed for some time, at least since last January. My question is: is the Minister planning to have this vacancy filled?

Hon. Mrs. McCall: Mr. Speaker, the Yukon Territorial Government is asked to appoint someone to the Hospital Board. They are obliged to do this. It is simply to allow the Government some input and the name of someone is at present under consideration by the caucus.

Mr. Byblow: Will the Minister, in the truest of Democratic tradition, appoint an Opposition Member?

Hon. Mrs. McCall: Mr. Speaker, it is possible.

Mr. Speaker: There being no further questions, we will conclude the Question Period at this time and proceed to Government Bills and Orders.

#### **GOVERNMENT BILLS AND ORDERS**

#### Third Reading: Bill Number 20

Mr. Clerk: Third Reading, Bill Number 20, standing in the name of the Honourable Mr. Pearson.

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 20, An Ordinance Respecting Income Tax be now read a third time.

Mr. Speaker: It has been moved by the Honourable Leader of the Government, seconded by the Honourable Member from Tatchun, that Bill Number 20 be now read a third time.

Motion agreed to

Mr. Speaker: Are you prepared to adopt the title of the Bill?

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 20 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Leader of the Government, seconded by the Honourable Member from Tatchun, that Bill Number 20 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 20 has passed this House.

We will now proceed to Motions other than Government Motions.

# MOTIONS OTHER THAN GOVERNMENT MOTIONS

# **Motion Number 30**

Mr. Clerk: Item Number 1 standing in the name of Mr. Penikett.

 $\operatorname{Mr. Speaker:}$  Is the Honourable Member prepared to deal with Item 1?

Mr. Penikett: Yes I am, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Faro,

THAT a Special Committee on Constitutional Development be established;

THAT the membership of the Committee be set by separate motion of this House;

THAT there be a Chairman and Vice-Chairman of the Committee, one of whom shall be an Opposition Member;

THAT the Committee make arrangements to meet separately or jointly with individuals, groups and organizations including, but not restricted to, the Council for Yukon Indians for the purpose of discussing Constitutional Development in Yukon;

THAT meetings of the Committee be held in camera if the Committee determines that such meetings would be more productive by so doing or if any individual, group or organization will meet with the Committee only on that basis;

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee;

THAT the Committee be empowered to sit during periods when the Assembly is prorogued or adjourned;

THAT the Committee provide interim reports to the House on the number of meetings it has held with individuals, groups or organizations; and

THAT the Committee, if it so desires, make recommendation to the House on appropriate amendments to these terms of reference.

Mr. Penikett: Thank you, Mr. Speaker.

In my view there has always been more heat than light in the Yukon Constitutional debate. I remember that in June 1976, the newly elected Federal Conservative Leader came to Whitehorse and promised at that time Provincial Status within the first term of a National Conservative Government, or words to that effect. A couple of summers ago, we had the Liberal Prime Minister arrive in the Territory and declare that, "Not in my lifetime would provincial status come to Yukon." And quite predictably, I think, both Liberal and Conservative Yukoners excited themselves into a fever in response to these two statements by the Liberal Prime Minister and his successor. Now, since then, Mr. Clark has modified his proposal somewhat to include a proposal for a referendum, but I do not think, in my view, that this ends the question at all.

The argument has recently heated up again in response to both the Liberal Party's and the Conservative Party's perceived attitudes on this question. I think that for many Yukoners, they remain in the dark about the real meaning of constitutions and constitutional development.

In my view, neither of the groups' political leaders have, up to now, been talking very publicly about what I think are the real issues in this whole business. I say, that in this respect, I think the Clark-Trudeau debate has been somewhat phony.

Frankly, Mr. Speaker, for myself, I do not really care very much what either of them think about provincial status. Not that I do not have respect for their views, but in my view, it is something that people here have to decide. It seems to me that, initially, both their statements assumed that it was rather a matter that was exclusively for the Government of Canada to determine and, while I admit that these two gentlemen, at different times of their lives, have had the power, I do not think from my view of constitutional development, they have the exclusive right.

From my point of view, as I say, it is up to the people of Yukon to write their own Constitution, the terms and conditions under which they may enter Confederation and become a province like, or unlike, any other part of Canada.

I think it is up to the people of Yukon, and really nobody else, to decide how, and then when, and if, we should join Confederation.

I think, as the Government Leader pointed out the other day, that since the turn of the Century, politicians in Yukon have thrived on endless technical disputes about the differences between responsible government and provincial status. I would like to say at this time that I was very pleased a week or two ago to hear the Government Leader make what I thought was the most clear statement heard on the distinction between the two. I would hope that we would see more such statements, because I think, quite honestly, that they do further the education of the public on this very difficult question.

However, so long as the Federal Government retains its veto power over territorial legislation, the constitutional question remains perhaps the one question that has, and perhaps will for a long time, dominated discussion in this House.

For a long time it seemed to me the political leadership of this Territory always supported provincial status in principle, but now that we are at that point in history, when we are approaching that reality, I believe we can no longer avoid some of the urgent questions that must first be resolved. There are some very practical considerations that deserve our attention.

At the Federal level, the two older political parties in Canada seemed to have, in the past, adopted positions which were based on arguments as old as time. I would point out, for Members' interest, that once upon a time, it was the Tory who protected the Royal Prerogative and the Imperial Power in the Colonies, and the Whig, or Grit who wanted Home Rule. Today, the roles are quite obviously reversed, but the argument goes on much as it always has. The brief in favour of "provincial status" for Yukonis, in fact, very similar in its main points to those presented on behalf of the Prairie Provinces when they made their case for joining Canada and, in fact, those opposed have customarily used the same four arguments, with different words to describe them.

Just to refresh Members' memories, I would like to, in fact, just describe these four arguments for a second, because I think they are important.

The first one is that we have too small a population.

The second one is that we have had too little legislative competence

The third one is that we were too resource rich.

The fourth one was that we were too tax poor.

I would like to say something about each of these arguments because I have been impressed with the audacity of the Liberal Party recently, who, in recent years, have, in fact, used both of the latter two arguments, sometimes in the same sentence. They have argued that we have had a problem with both poverty and wealth, a fairly peculiar situation.

I remember Jean Chretien once said that the North had potentially forty per cent of Canada's natural resources and there was no way that the Federal Government is going to let Yukon or the NWT control these resources.

It is interesting that, just the other day in the House of Commons, and I am not sure I can quickly find the reference, but one of the new Liberal Members of the House of Commons, who represents the seat of Ottawa Centre, one fairly close to what is happening, made a somewhat similar argument.

I would like to, in fact, just quote what he said. "This is closely related to the stated promise of provincial status for Yukon. Does this mean the tiny population of 23,000 people will be given full ownership and control of the vast resources of Yukon, resources which, up to now, have belonged to all Canadians? If so, Mr. Speaker, it is the greatest sell-out of all time and a total derogation of the Government's responsibility to the Nation". That is fairly strong stuff.

At the same time, and I am dealing seriously here with this question, my friend, our friend to my right, the Liberal Leader, said that we could not afford to pay for our own Government. He seems to be saying that we should be keeping provincial-type powers in Ottawa until we can, in fact, change that financial picture.

It was interesting the other night, he argued the same thing in terms of the case of keeping what should be municipal powers in the hands of the Territory. If I follow the logical thread in all that, it seems to me that, on constitutional questions, my friend's argument comes down to a matter of father-knows-best in all these things.

It is an argument, I would point out, that is often used by frightened parents who fear the coming of age of their children.

Now, observant Yukon reporters have always remarked that this Legislature only seemed irresponsible because it had so few responsibilities, that Territorial Councillors or MLAs gnawed on their colleagues because they had nothing better to get their teeth into. In other words, we seemed irresponsible because we had few responsibilities, a fairly circular argument.

One of the things which pleases me about this House is that that grand tradition in Yukon seems to have died somewhat, at least so far.

I think, in terms of the fourth argument, the population, I think Yukoners, of course, have never tired of pointing out that we have more people than Manitoba had when it became a province; however, all these arguments in principle, I have no problem intellectually dispatching. But those questions have serious practical problems in everyone of them.

My Party has always held that the question in principle was one that ultimately could only be determined by Yukoners. In our view, the contrary arguments that I have just detailed ought to be matters of negotiations with the Federal Government only when the people of Yukon have achieved a consenus on the basic questions.

In the past decade, I think it is worth noting that the constitutional consciousness has been expanded in this Territory by the Yukon Indian communities' land claims negotiations and its demand for culturally relevant local political institutions. This development has paralled the emergence of recently expressed desires by both the national native organizations and, I would point out, the Federation of Canadian Municipalities for a voice in the creation of a new Canadian constitution.

On Monday, the Government Leader quoted a 1905 speech by the Independent M.P. for Yukon, Dr. Alfred Thompson, and I went to Archives and, in fact, got the whole speech out and read it. It is very interesting reading. I do not know how they were ever allowed to speak that long in the House of Commons in those days, because it must have been a five hour speech.

