



The Yukon Legislative Assembly

Number 10

4th Session

24th Legislature

HANSARD

Wednesday, April 8, 1981 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake
 DEPUTY SPEAKER — Grafton Njootli, MLA, Old Crow

CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government Leader — responsible for Executive Council Office, Finance, Public Service Commission, Pipeline, Land Claims, Intergovernmental Affairs and Justice.
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Renewable Resources, Tourism and Economic Development, Government Services, Consumer and Corporate Affairs and Workers' Compensation Board.
Hon. Geoffrey Lattin	Whitehorse North Centre	Minister responsible for Highways and Public Works, Municipal and Community Affairs, Yukon Housing Corporation and Yukon Liquor Corporation.
Hon. Meg McCall	Klondike	Minister responsible for Health and Human Resources, Education and Information Resources.

Government Members

(Progressive Conservative)

Al Falle	Hootalinqua
Doug Graham	Whitehorse Porter Creek West
Jack Hibberd	Whitehorse South Centre
Peter Hanson	Mayo
Grafton Njootli	Old Crow
Donald Taylor	Watson Lake
Howard Tracey	Tatchun

Opposition Members

(Liberal)

Ron Veale	Whitehorse Riverdale South
Alice P. McGuire	Kluane

(New Democratic Party)

Tony Penikett	Whitehorse West
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(Independent)

Maurice J. Byblow	Faro
Robert Fleming	Campbell

Clerk of Assembly	Patrick L. Michael
Clerk Assistant (Legislative)	Missy Follwell
Clerk Assistant (Administrative)	Jane Steele
Sergeant-at-Arms	G.I. Cameron
Deputy Sergeant-at-Arms	Frank Ursich
Editor of Hansard	Lois Cameron

**Whitehorse, Yukon
Wednesday, April 8, 1981**

Mr. Speaker: I will now call the House to order.
We will proceed with Prayers.
Prayers

Hon. Mr. Pearson: Mr. Speaker, on Monday, April 6, the Leader of the Opposition asked a series of questions concerning a Member of this House, and the movement of his furniture out of the Territory. I informed this House that no one within the Government of the Yukon Territory or this Legislature, nor any Member of it, had anything whatsoever to do with the movement of that furniture. I further stated that he did not tell anybody anything, they did not do anything, there was no action taken by a member of this Government or a Member of this Legislature who is presently sitting in it today.

However, Mr. Speaker, I wish to inform the House of additional information which was brought to my attention late yesterday afternoon. Each Government weigh station has on hand a supply of forms to enable Government employees to carry out their duties with respect to the issuing of public service and commercial vehicle permits.

Public service vehicle permits are only issued to vehicles leaving the Territory with a payload by the Public Service Utilities Board, or, on behalf of the Board, by the supervisor of Motor Vehicles. Commercial vehicle permits are issued to vehicles as a requirement for travelling on our highways.

A weigh scale operator in Whitehorse was instructed by his supervisor not to issue a permit to a truck from Quesnel on Thursday, April 2, until the weigh scale operator checked with the Supervisor of Motor Vehicles. The truck arrived at the weigh scale. The weigh scale operator attempted to contact the Supervisor of Motor Vehicles for direction, but he was out of the office and could not be reached.

Coincident to that, the RCMP were at the scales and informed the weigh station employee that the bill of sale for the goods on the truck was in order, and that the truck could proceed down the highway.

It is my understanding that in the confusion and pressure of that particular moment, the employee picked up a form to fill out and unfortunately that particular form happened to be for the issuing of a public service vehicle, rather than a commercial vehicle permit. I say, "unfortunately", Mr. Speaker, because this particular incident has all the markings of having been a simple clerical error, but nonetheless, a clerical error which has caused some embarrassment for me personally, for the Motor Vehicles Branch, Public Utilities Board, and for the Weigh Station employee involved. To the best of my knowledge, no Member of this Government ordered, instructed, compelled, or forced the employee to issue the permit. It was simply a clerical error and a regrettable one. Thank you, Mr. Speaker.

Mr. Speaker: We will proceed to Daily Routine.
Returns or Documents for Tabling?

TABLING OF DOCUMENTS

Hon. Mr. Lattin: Mr. Speaker, I have for tabling a Green Paper on the Community Capital Assistance Program, and also a White Paper on the Municipal Finance Program.

I also have for tabling the Yukon Housing Corporation Annual Report for 1979-80.

Mr. Speaker: Are there any Reports of Standing or Special Committees?
Petitions?
Reading or Receiving of Petitions?
Introduction of Bills?

BILLS: INTRODUCTION AND FIRST READING

Hon. Mr. Lattin: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that a bill entitled *Municipal Finance Ordinance* be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Member for Tatchun, that a bill entitled *Municipal Finance Ordinance* be now introduced and read a first time.

Motion agreed to

Hon. Mrs. McCall: Mr. Speaker, I move, seconded by the Minister of Tourism and Economic Development, that a bill entitled *An Ordinance to Amend the Pioneer Utility Grant Ordinance* be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Minister of Health and Human Resources, seconded by the Honourable Minister of Tourism and Economic Development, that a bill entitled *An Ordinance to Amend the Pioneer Utility Grant Ordinance* be now introduced and read a first time.

Motion agreed to

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Minister of Tourism and Economic Development, that a bill entitled *Third Appropriation Ordinance, 1981-82* be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Tourism and Economic Development, that a bill entitled *Third Appropriation Ordinance, 1981-82* be now introduced and read a first time.

Motion agreed to

Mr. Speaker: Are there any Notices of Motion for the Production of Papers?

Notices of Motion?

NOTICE OF MOTION

Hon. Mr. Lang: Mr. Speaker, I would like to give notice of motion re Consumer and Corporate Affairs.

Mr. Speaker: Are there any further Notices of Motion?

Are there any Statements by Ministers?

This then brings us to the Question Period. Have you any questions?

QUESTION PERIOD

Question re: Cabinet Conflict of Interest Guidelines

Mr. Veale: Mr. Speaker, the Government Leader announced in his conflict of interest guidelines that he was going to allow Cabinet Ministers in his Government to retain private businesses that were doing business with the Government. Would the Government Leader explain why, in addition to this incentive to join his Government, a Member of Cabinet should be allowed to speculate in real estate and the stock market, as well?

Hon. Mr. Pearson: Mr. Speaker, if it is not in conflict with this Government or anything that it does, why should he not be allowed to? I know of no reason why he should not be allowed to.

Mr. Veale: Would the Government Leader tell the House and the people of Yukon what the remedies will be to the taxpayers, or to this House, when, for example, a Minister is in real or apparent conflict with that guideline?

Hon. Mr. Pearson: Mr. Speaker, those remedies are obvious. Ministers have to resign their seats in the Cabinet. It has happened before; it is nothing new. Where has the Honourable Member been, Mr. Speaker?

Mr. Veale: Does the Government Leader also agree that, in addition to the Government Leader demanding the resignation and the Minister resigning, there should be divestment of the asset acquired?

Hon. Mr. Pearson: No, Mr. Speaker, not at all. The Leader of the Opposition is trying very hard to put words in my mouth. I did not say that I would be demanding his resignation. When it became obvious that a Minister of this Government was in conflict, I did not have to demand anything; no one had to demand anything. Mr. Speaker, that Minister's resignation was voluntarily given to me, and I accepted it very regretfully.

Now, Mr. Speaker, that is the penalty. That is all there is to it.

Question re: White Pass & Yukon Route/Financial Assistance

Mr. Penikett: I have a question to the Minister of Economic Development. On the White Pass financial aid package, Mr. Speaker, the CTC Report indicated that the President of Federal Industries, Mr. Jack Fraser, got a free loan of \$146,500 from White Pass. Can the Minister indicate whether this loan has been repaid, with or without interest, and whether the closing of this loan was a condition of the Government financial assistance to the railroad?

Hon. Mr. Lang: No, Mr. Speaker, our interest was right into the aspect of the railroad, and the longevity of the railroad, which, as the Member opposite indicated in many statements, showed that the continuation of the railway was not only over the short term, but also the long term benefit of Yukon. With respect to the question about one individual involved with the company, I would have to request that information.

Mr. Penikett: There was also reported, during 1977, a \$2 million loan from White Pass to its parent company, Federal Industries, that affected the financial well-being of White Pass, and in turn the Railway Division. Could the Minister say whether this loan has been repaid, and if that loan was a condition of part of the financial aid package agreement?

Hon. Mr. Lang: Mr. Speaker, I will have to bring in the information.

Mr. Penikett: Given the overall financial management of White Pass — and for that matter, Federal Industries operations affects the rail operation and this Government's investment in it — could the Minister indicate clearly why the Government did not insist on obtaining a seat on the Board of Federal Industries, since that is where the decisions are made in this company, which is owned and controlled 100 percent by Federal Industries?

Hon. Mr. Lang: Mr. Speaker, as I indicated, it was not our intention to buy into the White Pass and Yukon corporation in totality. We put forward a financial package in cooperation with the Government of Canada, to help offset the problems they have had on the railway over the past number of years — to get it up to a standard which would make it much more cost-efficient than it presently is. Consequently, we felt that the area we should be concerned in and involved with was in the area of the railway directly.

Question re: Property Taxes in L.I.D.s

Mr. Fleming: Mr. Speaker, I have a question for the Minister of Municipal Affairs. I noticed in the Budget there was a small rise in revenue from the Government property taxes. Did the Government raise property taxes this year in the Local Improvement Districts?

Hon. Mr. Lattin: Mr. Speaker, that particular question should be directed to Finance. I have nothing to do with taxes. We in Municipal Affairs are only concerned with the assessment, and from there taxation is handled by the Department of Finance.

Mr. Fleming: Mr. Speaker, may I direct that question to the Minister of Finance?

Hon. Mr. Pearson: Yes, Mr. Speaker. As stated in the Throne Speech, the rise in property tax averaged 9.4 percent across the Territory. That includes the L.I.D.s as well.

Mr. Fleming: Mr. Speaker, I wonder why the general tax rate is raised by .8 in the Districts of Teslin, Mayo, and Carmacks, and raised only by .7 in the Local Improvement Districts? I wonder if the Minister could answer that.

Hon. Mr. Pearson: In fact, there are other variations in those tax increases.

Mr. Speaker, it is because of the transition from one method of assessing to another. If we were to impose the same tax rate on everyone in one year, whether they had been newly assessed or not, it would be, in my estimation, grossly unfair. As we stated at the time that we introduced and passed the assessment legislation, we are trying to phase it in. I would think, over a three year period, I believe it will take three years for us to phase the whole program into place: then, not only will all

the assessments in the Territory be based on the same principle, but also the tax rates will be the same, and based on the same principles. For the two to meet, we have to do it over a period of time and phase it in, or else it is going to become grossly unfair to those people who are assessed earlier or assessed later.

Question re: North Canol Road Area Development

Mr. Byblow: I have a question that I will direct, Mr. Speaker, to the Minister of Highways. The questions involve the North Canol Road area development.

It is my understanding, Mr. Speaker, that there is an anticipated expenditure of money for upgrading that particular road this summer. Can the Minister confirm whether, in fact, this upgrading will be taking place this year, or next, or advise on the status of that upgrading?

Hon. Mr. Lattin: On the North Canol Road, we have had, and are continuing to have, discussions with Ottawa. We realize that we are going to have to spend some money on that particular road, especially if the MacPass area goes ahead. I think there will be a considerable amount of money spent on it, but as we are still in negotiations, Mr. Speaker, I am not able to tell the House at this time whether we will spend the money this summer or in the future.

Mr. Byblow: Can the Minister confirm whether it is his intention to have injected something in the order of \$1 million for upgrading.

Hon. Mr. Lattin: Mr. Speaker, as I said just a moment ago, we realize that there is going to have to be money spent on that road. We realize it could be a considerable amount of money. We are maintaining the road now as it has been maintained in other years, and when we conclude all our negotiations and our discussions with the people in Ottawa, then we will decide when and how the money will be spent, and in what amounts.

Mr. Byblow: Can the Minister advise, Mr. Speaker, whether the intended upgrading that he describes will include the approximate three-mile access road from the North Canol to the barite operation?

Hon. Mr. Lattin: Mr. Speaker, when we are reviewing the whole process I am sure that we will consider all the other aspects. At this time, I am not even aware of this particular problem, but I have complete faith in the ability of my department and the people of Ottawa to discuss all the aspects of this upgrading.

Question re: Sex Education in Schools

Mrs. McGuire: I have a question for the Minister of Health and Human Resources, with reference to a very disturbing article in the news report about the highest rate per capita in Canada of births and abortions for teenagers in Yukon. That article stated that Yukon Family Services have offered an intelligent and realistic play to various schools as one method of combatting the situation. The play was rejected because of its real-life nature. I will ask the Minister if she has seen the play, and if she has, does she approve of the play being used in schools?

Hon. Mrs. McCall: Mr. Speaker, I have seen the play and I personally do approve of it. Whether or not the play is shown in the schools is left up to the school committee.

Mrs. McGuire: I would like to ask the Minister if she is aware of the sex education program at F.H. Collins; does she think that the watered-down version of sex education actually works? Is it adequate?

Hon. Mrs. McCall: I can only give my personal opinion, Mr. Speaker. I believe there ought to be more sex education in the schools.

Question re: Liquor Taxes

Mr. Veale: Mr. Speaker, I have a question for the Government Leader regarding the tax revenue of the Yukon Liquor Corporation. In May of 1980, the Government went on a system of calculating liquor taxes at 10 percent of cost. Would the Minister agree that the some-\$300,000 increase in revenues predicted for 1981 is based on projections from last year?

Hon. Mr. Pearson: Yes, Mr. Speaker, that is absolutely

correct.

Mr. Veale: Would the Minister also agree that recent increases that have been announced in beer prices and the Federal excise tax will also bring an additional increase in liquor taxation revenue to the Government?

Hon. Mr. Pearson: Yes, Mr. Speaker, and we estimated that. That additional revenue is reflected in our Estimates, under the revenue figure in the Budget.

Mr. Veale: Perhaps the Government Leader could clarify this, because I asked him the same question in the Budget Estimates' debate, and he indicated that the estimated increase was based only on an increase in consumption and was not based in any way on an increase in taxation.

Mr. Speaker: Order, please. I believe the Honourable Member is now making —

Mr. Veale: Could the Minister please clarify that?

Mr. Speaker: The Honourable Member was making a speech. Perhaps we could get to the question.

Hon. Mr. Pearson: Mr. Speaker, what I think I said — what I hope I said, because what I intended to say — was that we do not anticipate that our consumption is going to increase all that much: that, in fact, it is because of the taxation that there will be the increase in revenue.

Question re: White Pass and Yukon Route/YTG Member on Board

Mr. Penikett: I have a question for the Minister of Economic Development. The Minister yesterday made a statement concerning the Board of Directors to which this Government is going to appoint a member, and emphasized that the board is in fact the board of the railway company alone. I wonder if the Minister could advise the House how many members there are on this board; if he could give us any idea who is on it; but most importantly, if he could tell us how many directors this board has in common with the board of Federal Industries, save and except for the member, of course, who is going to be appointed by this Government.

Hon. Mr. Lang: Mr. Speaker, I do not have the names of the members on that particular board. I will bring back the information and provide it to the Honourable Member.

Mr. Penikett: Mr. Speaker, yesterday the Minister responsible for the loan to White Pass said he did not know whether the rail division has ever in recent history paid any dividends. I wonder if the Minister has yet had a chance to obtain that information for me?