But, the line which he quoted in there, "I submit there is no principle so dearly imbedded in the heart of the Anglo Saxon as that of Responsible Government." was a good choice.

Unfortunately, to my mind, and I say this with respect, the Government Leader missed an obvious point. Yukon Indians are obviously not Anglo Saxons. They are a different culture. They

have, they argue, different political traditions and they argue that none of them are reflected in our institutions.

Now, it seems to me that we should admit of this possibility, that, for example, our committees might well borrow something from the consensual tradition of Yukon's aboriginal people to the advantage of all of us. But most of all, it seems to me we should seize the opportunity presented by our Indian neighbours' critique of our local government institutions to reflect, at this point in history, on the purity and the perfection of government as it now operates here.

It seems to me that such a critique, as they would present, would be a good starting point for our own re-assessment and evaluation of where we are at and where we are going.

At the same time, it seems to me in recent years I have noticed that many people in the Territory, some of them Conservative, some of the Liberal, some of the New Democratic, intelligent people, are having serious reservations about adopting, in total, the institutions and the infrastructure of southern Canadian provincial administrations.

Many people argue that we are already over-governed in the North with the three levels of government and I do not think anything in the experience of any of us leads us to believe that big government is necessarily better government, nor, from my point of view, am I hooked on the need to explode our population to the point where we can "qualify" for provincial status, the kind of argument that I think we would hear from some parts of Canada.

To me, this is a matter of a conscience, because we are an area that has suffered a series of economic booms and busts and I do not think any fair-minded person could argue that the booms we have had have not proved a bust for a fair number of our permanent population.

Ideally, from my point of view, the native and non-native communities in Yukon ought now to be engaged in a relaxed dialogue for the purpose of discussing possible designs for local political structures which suit our small population, our big geography and the diversity of our cultures.

Unfortunately, and I have said this before, natives and nonnatives in the North are so colonized that both groups, as we saw last week in Ottawa, have to run to Ottawa with their grievances or their petitions. As a result, all of the major disputes come to rest on the desk of the Minister of that schizophrenic Department, Indian Affairs and Northern Development, or Indian and Northern Affairs as it is now called. This is a patently absurd situation. This motion, I hope, gives us a chance to begin to do something ourselves towards ending this absurdity.

It seems to me that it gives us an opportunity in a small way to start to develop some mature and respectful relationships between the different parts of Yukon communities. I am not just talking about native/white here, I am talking about people in the small communities and the people in this City. It seems to me that to the ordinary non-native citizen in the North, provincial status is a slogan to express the desire for local control of his community similar to that enjoyed by the citizens in the provinces. They do not really know what provincial constitutions look like, or where we fit in the BNA, or amendments to the Yukon Act or Section 16 or all of those things. They have a very down to earth understanding of it.

In the same way, it seems to me, for the average Indian person out in the small communities, Land Claims is the code word to express his desire for something like the same thing. As the Government Leader has said, and I have argued, both aspirations are in some ways being negotiated with the Federal Government. They are, or ought to be parallel processes. However, because of the colonial situation, what is missing in this process with the non-native people negotiating with Ottawa on the one hand, and native people negotiating with the Minister's other face on the other hand, is any legitimate dialogue along the base of the triangle between natives and non-natives about the form of a local government. I am not just talking about when we become a province, of if we become a province, but how we do it. Since the new Minister responsible for the North and for Indian people has said, as I recall a statement he made in Whitehorse, that he will negotiate only a land and money settlement of their claims while, at the same time, and this puzzled me, inviting the National Indian Brotherhood to participate in constitutional discussions in Ottawa. It seems to me that we should be stepping in at this point in time. It seems to me that this House has a very useful role to play.

In my view, as I have said before, for both the principle and practical reasons, we must avoid a BC type situation and settle land claims before provincial status. I was very glad last week to hear the Government Leader's statement that he could not envi-

sion that possibility.

I certainly hope his vision is 20-20 and completely accurate.

It seems to me that what we must do is find a reasoned and constitutionally valid means for Yukoners to collectively gain for our peoples the right to determine their future in the Canadian Confederation without automatically imposing superfluous and financially crippling urban government structures on ourselves and on this sparsely settled north. Together, it seems to me, we must decided how and in what way we should become a province. It should not be left exclusively to the Federal Government, in concert with its local political allies, to decide if and when this happens.

Last week the various Members of the Government Backbench were making defensive speeches about the Government's mandate and there was a lot of talk about 37 per cents and so forth. I want to say to those Members who spoke right then, that under the parliamentary system, they are quite right that with a majority of seats in this House, they may govern the Territory according to their program. But, the making of a constitution, and that is what we are talking about here, and I think we should understand it, is something that no one party can do without the consent of, if not all the people, a very large consensus of the community.

Rene Levesque can no more take Quebec out of Confederation with 40 per cent of the Quebec votes or even 50 per cent of referendum votes, than the Yukon Government can take Yukon into Confederation with its plurality.

Mr. Speaker, if we are to make a constitution for Yukon, which we all agree, I think, would be unlike any other Canadian Provincial Constitution, this House which represents the whole range of Yukon opinion, ought to first sit down with Yukoners of all opinions and talk toward a consensus on our future. I say this with respect to the Ministry opposite.

If we do not employ all our wisdom and imagination on this question, we may betray the grandest tradition of constitutional conventions which have produced the most eternal of founding documents and I cite for example the American Constitution which is almost Biblical in its stature in that country. One of the reasons I believe that it is so profound and has lasted so long is because they really did gather together the best and the brightest and the most able and the most representative of all the people in the community in the drafting and writing of that thing. It took a long time.

In his announcement on responsible government on July 27, Mr. Epp said that it was his intention to make the proposed measures public in Yukon so that the views of all Yukoners could be obtained prior to cabinet consideration. Mr. Speaker, I did not quite understand that statement and I was confused that, as a representative of one-fifth of the Yukon population in this House, I was not asked for my views. I recall that we really had no debate on this question in this House that could have provided the Minister with our views. I think we need the Special Committee that is proposed here to assemble the views of the Yukon. Then if we desired to do so, the Committee, upon the resolution of this House, could discuss the route and the means to a consensus, the means to achieve the end by which we agree upon.

On the same day as the Minister's statement many of us read the press release by the then Commissioner which said; "The first step is to evaluate what can be done immediately and such a step would not envision constitutional changes. The next, more complicated, step would be developing changes that would affect the Yukon Act and Territorial Ordinances. I see this step taking a considerable length of time and involving all the key players: native groups, Territorial Government, municipal and L.I.D.s as well as the public at large. This second step should also lead us to the lauching pad for provincial status and an evaluation of what that would mean to Yukoners."

I do not know if I entirely share the vision of the then Commissioner but it seems to me that perhaps the Committee that I am talking about could play something like the role envisioned.

However, on October 9, the Minister instructed the Commissioner to do something which, at first glance, appeared to me something quite different. He said, "It is my intention, therefore to convene an early meeting between the Government of Canada, the Government of Yukon and the Council of Yukon Indians to begin identifying these issues and determine a process by which they can be resolved as we move to full and formal responsible government."

It seems to me that that was not clear. Those statements seems to be slightly contradictory. I think the time has come for us to take some action so that we are taking the initiative in this House on this question so that all the initiatives do not come from Ottawa, or at least appear to come from Ottawa.

I believe this very strongly, Mr. Speaker, that the process simply must be determined by this House, the whole House. I will not be insulting the Government Leader when I say that he cannot claim to represent the views of all Yukoners on this question. He does not speak for New Democrats. He obviously does not speak for the Liberal voters in the Territory. He certainly, I do not think, could argue that he is speaking for the Indian people in the Territory.

It seems to me that we should be allowed, given our small population, our small communities, to speak for ourselves. We have some talent and some ability on this side of the House. I believe sincerely that we could contribute enormously to an on-going dialogue in our future, a dialogue, and I want to make this point very clearly, removed from the partisan spats of this Chamber, a dialogue above the political divisiveness that this issue now arouses. Mr. Speaker, what I am doing here is asking the Government Leader, and the Government Members, to trust us a little bit, to trust us as representatives of Yukoners, and by extension, all Yukoners, to open up the debate a little bit, to remove the pressure of deadlines, give us the chance to do this thing right because we will never get the chance to do it again. I think we should do it right right from the start, and together. I think we can do a better job of building a constitution for Yukon than any Government in a House divided against itself.

Now, this month in Parliament, the Prime Minister, Mr. Joe Clark, said, "The test of our federalism and its strength is not in the undoubted power of the central government to have its way. Rather, it is in the willingness of the partners to act together. The success of our federalism will lie in our ability to accommodate the different kinds of communities Canadians choose to live in. These communities have different economic potential, different economic strategies and they have different cultural and social goals.

"Can we afford to have Canadians doing different things in different ways in different parts of the country? Not only do I think we can, I believe we must if we are to honour the spirit of this country."

Mr. Speaker, I have been too long in my address, but I have erred against brevity because, at this point in time, there is nothing more important than this matter.

I have also been long because my views are, frankly, not those of the Liberal Party in this House, nor, I submit, entirely those of the Conservative Party in the House.

I do not think that is a bad thing. I do believe that it is not up to Mr. Clark, or Mr. Trudeau, to decide this question.

I believe that, at the moment, the process of constitutional development is flawed. I believe we can do better. I believe we had better do better or we could be in deep trouble on this issue.

I think a referendum is not enough. It may prove nothing. This summer I had a chance to talk to a couple of British Members of Parliament in New Brunswick, and they argued very strongly with me that the referendum that they recently had in Britain, on Scottish devolution, a matter very similar to this, of a referendum on the joining of the EEC, really did not prove anything, because everything is in the way the question is asked.

I do not doubt that I could put a question to the people of Yukon now, such as, are you in favour of controlling your own future within Confederation or within Canada? You would probably get a resounding "yes" vote on that. But it actually meant, the result would be very hard to determine.

Constitutions are not just bits of paper or the stuff of law libraries. They are the plans of the house we must build and dwell in for a long time. If we build without a plan, if we build without rooms for Indian neighbours, if we build it too big or too small for the family's growth, we will regret it.

I submit, Mr. Speaker, it is not a matter of too far, too fast. It may be a question of whether we are heading off into the bush without a map or, in fact, it may be a question of whether we are really going down the right road.

Mr. Speaker, it is a question of "how", not "if" or "when". I do not have all the answers, but I do have lots of questions and I would hope that the Federal and Territorial Governments will listen to me when I ask them.

As I say, I do not have the answers and I really believe in the ability of the people of Yukon to help us find those answers.

I want a province, when it comes, for the people of all Yukon, not a province designed by Ottawa or a paper province which duplicates the processes everywhere else. I want a constitution which will be as admirable and as lasting as, in fact, the people of the Yukon community.

Thank you, Mr. Speaker.

Hon. Mr. Pearson: Mr. Speaker, the Honourable Member is to be commended for putting forward the motion and for his speech to it this afternoon.

We on this side, Mr. Speaker, feel very strongly that now is, in fact, the right time for such a committee to be established. We, too, feel, Mr. Speaker, that we have a responsibility to all of the people in the Territory to really hear what their concerns are, to really find out what their ideas are, and to try and meet the concerns and try and go along with their ideas, because it is going to be something which is very important to everyone in the Territory.

Mr. Speaker, I frankly am going to wind up my few words by proposing an amendment to the motion, but it is designed to broaden the scope of the Committee, I think, so that it is clear to everyone in the Territory that we are hoping to be able to meet with various individuals, groups and organizations in the Territory, anyone who has any input at all that they would like to give to this Committee.

As well, Mr. Speaker, I would like to recommend to the Committee that, as their first order of business, they make themselves aware of the work and the findings of a previous Constitutional Development Committee of this House, of the previous Legislature.

I am aware that this Committee did a tremendous amount of work and I am confident that there is material available for us there that we should be availing ourselves of.

So, Mr. Speaker, I wish to move, seconded by the Honourable Member for Porter Creek West,

THAT Motion Number 30 be amended by deleting the third, fourth and fifth paragraphs thereof and by substituting therefore the words:

"THAT the committee make arrangements to meet separately or jointly with individuals, groups and organizations for the purposes of discussing constitutional development in Yukon."

Mr. Speaker: Order, please. Perhaps the original of that amendment could be delivered to the Chair.

It has been moved by the Honourable Leader of the Government, seconded by the Honourable Minister of Education,

THAT Motion Number 30 be amended by deleting the third, fourth, and fifth paragraphs thereof, and by substituting therefor the words:

"THAT the committee make arrangements to meet separately or jointly with individuals, groups and organizations for the purpose of discussing constitutional development in Yukon."

Hon. Mr. Graham: Thank you, Mr. Speaker. I rise in support of this motion. I supported, in principle, the original motion and I, as does the Leader of our Government, feel that this amendment will broaden the terms of reference of such a Committee, enabling them to not only meet interested groups, interested organizations throughout this Territory, it will also enable this Committee to meet, hold public meetings and hopefully get as broad a cross-section of views of the residents of this Territory as is possible.

I thought it was very interesting, Mr. Speaker, when the Honourable Member opposite made the statement that this Committee would determine how we become a province. I think that that is a goal, as we stated, of this Government, and I think that this Committee should give us not only the how, but the when and the circumstances. It should be able to make the people of the Territory more aware of the consequences and of the benefits and the drawbacks, if any.

I think it is very important that we let everyone in the Territory know exactly what is going to happen and exactly what are the problems associated with becoming a province, the good things that we should have as a result, and I think that the only way that we can have the public determine, through a referendum, whether or not we should become a province is if they are, in fact, very well informed.

I wish this Committee well, whoever these Members shall be. I hope that the Committee achieves the goals that we have set out here and I hope that all Members of this Legislature support this motion and support the amendments thereto.

Thank you, Mr. Speaker.

Hon. Mr. Pearson: Mr. Speaker--

Mr. Speaker: I must caution the Honourable Member that, by speaking at this time, it may close debate on the amendment.

Mr. Byblow: Mr. Speaker, I do not think I am having any difficulty with the amendment. Perhaps, in his closing remarks, the Government Leader might articulate more specifically why he chose to do the substitution of those three sections.

I think that what we have heard, in the last few speakers, is an articulation of a political conscience that the Territory sorely needs and I think we all subscribe to but seldom really practice.

I think we have been saying a lot in the last while about the remoulding of the political and constitutional future of the Territory. I think we are saying that, ultimately, this will result in a more favourable or acceptable marriage with the rest of Canada.

We are voicing a fair amount over the mandate that this House has and that the Government has, to lead Yukon into this marriage that is coming. We are even arguing about which steps in this marriage should come first.

I think that this Committee will bring all the wide ranging and fragmented discussion and attempts into a common consensus.

I think the refinements that are going to come about as a result of this will refine our collective desires. I think we must receptively face all the realities of our political and constitutional situation.

The Member from Whitehorse West articulated them, the Government Leader addressed them a week ago, and I think we can agree that there has been a tremendous amount of progress in the last few months towards this marriage.

I agree that it is no longer a question of "if" or "when", but, in fact, of "how" this is all going to take place.

We are headed into provincial status and how that status is refined has to represent a grass roots conscience. This Committee will, in fact, provide that means.

I suspect, Mr. Speaker, that it could be argued by virtue of the precedent in law, that we cannot acquire any better deal constitutionally than any other province.

I think the original BNA Act gave something like a 49/49 split of powers between the provinces and Ottawa with Ottawa retaining the jurisdiction over unspecified matters.

But, I believe that the nature of the way our constitutional law has evolved on British precedent and the emanation of organic law that came as a result of that, dictates that law is in place by its presence, not necessarily always having to be written.

I think that the past few months show how that, even with law in place, there is a wide-ranging flexibility in change that can take place within the framework of a law.

If, as the Government Leader suggested a week ago, we are in the same place as we were constitutionally 82 years ago as a result of what has taken place in the last few months, then the next while is crucial to our future.

I think we agree and admit that the settlement of Land Claims, the potential of our economy and the fact that our desire for a responsible government is being received, all point towards this as being a prime time for a particularly monumental task ahead of us.

I would simply conclude that, I agree, it is too monumental a task to be scribed by a few. The creation of this Committee will provide what is really needed. I think it will endorse the principles of constitutional reform that we have used in building this country to date. I think it will solicit the wishes of Yukoners. It will articulate a position for Yukoners. I think it will provide that collective political concience we referred to, and that is a grass roots feeling. I think it will help make the Yukon the better place that we all want it to be. Thank you.

Mr. Fleming: Yes, Mr. Speaker, I have, as the Honourable Member from Faro, a slight problem with just what is trying to be removed from the first motion in the sense that they have decided with this amendment, by deleting the third, fourth and fifth paragraphs. I would hope that the Government Leader, when he does, and I hope he does, stand a second time to explain the real reason, that he may clarify each one of those sections, why they were removed, not just in totality.

Other than that, I, myself, had a little problem with the first motion in the area where it says: "but not restricted to the Council of Yukon Indians" and I always have stood in this House and said that we do not separate a society in any way, shape or form, in this way, speaking of them as something else, and so therefore I would be prepared to vote for this motion. But I would appreciate a little more clarification.

Hon. Mr. Lang: Mr. Speaker, in reviewing the motion before us, and it is my understanding that the Government Leader, who spoke only once will not be able to speak again, so I will take the liberty of going further through the amendments. I think one has to go through the rules. There is, under Beauchesne, a separate section that states how a committee is structured, the authority that they do have.