Hon. Mr. Lang: Mr. Speaker, I have had some discussions on it over the course of the last number of years, that is correct. That is the reason it is having the problems it has today. With the infusion of capital money we are putting in, which is cost-shared between the Government of Canada and ourselves, we hope this will be remedied, and as indicated by the agreement, we expect the particular loan that the Member is referring to be repaid.

Mr. Penikett: I was asking, of course, Mr. Speaker, about the dividends from the railway company that are not going to be collected during the term of this loan. Yesterday I asked if the railway had ever paid any dividends and that was the answer which I hoped the Minister would be able to provide us with now.

But, given that the Minister has also refuted the suggestion that White Pass will in effect be building up other divisions, with, directly or indirectly, money from this Government and others, could the Minister state what the estimated costs are for the locomotive and other equipment that this and other governments are going to meet? That is, is this government loan going to be for all the locomotive and other equipment, or five-sixths of it?

Hon. Mr. Lang: Mr. Speaker, with respect to the money that we are putting forward as a loan — that has to be emphasized — it is stated in the agreement the capital equipment that this money could be put forward to.

Question re: Power Rate Equalization

Mr. Fleming: Mr. Speaker, a question to the Minister of

Economic Development. Last year, say almost to a day, April the 9 — it now being April the 8 a year later — there was a motion passed within the House which urged the Government to implement the policy of power equalization across the Yukon. To which the Government at that time seemed very receptive. I am wondering if the Minister could tell the House if he has made any progress in implementing such a program.

Hon. Mr. Pearson: Mr. Speaker, I am sure the Honourable Member is aware that I personally have been vitally interested in equalization of power rates in the Yukon Territory for far longer than a year less a day. I have had a personal interest in this, and have worked actively at it for a number of years. I regret to report, Mr. Speaker, that I do not believe that we are any closer to equalization as a Territorial Government today than we were a year ago today; however, we are working at it and I am hopeful that it will never be lost sight of as an objective for all Yukoners, that electrical rates be equalized throughout the Territory. I feel it is a basic fundamental right that everyone in the Territory should have.

Question re: Impaired Driving

Mr. Byblow: I have a couple of questions on the matter of impaired driving that I would like to direct to the Government Leader in his capacity as Minister of Justice. Firstly, is the Minister aware of the recent Supreme Court ruling that eliminated the jurisdiction of the *Criminal Code* section under which impaired drivers were being charged?

Hon. Mr. Pearson: No, Mr. Speaker, I am not aware of it. I am sorry.

Mr. Byblow: The *Criminal Code* section that was eliminated and no longer can be used has had an effect on the nature of sentencing. In 1978, two sections of the *Motor Vehicles Ordinance*, which deal with the same matter of the nature of sentencing, were not proclaimed into force. So I would then ask the Government Leader in his capacity as Justice Minister: is it his Government's intention to advise the proclamation of those two sections in order to expedite the problems that are developing?

Hon. Mr. Pearson: Mr. Speaker, just so that everybody recognizes what the Honourable Member is asking, the Government prior to this one passed a piece of legislation that said, in effect, that if you were apprehended and charged and convicted of impaired driving, you automatically lost your licence for a given period of time — no if's, and's or but's. That piece of legislation has never been proclaimed in force; he is absolutely right. Mr. Speaker, I personally, and I believe other Members on this side, feel that that legislation would cause an undue hardship in the Territory in that so many people have to drive; we feel that we should allow the judicial system some discretion.

It is our experience that they have been exercising that discretion very very carefully.

No, Mr. Speaker, unless the Honourable Member would like to force the issue, possibly, by the moving of a motion, I would be prepared to say that Members on this side would not be bound. In other words, I would consider it to be a free vote, if he would like everyone to stand up and be counted with respect to that. I am quite prepared to go along with that.

Mr. Byblow: I respect the Government Leader's detailed answer. I direct one supplementary question to the Government Leader: is it his Government's position to encourage the treatment of offenders as a condition of sentencing, that is, in addition to the present discretion granted to the courts in license restriction?

Hon. Mr. Pearson: Mr. Speaker, I respectfully suggest that, if the Honourable Member has a real interest in this, the course is held virtually every morning of the week in the conference room just outside the doors of the Legislature here. I believe they start between eight and eight-thirty in the morning, and he would be most welcome to sit in, anytime he wishes.

Question re: Yukon Housing Corporation Manager

Mr. Veale: Mr. Speaker, I have a question for the Minister in charge of the Yukon Housing Corporation. The Minister has

indicated that there may not be an appointment to the retiring manager's position. Has the Minister made a decision as to whether there will be a competition started to replace the manager who is leaving?

Hon. Mr. Lattin: As I indicated yesterday in regards to the composition of the Yukon Housing Corporation, Mr. Speaker, we are in active discussion and are reviewing it. I have a meeting coming up with the appropriate people in the very near future, and until we have concluded our discussions, we are not advertising for a director.

Mr. Veale: Considering that the present manager is leaving at the end of the month, would the Minister not admit that he has, in effect, already made a decision that there will not be a replacement for the manager?

Hon. Mr. Lattin: No, Mr. Speaker.

Mr. Veale: Will the Minister also indicate to the House if he has directed the Housing Corporation to take a more active role in making the program of rural and remote housing available to all Yukoners?

Hon. Mr. Lattin: No, Mr. Speaker.

Question re: Crossroads Funding

Mr. Penikett: Mr. Speaker, I have a question for the Minister of Health and Human Resources. I would like to ask the Minister if she has received a communication from the Board of Directors of Crossroads, in connection with their funding for the following year?

Hon. Mrs. McCall: Yes, Mr. Speaker.

Mr. Penikett: In view of the fact that the Minister seemed to indicate to the House some days ago that the board was content with the arrangements that had been made for it by the Government, could the Minister indicate if the board is now requesting more funding, and if there is some question about the continued operation of Crossroads if they do not receive it?

Hon. Mrs. McCall: Mr. Speaker, Crossroads is requesting more funding and the Government's Alcohol and Drug Services is requesting more programming. So it is a matter of the two groups coming together, which we are going to do very shortly — within the next day or so.

Mr. Penikett: Mr. Speaker, could the Minister confirm or deny a reported remark of hers, that if the members of the board went to the Opposition about the question of funding, they could go to the same Opposition for the money?

Hon. Mrs. McCall: It was a good remark, Mr. Speaker; however it was not my remark.

Mr. Speaker: There being no further questions, we will proceed at this time to Orders of the Day.

ORDERS OF THE DAY

Mr. Speaker: On April the 7, the Honourable Member for Whitehorse West rose on a Question of Privilege. The Honourable Member stated:

"I do not believe that it is competent for a Member to impute motives to another Member of this House, especially if those motives are false and not founded on fact."

Annotation 319(3), *Beauchesne's Fifth Edition* points out that: "In the House of Commons a Member will not be permitted by the Speaker to indulge in any reflections on the House itself as a political institution or to impute to any Member or Members unworthy motives for their actions in a particular case."

Annotation 19(1) also points out: "A dispute arising between two Members as to allegation of facts does not fulfill the conditions of parliamentary privilege."

In this matter it is clear that there is a dispute before the House as to an allegation of facts. Further, on review of *Hansard*, I can find no incidence of imputation of unworthy motives; therefore I am unable to find that a *prima facie* case of privilege has indeed been placed before the House.

We will now proceed to Motions other than Government Motions.

MOTIONS OTHER THAN GOVERNMENT

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

Mr. Speaker: Is the Honourable Member prepared to deal with Item Number 1?

Mr. Veale: Yes, Mr. Speaker.

Motion Number 2

Mr. Speaker: It has been moved by the Honourable Leader of the Opposition, seconded by the Honourable Member for Kluane, that this Assembly urge the Government of Yukon to conduct an independent full-scale investigation into food prices, pursuant to the *Inquiries Ordinance*.

Mr. Veale: Mr. Speaker, I do not intend to dwell at length on the price discrepancies which have been disclosed on numerous occasions by various statistical institutions in this Territory and in this country, regarding the price discrepancies between Vancouver and the Yukon Territory; nor do I propose to discuss the discrepancies that exist between the City of Whitehorse, the City of Dawson, Watson Lake, and other rural communities. Those, Mr. Speaker, it seems to me, are facts that are available to everyone.

What I would like to discuss, Mr. Speaker, is the question of why a food prices inquiry is necessary. That, sir, relates to the ability of this Government to do a job and the confidence that the public would have in them in having that job done. The matter arose, or at least the Government first became aware of the matter, in April of 1980. At that time, the Government indicated that it had concern about the price spread, particularly in food prices between Whitehorse and southern cities. That is one year ago, Mr. Speaker, and at that time the Government commenced to communicate with Kelly Douglas and the major food retailer, Super Valu, which is the same as Kelly Douglas, to determine why their costs were so much higher in the Yukon Territory than they are in southern cities.

Now, Mr. Speaker, one year later, we are precisely no further than the initial opening statements that the Government made in April of 1980. The Minister who was sitting at that time indicated that the Government wished to avoid a wholesale food prices inquiry, the argument being that it would cost more money than it was worth, and that it would show that there was no collusion.

Mr. Speaker, let me say that there is no allegation of collusion, because that was clearly established when the Federal Government examined into the matter and found that there was no collusion — at least according to the laws of the day in this country.

However, the Government then took the position that they expected to have the full cooperation of the food wholesalers and retailers in the business, in carrying out their investigation. In other words, their investigation depends on having full cooperation.

It is my submission, Mr. Speaker, that that full cooperation has not been given; has, in fact, been denied this Government. The officials of Kelly Douglas have met with the Minister; they have taken the position that they will not reveal any financial data to back up any justification or rationale that they may make to this Government, unless there is an inquiry. Mr. Speaker, to me, that is simply enough to necessitate the inquiry, so that the people of Yukon will know that we are getting to the bottom of the problem.

The Government has also taken the position that it is holding an inquiry, and it has referred to it as a mini-inquiry. Mr. Speaker, in my submission, that is no inquiry whatsoever. That is simply their concept of getting together with Kelly Douglas and having a discussion about some of the problems, and asking Kelly Douglas to give answers and justifications for the price discrepancies.

The only step that was recently taken by the Government that had any impact at all was a survey. Mr. Speaker, I submit that the survey was something that the former Minister first denied would have any value, and then he proceeded to do it.

The unfortunate aspect of the survey, Mr. Speaker, was that the wording of it was completely inadequate. Of course, we all know that the survey had a very poor response to it, although in that poor response there was a rather overwhelming majority of people indicating that they did not accept the discrepancy in food prices and did not feel that it was just.

Mr. Speaker, if the Government is unable to adequately do the job, and I submit that that is patently obvious, the question is: what can an inquiry accomplish that this Government has been unable to accomplish?

Firstly, it is my submission that they can get to the facts. They can actually have Kelly Douglas produce the facts, which it is unwilling to do at the present time. Of course, it will produce the facts on a more willing basis in a public inquiry, because it is something that will be imposed on all the members of that business, not just on the major member. But in getting those facts, the Government can come to some specific conclusions about whether the costs to the food industry in bringing their food to the Yukon are in fact justified, and whether the mark-ups that are put on top of those costs are also justified.

The other thing, Mr. Speaker, that I think that the inquiry can do is determine what the market shares are in this community, because there has been a lot of talk about monopoly and we all know that no monopoly exists; however it may be an oligopoly situation, but the inquiry could look into that to determine precisely what market shares are taken by which retailers and which wholesalers.

Further, Mr. Speaker, the inquiry could make recommendations on the basis of the facts — not on what somebody may think or what somebody may tell them, but not reveal the facts behind the statements — but on the basis of the true facts, it will make recommendations about what the Government can do on a continuing basis to monitor food prices in this Territory. That, I submit, Mr. Speaker, is a recommendation that would be a very useful matter to have. It could also examine into the issue of competition, and determine why there is a lack of competition in the Territory, and what steps could be taken by the Government to enhance competition.

Mr. Speaker, there has been a great deal of discussion about a food prices inquiry being an expensive inquiry. While that is true it is not simple to proceed to do a food prices inquiry; it may cost as much as an Ottawa office; it may cost as much as two executive assistants' salaries; there is no question that it is going to cost money, but the advantage that the inquiry has is that it opens up the opportunity for taxpayers to recover some of that money spent, because if the inquiry establishes that some prices are not in fact fair and just prices, then the consumers of this Territory, the people of the Territory will reap the benefit of the inquiry. It is like an investment. It is not like the one inquiry that this Territory recently had, which came to no conclusion that would make any difference to any consumer in the Territory.

The other aspect that I think is very important, Mr. Speaker, is that the inquiry can be a one-person inquiry, it does not have to be two or three; the inquiry can be independent. The inquiry is not dependent on anybody's suffrage; it can simply go about its business without fear of any recriminations from Ministers or any fears whatsoever. I think that is a very important aspect, Mr. Speaker: the fact that it would have independence, important both for this Government and for the people, because the people of the Yukon would feel that they are getting the true facts, from an independent person who is making an investigation on their behalf.

Thank you, Mr. Speaker.

Hon. Mr. Lang: Well, Mr. Speaker, the Members of the Legislature here are being asked to approve a motion from the Leader of the Opposition which I have a great deal of difficulty understanding: (a) why it is here; and (b) what it is going to accomplish. It appears, Mr. Speaker, to be a very simple motion, and from what he said, one can only gather it is a very simple motion. I would submit to you that it is too simple. From

my perspective, I believe that it would unleash a series of events which would cost this Government dearly. Contrary to what he has indicated, the taxpayers of the Yukon Territory would not recover those expenditures, but also I think more importantly, it would do away with the goodwill and cooperation that we are attempting, and have to date managed to acquire, in working with the major wholesaler in the Yukon Territory.

The Honourable Member is asking for an independent full-scale investigation to be conducted into food prices, using the *Public Inquiries Ordinance*. Well, Mr. Speaker, one thing he forgot to mention is the fact, and it is very much of a fact, that the *Public Inquiries Ordinance* is designed primarily to force persons to give oral evidence and produce documents within — and I have to stress “within” — the legal jurisdiction of the Yukon. Let us be honest, Mr. Speaker, this particular instrument, when dealing with matters beyond our jurisdiction, cannot be enforced. He indicated it yesterday in the debate of the *Interprovincial Subpoena Ordinance* where we were going to amend that piece of uniform law to accommodate what he would apparently like to put forward today. From that perception, the public is being misled.

With that in mind then, we have to accept the fact, under the *Public Inquiries Ordinance*, that we cannot compel the major food suppliers and wholesalers to appear in Yukon and give evidence. We cannot compel the dairy cooperatives to come here from Edmonton or Vancouver to give evidence. We cannot compel the various marketing boards to come here, nor can we compel the California fruit and vegetable growers; the interprovincial carriers; the Pacific fishermen; the prairie grain growers or any other extra-Territorial agent, wholesaler, retailer, food marketer, or grower to come to Whitehorse and give evidence to my colleague across the floor as to why a loaf of bread, a litre of milk, or a bag of coffee costs what it does in Whitehorse, Dawson City or wherever throughout the Territory.

I would say, Mr. Speaker, that the Honourable Member opposite, who has put the motion forward, does not, from my perspective, fully understand the ordinance that his particular resolution refers to. I would further submit that the Member opposite is — and, of course, it is a conscious Party policy of the Party that the Member represents — looking for a confrontation rather than looking for solutions to the very real problems that we, in the Territory, face with respect to the price of food. For that matter, we can carry that further: the cost of energy and strictly the high cost of living in Yukon. It should be a major concern to all of us, there is no question about that.