I think at the same time, Mr. Speaker, that every attempt should be made from both sides of the House here that there should be as much public debate as possible on any committee that is set up. I think that is important. I do not think that the Leader for the Official Opposition would want to take the position that the idea is totally in camera, which really does come through somewhat in the resolution. The ability does lie with the Committee. The authority does lie with the Committee if they want to have a meeting with an individual or an organization, in camera, if they deem it necessary.

I would like to think that, in respect to the presentation that was put forward by the Member from Whitehorse West which, I must say was very eloquent, and I would also say, at the same time, I think is expressing a need that the people of the Yukon should be coming together as opposed to going apart.

I think that one of the ways that this can be accomplished is through that public dialogue. I think that is an important aspect that anyone who is on that Committee should be attempting to adhere to. I should serve notice to two of the Members opposite that it would be our position, and I am sure that the Government Leader will be discussing with Members opposite the size of the Committee and the composition of the Committee so a resolution could come forward to the House and hopefully be adopted unanimously by all Members with the formation of the said committee.

Therefore, Mr. Speaker, there are reasons for it. The major reason that I see, and I think Members opposite would agree that we should attempt to try to keep it as public as we possibly can. I think that this is where the nuts and bolts of it lie. It allows the people to express their views and I do not think that anyone can be accused of trying to put anything underneath the table.

Mr. Penikett: Thank you, Mr. Speaker. I just want to rise very briefly and say that I have no problem with the amendment. I am sure that the Government Leader and the Minister of Municipal Affairs and the Minister of Education who spoke earlier will understand why in the draft I did put in camera because I had some fear that perhaps the Government would be apprehensive about having wide open discussions about this thing. I say this seriously. I thought, in fact, that there might be some groups as well as the Government who would prefer to meet in camera so I addressed that possibility.

At the same time I want to make it very clear in response to the Minister of Municipal Affairs, I have no problem with the amendment for exactly the same reason. If it is acceptable to the Government, I clearly have no problems.

Thank you, Mr. Speaker.

Amendment agreed to

Mr. Speaker: Is there any further debate on the motion as amended?

Mr. MacKay: Thank you, Mr. Speaker. I am pleased to support this motion as amended since the notion of this motion did emanate from the Liberal Party. I am therefore pleased to be in a position to follow up the previous speakers and indicate my support to the motion.

I would like to comment on my friend's to the left speech. He made an excellent job of seducing the Members opposite, perhaps by attacking my party, and also I think he made a most eloquent display of fence sitting that has as yet been heard in this House. That is coming from a Member whom I have come to regard as a resident expert in straddling the issues.

It was a successful gambit and I am very pleased that the Members opposite have seen how useful this Committee might be, Mr. Speaker.

I would like to talk a bit about why I support it. I think that it is important to reiterate that constitutional development should be an all-party affair, that a consensus approach to any new development is far preferable to having surprise packages sprung on one side over the other on the first day of the Legislature sitting.

I think that in the evolutionary process of continuing development that periodically you have to go back and get a very broad consensus from all of the representatives of the people before you make the next great leap forward. I think that this Committee will serve to do that.

There was an apparant need that I perceived and our party perceived, last week when this motion was introduced, that this Assembly do take an active part in the constitutional development, and the specific reference to the CYII felt was useful. I do not think it is any less useful the way it has been broadened at this point, but I think it is important to say that I would hope that this Committee would certainly attempt to get into some kind of open dialogue with the CYI to try and break down what I consider barriers of ignorance that exist between the two parties, not just the CYI camp, but also in this Assembly, Mr. Speaker.

It has been apparent that while this Assembly is only one mile

distance from 22 Nitsutlin Drive that we are separated by far more than a mile. We are separated by a wide gulf of knowledge and experience.

I envision that this Committee will do very useful work. Firstly, its recommendations will surely be heeded far more keenly than those of just a partisan approach.

Secondly, I think the very act of sitting down in a non-public forum with Members opposite — whose rhetoric, I suspect, as well as my own, may well obscure some of the facts to the public as well as from their Members opposite — I think that if we get out of the rhetoric situation and get down to brass tacks the differences between us will appear to become just practical difficulties that have to be solved on the long road.

The Liberal Party in the Yukon has never said that we did not want provincial status. We have merely argued about the timing and the feasibility. I would like to put that strongly on record, Mr. Speaker, that Members opposite may have tried to exaggerate our reluctance to move as fast as they into a position of being opposed, absolutely, to provincehood. That is not the case. I think that we have been consistent in our position throughout, that we want to see where we are going quite a long way into the future before we step out onto that road.

I think that just by sitting down together and asking the same questions and trying to elicit answers to these difficult problems will cause us all to be much more sober and much more keenly aware of the problems that have to be solved.

Fourthly, by initiating discussions with the groups such as are now indicated by the motion, we are going to educate these groups of the constitutional, legislative and political problems that face us. Also, from these groups we will receive their feelings as to where we are going and that interchange is hopefully going to create a consensus as we go along.

I would like to say that I hope that this motion, that this initiative by the Assembly, is not too late in some respects. I think that it is apparent since this motion was introduced last week that very rapid changes have occurred in the situation with respect to Land Claims and the constitutional elements of Land Claims.

One of the things I imagined this Committee would do would be to sit down and discuss these particular issues, at this level, instead of running, as my friend said, to Ottawa to have these problems solved, that we would, in fact, be able to try and find and create the solutions here, as between all Yukoners.

I think that Committee can still do that but I think it has to be formed rapidly, it has to get into action quickly and it has to show an ability to go out and seek answers, to talk to people we have not talked to before and to get down to some very nitty-gritty and precise definitions of what we are talking about in constitutional issues, what we are talking about in constitutional development. It is a very rapidly evolving situation right now, Mr. Speaker, and I think that this motion to establish a Committee is timely, although perhaps a little late and I, therefore, will not take up any more time of the House in debating it so that we can proceed to get it established.

Mr. Njootli: I, too, Mr. Speaker, would like this down in support of the motion as amended. I am quite anxious to see these reports as they will appear on these committees as they are meeting the general public.

I just want to speak on one of the statements that the Leader of the Opposition has made in regard to the motion, Mr. Speaker. He stated that the Members of this Committee will go out and educate the public on constitutional development. What I am afraid of is that, right now, I do not know the lifespan of this Committee and I am reluctant to see that the motion could be used as a tool, if Members opposite are members of it, to be in the way of progress of responsible government in Yukon and try to educate the public so that they use this as a campaign against the referendum, if ever it is called to the public. That is one of my reservations.

Thank you, Mr. Speaker.

Mr. Speaker: Is there any further debate?

Motion agreed to

Mr. Speaker: May I have your further pleasure?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Hootalinqua, that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Hootalinqua, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Mr. Speaker leaves the Chair.

#### COMMITTEE OF THE WHOLE

Mr. Chairman: I shall call Committee of the Whole to order.

At this time, we will take a short recess.

Reces

Mr. Chairman: I shall call Committee of the Whole to order.

This afternoon we are discussing Bill 16, Parks Ordinance. Last day, when we left off, we were discussing Clause 6, on page 2. When we had finished, we had not passed this particular clause.

Mr. MacKay: Thank you, Mr. Chairman.

Perhaps, just to refresh my memory because I was reading Hansard early this morning, the Government Leader has indicated this clause would allow this Assembly, then, to have some say in how or which parks might be revoked.

I was wondering if he could just perhaps clarify how that would happen?

Hon. Mr. Pearson: Mr. Chairman, in the first instance, because the Ordinance is such where the regulations and the regulation-making power are so great, because we feel that we do have to have that flexibility, the clause was put in there to ensure that, should land be designated as a park and then a decision taken at a future date to abandon that land as a park, that this could not be done without, in fact, this House finding out about it through the revocation of that designation.

Clause 6 agreed to

On Clause 7(1)

Mr. Fleming: Here I see, "The Commissioner may establish a system of parks to protect the unique natural and historic features and to provide for comprehensive outdoor recreational opportunities." I find it enshrined in the Ordinance, in that section, I would say that we have given the Commissioner the power to establish parks without really going through regulations in that sense.

I feel that because in the Ordinance I find that there is no section that really says that the Commissioner may establish a system of parks by regulation. I find that he is able to do so, after we get farther into it, you will see "by regulation" almost anything which happens in almost all of the Ordinances.

However, I do not really find that specific term in the Ordinance anywhere and I felt maybe here we have enshrined it that he can establish parks without really going through the regulations.

Hon. Mr. Pearson: No. Mr. Chairman, the definitive action that the Commissioner must take in the establishment of a park or a park reserve is an order. That is the only way that it can be done.

Mr. MacKay: Is there any particular meaning to be attached to the words "system of parks". Why use that instead of just saying "the Commissioner may establish a park"? Is there some design here that we do not know about?

**Hon. Mr. Pearson:** Mr. Chairman, this is a comprehensive piece of legislation and, hopefully, it is designed for a system of parks in the Territory.