He has indicated, and he makes fun of, and he believes that a judge — hopefully non-partisan — would solve all these problems and that he would indicate through this forum, to the public, that the approach we are taking with respect to the food prices in the Territory, in cooperation with the retailers and the wholesalers, is of no value. Well, Mr. Speaker, I cannot agree with that. From my point of view, I think it is essential that we try to retain the principle of cooperation in order to get a better understanding of the food pricing industry, the wholesalers, retailers in Yukon and outside of Yukon.

In fairness to Kelly Douglas' president, who took time to come to Yukon, appeared on a number of public media, met with interest groups, and had discussions with myself, he has made several commitments, voiced publicly, and is going to get information back to myself and to the public on those outstanding questions that he could not answer during his last visit to Yukon.

As we know, those concerns included the quality of produce, which is, from my understanding, an industry-wide problem, and price spreads between Whitehorse and Vancouver.

From my perspective, Mr. Speaker, in view of the cooperation which has been extended until now, I believe a public inquiry should only be considered as a last resort, and I question whether it should even be considered then, in view of the legal aspects of that particular legislation and as how pertains

to other jurisdictions in Canada.

I have to ask myself, Mr. Speaker: is it worth \$150,000 — and that is probably minimum? I am sure the Member opposite knows as well as I do, that people in the legal profession cost so much a day: almost as much, if not more, than the cost of renting a 950 loader for ten hours a day.

Mr. Veale: \$800, I believe.

Hon. Mr. Lang: Mr. Speaker, with that in mind, I have to ask myself as a taxpayer, and representing the taxpayers of the Territory, whether this expenditure would be in their best interests. In view of what I said earlier, I do not believe that it would be.

As the Member opposite, who is the leader of the Liberal Party, has indicated, he believes there should be a public inquiry on one other development in the Territory. So, as I indicated a number of days ago, with the two inquiries that he would like to see launched, we are probably looking at \$500,000 of taxpayers' money, to sell —

Mr. Veale: On a point of privilege, Mr. Speaker, there has been no mention of a second inquiry.

Mr. Speaker: Order, please.

Mr. Veale: The Member is misleading the House, Mr. Speaker. There has been no mention of a second inquiry in this Territory.

Mr. Speaker: Order, please. On the point of order raised by the Honourable Leader of the Opposition, the Honourable Member for Whitehorse West.

Mr. Penikett: Mr. Speaker, I wish you would caution the new Member against making a charge of misleading the House. The failure to substantiate an accusation such as that would cause a member to lose his own seat.

Mr. Speaker: This was something I was about to bring up, and I thank the Honourable Member for drawing its attention to the Honourable Leader of the Opposition.

Hon. Mr. Lang: Mr. Speaker, I seem to have a problem. Everytime I stand up to speak everybody else wants to talk at the same time.

Mr. Speaker, I recognize we cannot believe everything we read in the "local astonisher", but my understanding is that his Party passed a resolution to the effect that a public inquiry, in one particular development, should perhaps be undertaken, and I am taking that as the gospel unless the Member says that it is not.

Mr. Speaker, getting back to the question at hand: the Member touched on it, but I think it has to be emphasized, that there have been previous examinations into the major food wholesaler in this Territory and its business conduct. That is no secret. Consumer and Corporate Affairs Canada, and its Combines Investigation Branch have twice examined Kelly Douglas's position, and both times found insufficient evidence to launch an inquiry under the *Combines Investigation Act*. Now, Mr. Speaker, that is not to say that all future examinations by that Federal branch are unnecessary, but, due to the scope of this matter, perhaps future Federal Government involvement may be necessary to accomplish certain goals.

The Federal Government has the legislative and jurisdictional powers; manpower; and yours and my money to investigate matters outside our jurisdiction, which affect us just the same.

Despite the short time that I have had this portfolio, and the exposure that I have had to the question that we are addressing now, there is no question in my mind that the food marketing industry in Canada is highly complex, and, if you like, an elusive beast wracked with the problems posed by vertical integration; foreign imports; soaring fuel costs; and marketing boards. The proposal contained in this simple motion would only serve to, in my estimation, touch the tip of the iceberg. As I stated earlier, and as has been stated by my predecessor, the Government's approach calls for flexibility and cooperation, in order to give us the tools to provide for broader scope: to help in the isolated problems peculiar to Yukon and in seeking solutions to the identified problems. In view of that, I have to

maintain — and I have to stress it again — I do not, for the life of me, see a good reason to go ahead with a motion which would probably cost, when it was all finished and done with — with the cost of the inquiry; the various legal fees direct or indirect to Government; the costs to the various companies that would have to come before it, if they chose to come before it — a quarter of a million dollars; in the final analysis, the consumer would pay, one way or another through their taxes or however. Further, it would take probably four or five months to set up the inquiry that the Member has indicated he would like to have and would like to monitor. It would appear to me that we would lose four to six months, and then we would have gone into a public forum of direct confrontation which — and I agree with him as with the last inquiry, and the one that he is proposing — would not bring anything forward that would be of any use to the general public.

There is no question, in view of what I have said, that the motion before us lacks direction and the motion is ill-conceived as it is, and I should point this out. It contains no terms of reference, no reference to budget — which is of course obviously and very readily ignored by his Party, which has been demonstrated time in and time out — nor any timeframe in which to submit its findings.

Well, Mr. Speaker, I would suggest that there is an alternative and it would bring the responsibility right where it lies, with the Members of this House, to work towards the problems that have been identified in order to see whether or not we can come up with a resolution to the problems in the best interest of the Territory; therefore I would move, Mr. Speaker, that Motion Number 2 be amended, by deleting all words after the word "that" and that the following be substituted therefor: "A special committee on food prices be established;

that the membership of this committee be set by separate Motion of this House;

that the committee investigate existing marketing practice in Yukon at both the wholesale and retail levels, and report on and recommend means by which retail and wholesale price spreads between Whitehorse and Vancouver and between Whitehorse and Edmonton may be reduced;

that the said Committee have the power to travel within and outside of Yukon to discuss food cost differentials with food wholesalers and retailers operating in Yukon and to sit during intersessional periods;

that the said committee have the power to call for persons, papers, and records and to sit during intersessional periods and that the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the committee.

Mr. Speaker, the reason I put this amendment forward is that I would like to see Members in this House take the responsibility that is theirs. It would give Members the capability to review a very real problem within the Territory. We have a commitment by at least the one major wholesaler, and we could look to seeing whether or not we could get a commitment from a wholesaler out of Edmonton; for Members to actually travel and see their operations — to see the problems that they are confronted with, and what they have to deal with, and to discuss the very real problems with those people who are directly involved with the food business.

I am sure the Member for Campbell knows what I am talking about, with respect to food and the complications that are involved in not just putting it on the table but also in receiving it.

Now, Mr. Speaker, I gave a notice of motion earlier regarding Consumer and Corporate Affairs. It would be my position to be putting forward for consideration, on Monday, a resolution naming a three-man committee of this House, which the Member for Porter Creek West has agreed to sit on and the Member for Tatchun has agreed to sit on. As well, I would expect that the Member for Riverdale South, in view of the interest that he has put forward on this particular issue, would be prepared to sit on such a committee. Further to that, Mr. Speaker, it would report back at the next Session in respect to their findings.

Therefore, Mr. Speaker, I think we are taking a very responsible approach, one which is not going to cost a great deal of the taxpayers' dollars, contrary to what the Member opposite has said, and give more of an understanding of the complicated problems that are confronted through the food industry. Also I think it is important that the committee look at the aspect of their terms of reference in such a manner, at least initially, over the first course of their investigation, as to be working in a cooperative situation, as opposed to a court room situation, where it is a one-on-one situation.

Mr. Speaker, I would be pleased to hear what other Members have to say in this House with respect to this motion. As I indicated earlier, I believe that it will at least give some exposure to the Members of this House, and, just as importantly, put the responsibility where it lies. Too often, as indicated earlier, and we see it at the Federal level, if you have got a problem: "Have an inquiry. Do not let the elected politicians be involved; we will have an inquiry, and then we can look at the recommendations and deal with those sometimes subjective or objective recommendations of somebody who..." the Member opposite and I question — "...would indicate is non partisan on any given issue.

I think this puts, as I indicated earlier, the responsibility where it should lie, and I look forward to further comments with respect to the amendment that we have before us.

Mr. Speaker: It has been moved by the Honourable Minister of Consumer and Corporate Affairs, seconded by the Honourable Member for Porter Creek, that Motion Number 2 be amended by deleting all words after the word "that" and the following substituted therefor:

- "A special committee on food prices be established;
- that the membership of the committee be set by separate motion of this House;
- that the committee investigate existing marketing practices in Yukon at both wholesale and retail levels and report on and recommend means by which retail and wholesale price spreads between Whitehorse and Vancouver and between Whitehorse and Edmonton may be reduced;
- that the said committee have the power to travel within and outside of Yukon to discuss food cost differentials with food wholesalers and retailers operating in Yukon;
- that the said committee have the power to call for persons, papers, and records and to sit during inter-session periods; and
- that the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the committee."

Is there any debate on the amendment?

Mr. Fleming: Mr. Speaker, definitely on this side of the House, I hope. With all respect to the Honourable Leader of the Liberal Party and the fact that I intended to support his motion, I did have many misgivings. I feel that we need to find some way to be sure that the Yukon Territory is actually being "ripped off" by these things; it may be yes and it may be no. I am a little concerned as to whether they definitely are, but I have some very strong convictions myself, through business dealings in the food area, when I find that we can obtain supplies cheaper from the outside than what we can from the wholesalers. It may be in a different way than what they do, or it may be in the same way, but it definitely can be cheaper; therefore I felt that something should be done. If the former motion before us would help that cause, even though it would cost money, I would say it would be worth it.

However, I still have the problem which the Minister has spoken of: the legal aspects. When you go into the private sector and try to really force anybody to produce evidence, or do anything of that type, and it becomes a situation where you really have to, then you are really butting into private enterprise more than I think a government or anyone else should.

I will support this amendment. I do have a little problem with the wording where it says, "...recommend means by which retail and wholesale price spreads between Whitehorse and Vancouver and between Whitehorse and Edmonton may be

reduced..." because the committee may not be able to produce that type of evidence. However, it may or it may not be produced, but I will be supporting this amendment.

Mr. Veale: Mr. Speaker, I take interest in the amendment because it is clearly put forward in a spirit of cooperation. But I do not support the amendment for this reason: it does not, in any way, go to the root of the issue. The importance of having an inquiry is that it can get down to the facts. We now have a proposal which, superficially, looks like an excellent solution, but is in no way going outside this jurisdiction to meet with people, to come up with anything that is more realistic than the Minister's meeting with Kelly Douglas now. It does not advance the position at all. For that reason I cannot support the amendment.

Mr. Njootti: Mr. Speaker, I would like to speak on the amendment to the motion. Before doing so, I would like to say that I support the amendment of the motion quite fully.

With regard to the remarks made by the Leader of the Opposition, I would assume that — well, I would not assume, Mr. Speaker, because I know as a fact from past inquiries that only the lawyers make money from such practices. Because we are the body in the Yukon elected by the people to find out the true problems — in this case the marketing practices in the Yukon in the wholesale and retail prices. I therefore would like to support the motion in the part where the committee investigate the existing marketing practice in the Yukon, meaning that Old Crow would be included. The committee would visit the community and investigate the price of food, compared to Whitehorse and Vancouver and Edmonton and, based on those facts, Mr. Speaker, I will support the amendment to the motion.

Mr. Tracey: Mr. Speaker, I must rise in support of this motion. I would like to comment on a couple of the comments made by the Leader of the Opposition. He just made the allegation that we could go outside this jurisdiction and get evidence. I do not know how he expects a body that has power only within this jurisdiction to call for evidence from outside this jurisdiction. He also wants us to check into the lack of competition. I do not know how he expects us to find a method of getting more competition here, when we have such a small population. The competition is gradually growing. As the population grows, the competition is coming in here. That is a major investment that any food wholesaling organization would have to put into Yukon, in order to operate here.

Mr. Speaker, I think everybody in this House, outside of the Leader of the Opposition, realizes that we do not have any jurisdiction outside the borders of the Yukon Territory. We can call for all the records of Kelly Douglas up the hill, here, but what good is it going to do us? We do not know what the prices are for food that is coming in. All we can hope for is that we can go out there on a man-to-man basis and speak with these people as if we were speaking to friends, because we are not going to get anything any other way. The Federal Government inquiry that had the power to inquire outside of the borders did not show any evidence that there was any collusion; I do not know how we expect that we are going to get it from inside the Territory.

So, I expect that the only way we are going to have any resolution to this argument in this House is to have Members of this House go and get the information for themselves. I hope the Member across the floor, the Leader of the Opposition, agrees to sit on that committee.

Mr. Graham: Mr. Speaker, I also will be supporting the amended motion.

Mr. Speaker, I find it quite difficult to understand the Leader of the Opposition's objection to this amendment. This amendment, inasmuch as it says the committee shall have the power to call for persons, papers, and records, will have the essential powers that a public inquiry held under the *Public Inquiries Ordinance* would have. This committee will also have the cooperation of food wholesalers outside the Yukon Territory, so we not only have the power under the *Public Inquiries Ordinance*

to call for persons, papers and records, we can also go to wholesalers and retailers outside of the Yukon Territory and get information from them as well.

I think that if the Member opposite's real reason for not supporting this amendment is that he is a member of this committee, then, by all means tell us. I am sure that he has the ability to introduce an amendment to the motion which has been presented, I believe, to the Clerk, naming him as a member of the committee, and perhaps we can get one of the other Members of the Opposition, one of the other Members that started this whole question of food prices in the Territory some years ago and did not jump on it at a later date merely as a political ploy.

Mr. Speaker, I am very concerned about food prices in the Territory, and I hope that this committee — when it is set up, if it is set up — will do an extremely good job in investigating the problem of food prices in the Territory. I hope that this committee will be able to come back to this Legislature with some positive recommendations to alleviate some of the problems that we are having in the Territory with high food prices.

Thank you, Mr. Speaker.

Amendment agreed to

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

Mr. Veale: Mr. Speaker, may I make the — ?

Mr. Speaker: I am sorry, question has been put. I am sorry, but those are the rules.

Hon. Mr. Lang: Mr. Speaker, on a point of order, we are voting on the resolution as amended?

Mr. Speaker: That is correct. We are now voting on the main motion.

Motion agreed to

Mr. Clerk: Item Number 2, standing in the name of Mr. Veale.

Mr. Speaker: Is the Honourable Member prepared to deal with Item Number 2?

Mr. Veale: Let stand for the next sitting day, Mr. Speaker.

Mr. Speaker: So ordered.

Mr. Clerk: Item Number 3, standing in the name of Mr. Penikett.

Mr. Penikett: Next sitting day, Mr. Speaker.

Mr. Speaker: So ordered.

We will now proceed to Public Bills and Orders Other than Government Bills and Orders.

BILLS AND ORDERS OTHER THAN GOVERNMENT

Mr. Clerk: Second Reading, Bill Number 101, standing in the name of Mr. Penikett.

Mr. Penikett: Next sitting day, Mr. Speaker.

Mr. Clerk: Second Reading, Bill Number 102, standing in the name of Mr. Penikett.

Mr. Penikett: Next sitting day, Mr. Speaker.

Mr. Speaker: We will now proceed to Government Bills and Orders.

GOVERNMENT BILLS AND ORDERS

Mr. Clerk: Second Reading, Bill Number 15, standing in the name of the Honourable Mr. Pearson.

Bill Number 15: Second Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 15, *Petty Trespass Ordinance* be now read a second time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Tatchun, that Bill Number 15 be now read a second time.

Hon. Mr. Pearson: Mr. Speaker, for Members of this Legislature who were present at the last Session, this will seem to be a strangely familiar piece of legislation. In essence, Mr. Speaker, this is in fact the bill that was introduced, given first and second reading at the last Session of the Legislature and was allowed to die on the Order Paper. We have made a couple

of changes; the major one is with respect to the penalty clauses — something that I am confident all Members of the House were having problems with.

The basic principle of the bill, Mr. Speaker, is that if people are trespassing on private property and the owners of that private property do not wish to have those people trespassing there, this bill provides a mechanism for them to be removed.

Motion agreed to

Mr. Clerk: Second reading, Bill Number 17, standing in the name of the Honourable Mr. Lattin.

Bill Number 17: Second Reading

Hon. Mr. Lattin: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 17, *An Ordinance to Amend the Lands Ordinance*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Member for Hootalinqua, that Bill Number 17 be now read a second time.

Hon. Mr. Lattin: Mr. Speaker, it is with great pleasure that I introduce these amendments to the *Lands Ordinance*. These changes deal primarily with the pricing of land under the management and administration of this Government. These changes, Mr. Speaker, will provide a greater measure of flexibility — a much needed flexibility to respond to the needs and aspirations of Yukoners.

As it now stands, the *Lands Ordinance* specifies land be sold at market value — or leased at an annual rental of 10 percent of the appraised value. Mr. Speaker, the market value approach is an admirable and readily understood system; however, it does have its limitations and, after a careful and considered review, this Government has undertaken to modify this system, to enable very worthwhile programs of this Government to proceed.

This Government is firmly committed to the principle that land development programs should be operated at a cost recovery basis. This is not a profit-oriented program, Mr. Speaker, but cost recovery.

In times when demand for lots is soft or, alternately, particularly strong, it could be argued that cost recovery sales do not adequately reflect market value. The change to the *Lands Ordinance* will enable this Government to clearly establish the cost recovery scheme as one of the basic pricing programs of this Government: a scheme, Mr. Speaker, with great public acceptance.

The record of this Government in providing high quality serviced residential lots at moderate cost would be enviable in any jurisdiction. This Government has, in recent months, reviewed a recreational cottage lot sales program, which we intend to introduce once the transfer of Federal cottage lots is concluded.

Mr. Speaker, proposed changes to the *Lands Ordinance* will enable this Government to implement the proposed sale policy, and offer lessees the option to purchase their lots at an attractive price. This great flexibility in pricing, Mr. Speaker, may also be useful in encouraging agricultural enterprises, or perhaps in the encouragement of industrial or commercial ventures in Yukon communities.

Mr. Speaker, land is a public resource, and the management of that resource is an important function and an important responsibility. Land is also a strategic resource, and the proposed amendments to the *Lands Ordinance* will enable this Government to assist Yukoners to own land — whether for residential, industrial, agricultural or other uses.

The proposed amendments, Mr. Speaker, will enable this Government to establish pricing and disposal regulations by class of land: a serviced residential or country residential class or rural residential class, a recreational class, et cetera. The classes themselves, Mr. Speaker, will be based on a number of variables, or a combination of variables, such as location, whether urban or rural, the nature of the land, size of the parcel, the development costs, the use of the land, that is zon-

ing, conditions attached to the disposal taking into consideration caveats, and place of residence of the applicant.

Under this particular section, Mr. Speaker, the Government may establish residency requirements for eligibility to purchase certain Government lands, such as limited recreational lands. These amendments will also provide the Government with the flexibility to establish new and innovative methods of offering land for sale or lease.

Of course, Mr. Speaker, the fundamental principle will always be advertised sales, with equitable treatment of all eligible persons.

As you can see, Mr. Speaker, this Government has taken a bold step to provide legislative sanction for equally bold initiatives in the pricing of land; for example, rural residential and recreational lands — programs the Members are already familiar with.

The bottom line, Mr. Speaker, will continue to be the recovery of the development costs, but, where desirable and practical, we will be able to design land programs to facilitate the ownership and leasing of land.

Of course, the market value system still has an important place under these amendments. Unless other regulations are proclaimed for worthwhile reasons, land will continue to be sold at market value, or at least at an annual rental of ten percent of market value.

Mr. Speaker, I trust the Members opposite will allow speedy passage of this important piece of legislation. It is designed to provide optimum benefit to all Yukoners, and there are several specific programs awaiting the passage of these amendments.

Thank you, Mr. Speaker.

Mr. Fleming: I must rise on the principle of this ordinance. I think it should be called an ordinance to amend the regulations, or just an ordinance for providing regulations. I find many areas that possibly should be in the *Lands Ordinance*, knowing at the time there was not really anything in the *Lands Ordinance* to amount to anything. I find that this is just an ordinance that has been brought forth to really loosen everything up so you can make nothing but regulations, and I would presume there would be no *Lands Ordinance* needed from here on in because we have it all right here. It is a wide open book, and that is all I am going to say about it until we get into the specifics.

Mr. Veale: Mr. Speaker, my initial comments in principle are very similar to the Member's, the Member for Campbell. We have been expecting a *Lands Ordinance* which would commit this Government to a principle and a position. What we are now seeing is legislation which completely opens up the door. It is called "legislation by regulation". You do not in fact legislate anything, you just legislate the power to change it on a day to day basis.

Mr. Penikett: With respect to the observation that this bill is a bill to give power to regulate, it resembles much legislation in Ottawa; that, I think, is very disappointing. When we came into the first sitting of this new Legislature, there were a lot of proud words about how we were going to be doing away with this regrettable kind of legislation. We were going to be having legislation that stated the principles in the bills, and limited the power to make regulations, and to generally assert the rights of a Legislature to set the policy, and not to surrender these rights to officials.

I must say to the Minister of Municipal Affairs, since he and I have communicated quite a lot about this question of lands and developed some understandings, that what he says today is quite right. The trouble is that we are not debating what he said; we are debating the principle of the bill. The cost recovery scheme or the modified market principles were in the speech but they are not in the bill.

The zoning principle he talks about, which is one I support — in fact I would like to see legislation establishing a land commission so we could do the zoning all over the Territory, not just for agriculture land and housing land, for other land uses too — is in the speech, but it is not in the bill.

So, Mr. Speaker, I am somewhat at a loss. It is very difficult it seems to me to debate regulations which are not here. I understand, Mr. Speaker, by the way, that the regulations are ready. I understand they are ready for distribution for some kind of public hearing and airing. It is a pity that they were not brought to this House to be appended with the bill, so that we could discuss them at the time of second reading.

This is a regrettable kind of legislation, Mr. Speaker.

Given that omission, I would like to move, seconded by the Member for Faro, that the Motion for Second Reading of Bill Number 17, *An Ordinance to Amend the Lands Ordinance* be amended by adding after the word "second time", the following words:

"and be referred to a Special Committee on Lands Legislation consisting of Messrs. Falle, Hanson, Njootli, Tracey, Byblow, Fleming and Mrs. McGuire; and

that the Committee review and report to the House, its findings concerning Bill Number 17 and any proposed regulations thereto; and

that the Committee be entitled to sit during periods when the Assembly is prorogued or adjourned; and

that the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee."

Mr. Speaker, I will provide, with the courtesy of the Clerk, copies of the amendment copies of the amendment. Given the amendment just proposed, Mr. Speaker, on the previous motion to establish a committee to deal with another important policy matter, and given the lack of any information about the principles in the legislation, other than the Minister's speech, I feel sure that all Members will support this motion enthusiastically, saving and except those Members who did not support the previous motion to establish a committee.

It is, I think, important to recall with respect to the Minister — as much as I liked much of what he said, Ministers, in this place especially, have a habit of coming and going. Bureaucracy, it will be observed, goes on and grows on forever, and it is that, not this particular Minister, which will be writing the regulations in perpetuity in this ordinance. Once these regulations are written, they are of course subject to the careful and painful scrutiny of the Standing Committee on Statutory Instruments, which does excellent work, Mr. Speaker, but I doubt they would have time to, in fact, get their teeth into this matter in order to get land on sale.

I am sure, given the other committee that has just been established — we could have a sister committee or twin committees going out to work right away, Mr. Speaker, dealing with the principles that will be in the regulations but are not in the bill — we could have the matter resolved. I think a report could be given perhaps by May. We could call the House back together, and have a bill with some principles in it which would meet with enthusiasm and the support of the public, and which I am sure would be heartily endorsed by all Members of the House.

I think not to do this, just to simply adopt this pig in the poke, this empty vessel into which we are going to pour regulations — notwithstanding the Minister's commitments, because, with respect, Mr. Speaker, he cannot promise us that he will be here next week or next month or next year and we do not know who will be writing the regulations. Therefore, Mr. Speaker, I think that in the mood of cooperation, committeeism and research that has been pervading the House this afternoon, my amendment will receive enthusiastic endorsement by not only all Members opposite but also the Government Leader, who has always opposed this kind of legislation which gives all the power to the officials to make regulations.

Thank you, Mr. Speaker.

Hon. Mr. Pearson: Mr. Speaker, I am rising to state very emphatically that this is a Government under a democratic system. It is not a Government under some kind of committee system.

The bill before the House is a Government bill, Mr. Speaker. It is a Government-sponsored bill, and when it comes to the

writing of regulations, all Members must realize that the rules have changed. I have always been very much opposed to regulations. Mr. Speaker, I was really opposed when we gave the Commissioner — who is the dictator of the Yukon, albeit a benevolent dictator — gave him carte blanche to write regulations; we do not do that any longer. When we give the power to make regulations now, those regulations are made by this Government. They are Cabinet regulations; they are not bureaucratic regulations as the Honourable Member was referring to.

Now, Mr. Speaker, the amendment might be very well-meant but it is ill-founded, in that we are not a Government of committees. We are quite prepared to stand up and be counted. We do have a land policy. We intend to implement that land policy. We need this bill in its present form with the amendments that are before this House, in order that we can implement our land policy.

Hon. Mr. Lattin: Mr. Speaker, I see this amendment as another time-consuming process. The people who want land and are waiting for land will be denied land for another year. Mr. Speaker, I cannot see what a committee would do to get that land to the people who want land, any more quickly. In fact it is going to impede the distribution of this land for the people who need it; Mr. Speaker, I think we have one responsibility and that is to get the land out to the people who want it.

Mr. Speaker, as far as the regulations are concerned, there is no one set of regulations proposed. We are considering regulations for different classes of land. Mr. Speaker, I would submit to you that maybe tomorrow or down the line, there will be another class of land that will need some regulations, and I cannot see how a committee on regulations sitting today will be able to address that. So, Mr. Speaker, I think all this amendment does is slow down the disposal of land to the people who want it.

Applause

Mr. Speaker: Order, please. Perhaps I erred in that I did not place the amendment before the House. I will do so at this time.

It has been moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Faro, that the motion for second reading of Bill 17, *An Ordinance to Amend the Lands Ordinance* be amended by adding after the words "second time" the following words:

"and be referred to a Special Committee on Lands Legislation consisting of Messrs. Fall, Hanson, Njootli, Tracey, Byblow and Fleming and Mrs. McGuire; and

that the Committee review and report to the House its findings concerning Bill Number 17 and any proposed regulations thereto; and

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

that the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee."

Mr. Fleming: Mr. Speaker, I will definitely rise in support of this motion, although I was a little surprised by it. It is very interesting to note that the Honourable Member who presented this motion placed four on the Government side and three with the Opposition so that really the Government would still actually have the power and control. It is also interesting to note that if we have very many of the ordinances of the type we have here today like Bill Number 17; if we could get one of those for each ordinance, we would have no need of a Committee on Regulations, none whatsoever, because there would be no way to change a regulation or do anything with it other than just accept it; the fact would then be that they are all legal.

I feel that maybe Mr. Tracey will respond to this motion and accept it. However, I will, as I say, accept the motion and I will vote for it, because, I think, in time, — and this may be just a myth at the moment — this House may see such things going on continually. I hope that it might be the case, when we have a few more Members in the House, that we may have committees that sit on many of these small ordinances and things,

other than the Budget. This just may be a practice session. I will support it.

Mr. Graham: Mr. Speaker, the amendment kind of hits at a soft spot because I agree with the principle behind the amendment. I agree that bills that have a great deal of affect on the public in the Yukon Territory should be discussed by committees of this House; should be taken to the public, and the public should have the power to make representations on bills going through this Legislature that affect the general public of the Yukon Territory.

Unfortunately, in this instance, I feel very badly that I will have to vote against the amendment — I suppose one reason is because we did not have any prior notice. Unfortunately, the Government had not timed the bill in such a manner that there is time available to carry out the public hearings, if necessary, and the necessary deliberations by such a committee. However, I must state emphatically that I am in favour of the principle of this type of legislative committee, and I will be voting against this motion only because of the fact that I believe it was improperly thought out and improperly presented to the Legislature at this time. I will not be voting against it because of its principle.

Mr. Speaker: Division has been called. Please, Mr. Clerk, would you poll the House?

Hon. Mr. Pearson: Disagreed.

Hon. Mr. Lang: Disagreed.

Hon. Mrs. McCall: Disagreed.

Hon. Mr. Lattin: Disagreed.

Mr. Njootli: Disagreed.

Mr. Graham: Disagreed.

Mr. Falle: Disagreed.

Mr. Tracey: Disagreed.

Mr. Veale: Disagreed.

Mrs. McGuire: Agreed.

Mr. Penikett: Agreed.

Mr. Fleming: Agreed.

Mr. Byblow: Agreed.

Mr. Clerk: Mr. Speaker, the results are four yea, nine nay. *Amendment Negatived*

Motion agreed to

Mr. Clerk: Third reading, Bill Number 2, standing in the name of the Honourable Mr. Pearson.

Bill Number 2: Third Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Mayo, that Bill Number 2, *Interprovincial Subpoena Ordinance*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Mayo, that Bill Number 2 be now read a third time.

Motion agreed to

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

Hon. Mr. Pearson: Yes, Mr. Speaker. I move, seconded by the Honourable Member for Mayo, that Bill Number 2 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Mayo, that Bill Number 2 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 2 has passed this House.

Mr. Clerk: Third reading, Bill Number 3, standing in the name of the Honourable Mr. Pearson.

Bill Number 3: Third Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 3, *Survival of Actions Ordinance*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Tatchun, that Bill Number 3 be now read a third time.

Motion agreed to

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

Hon. Mr. Pearson: Yes, Mr. Speaker. I move, seconded by the Honourable Member for Tatchun, that Bill Number 3 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Tatchun, that Bill Number 3 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I will declare that Bill Number 3 has passed this House.

Mr. Clerk: Third reading, Bill Number 4, standing in the name of the Honourable Mr. Pearson.

Bill Number 4: Third Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 4, *International Child Abduction (Hague Convention) Ordinance*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Hootalinqua, that Bill Number 4 be now read a third time.

Motion agreed to

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

Hon. Mr. Pearson: Yes, Mr. Speaker. I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 4 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Hootalinqua, that Bill Number 4 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I will declare that Bill Number 4 has passed this House.

Mr. Clerk: Third reading, Bill Number 8, standing in the name of the Honourable Mr. Pearson.

Bill Number 8: Third Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse Porter Creek West, that Bill Number 8, *Third Appropriation Ordinance, 1980-81*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 8 be now read a third time.