It is not designed for one specific park, big, small or indifferent, but a system of parks in the Territory and it is, hopefully, comprehensive enough that we can entail, under the Ordinance, all of the various kinds of parks that we might have in that system as you will see there, delineated a little further on.

Clause 7(1) agreed to

On Clause 7(2)

Clause 7(2) agreed to

On Clause 7(3)

Hon. Mr. Pearson: Mr. Chairman, if I may, the designation of 7(3)(g), "park reserve" is in error in this particular section.

If it is a park reserve, it is not classified yet as a park and, as a consequence, that just is an error. That should be removed.

So, we will be bringing in an amendment to change that

Mr. Penikett: Mr. Chairman, could I ask the Government Leader, while we are on this section, if he has resolved the apparent contradiction between "wilderness area", as described in Section 7(3)(a), and the different phraseology, I think, "wilderness preserve", used in the definitions section, page 2?

Hon. Mr. Pearson: No, Mr. Chairman, I frankly just have not had time to do that work. What I was hoping that we would be able to do is go through the Bill, identify these areas of concern and then I will

get together with the responsible people and consider what has been said in the House and will come back.

- **Mr. Penikett:** Mr. Chairman, could we then just agree that, if the Government Leader could just go through these things, that we will, in fact, then stand Clause 7?
- Mr. Chairman: It is the intention of the Chair to stand Clause 7, because an amendment has to be brought in.
- Mr. MacKay: I have no doubt we will debate this issue more than once this Session, however, we have in Section 7(3), the classic "Parks may be classified", rather than "parks shall be classified" and I note that Section 7(3)(h), allows any. Really, it is an openended thing.

So, I am wondering why, in this instance, the word "may" is used instead of "shall", particularly when you look at the previous section, where it actually says "The Commissioner shall determine the classification of each park". It is somewhat of an inconsistency.

Hon. Mr. Pearson: Mr. Chairman, now I cannot be certain on this, however, I think if we said in 7(3): "Parks shall be classified as..." and then listed them, I think we would have to say: "Parks shall be classified in one of these categories" or some such thing. I do not think that we can just arbitrarily change the word from "may" to "shall" in that case.

Mr. MacKay: You do not think that the word "or" in the second last section would serve to indicate that it is any one of these?

Hon. Mr. Pearson: Mr. Chairman, I do not have any strong feelings and I do not know that there is any strong objection to making that a "shall", but we were hopeful of keeping the Ordinance as permissive as we could so that in the establishment of parks, we would have as much latitude as we possible could have to meet the desires of all the people of the Territory.

I will certainly take that under advisement and report back to the House on changing the "may" to a "shall" in that particular case.

Mr. Tracey: Mr. Chairman, my interpretation of this would be that 7(2) says that "a classification shall be determined for each area" and then 7(3) says what you may determine those classifications as. So I do not see why there is any necessity for shelving that 7(3).

Mr. MacKay: Moving onto another point, I presume, in reconsidering 7(3) that the words "multi-use park", as suggested, would be included when it comes back.

Hon. Mr. Pearson: I indicated yesterday that the term "multi-use" may or may not be one that we want to use in this Ordinance and that I am not prepared yet to answer that question to the House. If it is one that is deemed that should go in, then obviously this is one section that it would have to go into. I indicated that, I thought, yesterday to the House.

Mr. MacKay: One final point in this section. The Clause 7(3)(h) says, "such other classification as may be determined." Would this be determined by an amendment to this Ordinance? Who would determine such other classification?

Hon. Mr. Pearson: The Commissioner, Mr. Chairman.

Clause 7(3) stood over

On Clause 8(1)

Mr. MacKay: On Clause 8(1)(a) says that the Commissioner shall establish the purpose of the park. It seems to me that Clause 7(2) already does that. The Commissioner already has established the purpose of the park and this is a redundant section.

**Hon. Mr. Pearson:** Mr. Chairman, in 7(2) the Commissioner is determining the purpose and the classification of each park prior to establishing it in the system. In 8(1)(a), the Commissioner may, in respect of each kind of park, prescribe the various things from (a) to (f). The word "prescribe" means by regulation. It always does in legislation.

Clause 8(1) agreed to

On Clause 9(1)

Clause 9(1) agreed to

On Clause 10(1)

 $\begin{tabular}{ll} \textbf{Mr. Chairman:} & I direct your attention at this time to a typographical error in (b). The word "analysis" is spelled incorrectly. \end{tabular}$ 

Mr. MacKay: First of all, I would like to say that Clause 10(1) is a good clause and requiring an inventory and a detailed description of the resources, I would assume includes not only just the resources from a park point of view but from say a hydro point of view or a mineral point of view. I am making that assumption and I hope that you will confirm that and clarify it. We do not want to lock up everything in a park.

I am also curious about how this master plan will come into force. I think I mentioned that previously, but I have not had an answer yet. "The Director shall prepare and submit to the Commissioner a master plan..."

Where does the Commissioner approve of this? At what point does it become the master plan? Perhaps we could get some clarification of these two points?

**Hon. Mr. Pearson:** Mr. Chairman, a master plan does not come into force. A master plan is a development tool that is used in the development of the park.

There is not a magic day that all of a sudden the master plan applies. It is something that is developed in the process of establishing a park.

Mr. Chairman, the Honourable Member's assumption, in respect to resources, is correct. Resources means exactly that, all resources. It is not limited.

Mr. MacKay: My concern about the master plan and at what point it becomes the key to future development was triggered off by a section further on, Mr. Chairman, that "The Commissoner may, in respect of any park, construct...", et cetera, et cetera, "...services described in the master plan".

Further on in the legislation, the master plan becomes an action plan and so there surely is some point at which this master plan takes on a fairly substantive purpose.

Hon. Mr. Pearson: Mr. Chairman, I recognize that this has not been the case in all federal matters in respect to parks.

I can foresee, Mr. Chairman, that the development of a park, or the establishment of a park would not happen until you had a master plan. It is an implementing tool.

I say that, Mr. Chairman, recognizing full well that Kluane was established as a national park and then the National Parks have been frantically trying to develop a master plan for it ever since.

I would suggest that that is not the intent in this legislation.

Mr. Byblow: My question relates in part to some of the sections further on, with respect to the boards and committees that are set up for advisory functions or input.

I am wondering if perhaps in this Section 10(1), there should not be a specific that the plans prepared for the development of a park should not include, sort of, the public input of residents of the area, or some evidence of that.

**Hon. Mr. Pearson:** Mr. Chairman, a master plan is something that is put together by the Parks people, as an objective for the park.

The hearings are then held, in respect to "is this a good idea or is it not a good idea", at that point in time.

It gives you something substantive to hold your hearings on. It gives you something to put before the people as an alternative to what might be at the present time.

Clause 10(1) agreed to

On Clause 11(1)

Mr. Penikett: Mr. Chairman, I would appreciate it if the Government Leader would indulge us just for a minute and give us some idea of the definitions of these zones. I think that I understand most of it. They are fairly obvious, but there are some like "primitive zone" which could cause me some curious speculation. They are not laid out in the definitions, and I do not think that they really need to be.

Section (f) is described as "such other zones as may be necessary", and I assume that they can be created in the current tradition of municipal zoning. They could be created ad nauseam, they have zoning categories to cover just about every circumstance.

I would guess that (c) is probably a question of where it says "integrated use", it presumably is in reference to the multi-use concept which reference was made to earlier. I know what a recreation zone is. The difference between a natural zone and a primitive zone is one that could use the most clarification on if it could be provided.

Hon. Mr. Pearson: Mr. Chairman, I must admit to make that distinction I would be guessing at this point. I am confident that I was told once prior but I will get the answer and bring it back for the Honourable Member.

Mr. MacKay: Perhaps if there was a precise definition available that it should be included in the definitions of the Bill as a further clarification for future readers.

Mr. Falle: On this definition 11(1), I would like it to be held over.

Mr. Chairman: Is it your intention to hold 11(1) over, Mr. Pearson, until you bring the definitions in or do you want to go on?

Hon. Mr. Pearson: Mr. Chairman, it should be stood over.

Clause 11(1) stood over

On Clause 12(1)

Mr. Penikett: Mr. Chairman, this clause is pretty self-explanatory. It says "...and scaled drawing of all roads and facilities...".

One of the things, of course, that provincial parks, especially in provinces like Ontario and British Columbia, do is provide a wide range of recreation facilities, some of which are defined and not defined, not so much in terms of land use but, in fact, more especially in terms of water use.

I know there is a confusion of jurisdictions here, but I would like to ask the Government Leader if the facilities which might be described here might also include docking facilities and whether, in that light also, we might be talking about some parks where motor boats might not be permitted, just canoes and so forth?

That might be covered in another section, but I was just curious on that point.

Hon. Mr. Pearson: Yes, Mr. Chairman, those kind of rules could be made applicable to a park where it was deemed that that was the way to go. If there are, in fact, water facilities for recreation purposes, I am confident that such things as docks would be something that the Parks people would want to provide.

Mr. Penikett: Mr. Chairman, could I just ask this question then, is it a jurisdictional reason that most of the zones and types described in this Ordinance, in fact, seem to describe land uses as opposed to, in fact, having any zones described for water uses within parks?

Hon. Mr. Pearson: Mr. Chairman, I do not think I really understand the question.

A zone could have either land or water use and it could be that a recreation zone could have both land and water recreation uses in that one zone, or they could be separate zones.

Clause 12(1) agreed to

On Clause 13(1)

Mr. Fleming: This is a clause, Mr. Chairman, that always interests me.

This one, I notice, and I have always stood up in the House for the last five years, usually, on these clauses, where "The Commissioner may appoint committees or boards", and so forth and so on and usually there is a number on the committees and on the boards and how many there will be enshrined in the Ordinance so we just do know how many.

I really do not have a question but it is a comment and I would like to make it again, and I wonder where we are going when I see the amount of legislation that comes to the House with this section in it.

I am wondering just how long we are going to have enough bodies to fill these functions, because I was just checking the other day on the appointments to the Territorial Government and it has almost got to be a book now.

If I might just ask, it is just a silly question, maybe, how the Government Leader feels about the situation, if it became a fact that there were so many people on boards that we did not have anybody, hardly, free. If they are all a government employee, more or less, or something of that type, where would we get our representatives to run for this House, or would they be allowed to run for this House, if they were on boards and so forth? Can they?

Hon. Mr. Pearson: Mr. Chairman, I have a pretty tough time with that question because I think a very, very democratic way of governing is with the establishment of a board. You get input that is very much needed. You get divergent points of view. The object for this particular section to be in this Ordinance is, it may well be that for Historic Parks, that an existing board like the Historic Sites and Monuments Board might be one that could be used to advantage by the Commissioner as an advisory board in respect to a particular park or a number of parks.

Again, we are looking for that latitude, but, Mr. Chairman, we will always be looking for public input. The more public input we can get, the better we like it.

Mr. Penikett: Mr. Chairman, this is obviously not the time for me to make a long case on this subject, but I would like to, for the sake of argument, because I think it is useful when we are talking about creating another one of these things, to throw a couple of ideas at the Government.

He may have treated Mr. Fleming's suggestion that we might run out of people for boards and commissions a little frivolously, but I would guess that there is a maximum number of people in the Territory who are willing and able to serve.

Now, we have also heard, and I understand the Government Leader's reasons for this, obviously they want to maintain the political prerogative of the Government to appoint their supporters to boards. I also understand that tradition. Okay? It does mitigate against that divergent input, though, which the Government Leader just made reference to. Obviously if you want divergent input you have got to go through a wider variety of opinion than is even contained within the Conservative Party, as wide a variety of opinion as there is there, and I grant there is a lot.

The problems of the board, I see emerging, and this is, if you like, a constitutional question, is a problem of accountability, because, you know, we do not have access to them in the House and we do not have the kind of reporting system.

Now, quite obviously Alberta and Ontario are heading in a direction where they tend to appoint backbench government members as chairmen of these various boards and commissions, and one of the reasons that they do this, of course, is that there is some indemnity to the position and it is a way of padding a legislator's salary, and in fact, I do not say it is just padding, because they in fact, have to do some work in these things. I think that under the rules that Alberta House those board chairmen and so forth are, in fact, accountable to the House and opposition members may, during question period, direct questions at them.

It does occur to me though that we should be perhaps doing some experiments with this type of situation. This refers to a number of boards and committees. It does not seem to me, even with the present size of this House, too improbable that at some point that Government Leader might entertain the notion of either appointing either one of his members to a board, on trial basis, or considering that, or let me cite an extreme case, there may be some of these boards or committees, and this may be so important at some point, that really, if you wanted to have an effective board that really had daily kind of input and really sensitive politically to what was happening in the Territory, maybe the Board might be a subcommittee of this House, a very small subcommittee but one that would justify the Members sitting when the House was not in Session but doing some very useful work in that way.

I am rambling a bit, Mr. Chairman. I am just throwing out some ideas about the committee system because I, for one, think I share with my friend from Campbell that there are some problems about the way it may be developing. And there is a constitutional question that we may be able to talk about at another time and place.

We are at the early stage in the development of parks. At some point that may be a very big business in this Government. We may have lots of parks. We may have a big system. It may be a big system and they may be a fundamental component of the tourist industry. The care and attention to the way they are developed in time may be a very important thing. If we do not have a way, except through the Minister, of reporting back to the House on the day-to-day decisions of boards or committees, which may be making significant policy decisions, the Legislature might feel frustrated by its inability to provide the kind of direction that it wanted to.

There is not a question there, Mr. Chairman. Perhaps I could turn it into a question. I would ask the Government Leader if he would consider those points anyway.

Hon. Mr. Pearson: Mr. Chairman, the object of the exercise is to solicit as much advice as we possibly can when it comes to dealing with parks. What the Honourable Member has said has value in the constitutional context of how government functions. But, these boards are designed as an advisory function to the Commissioner who has to make the final decision in respect to what is happening with these parks. It helps bring in others who are not necessarily in the employ of this Government as well as advisors.

Mr. Chairman, I submit that it is a good system and it does work. We do have an awful lot of boards in this Territory now, but I do not think we have half enough yet. I think there should be more boards. But, we do run into the problem of people that serve on two or three boards, not necessarily because they are in any better position to do so other than that they are willing to. There are people who sit on numerous boards for this Government simply because they do have that inclination and are prepared to spend that time doing it. I think it is something that we should avail ourselves of whenever we do have the opportunity.

Mr. Tracey: Mr. Chairman, I have some problem rationalizing the two different statements that come from the Opposition benches. When we bring a bill in the House, they say, "Have we got enough consultation with everybody? We need more consultation." We put a clause in an ordinance to get consultation from the public and now we are hearing the other side of the story. I cannot rationalize the two statements.

Mr. Fleming: Mr. Chairman, I am afraid I have to oppose that remark. I, in no way, insinuated this sort of thing.

I was very interested when the Government Leader got up and

said that this is the reason for it and this is the kind of answer I wanted. I am merely making a statement as to what could happen and might happen in the Territory.

However, Mr. Tracey misunderstood me. I am sorry.

Mr. Penikett: Mr. Chairman, I get up somewhat reluctantly. I am sure the Member for Tatchun was just trying to provoke us.

There is a big difference between this consulting with interested groups in the community who may not be represented in the Government's Caucus before they impose legislation on them. That is one kind of principle which the Government, in some cases, has done admirably and, in other cases, it has neglected to do.

What we are talking about here, as the Government said, is advisory boards, after the legislation is in effect, to advise largely about regulations and other things.

Now, I made a very serious and polite argument to the Government Leader about some problems of accountability and diversion of opinions, especially if, and at least I state the obvious case, if the Member of Tatchun were the Minister of Renewable Resources and he was responsible for these and he decided to appoint some people who shared his political views and his philosophy of the world. It seems to me the level of consultation that he was seeking under that system would probably be, let me say "muted". I will use a nice word.

We are talking about two entirely different things. If the Honourable Member wants to participate in these kinds of debates, perhaps this is not a good place to do it. I am sure we could find a more fun time to do it and—well, I think he is inviting, I think, some unnecessary partisan and heated kind of exchanges, which probably do not add to the discussion here.

Mr. MacKay: It is not often I can sit in the sidelines as an bemused by stander of these partisan jabs that go back and forth; however, I did intend to address the subject of boards, too, and just to suggest the germ of an idea, or an impression that I have, that Yukon does have an awful lot of boards and that this legislation establishes the possiblity of more. Some more legislation, I see that was tabled yesterday, is going to make room for more. I think practice has grown up. It is a sort of Yukon-type sort of practice where we involve as many people as we can in these boards.

But I think it should be remembered that the original purpose or the driving force behind these boards, I think came from a real Commissioner, somebody who was appointed from Ottawa and was afraid that he would lose touch very rapidly with the Yukon political scene, he would not be able to see objectively what the man in the street was seeing, because he was seeing it through Ottawa's glasses.

The practice grew up, I think, and it was a good practice that grew up, to have these boards made up of members of the public who would then be able to advise the Commissioner.

It also had the useful side effect of being like a lightning rod and, should there be some controversial decisions involved, such as an electrical public utilities that we are often faced with, then the lightning would not strike the Commissioner, it would strike the advisory board and be grounded before it got to the source of power.

That being the case, and that being my perception of the history of these things, I wonder about this Government now still continuing to have these boards if, in fact, they are not setting up a little ring of fortifications that will allow any public criticism to be directed from them to the boards.

I throw that out, perhaps, as a provocative idea and I would not want to get the Member from Tatchun too upset about it, but I am just saying that it is my perception of what these boards used to do, that they served a very useful purpose because it kept the government in touch with what the people were thinking.