Motion agreed to

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

Hon. Mr. Pearson: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 8 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 8 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I will declare that Bill Number 8 has passed this House.

Mr. Clerk: Third reading, Bill Number 14, standing in the name of the Honourable Mr. Pearson.

Bill Number 14: Third Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 14, *Miscellaneous Statute Law Amendment Ordinance, 1981 (No.1)*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 14 be now read a third time.

Motion agreed to

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

Hon. Mr. Pearson: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 14 do now pass and that the title be as on the

Order Paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 14 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I will declare that Bill Number 14 has passed this House.

May I have your further pleasure?

Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for 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 Member for Whitehorse Porter Creek West, seconded by the Honourable Member for 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 call the Committee of the Whole to order. We will be considering Bill Number 15 and Bill Number 17 this afternoon.

I would like to call a short recess at this time.

Mr. Chairman: I call the Committee of the Whole to order. At this time I would like to refer Committee to Bill Number 15, *Petty Trespass Ordinance*.

Bill Number 15: Petty Trespass Ordinance

On Clause 1

Hon. Mr. Pearson: Mr. Chairman, as I stated at Second Reading on principle, this Bill has been before Committee once before. It was given some consideration; there was some discussion, and there were some major objections raised by Members of Committee. I felt that they were very valid. We took the bill back, looked at it again, and in view of the objections that were made by Members of Committee, we have made some amendments. I hope that those amendments will remove the objectionable parts of the bill, and make it one that will be a better piece of legislation for everyone in the Territory.

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Mr. Byblow: I would like to inquire as to the full implications of that particular section in a practical sense. Could the Government Leader give me an example of the application of section 3?

Hon. Mr. Pearson: Yes, Mr. Chairman. The practical application is that if a shop owner, a store manager, shopping mall owner or manager, a school principal, vocational school principal or teacher, university, college, or anyone in charge of any of these things, finds it necessary to ask someone to leave the premises and that person refuses to do so, they can call upon the local constabulary for its assistance in removing them.

Mr. Veale: I would like to ask the Government Leader what remedies there are for a citizen who is — let us take the issue of a public shop or a shopping mall, and let us take an example that the Member for Whitehorse West has criticized — the food prices of Super Valu. He walks into Super Valu and Super Valu says, "You are trespassing", and the Member insists that he has to come in to buy things, and they call the police, and the police eject him. What I am asking is, what does the bill do to ensure that there is not that kind of clear-cut abuse?

Mr. Graham: Well, Mr. Chairman, I think that the bill could possibly be misused in that way, however, I find it quite difficult to believe that it will be, because for a person to be ejected by the RCMP, I think that the RCMP are going to have to be

convinced that he actually is trespassing. It is just difficult, in my mind, to imagine why any store operator or school administration personnel would eject some person simply because of his political beliefs, however wrong they may be, and because of some criticism that he has made. You know, I think we have to trust in the common sense of some people — even if we cannot.

Mr. Veale: Well, Mr. Chairman, my question is: what remedies does a citizen have, when all the formalities of the ordinance have been complied with, and he is going to be charged, and the reason for his being given notice of trespassing is a completely spurious one, such as the length of his hair; whatever the situation. What remedies does the citizen have?

Mr. Graham: Mr. Chairman, if he is going to be charged with trespassing, then obviously he is going to have to be taken to court and have it proven that he is trespassing.

Mr. Veale: I think the point that is being missed is that the legislation simply states that if he is given a verbal notice and you say, "Don't trespass", there is no cause that has to be given; no reason that has to be given; then the person can be charged, and the elements of the offence are there if the person comes back into the store. My question is: what are the remedies for the individual who is given no just cause for his trespass? It is just because the store owner does not like him.

Hon. Mr. Pearson: That is the exact reason for the bill. Mr. Chairman, let everybody be up front about what this bill is about. This bill makes it very explicit that if a principal of a school says that, because he does not like the way you part your hair, you shall remove your body from the school or the grounds, then you are going to do it or he is going to be able to charge you with trespassing. That is what the bill says. He does not have to give you any reason, but he is going to have to phone the RCMP and get them to come over and he has to convince them, then, that you should be removed.

Also, if you are the owner of a shop or the manager of a shop and you want that person removed, you can do so. That is what the bill is all about.

Mr. Veale: Then, Mr. Chairman, the Government Leader has just agreed that this is a bill which this Government condones as being a complete abuse of an individual's civil rights in a public premise in this Territory.

Hon. Mr. Pearson: Mr. Chairman, I happen to be aware of the fact that the Honourable Member for Whitehorse West inquired very extensively into exactly how abusive of civil rights this bill is, and I am confident that he would be happy to give the House the essence of the reply that he received to that inquiry.

Mr. Fleming: Apparently the Honourable Member is not prepared to do so. I am a little worried about the bill myself.

Mr. Penikett: Mr. Chairman, I would be quite happy to circulate it. If I can find my copy I will make copies for everyone.

He is referring, Mr. Chairman, and let me make that clear, to the reply I received from the Human Rights Commissioner of Canada, Mr. Gordon Fairweather, to whom I wrote about this Ordinance. I also wrote to the Canadian Civil Liberties Association about the bill; that was following some correspondence I had with — I cannot remember what they call it — I think they call it the Bar Association or something here in Yukon who had expressed some concern about it.

The Canadian Civil Liberties Association, though, answer their mail about as frequently as Mr. Lang, or as Mr. Lang's answers in the mails, especially on the subject of COPE, and I have not heard from them yet.

Mr. Fleming: This is the one section that I had a problem with, myself, and still do, really. I know if you are creating a nuisance or anything like that that there is a law now; you can call the police and charge them: if you can prove the case, and you are sure there is, you have to charge them. That is exactly what the problem is here.

For instance now, I have a problem with my vehicle, and I take it to the shop and I have a repairman work on it, and he

charges me \$150 and I drive out that day; I get down the road and I find that he has really made a mess of that job. I come back; I come in and I want to talk business, and I want to talk about what has happened to me as an individual. I say, "Look, I really wish to have something done, because after all you have really messed it up, and I can show you where you have." He, in turn says, "Oh, no, I have not." We possibly get into a slight little argument and he says "No, do not bother me, there is a *Petty Trespass Ordinance* and it says you cannot fool around here. Just take off."

If I do not take off, I can merely stand there and do nothing. But the fact remains, he has told me to get out, and I do not have a right to even talk to him about it anymore. If he phones the police and they come down, the proprietor, in your view, does not have to lay a charge. I have committed a crime, payable of, I think possibly, \$1,000. I find that really does step on human rights. You just do not have the opportunity to even speak your piece any more, because they can just tell you to get out, and you have had the biscuit. I think that somewhere along the line in that section that "shall trespass without cause on that premise or shop" or something, I can see that. I would be quite prepared to go along with that, because that is exactly what happens. If you have a cause, you have something to fight back for.

Also I do not believe that the proprietor should be able to chase you off there without just cause again. That should be binding on both parties.

Mr. Graham: Mr. Chairman, I think you are missing one point. A person can give notice not to trespass and can have the RCMP called to escort a person off the premises, but that in itself, does not result in a conviction. All the RCMP may do under those circumstances is escort the person, I would imagine, to the police station, establish the identity of the person who is alleged to have committed the offence, and then the person shall be released upon his identity being established. I think that is the important thing. The only way that you are going to get nailed with a fine up to \$1,000 is if you are convicted. On summary conviction, you are liable to a fine of \$1,000.

So I think if you feel you have been wrongly put off a person's property, then one of the simple solutions is to go back and insist that the person either reconsider his decision to ask you to leave his property or else you will continue coming back. At that point, the proprietor or the principal of the school must make a decision: either to charge you with trespass and deal with the situation that way or continue to have the RCMP come and escort you off the premises each time that you come on. I think that that would get to be a tiresome thing, after about the third time that you came back in the same hour.

Mr. Veale: Mr. Chairman, it is then quite clear, is it, that if a person is given notice that he is trespassing, and he comes back to discuss the matter and the owner of the premises does not want to discuss the matter, he can be charged just for coming back to discuss the matter? In other words, for coming on the premise, is that right?

Mr. Graham: I think, Mr. Chairman, that as a lawyer, he must understand, too, that being charged and being convicted are two different things. I guess you can be charged for anything; then the question is whether or not you are going to be convicted, once you present your case to a court. At least this person, if he comes back and he is charged, has the right to defend himself, as opposed to some of us.

Mr. Veale: Mr. Chairman, it is nice to know that the remedy of the citizen is to go through a criminal charge to establish that a trespass...

Hon. Mr. Lang: You think it is a criminal charge? Read the Ordinance.

Mr. Veale: It certainly is a criminal charge. It is a summary conviction criminal charge. Good lord!

But, Mr. Chairman, my point is this. One of the difficulties with this legislation is that it allows a person to make an arbitrary decision with no reason at all, no grounds — I do not like

the colour of your hair, perhaps — and then the person who is given that notice can never again appear in that store for the rest of that person's life, unless that is revoked by the owner of the store. I find that really objectionable.

Mr. Tracey: Mr. Chairman, I think something is being totally forgotten in this establishment here, and that is the rights of the individual who owns that building or the business. Does he not have some rights, too? I think one thing that we have been hearing all over Canada, everywhere, is let us protect the criminal and forget about the others.

As a businessman, there have been lots of times when I would have liked to have kicked somebody off my property, somebody who has done a lot of damage to my property. There is no way you can keep him off, absolutely none. You have a license to run a public establishment; he has the right to walk on it and do whatever he wants, any time he wants, call you names, do whatever he wants. What is the matter with protecting this individual once in a while, instead of all the time looking after the other guy, the little guy, supposedly. We are making the businessman and the property owner the little guy all the time, in this day and age.

Mrs. McGuire: I just want to ask Mr. Tracey, being a businessman: say if he came out on this food price war thing, and he bought groceries from Kelly Douglas, and he came on really strong and made some really bad accusations against Kelly Douglas, and it hit the press, the next time he goes up for a load to Kelly Douglas they could very well say, "out the door, you are trespassing, Howard". That is right, it could very well happen.

Mr. Chairman: Order, please. Order, please.

Mr. Tracey: Mr. Chairman, in a situation like that, I would have the right to go to court too against Kelly Douglas. I mean, it is not one-sided by any means.

Mr. Veale: Yes, Mr. Chairman, I would like to ask the Government Leader if this legislation is going to be subject to the *Fair Practices Ordinance*?

Hon. Mr. Pearson: I would think automatically it would be, Mr. Chairman, and I cannot see any reason why it would not be. I would like to know if the Honourable Member has a specific reason for asking such a question. If he has, I would be very happy to hear it.

Mr. Penikett: Mr. Chairman, the answer to the question is, obviously, that it would not. Because, as I understand the genesis of this Bill, it is to make sure you do not have any dope dealers hanging around the school yards. A thoroughly commendable purpose for dealing with a particular problem which, I think, should have been dealt with by some specific legislation. But one of the neat tricks of the *Fair Practices Ordinance* is that the Government is exempt from it. I would guess that school property is Government property, and therefore school property would be exempt. Therefore, if you have got a teacher who happens to be designed in a certain way such that he does not like people with turbans, that's it.

Hon. Mr. Pearson: No, Mr. Chairman, that sure is not it at all. There is no denying that one of the reasons this piece of legislation is here is to afford some protection to the school children of this Territory that is not now available under any legislation. Mr. Chairman, we have got a tremendous amount of advice on this legislation: legal advice, police advice, education advice. It is not a pretty piece of legislation; it is not one we particularly want to deal with, but, Mr. Chairman, it is one we feel this Territory has proven is absolutely necessary.

Mr. Veale: I think, Mr. Chairman, there is no disputing that this Bill is designed to protect the public. There is no dispute over that. The dispute is quite clearly over the area where it infringes on the right of an individual, and allows for an arbitrary decision on the part of some person.

Now, I would be interested, and I am sure the Government would be interested, in letting us hear from the draftsman of the Bill, as to what the consequences are regarding the application of the *Fair Practices Ordinance*, because I am sure that the Government would have no objection whatsoever to having

an amendment, writing that in, and making it quite clear, so that there is no dispute there. Perhaps the same thing would apply to the Human Rights legislation that this Government is probably considering for the fall Session — that those things could actually be written into the legislation so that there would be no dispute.

I would ask, Mr. Chairman, if the Committee would be agreeable to having the draftsman for the Territory appear as a witness, so that we could ask him some of these questions.

Mr. Chairman: We have a request from a Member of the Committee for a witness to appear for Bill Number 15. Is the Committee prepared to agree?

Hon. Mr. Pearson: If the Honourable Member is going to exhibit his legal training now, and ask a bunch of legal questions, then on behalf of that draftsman, Mr. Chairman, I am going to ask notice. I would like to know the questions that he would like to ask the draftsman, so that he can have the answers, and I am sure he will be able to have the answers. If one of the questions is with respect to Fair Practices legislation, fine and dandy. What other questions would he have that

Mr. Chairman: We do not have any discussion regarding the witness. The procedure is quite simple. **Hon. Mr. Pearson:** I am sorry, Mr. Chairman, if you will, this is Committee. If we are going to have witnesses, I am going to know on what rules and conditions we are going to have them. It is quite proper for this Committee to discuss what the witnesses are going to be asked, and what they are going to answer.

Mr. Veale: If I might just speak to that, Mr. Chairman, I am somewhat surprised by the solicitor for the Government's requiring notice of questions. I will certainly give notice of all I can think up, but there may be others that come. He appeared here yesterday on legislation presented by the Government and it is helpful to have him there, because we in fact did make a correction to the legislation yesterday. I think it would be useful to have him. I am going to ask that specific question. I would also like to ask him what remedies could be put into the legislation to ensure that the arbitrariness we have been concerned about on the Opposition side can be dealt with. This gentleman is a professional draftsman, and he may have some excellent advice for this House.

Hon. Mr. Pearson: But, Mr. Chairman, the Honourable Member has got to realize that this bill was here, was withdrawn, and it has been reconsidered after all of the discussion that took place in the last Session. The issue of remedies was one that was discussed and discussed and discussed. Mr. Chairman, respectfully I submit that, if there were any remedies that the draftsman felt could be put into the bill, he certainly would have been making those recommendations to us, prior to the bill's being re-tabled in the House.

Mr. Veale: Mr. Chairman, I read the draft that the Government presented in the fall, and I have read the draft today. The only change that I am aware of is the change on the offense side, which makes a first offense a lesser punishment than the second offense.

To me, it does not really address the guts of the arbitrariness issue, concerning what does an individual do? What rights does an individual have? The Government is now saying that the only right the individual has is to go in and challenge the owner of the corner store and face a criminal charge. My suggestion is that there must be other avenues that we can explore. I would like the draftsman to come in; if the draftsman gives his opinion to us, we know where he sits.

Hon. Mr. Pearson: Mr. Chairman, I have no basic problem with it at all. It is quite an order for us and there is nothing wrong with us having the draftsman appear.

One thing, Mr. Chairman, the Honourable Member must understand: this is Government legislation; it is not the draftsman's legislation. That is a fact that has to be considered, as well.

Mr. Chairman: The normal procedure for calling the witness is for you to entertain a motion for the witness to appear,

and thereafter the Chair will entertain debate and call question on it.

Mr. Veale: We have had the debate, Mr. Chairman. I move that the Committee of the Whole call Jim Almstrom as the witness.

Mr. Chairman: Is the Committee prepared for question?

Hon. Mr. Pearson: Might I speak to the motion?

Mr. Chairman, might I suggest that we carry on with the bill, leave section 3 standing over for now, and come back to it if we must? Mr. Almstrom is being paged at the moment, and, all things being equal, should be here within 15 minutes.

Mr. Penikett: Mr. Chairman, in this debate on the motion, could I establish this point of fact: is Mr. Almstrom the drafter of this bill?

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

Motion agreed to

Mr. Chairman: The Chair would like to ask unanimous consent for Clause 3 to be stood over until the witness appears.

Some Members: Agreed.

Clause 3 stood over

On Clause 4(1)

Mr. Penikett: Mr. Chairman, this is the section to do with towing away my pickup truck from the airport. I do not think there is anything changed about this; it is still going to happen, I guess.

Maybe I could ask the Government Leader if any of the issues — is it possible that Clause 4 should be stood over, too? I take a pickup truck being towed away from the airport very seriously, but it is probably not as serious an issue as some of the earlier ones. With respect, could I beg leave of Committee? It seems we ought to, before we clear this thing, establish whether there are any questions on this section which ought to be put to the witness, too. There may not be, in which case we could clear it.

Hon. Mr. Pearson: Mr. Chairman, once again, I am getting a little concerned about where this is going.

Mr. Chairman, the Honourable Members opposite must recognize that they will not be allowed to question the witness on policy. If they have got policy questions, they must ask us and we will answer them. If we chose to refer questions on drafting to the witness, then that is fine. Mr. Chairman, they cannot pick the draftsman's mind with respect to policy. That is our job.

Mr. Penikett: Mr. Chairman, I am more than ready to accept that limitation. The problem, the Government Leader will accept, and I say this with respect to him, is that the questions we have are probably about law, and there is no one on the other side who is able to answer those questions.

I think the policy is quite clear, if that is the problem. I think it is questions about law which a lot of us are skeptical about, and those are the answers we need.

Mr. Veale: Mr. Chairman, I do not want to belabour that. If a question is policy or a question is law, I really do not see that it is of great concern if the witness can answer a question. What is a question of policy and what is a question of law? If we are going to fight about that —

Look, we can take 20 minutes with the witness and surely to Pete we can get some answers from him. If he gives an answer which you feel is policy and you disagree with it, well, that is your prerogative. I have no problem with that, that is what you are there for.

Hon. Mr. Pearson: I think you misunderstand. That is not my concern at all, Mr. Chairman, because the witness knows the rules very, very well, better than anyone else in the House.

Mr. Chairman: Is there further discussion on Clause 4? Shall Clause 4 clear?

Hon. Mr. Pearson: With respect, the Honourable Member for Whitehorse West has asked that it be stood over, and I am quite prepared to have it stood over. It would seem that my suggestion that we go on with the Bill is not a valid one. Maybe we should forget about it until the draftsman does appear.

Mr. Penikett: Well, Mr. Chairman, let me try, with a

straight face, to make the point about pickup trucks at the airport. I had a legitimate concern about a federal official, under what law I do not know — there is probably some law somewhere which says, "And some turkey in the Minister of Transport can make such regulations as he deems necessary to do whatever he likes to anybody at any place at any time," — there are a few laws like that — but what bothers me is that you can have, not just power to evict people, but some power exercised something like this: we pass a law here that allows some federal authority, who are supposed to be the bad guys most of the time, to make some regulation about how we should operate some facility, even though it is a federal airport. They pass some regulations which are designed for downtown Toronto or Ottawa or the parking lot in Vancouver at the International, and then we have to suffer the inconvenience of sliding through the ice or sliding through the mud, or whatever, just to live up to their regulations. That is bad enough, but what is even worse is that we then pass a law which says, "Whatever they do is absolutely inviolate, whatever they do is all right." They can tow your pickup away if your CP Air plane is late coming in, or whatever. It seems to me that there is a whole question of levels of authority here. I have no doubt that the Parliament of Canada is supreme, or is superior to this Legislative Body, but I have a gut feeling that some federal bureaucrat has more authority than this Legislature, in matters which seem to me entirely our responsibility to legislate. It seems to me a bit of a cop-out for us to say, well, okay, whatever rules they make, we are going to make sure that the police enforce them. Even if they are stupid laws; even if they are stupid regulations; even if they are designed with no sensitivity of the local environment or conditions whatsoever." It seems to me that that is a very peculiar proposition.

Hon. Mr. Pearson: Mr. Chairman, I respectfully submit to the Honourable Member that he should not be coloured in his consideration of this by his own unfortunate experience. Whether we pass this legislation or not, if he illegally parks his truck at the airport, the fed's are going to haul it away every single time. The have that right. Mr. Chairman, it is not a faceless bureaucrat who is doing this. It is the Ministry of Transport. Don't blame the poor bureaucrat up the hill. Heavens, he is just doing his job. He did not make the rule. The Ministry of Transport, the Federal Government, made the rule. Whether we pass this legislation or not, I guarantee the Honourable Member — and I am confident that the Leader of the Opposition, as a lawyer will confirm what I am saying — if that truck is parked there illegally, according to the Federal Government, they are going to impound it every time.

Clause 4(1) agreed to

On Clause 4(2)

Clause 4(2) agreed to

On Clause 4(3)

Clause 4(3) agreed to

On Clause 4(4)

Clause 4(4) agreed to

On Clause 4(5)

Clause 4(5) agreed to

On Clause 5(1)

Mr. Veale: Mr. Chairman, I would just like to point out to the Committee that Clause 5 is one of the clauses that, again, causes some difficulty because of the possible abuses of it. Basically, you can use it for other reasons. You want to get someone's identity, and you can come in under the *Trespass Ordinance* and pull all sorts of things. I do not take as great umbrage with it as I do with the possible arbitrariness under the previous section, Section 3, but I would express a concern for possible abuse.

Hon. Mr. Pearson: Mr. Chairman, once again, I do not have any argument with the Honourable Member and the concern that he is expressing. I am positive that it is a concern that everyone in this House feels. But it is again, Mr. Chairman, one of those things where nothing is for free; everything costs us something. The capability of being able to deal with this kind of

a problem is going to cost some freedom. There is little doubt about that. I think it is repugnant to everyone, but we honestly feel that it is an absolute necessity.

Mr. Fleming: Mr. Chairman, this question is not covered by any particular spot in the ordinance but carries right through the whole ordinance. I am wondering what the position would be—and this is in the Yukon Territory especially, pertaining to Clause 2 where it states, "any land or parking purposes and trespass" etc., and, of course, the authority, "any authority on the premises owned, occupied" and so on all the way through it—when I am looking at a piece of lease property where the lessee actually has no authority to fence, to control or to say, "You can't drive through the road that is already there"; or anything of that nature, he has no authority whatsoever, really. However, he is the occupier of that place. In here it says the occupier can say, "You can get off". I am wondering how this ordinance would work in the situation which I have attempted to describe.

Or, say you were using a little road going down to a recreation area or something, and it went across his leased property; the occupier supposedly has a say as to whether you should or not. However, under federal laws and so forth, the lessee has no right, in the sense that he is the occupier. I wonder just how this would work there.

Hon. Mr. Pearson: Mr. Chairman, I am not sure of all the law in this, but I can relate one incident that I am aware of that happened in Yukon, in the not too distant past, where a person who has an agricultural lease in the Yukon Territory was able to establish ownership to the degree that the Ministry of Transport had to seek his permission to go onto that land to survey it for an extension to an airport.

Now, there was little doubt about it. He had the right, evidently, to stop trespassers, because he had a lease on that land.

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

Mr. Chairman: The Chair cannot carry the title of the Bill until we consider a clause which was stood over.

Hon. Mr. Pearson: Mr. Chairman, it seems that we are having some difficulty contacting the draftsman. As I am sure all Members are aware, he works on a contractual basis for this Government, and he must be away doing something else at the moment. So we will very likely have to stand the Bill over until another day, Mr. Chairman.

I would hope then that you do report progress on this Bill.

Mr. Penikett: Mr. Chairman, before you hear that Motion, I wonder if there is another suggestion which could accommodate us. We have a little bit of time left. It is a long time since we have enjoyed the presence of the Deputy Minister of Justice. Well, he is a delightfully entertaining witness, Mr. Chairman, and I am sure he could regale us with stories for hours on this Bill. I am sorry that he is not here. Were he here, I would suggest that he substitute for Mr. Almström.

Mr. Chairman: The procedure by which the witness was called is still not satisfactory to the Chairman. The Member is supposed to file notice that the Committee Chairman call a witness.

This is new to the Chair here. It is quite in order, then. The Chair is going to stand over the Bill, and then refer Committee to Bill Number 17 at this time, *An Ordinance to Amend the Lands Ordinance*.

The Committee shall now consider Clause 1, general debate.

Bill Number 17: An Ordinance to Amend the Lands Ordinance

On Clause 1

Hon. Mr. Lattin: Mr. Chairman, when we had second reading of this bill, I explained it. At this time I cannot add any more to my initial remarks. I would think that, as we go through the

bill, clause by clause, if there are any questions, I would be glad to answer them. At this time, Mr. Chairman, I cannot add any more than what I said previously on second reading.

Mr. Penikett: Mr. Chairman, it seems to me that since all the information that is pertinent to a Committee stage discussion is contained in the regulations of the classes of land the Minister is about to release, and since, as I understand, draft regulations have already been prepared by his officials, ready for public discussion for those particular classes of land, I wonder if the Minister would undertake to table before this Committee such regulations as may be pertinent for our discussion, not so that we may discuss those regulations, but so that any questions arising from those tabled regulations may be appropriately asked during committee stage of this bill?

Mr. Chairman, I submit that without having those regulations before us, at least to have a quick look at, an intelligent discussion of this bill is not possible in Committee stage.

Mr. Veale: I would just like to support that question; I think it is a very realistic one. The terms of the ordinance are basically a law to regulate, and we do not know what those regulations are. I think it would make Committee's work a lot more useful if we knew what, in fact, the law by regulation was going to be, and we could give our stamp of approval to what the Government is doing.

Hon. Mr. Lattin: I would like to draw the Members' attention to the fact that each particular class of land that we release could have a different regulation, because we are regulating the various classes. However, Mr. Chairman, I have no objection to tabling the regulations. The regulations are prepared, but I can say at this time that we have to take those regulations through Cabinet before I can bring them down here, and at this time, we do not have them in Cabinet. When those regulations are through Cabinet and we have them available, and they are public, I will certainly bring them down here.

Mr. Chairman, as I said previously this afternoon, I appreciate the concerns you have on these regulations, but if we have to follow that procedure, we will be talking about those regulations, I think, next year at this time. Mr. Chairman, as I said previously, we want to get this land out to the people as soon as possible, and if we are going to have all these roadblocks, I can see that it will be next year we will be getting rid of this land.

Mr. Veale: If, in fact, the Minister has indicated that the regulations are prepared and that they will be going to Cabinet, my suggestion would be that perhaps we could stand the Bill over until tomorrow afternoon. Cabinet could look at them tomorrow morning, which, I assume, would be their intention in any event, and this Committee could have that opportunity, of seeing the contents of the regulations.

Hon. Mr. Pearson: Mr. Chairman, I want to point something out. The Minister has not said that the regulations are ready. It has been the Honourable Member for Whitehorse West who has three times said that he understands that the regulations are ready.

Mr. Veale: He said that they were ready.

Hon. Mr. Pearson: No, I do not think that he has, because, Mr. Chairman, I happen to know that they are not ready.

Mr. Penikett: Mr. Chairman, it is obvious. If the regulations are not ready, and that is the meat of this legislation, the delays in getting the land out are truly not the result of this Committee. It seems to me, to repeat, inappropriate discussion of this legislation, without some look at these regulations, I want to emphasize to the Minister I do not want to debate all the regulations; I want that clearly understood. I do, however, with respect to the classes of the land that the Minister says that he wants to get out on the market, want to have those regulations tabled, so that we as representatives of the citizens of this community will have some chance to have a look at them and discuss them before this Bill. Any discussion of this Bill without that, Mr. Chairman, even Clause 1, at committee stage, is, I think, impossible.

Therefore, Mr. Chairman, I would, with respect, move that we adjourn the debate on Bill 17.

Mr. Veale: I second it.

Mr. Chairman: It has been moved by the Member for Whitehorse West, seconded by the Member for Campbell, that the Committee do now adjourn debate on Clause 1 of Bill 17. Shall the Motion carry?

Motion negatived

Mr. Penikett: Mr. Chairman, I would ask the Minister: what are the regulations going to be, pertaining to the lands that he is going to be releasing under this bill that he has to release with some urgency, as he says?

Hon. Mr. Lattin: Mr. Chairman, I am sorry, I did not quite get the first part of the question.

Mr. Penikett: Mr. Chairman, the Minister says that he has some lands that he wants to release, and he has to have this bill through in order to release those lands. Since there is nothing in this bill which describes what regulations are going to apply to this land, I would like to ask the Minister what regulations will there be for the release and the pricing of that land that he is going to release.

Hon. Mr. Lattin: Mr. Chairman, on the particular lands that we are going to release in the immediate future, I have issued a press release. I have said at meetings how we intend to do that. Mr. Chairman, you must realize that this House is only going to sit for another couple of days or so, and if we delay this particular bill, we have one of two ways to go.

We either bring back the House again, or we go ahead with it. Now, about the particular land that we are considering releasing first, I have publicly stated and I have put out press releases as to how we intend to price it. All we are doing in this whole bill is changing the method by which we price the land. That is the only thing that we are amending: how we price land and how we release land. That is all we are saying.

Now these, we have said, are going to be regulated by classes. One class will be done in a different way from another class. I submit to you that some of the classes of land that we will be considering — I mention agriculture, or perhaps even commercial land — we have not had our policies on these particular things, and how the House expects us to make regulations for some policy that we have not considered, I find very difficult.

Mr. Veale: I would ask the Minister if the regulations have been prepared, but simply have not been perused by Cabinet.

Hon. Mr. Lattin: Mr. Chairman, we have had a lot of discussion on these regulations. We have not got them into a form to present to the Cabinet, or I would have them through.

Mr. Penikett: Mr. Chairman, this discussion is ridiculous. The Minister says he is going to release some classes of land. We do not know what classes of land. He says he has put out a press release. His responsibility is first to this Legislature: to explain to us what pricing policies and what classes of land are going to apply. Now, he has given us a speech on that. He has given us a very general speech, not specific at all. He says that it is in the bill. There is nothing in this bill but an incredible power to make regulations, regulations which we are going to have no say in, because he wants to rush it through so he can put the land on the market, without us having any say in it.

Now when we discussed it previously, the Minister indicated he would be prepared to table regulations that apply to the land that he now wants to put on sale. If that is the urgency, surely we have to have these regulations tabled, before we can have a discussion here. Otherwise we are just discussing the vague generalities. We are not discussing a policy; we are discussing the right of the Minister to have these regulations to do anything he likes in connection with land, without any reference to this Legislature whatsoever, except when the regulations eventually get to the Standing Committee on Statutory Instruments.

Mr. Chairman, the Government Leader talked about what was wrong with the power to make regulations in the past. It was not just that the Commissioner had power to dictate to the public servants. This kind of legislation, whatever kind of government, is horrible, because there is no principle in it. The

only principle in this bill is the one that gives the Minister power to make regulations. We do not know what the regulations are. There are no principles limiting these regulations. There is no principle in here about a cost recovery scheme. That is not a statement of principle in this Bill. There is no modified market price value principle in this bill. There is nothing like that.