But now I think that these people are elected over here to be in touch with what the people are thinking and that they should think twice about establishing boards that are actually going to put another layer between them and their electors.

Hon. Mr. Pearson: Mr. Chairman, I am sure we will think twice. The object is not to put layers between ourselves and our electors.

We are dealing with parks, Mr. Chairman. We are dealing with something that is pretty specialized and we should have the capability and want to have the capability of using whatever expertise is available.

If the way that we can get that expertise is through an appointment to a board, again, we want to be able to do that.

Clause 13(1) agreed to

On Clause 13(2)

Clause 13(2) agreed to

On Clause 14(1)

Mr. MacKay: This section is very good insofar as it goes. It provides a mechanism whereby before a park is fully established or a master plan is approved or whatever, there is a consultative process allowed for in the legislation.

So, I support the general intent of the clause. However, as I have stated before, I would like to see some way in which, if there was sufficient opinion expressed by the public or the residents of a particular area to have a hearing, there was some way they could actually trigger that process.

I suggested earlier, that if five residents of Yukon submitted in writing a request, that this might trigger off such a hearing or meeting.

I know that the Government Leader is going to tell me that his political judgment will be supreme and that he will decide whether there is sufficient outcry about these things. I hope that, should he be sitting over here someday, he will have equal confidence in the Government's ability to be so sane.

So, I am just reminding him that these legislative prerogatives that are being appropriated are appropriated forever and he should bear that in mind.

Hon. Mr. Pearson: Yes, Mr. Chairman, I shall.

Mr. Mackay: Good.

Clause 14(1) agreed to

On Clause 15(1)

Mr. Byblow: I was going to raise a question of this section, again in relation to some sections further on where a park officer has a fair amount of authority, either by regulation or within this Ordinance for the purposes of seizure, search and so on.

Again, I think this perhaps has been brought up before, but I would assume that park officers would have some basic standard of qualification to be able to do the other things that they, later on in the Ordinance, are allowed to.

Hon. Mr. Pearson: Mr. Chairman, park officers will be, in most cases, Territorial employees. I submit they are all qualified.

Mr. Penikett: Mr. Chairman, this is, I think, a much more serious question than the Government Leader's answer may have indicated.

We have all talked at various times about the growth of bureacracy in government departments here. It occurs to me, given some of the park designations here, that the ideal employee to function as a small parks officer might be someone who is now, for example, in the Game Branch.

I know, because my brother is in the Parks Service in Northern Ontario, that some of the people have backgrounds in forest technology, others, who are running essentially tourist campgrounds, have differents kinds of skills.

It does occur to me that, given the different kinds of parks and the variety of parks doing here, that we might consider one thing, and I am not suggesting an amendment to the Ordinance at all, but it seems to me that we should not be too rigid in departmentalizing these things because it may be that game officers might be very busy, some game officers might be very busy at one part of the year looking after and making sure the hunting laws are observed, they might be ideally equipped, by virtue of their training and ability, to be, in fact, functioning in parks at other times of the year.

There is not that, if you like, fluidity of movement or ability to move freely within the ranks of the government, because of rigid departmental divisions, we might be wasting some time and some money, in fact, by being too departmental.

Hon. Mr. Pearson: Mr. Chairman, I appreciate the comments from the Honourable Member, but classifications of employees are something that are very rigidly negotiated by the appropriate unions and park officers are a classification that fall within the staff establishment.

I am confident, Mr. Chairman, that we will not increase the size of the public service any more than we have to as a result of this. However, we do want to ensure that we do have the properly qualified people and enough of them to enforce this kind of legislation in the future.

Clause 15(1) agreed to

On Clause 16(1)

Clause 16(1) agreed to

On Clause 17(1)

Mr. Fleming: Could the Leader of the Government tell me what he envisions a "commercial recreation service" to be as stated in 17(1)(a)?

Hon. Mr. Pearson: Mr. Chairman, it is conceivable that the Government will contract with a private entrepreneur to provide a commercial service in a park area. That service might be boating; it might be a motel unit. Mr. Chairman, it has to be understood that if it is a park then this becomes alienated land at that point and the Commissioner is going to have to have the ability to give permission to a private entrepreneur to go onto that land and do something if that is part of the master plan for that area.

Mr. Fleming: Yes, Mr. Chairman, I agree with what the Honourable Member has said; however, it also includes something that I think he did not say. The Government could construct such services themselves and run them themselves.

Hon. Mr. Pearson: Yes, Mr. Chairman.

Clause 17(1) agreed to

On Clause 18(1)

Mr. Penikett: Mr. Chairman, I have been asked to ask about this Clause in the same way that I was asking about Clause 3 and Clause 4. As the Clause reads, I would like to ask the Government Leader if he would envision whether, for example, an Indian family who might be traditionally living in an area within a park, if they were going to continue to carry on traditional activities, it may not be trapping but hunting or whatever, would they require a park use permit?

I am thinking, for example, of a case of some people I know who are living out in the bush and may find themselves within park boundaries in years to come.

Hon. Mr. Pearson: No, Mr. Chairman, they would not. They are doing that under a senior piece of legislation to this and there is no way that we can make our legislation senior to that. This is subservient legislation.

Mr. MacKay: Subservient to which legislation?

Hon. Mr. Pearson: Any federal legislation.

Mr. MacKay: Maybe when we get into the Game Ordinance we might have to tackle that again. It is an interesting point.

Clause 18(1) agreed to

On Clause 19(1)

On Clause 19(1)
Clause 19(1) agreed to

On Clause 20(1)

Mr. MacKay: I would like to congratulate the Member for Tatchun for the phraseology of that clause.

Mr. Tracev: I thought that maybe the Member of the New Democratic Party would stand up and give us a little speech on opinions here. We have, in this Ordinance, exactly what I was trying to get in one of the previous ones.

Mr. Penikett: Oh well, Mr. Chairman, if the Member insists, would the Government Leader consider an amendment to tidy up the sloppy language in this clause and simply say, "that if a park officer is of the opinion that an offence has been committed against this Ordinance...

Hon. Mr. Pearson: No, Mr. Chairman. I am opposed to that. I think, when we are creating legislation like this, giving these powers to people, that we must make it clear that that person is prepared to stand up in court and swear that they, in fact, did believe that an offence was being committed or had been committed. I think it is very, very important. It is a very, very important principle that we are dealing with here.

Mr. Penikett: Mr. Chairman, the Government Leader obviously does not know about an interesting debate we had while he was away. Perhaps he should have a word with the Minister of Municipal Affairs about the Boiler and Pressure Vessels Ordinance.

Clause 20(1) agreed to

On Clause 20(2)

Mr. Penikett: Mr. Chairman, this seems incredibly broad. I was trying to fancy what kind of articles of mine that park officers might be interested in and unless they were very kinky I could not really imagine any.

In what kind of circumstances could the Government Leader see this provision being employed? Are we talking about someone who might have a spear gun sitting beside their campfire? What exactly are we dealing with here?

Hon. Mr. Pearson: Mr. Chairman, it may well be the use of a power boat in a park where the use of power boats is restricted. This Clause is saying that the park officer has the authority to seize that

Clause 20(2) agreed to

Clause 20(3) agreed to

On Clause 20(4)

Mr. Byblow: Am I correct in assuming that any offence committed under the terms of this Ordinance will be spelled out in regulation? In other words, how do you commit an offence?

Hon. Mr. Pearson: Yes, Mr. Chairman, acts committed in defiance of the regulations would be offences under the Ordinance.

Mr. Penikett: Mr. Chairman, is it usual that in such clauses that no specific references made to the fact that the person may be acquitted. I find it an incredible assumption that they would automatically be convicted. Is it just assumed that the article in question, even though it may have died or whatever in the meantime, would be returned to the person following acquittal?

Hon. Mr. Pearson: Yes, Mr. Chairman, I think that is a fair statement that if the person is acquitted then anything that was seized would naturally, in law, be returned to them. However, what this Clause is saying is that if they are convicted of an offence then the justice can consider forfeiture.

Mr. MacKay: I know that the regulations will contain the answer to all of our problems. Can we have an assurance from the Gov-ernment Leader that where you are going to have regulations governing particular uses that, first of all, they will be well posted in the area that we are talking about and there will be some means of informing the public to ensure that, if you come along and seize a guy's power boat, that he has some way of the guy saying, "Well, I did not know that." You can point to the notice and say, "Well, did you not read the notice?

I think we have all probably had experiences of meeting a man in a uniform somewhere who is in a bad mood and gets very officious, there should be some protection for the public too where they can be assured that they are not transgressing some obscure regulation:

Hon. Mr. Pearson: Mr. Chairman, I sympathize with what the Honourable Member has to say and I agree with him 100 per cent.

We will not, with this kind of legislation, be looking for entrapment type of things. That is not the object of the exercise at all.