That is in the Minister's speech, but the Minister's speech will count for nothing. You enter a court of law, the judge would say, well, that is a nice speech but it has nothing to do with the bill. What is in the bill? The bill says the Minister has this power to make regulations; that is all. If that is all we are debating, we say whether we like it or not. We are not going to discuss the really important question here, which is the question of land pricing: the question of the classes of land to go on sale; because there is nothing in the bill about that.

Mr. Chairman: Very interesting general debate.

Hon. Mr. Pearson: Mr. Chairman, I am surprised at the Honourable Member, who is a political student of long standing. Surely he is not just realizing what government is all about. Now, Mr. Chairman, it is a fact of life. He can discuss our policies all he wants in this House, after he knows what those policies are. There is nothing anywhere that says that we have to discuss those policies with him, and get his permission for them first. Mr. Chairman, we will implement our policies with respect to land.

What this Bill does and what this Bill is going to do, is to allow us to implement those policies.

Now, Mr. Chairman, he will have his fair kick at the cat after those policies are implemented. That is why he is an Opposition Member, and that is why we are the Government.

Mr. Fleming: I would submit that the Government does not need this Bill, for this very simple reason: I would ask the Minister and the Government Leader and anybody else just how in heaven's name they got rid of all the land they got rid of so far, if they needed regulations?

Therefore, I do not think there is as much to the argument that this Bill is so pressing to go ahead right now because of the fact that they have to get rid of this land, because they have been doing it for years without anything other than regulations. They made those regulations, probably, without having the authority to do it; I will admit that.

Mr. Veale: One of the greatest criticisms that this Government had of Bill C-48 was the ministerial discretion and the power given to ministers. I find it surprising that the Government would turn around today, and give the same kind of ministerial discretion to one of its own ministers, and not have any criticism for proceeding in that manner.

It seems to me that the Minister of Municipal and Community Affairs has stated that those regulations are in some form of draft. They have not been presented to Cabinet. They could very easily be presented to Cabinet in the next day or so, and there would be no hold up whatsoever; no two-year holdups that we have been having in this Government on the release of land. It would not, in fact, result in any holdup at all, if we could have those regulations placed before the Assembly and we could talk about those regulations. I see no reason in the world for any delay more than a day or so.

Hon. Mr. Pearson: Mr. Chairman, it is just another indication of how little the Honourable Leader of the Opposition knows about the workings of Government. He sees no reason at all. If I have to tell him all of the reasons, I will stand here and do it. It is an impractical suggestion that he is making, whether he can see the reasons for it or not.

Mr. Veale: This is an open Government. The Government Leader has always said it is an open Government. We are simply asking this Government to be open, as it says it is open, and put the regulations before the House. We are not going to, in any way, take away from ministerial discretion and change those regulations tomorrow, but what we are saying is that this legislation has absolutely no detail in it whatsoever about the land policy of this Government. Put that land policy before us,

we will discuss it, and you will go ahead and legislate and regulate as you will. You have a complete majority in this House; you can legislate anything you wish. What you are not prepared to do, I submit, is have us debate the contents of those regulations.

Hon. Mr. Pearson: Once again; if the Honourable Member only knew. We are required by law to table before this House every regulation that we pass. There is absolutely no suggestion that these regulations will not be debated.

But, Mr. Chairman, I respectfully submit they will be debated at the proper place and at the proper time and this is not the time.

Mr. Veale: Mr. Chairman, maybe we are getting somewhere. When will the regulations be presented to this Assembly and debated?

Hon. Mr. Pearson: Mr. Chairman, there is a piece of legislation called the *Regulations Ordinance*, and that requires that this Government table, at the earliest possible date in every section, all of the regulations that have been passed from the last Session. We did that for this Session, Mr. Chairman. I can recall doing it, I believe, the second day that we were sitting. The only reason I did not do it the first day, I guess, was because I forgot about it.

But, Mr. Chairman, those regulations are, in fact, tabled. We have a Standing Committee of this House that peruses those regulations and makes reports to this House.

Mr. Chairman, any one of those regulations can be brought forward, can be moved to Committee if the Honourable Member can get enough Members who wish to do it, and they can be discussed at any time.

Hon. Mr. Lang: Mr. Chairman, I think there are a couple of points here, with respect to the principle that we are talking about in the Bill. The basic principle we are talking about is the basic power of the Government to classify land and sell it accordingly. There was a White Paper tabled approximately one year ago, with respect to recreational land. That will be a class of property, and it will be spelled out how that land will be released.

The problem we have, as a Government — and that is why the flexibility has to exist — is that the principle of classifying land that is in this Bill is because, as we go on, we are inheriting a mess. We are in a situation where people have leases — in some cases one year leases, five year leases, 30 year leases. Contrary to what the Member opposite is saying, the land that we have had with respect to our developed communities, we have been releasing, and we have been releasing enough, obviously, over the course of the last two years, to make enough land available for people to build on and to utilize.

Now, we are getting into other areas of land development: rural residential; the possibility of agriculture; whether the Government of Canada sees fit to release the land necessary for that type of lifestyle.

What we are requesting of the Legislature is the capability to classify land in such a manner that it can be leased under certain terms and conditions. For example, in agriculture, there may be, under regulations, — and this is hypothetical — a two-year residency requirement to become eligible for that type of land, and certain other stipulations.

Now, with respect to a lot in a municipality, I think it would be totally ludicrous to have that, but there are certain stipulations that are going to have to be put on, for releasing the land. The basic policy of the Government, which has been outlined time and time again, is to, where possible, sell land at development cost, so that those people who are getting the property are paying their fair share of the cost to develop property, and you and I, as general taxpayers, are not subsidizing land for someone else's use.

Now there is one other area that we will obviously be continuing at market value, and that is our commercial property.

So, basically, that is it, Mr. Chairman. All we are asking for is the capability to classify property; not to take indiscriminate properties or whatever. They will be classified and subse-

quently released as fairly as we possibly can to the public, so that everybody has equal access, contrary to what has happened in the past with the Government of Canada, of which the Member is fully aware.

Mr. Veale: Mr. Chairman, interestingly enough, one of the regulations regards "a special limitation as to the persons to whom the land may be sold or leased". Well, there are a number of items here and the Government Leader, I thought, was coming to an interesting point. He was saying that the regulations are going to be tabled in this House. My question is: will they be tabled in this House in this Session?

Hon. Mr. Pearson: I do not know, Mr. Chairman. They may be. I undertook, I thought earlier, or the responsible Minister undertook, that if it was at all possible, he would do so. I certainly do not have any trouble with that at all. I have often said that I never have any problem with tabling regulations. If we have got the regulations when we produce the legislation, that is great, we will table them then.

Mr. Chairman, I think one thing had better be cleared up once and for all. We are not dealing with a new *Lands Ordinance* here. That is not what we are dealing with. We are dealing with an amendment to the *Lands Ordinance*, and in effect, it is an amendment to the regulation-making section of the *Lands Ordinance*. That is what we are dealing with here.

Mr. Penikett: With respect, Mr. Chairman, that is the whole point. The *Lands Ordinance* now has a principle imbedded in the ordinance about what kind of pricing policy shall apply to land.

Hon. Mr. Pearson: No, Mr. Chairman, it is in regulations.

Mr. Penikett: Mr. Chairman, that is the whole point. We are talking about now establishing a pricing policy. The pricing policy is vaguely elucidated. It is one of two possible forms. The Government Leader just proposed the most outrageous theory of parliamentary democracy right now. It is the Government of Canada who has absolute right to make any policy that it likes and then the Opposition will talk about it later. That is not the way it works. The way it is supposed to work is that the Government submits its policies for the approval of the House. We do not know what the policies are going to be because this bill does not have any policy in it. The policy is that the Minister is going to be able to do whatever he likes.

The policies are in the regulations. So, in getting approval of the House for those policies, we would like to see them before we pass the bill.

It does not seem to me such an outrageous thing. I do not see how any true, blue Conservative Government can be opposed to us knowing what the policies are, because we do not know what they are. The Minister says he issued a press release. He would be laughed out of his seat now if he said that the announcement of Government policy came from a press release without telling us what that is in the House. He tells us he put out a press release on recreational lots — the former Minister — the fact of the matter is the policy has been evolving and shifting and changing every few months.

Now what we have is regulations, as I understand, that have been prepared for public review. Well that is great, but surely there are some rights of Members of this House, before they go to public review, to express some opinion about the policy. That is all we are asking for. I do not know why there is a hang-up about it.

Mr. Veale: Will the Minister undertake to present the regulations to this Committee before we pass the legislation?

Hon. Mr. Lattin: Mr. Chairman, as I said before, "No way." When the regulations are drawn up and they have gone through the necessary channels, they will be made available to this House just like any other regulation that is drawn up. Why, Mr. Chairman, we have to have a special procedure for these regulations than we do for others, I cannot comprehend.

Mr. Penikett: What we are doing seems to be a complete waste of time because the policy is in the regulations. What we want to debate is in the policy and without the regulations we cannot debate the policy because we do not know what it is.

Mr. Chairman: Mr. Penikett, the bill that we are studying now is Bill Number 17. It has been referred to the Committee. It is known as a bill under the Standing Orders 58/59 and the order in which the bill is studied is from Clause 1 to the title of the bill. So, because the bill has been referred to this Committee by the House, the Chairman has no alternative but to commence study of the bill, clause by clause.

Is there any further discussion on Clause 1?

Mr. Fleming: As I said before, I am just wondering why they really even need this bill. Under section 13, "The Commissioner, before making a disposition, shall obtain an appraisal of the value of the lands..." It goes on to tell you all the things he can do. If you take a good look at the *Lands Ordinance*, it never was very long and there never was real authority under lots of places for the things that have been done already in regulations.

Section 34 says, "The Commissioner may make such regulations and prescribe such forms as he deems necessary for carrying out the purpose and provision of the Ordinance", so I do not see why this little chunk has to go in there with all these other little things, when maybe half of them should be actually in the ordinance. That is my thinking, and I am not even interested in the ordinance.

Hon. Mr. Lang: Mr. Chairman, there are very good reasons for the amendment before you today. If it was not amended — for the Member's information, we have had the acceptance by the Government of Canada for the recreational lot transfer, which is alienated leased land. Some people have had it for 25 years; other people have had it for a year, two years. This is one class of property that we are looking at.

The philosophy of this side of the House — I am unsure about the other side — is that title should be made available at a reasonable cost. In order to do that we have to have the capability to classify that type of land, to make it available at roughly development cost.

Now, these are the circumstances that we have been presented with, in view of the cross-over between the Government of Canada's responsibility and our own. So basically the principle — if you want to talk principle of land, and the disposition of land — is we are prepared to sell it in the neighbourhood of development cost, except for industrial and commercial purposes.

Now following that through, we need regulations which are going to dictate that. That is why we need the present legislation that is before you.

Now if you disagree, stand up and say so. If you feel that those people who have been here for 20 years, 25 years, should pay full market value, which is in the neighbourhood of \$6 to \$10,000 for properties they have been living on and paying leases for the last 20 years, then stand up and say so. But from this side of the floor —

Mr. Fleming: That is exactly what I never did say. And I will stand up and I agree that we need a *Lands Ordinance* and those things, but not the same things that the Honourable Minister is saying. We need a *Lands Ordinance*, is what we really need, and then we can have some regulations in it. But first before we have that, we need to repair the whole *Lands Ordinance*, and then come forth with a section or two for regulations. In this case, there is no need of any *Lands Ordinance*, you can just have everything in regulations.

Mr. Chairman: The Honourable Member for Campbell does not have a point of order. He says that we do not have a *Lands Ordinance*. We do now have before us a bill called the *Lands Ordinance*.

Hon. Mr. Lang: Mr. Chairman, I just want to conclude by saying that there are very real reasons why it has to be done and it has to be done quickly, so that we can implement this on behalf of the public we serve.

Mr. Chairman, you could criticize the various policies and regulations in respect to the development costs versus market value, but, other than that, Mr. Chairman, as far as I am concerned in respect to this bill, we are asking for the authority

to classify land and sell it accordingly.

Mr. Penikett: Mr. Chairman, I do not want to prolong the debate; I do not want to get angry and divisive about it, but it seems to me that it is insane. This is doing what the worst governments in the world do, which is have the policy in the regulations. Surely, I submit, it is an obscenity to have all your policy in the regulations. There is no policy in this bill. Your policy should be expressed in the legislation.

Now, you have got minor interpretations of policy, you have ministerial statements. You may have, from time to time, an expression by the Government on the policy on some particular point, but I do not see why it was hard, with all the high priced help in here, to put in some statement about what the policy is, because this is only an amendment, as the Government Leader says, to an existing ordinance. There are going to be other amendments, no doubt, so why could there not have been, somewhere in the body of this bill, a statement of their policy in connection with recreational lands, if that is the immediate class of lands coming on sale, or agricultural lands, or whatever it is, so that we could have debated that policy.

I really am disappointed in this Conservative Government. I might expect it of some more dictatorial regime somewhere, but it really is depressing to say we have got to wait to discuss the policy until we see the regulations, maybe a year from now, long after all the damage is done. It is just a totally unacceptable situation.

Mr. Veale: Mr. Chairman, it is quite clear that the regulations are almost sitting on the Minister's desk and that they are going to go to Cabinet very soon, because he has to get this land on the market this spring and he does not want the two or two-and-a-half years that have already taken place. Neither do we, neither do we.

Whitehorse North and Whitehorse South have been in your control for a long time and we are want is to be able to look forward to having those regulations next week, Monday, put before the Assembly. We will look at them, because that is clearly where the policy is going to be. There are going to be 20 pages of regulations. You have got two pages here that say absolutely nothing except that you are going to do what you want to do. Put it before the Assembly now, not next fall; let us talk about it here; it is a very simple request.

Hon. Mr. Lattin: Mr. Chairman, in the Ordinance that we now have it tells us it is a policy of selling or renting land by the appraised or market value, and the percentage of that we are to lease.

What we are asking is, that instead of that, we have some flexibility in pricing land, that will be acceptable and that will aid the majority of people in the Territory. That is all we are doing. You will notice if you read on down further, that if we do not have any particular reasons for changing that policy, the policy of appraised or market value will prevail.

Mr. Veale: Let me make it clear for the record, Mr. Chairman, that I do not think that any Member of the Opposition opposes the Government's having some flexibility in land pricing. What we oppose is the method that you are going to use, which is the method that you will do what you want and when you want, and you are not prepared to reveal to us now what you intend to do. That is the problem. We do not oppose the principle of the Government having flexibility in land pricing. We just want to see it in black and white.

Hon. Mr. Pearson: Mr. Chairman, here it is. This is the principle that we are going to have flexibility in land pricing. The policy of the disposal of land is in the *Lands Ordinance*. We are not proposing that that change. We are proposing that we have the flexibility for the pricing of land. That is what this is all about.

Mr. Chairman, we are looking for the amendments to specific sections of the legislation, primarily those dealing with the regulations, so that we can set variable pricing. That is what this is all about.

Mr. Chairman: The Chairman would like to entertain more discussion on specific cases on Clause 1. Clause 1 includes

pages 1, 2 and the top of page 3. Specific discussion? Questions?

Mr. Fleming: I submit to you again that I do not think there is any need for any discussion. This is just to make regulations, and if you want to discuss that with me, we have done that fairly well already.

Mr. Chairman: Are there specific questions in this Clause that the Committee would like to discuss?