Clause 20(4) agreed to

On Clause 20(5)

Clause 20(5) agreed to

On Clause 20(6)

Clause 20(6) agreed to

On Clause 21(1)

Mr. Penikett: Mr. Chairman, perhaps the Minister could explain why there is a maximum in the fines here, particularly in the case of a corporation?

I thought there was a tendency in recent Federal laws to remove those fairly low ceilings, one, because in these inflationary times they tend to get out of date pretty quickly, and the other circumstance that occurred to me is, let us consider the worst case, where some corporate entity or even an individual came into some park and did an incredible amount of damage, which we might not recover from him. I do not know exactly the circumstance, but I can consider that there could be some. It seems to me that the courts might have a sentencing policy which might seek to recover from the corporation involved, fines commensurate with the damages. ages, and perhaps even in excess of the damages.

To have such a ceiling would suggest to me that if they did serious damage, we might not be able to do that.

Hon. Mr. Pearson: Mr. Chairman, I think I am on a little bit of shaky ground here, I am not absolutely certain, but these maximums, Mr. Chairman, apply to summary conviction.

If, in fact, there was damage, a suit for damage could still be brought. This is if they are found guilty of contravening the Ordinance or the regulations. I do not think, Mr. Chairman, that that would prohibit the possibility of suit for damage as well.

As to why the maximums are \$2,000 and \$25,000, Mr. Chairman, I am sorry, I just do not know. These were the numbers that were suggested to us and they are here.

If Honourable Members would like to see those changed to something else, I would sure like to hear from them.

Mr. Penikett: Mr. Chairman, let me ask a specific question which could quite likely arise.

Someone comes into the Territory who is a visitor, they do not have a hunting license, they do not have any residency permits, they go into some park area, such as is designated, and kill half a dozen large animals.

Now, it seems to me it is very hard for us to assess damages on

those things because I do not think we could easily put a commercial value on them, but we may have a fine, they may be committing offences under the Game Ordinance, too, but say they are convicted under this, because we cannot find the dead animals or we cannot get the evidence of them or something, but the park officer saw them shooting their guns.

It just seems to me a little unwise to have this kind of a low ceiling, because I do not think any of us are under any illusions about the destructive potential of certain kinds of human beings. I think you want to be tough in some areas, especially primitive zones or whatever.

Hon. Mr. Pearson: Mr. Chairman, if it is desired, I will take that section back and we will see what kind of recommendations we can come up with.

Mr. Fleming: Yes, Mr. Chairman, I, also, am concerned with this section and I would appreciate it if the Honourable Leader would take it back and check the real reason for that.

I would like to give you a more specific instance where it could happen that a large company, due to the fact that we are allowing a mining company, for instance, to go into a park zone and put in a large mine and they could possibly pollute in some way, a stream, river or such, to an extent that was far beyond \$25,000 or possibly, due to something wrong in the company or in the works of the company, may set fire to the whole park and we may lose millions of dollars.

I would be interested in knowing if this, as you say, is just a summary conviction, that there can be another judgment or, maybe, that we should raise the ante a little.

Clause 21(1) stood over

On Clause 22(1)

Mr. MacKay: Yes, Mr. Chairman, I am wondering if this particular section will be affected by the new definition of "multi-use" and whether or not that it should be stood over until we get that definition straightened out?

Hon. Mr. Hanson: I do not know whether "multi-use" is the right word to use. I think the right words are used earlier in the Section 11, "an integrated use zone".

If you look it up in the dictionary, it is a better word in this case than "multi-use".

Hon. Mr. Pearson: Mr. Chairman, we can stand it over and look at it. It might be that we will have to reflect on that.

If we can possibly make it clearer in respect to the multi-use thing, it may be necessary for a reflection in this section as well.

Mr. Penikett: Mr. Chairman, not being a lawyer I have one area here that I am getting confused about. I wonder if the Government Leader when he comes back to this section might be able to advise me. We talked about some legislation taking precedence over others, obviously some Federal legislation taking precedence over this

I seem to remember Mr. O'Donoghue, the other day, talking about some pieces of Territorial Legislation which took precedence over other pieces of Territorial Legislation.

I see in this section mention made of fishing. We have some Federal Fisheries laws. Trapping, I assume you have some Territorial laws governing that. I would be interested in knowing how this Ordinance will rank in the hierarchy of those things. In other words, will the trapping laws in the Territory take precedence over this, or will the park laws take precedence over trapping laws? Is it possible to get a clear statement on that kind of thing?

Hon. Mr. Pearson: I think it is, Mr. Chairman. Federal legislation takes precedence over Territorial legislation. That part is clear. Where there are two pieces of legislation, unless the one specifically uses the term "notwithstanding such and such a pieces of legislation", then that legislation is deemed operative.

Hopefully, you do not run into a problem where one piece of legislation says that you may do something and another piece of legislation says that you may not do something. The prohibitive section normally is operative.

Mr. Penikett: Mr. Chairman, I have not read either this Ordinance or the Game Ordinance, of which we had the first reading yesterday, carefully enough to know the answer to the question myself. Could the Minister say, for example, since we are dealing with both of them in this sitting, which takes precedence over the other?

**Hon. Mr. Pearson:** Mr. Chairman, in relation to game, the Game Ordinance; in relation to wildlife the Game Ordinance would take precedence. I do not perceive an instance where this legislation would control wildlife harvesting in any way rather than the Game Ordinance doing it.

Mr. Penikett: I would just like to ask the Government Leader if he would give his commitment to check that a little bit because this clause we have just stood does say: 'the Commissioner may make such regulations as he deems necessary to carry out the purposes of this ordinance and may make regulations controlling and regulating hunting, fishing, trapping, discharging firearms,' et cetera. That particularly was the area that confused me.

Clause 22(1) stood over

On Clause 23(1)

Clause 23(1) agreed to

Hon. Mr. Pearson: Mr. Chairman, I move that you report progress on Bill Number 16.

Mr. Chairman: It has been moved by Mr. Pearson that I report progress on Bill Number 16.

Any further instructions, Mr. Pearson?

Hon. Mr. Pearson: And beg leave to sit again.

Mr. Chairman: And beg leave to sit again.

Motion agreed to

Mr. Chairman: At this time I will anticipate a very short recess.

Recess

**Mr. Chairman:** I shall call Committee of the Whole to Order. This afternoon we are going to discuss Bill Number 27, Matrimonial Property Ordinance.

On Clause 1

Hon. Mr. Graham: Thank you, Mr. Chairman. I have a couple of amendments. Most Members should have received a small pile of amendments, but there is one mistake. I am going to distribute a new Page 6, subsection 6(1) to all Members. I will insert it in the official copy if I may.

These amendments are basically wording amendments except for one small policy change, Mr. Chairman. I would like to suggest that we give all Members the evening and tomorrow morning to go through these changes as proposed.

I have also given all Members a draft copy of Bill Number 27, marked in large red letters across the front draft. This is a copy of the draft with all of these amendments in it. This draft gives all of the numbering changes and all of the wording changes that are contained in the 42 amendments. I felt that this was necessary, otherwise, it would be a great problem attempting to go through the original Ordinance and insert the changes where those changes are necessary. I think that this should clear up the problems created by the 42 amendments. Unless there are any other questions about the amendments I will sit down.

**Mr. Chairman:** Are there any other questions about the amendments?

**Hon. Mr. Graham:** If there are no further questions, Mr. Chairman, I would move that you report on progress on Bill Number 27, and beg leave to sit again.

 $\mbox{Mr. Chairman:}\ \ \, \mbox{It has been moved by Mr. Graham, that I report progress on Bill Number 27 and beg leave to sit again.}$ 

Motion agreed to

 $\mbox{\rm Hon.\,Mr.\,Graham:} \quad Mr.\ Chairman,\ I\ move\ that\ Mr.\ Speaker\ do\ now\ resume\ the\ Chair.$ 

Mr. Chairman: It has been moved by Mr. Graham that the Speaker do now resume the Chair.

Motion agreed to

Mr. Speaker resumes the Chair

Mr. Speaker: I will now call the House to order.

May we have a report from the Chairman of Committees?

Mr. Lattin: Mr. Speaker, the Committee of the Whole have considered Bill Number 16, Parks Ordinance and directed me to report progress on same.

Also, the Committee has considered Bill Number 27, Matrimonial Property Ordinance, and directed me to report progress on same and ask leave to sit again.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are you agreed?

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

May I have your further pleasure?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Old Crow, that we do now call it 5:30.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Old Crow,

that we do now call it 5:30.

Motion agreed to

 $\mbox{Mr. Speaker:} \mbox{ This House now stands adjourned until 1:30 p.m. tomorrow.}$ 

The House adjourned at 4:55 o'clock p.m.

The following Legislative Return was tabled October 30, 1979:

79-2-30 Traffic count on Dempster Highway (Oral Question - Pages 413-414, October 16, 1979