Mr. Penikett: Mr. Chairman, I want to ask questions about Clause 1, and debate Clause 2, under 13(1), or, which one are we at, Mr. Chairman? Are we at the one that begins "(2) Regulations are made under subsection (1)?"

Mr. Chairman: We are on Clause 1, which includes the following two pages. Any specific parts of those you would like to discuss?

Mr. Penikett: Yes, Mr. Chairman, let me begin with 2(a): "Regulations may be made under section 1 that will classify Yukon lands that are to be offered to sale or lease according to (a) the location of the land." Would the Minister be prepared to tell the House, specifically, which locations of land we are talking about going on sale in the immediate future?

Hon. Mr. Lattin: If I understand the question, the question was: what specific lands will be going on sale in the immediate future? Mr. Chairman, the greatest bulk of the land that will be going on sale is outside of Whitehorse — there could be lands in other parts, but the bulk of it will be outside of Whitehorse: what is commonly referred to in broad terms as Whitehorse North. When we finish that, we are thinking of some in Whitehorse South. Mr. Chairman, there are other spots where land could be made available, and I am thinking particularly in some of the outlying areas, like around Mayo. There might be some, or there could be some recreational lands made available for the people of that area, and they would be disposed of under regulations that are brought forward for recreational lands in general.

Mr. Penikett: Mr. Chairman, 2(b), in connection with the Whitehorse North, Whitehorse South, and recreational lands, would the Minister tell the House something about the nature of the land, including its suitability for the specified purposes of these sales which are in the immediate future?

Hon. Mr. Lattin: Mr. Chairman, when you are talking about suitability, I suppose we could talk about that for three or four days. I suppose everybody has their own interpretation of what suitability is. I would submit that, if we were putting out land for residential — I would imagine when you were talking about suitability, if this land was offered for sale, the people who were going to purchase this land would determine, from their perspective, whether that land is suitable or not. I would submit that the land that we will be putting out — we will say in this particular case, for people who are interested in rural residential land — that we would not be putting land out that would not be suitable for constructing a home on. In other words, Mr. Chairman, I cannot see us putting out a top of a mountain, or marsh land; we would consider that land suitable for what we have said it was being sold as, and I think, Mr. Chairman, that the people themselves would be the ultimate judge of whether they wanted that or not.

Mr. Penikett: I thank the Minister for his answer. We are going to be having, in Whitehorse North and Whitehorse South, basically rural residential land going on sale. Could I ask the Minister, in connection with those lands, if there is going to be any disposition of agricultural lands in those areas at this time?

Hon. Mr. Lattin: Mr. Chairman, I believe in former days in this House that I said that we were not going to release agricultural land that has been designated as such in small parcels. Mr. Chairman, I want to emphasize that agricultural land is a commodity that the Yukon has not got too much of. I have a strong feeling for agricultural land, Mr. Chairman, and we are bringing forth an agricultural policy. When that policy is brought forth, I am sure there are going to be certain regulations on how that land is going to be disposed of.

I feel very strongly that agricultural land, as such, has no

value. The value of agricultural land is just like any other product that is sold on the market — it is the raw material and the work of somebody to cultivate that land into a position where it can produce crops for us. Mr. Chairman, when we release that land, we have an obligation to release those particular pieces of land that are identified as agricultural to people who are going to use them for agricultural purposes. If they utilize them for agricultural purposes, Mr. Chairman, it is going to benefit all of Yukon.

I think we have an obligation to have regulations so that agricultural land is treated in such a way that the people who obtain it have to use it for agricultural purposes and agricultural purposes only.

Mr. Penikett: I thank the Minister for his answer. The Minister will be surprised to find that the statement he gave just now would probably qualify him as a Marxist philosopher. It is the closest thing I have heard to a paraphrase of Engels' Labour Theory of Value that I have ever heard in this House. Perfectly acceptable economics, Mr. Chairman, and perfectly acceptable philosophy; I am just surprised at the source.

The Minister has now defined a little bit better the kind of land he is contemplating selling: it is rural residential land in Whitehorse North and Whitehorse South and then some recreational land. Can I ask him then, moving right along to (c), Mr. Chairman, the size of the parcels of land — and it is just a question of policy, not the specific parcels — to be sold in Whitehorse North and Whitehorse South for rural residential. Presumably the recreational lots are already determined because they are lots that already have leases on them. Perhaps the Minister could say if there are going to be new lots sold and if there are, perhaps he could indicate something about their size, too.

Hon. Mr. Lattin: Mr. Chairman, I am surprised that the Member across would say I follow a Marxist theory. I want to assure the Member that I have absolutely no intention of following that particular theory. I might point out to the Member across from me, though, that these theories have been tried in other countries that we are aware of. Mr. Chairman, these countries were noted for their production of produce. Since they put in that form, the productivity of these farms has gone down, now, and these countries that have those philosophies are dependent on the Western World and free enterprise to feed them.

Mr. Chairman, one of the principles that we believe in in this Government and this Party is that people should have the opportunity to own land. We are committed to let people own land, but, because agricultural land is in short supply, and agricultural land is an important product for the benefit of all Yukoners, we realize that we have to have some restrictions.

Mr. Chairman, we say that agricultural land, all land, everybody in this country should have a right to own it.

Mr. Chairman, about the size of land in the northern and southern districts, on the papers that we had out for discussion we were talking approximately of from 15 to 20 acres.

Mr. Penikett: Mr. Chairman, it is a pity the Minister chose to misunderstand my earlier observation, because, lest he take offense, he should also know that the root of the idea was in John Locke, who was recently quoted by our new Polish Pope, so he should not be upset about the quality of the idea. It is perfectly all right. Great men of differing origins and backgrounds can come to the same agreement about ideas, Mr. Chairman.

I have got the answer to (c) now, but (d) "...the use to which the land may be put..." Mr. Chairman, I would just like to get that confirmed that we are talking about rural residential. The agricultural land is not going on sale yet. It is the rural residential land in Whitehorse North and then Whitehorse South and then the recreational land. I think the Minister has already answered that question.

Now, "...the condition to which the disposition of land is subject..." could the Minister explain what that means?

Hon. Mr. Lattin: Mr. Chairman, I would say that that is how

the land is going to be used. That is what I would call the disposition of the land.

Mr. Penikett: Mr. Chairman, I was interested in the Minister's answer because I thought the conditions probably meant that the occupant had to fulfill certain conditions, like put up a house or do something within ten years.

There have been some informal statements to the press about this, or some ideas. Could the Minister say, in connection with the rural residential lands in Whitehorse North, what conditions there will be on the disposition of that land, and could he tell me if there will be some conditions, and I am not asking for details, just the policy, in connection with the recreational lots, too?

Hon. Mr. Lattin: Mr. Chairman, I am confused. Are you asking for residential or rural residential?

Mr. Chairman, let us talk, first, about rural residential lots. This Government is committed to ensuring that the broadest possible spectrum of lifestyle is accommodated in Yukon society. This Government has worked diligently to provide the best possible, fully serviced, urban residential lots. We have met our goals and we have a respectable inventory of lots available.

This Government has also met the demands for small acreages within Whitehorse, in the MacPherson and Wolf Creek subdivisions. A further example, Mr. Chairman, is we have to consider lands outside of the City. Admittedly, our planning and disposition has been slowed down due to heavy and competing commitments that we have had. In the vicinity of, say, the Hot Springs Road, we are looking at approximately 1,000 hectares of land that we have identified to be released for rural recreational purposes.

I can assure this House that we intend to have further public input into the nature and configuration of this development. As we have stated before, on the North and South studies, which I am sure the Members across from us are familiar with, we are prepared to have further studies. The size of lands that we are talking about, Mr. Chairman, as I indicated previously, are roughly from 15 to 20 acre lots.

Mr. Chairman, we have stated publicly and I have announced, but I will reiterate, the pricing policy that we are considering for disposing of this land is that we will recover the complete development costs. We have considered, on the development costs, to give the people who want this land, a three-year opportunity to pay the development costs. They will have the land under that lease. I think there will be a condition, Mr. Chairman, that they have to put a residence on this land.

Mr. Chairman, at the time we release the land, we are going to establish the market price. The people who want to purchase this land have two options. First, they can pay the market value at that time and they will own the land, except they have to have their residence put on it in three years.

If they do not want to go that way, Mr. Chairman, we recognize that people have another way of putting commitment to the land. They can lease it for three years, and at the end of that time they have to have their dwellings on it. From there on, Mr. Chairman, every year that they stay on that land, they will reduce the market value price by ten percent. At the end of ten years, they will get the land given to them for the development cost which they paid in the first three years. For those years which they have been leasing the land, we will charge them a minimal lease. The idea of the minimal lease, Mr. Chairman, is to cover the paper work and the administration.

We have permitted the people to get a good deal on the land, but we feel that they have to pay the cost of developing that land. That is the reason why we are asking for the opportunity to change it from market value, or assessed value, to some other system. The system we are envisioning in these recreational lots is to give people a chance to obtain this land in one of two ways: they pay the market value, or they are committed to the land for ten years and then they can have it for development cost.

Mr. Chairman, I feel — and I am sure that the Members

across from me will realize and agree with me — that anybody getting the land should pay what it costs to put that land on the market. Those are the basic philosophies with which we are going to approach the disposition of the land that is coming up. The regulations that you have been so worried about will encompass those principles.

Mr. Veale: Mr. Chairman, I would like to ask the Minister what the regulations say about a person who leaves the land after, say three-and-a-half years, and no longer resides in the Territory but continues to hold the lease and sublet to someone else. What do the regulations say about that?

Hon. Mr. Lattin: Well, Mr. Chairman, I have just given you the basic policies we were talking about. As I have not got the regulations through, I am informing the Members opposite what the philosophy and the policy is that we envision in disposing of the land. But I have not got all the specific details of the regulations before me. As I said before, Mr. Chairman, when the regulations have been through the Cabinet, they will definitely be presented to the House. The Member across from me asked me for our basic policy on pricing, and I have informed him of the policy that we are considering pursuing.

Mr. Penikett: Mr. Chairman, I thank the Minister for his answer. I had expected that we were going to get to the pricing later, but the conditions are very interesting and I thank him for his statement.

Could he just confirm one thing for me on point (a): the major, substantial change in policy, in connection with rural residential land, is the change from one year to a three-year completion date for the housing on that land? Is that the major change in policy?

Hon. Mr. Lattin: That could be considered as one of the changes, Mr. Chairman. I think it is two years or three years. The other major change, Mr. Chairman, is on the pricing of that land. The way it is today, if we were going to sell that land, it has to be at appraised or market value, and there is a great difference in the two prices.

Mr. Veale: Mr. Chairman, I would like to ask what the conditions will be on the place of residence of persons who may apply to purchase or lease of the land; clause (f).

Hon. Mr. Lattin: Well, Mr. Chairman, as I have already said, we do not have all the 'i's' dotted or the 't's' crossed but I am certain that when we have, they will go through the necessary route, as all regulations do, and they will be presented to the House in due course.

Mr. Penikett: Mr. Chairman, (f) may become unconstitutional, or there may be some unconstitutional regulation coming, but could I just confirm in (e) — and the Minister may have confused me a little bit — as I understand it, when we were talking about country residential such as in Wolf Creek, which is a good example of certain kinds of lots and that kind of lifestyle, the ordinance may have said one thing, but in fact the policy was that that land be sold at development cost. Could the Minister clarify what the change will be or what the difference will be in policy for the sale of lots like Wolf Creek — which were the last ones to go on sale — and this rural residential land which will be going on sale in Whitehorse North?

Hon. Mr. Lattin: Mr. Chairman, the Member asked me about Wolf Creek. The policy was: on appraised or market value. When Wolf Creek or McPherson were developed, there was no appreciable difference between development cost and market value.

Now, Mr. Chairman, I am sure the Member is fully aware, because of the scarcity of land in the past, that, in the North and South areas that we are discussing, this relationship between development costs and the market or assessed value no longer remains.

There is a great difference, in these particular areas, between assessed and market value, and the cost of developing the land.

Mr. Veale: What is the policy of the Government regarding the place of residence of the purchaser or lessee? Is the Government going to give first priority to Yukon citizens, or is he

going to give first priority to all Canadian citizens generally?

Hon. Mr. Lattin: Mr. Chairman, we are thinking about it. What is your intention, Mr. Veale?

Mr. Veale: Well, I have asked the Minister a question, because he says the Government has all its policies in order and knows where it is going. Is the Government going to give first priority to Yukoners to obtain this land by purchase or lease?

Hon. Mr. Lattin: Well, Mr. Chairman, when we dispose of land, as we have done in the past we will notify the people through the media, and I am sure that the people in the Yukon will be the people that are interested in land. Unless the Honourable Member across from me knows something that I do not know, I cannot see, all of a sudden, an influx from outside. I would suggest, Mr. Chairman, local people will read the ads when the land is going to be disposed of, and they will be the majority of the people applying for it.

Mr. Penikett: I hope the Government will maintain, or establish, some policy of residents having first preference on this land, and I certainly would ask the Minister and hope that if there is any constitutional nonsense or questions raised about such a sound principle, that this Government — and I have asked the Minister if he will give this commitment — be prepared to challenge such an invasion into our rights in the courts.

Hon. Mr. Lang: Mr. Chairman, there is no question about it. We put a resolution forward that the Honourable Member voted against yesterday: a thousand square miles of real estate for the Northern Yukon Territory, which he is prepared to give up.

Mr. Penikett: Mr. Chairman, I am not sure how long Mr. Lang wants to spend in this Session, but if the Member would stop listening with his mouth, he might hear what was said yesterday by this Member in connection with the first part of his COPE Motion. Mr. Chairman, with respect, I must say that the Member opposite is the only Member, I believe, in this House, who thinks you can breed a D-9 Cat and a caribou and end up with a COPE settlement.

Mr. Graham: Just on a point of order, he obviously did not read the Resource Management Plan.

Mr. Chairman: No point of order.

Mr. Penikett: Not only did I read it, Mr. Chairman, I wept.

Mr. Chairman: I would like to inform Members that we are on Clause 1.

Mr. Chairman there are a whole bunch of little bitty clauses here we have to discuss.

Mr. Chairman, (2)(g) seems to suggest that the regulations will be made under subsection (1), going back to the beginning, "shall classify Yukon lands that are to be offered to sale or lease according to the development cost of the land, or". The Minister, in his speech, talked about cost recovery schemes or modified market values: a number of principles. I just wonder if the Minister, perhaps he is not prepared to elaborate on the answer now, could say that the core of his policy now, rather than market value, will be development cost, if that is the first principle, or the foundation principle.

Hon. Mr. Lattin: Mr. Chairman, I thought I had made that abundantly clear, but I will reiterate once more: we say the development cost must be recovered on the core of disposal of land. Mr. Chairman, those are certain classes of land that we recognize in certain instances where the market value will prevail. The market value or assessment of land is what we are basing it on now. All we are asking for is the ability to deploy other means of disposal of land. As I have said before, we have to recover development costs and this is what we are talking about at this time.

Mr. Graham: I move that you report progress on Bill Number 17 and beg leave to sit again.

Mr. Chairman: It has been moved by Mr. Graham that the Chair report progress on Bill Number 17 and beg leave to sit again.

Motion agreed to

Mr. Graham: I move that Mr. Speaker do now resume the

Chair.

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

Motion agreed to

Mr. Speaker resumes the Chair

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

May we have a report from the Chairman of Committees.

Mr. Njootli: The Committee of the Whole has considered the following bills and directed me to report progress and beg leave to sit again:

Bill Number 15, *Petty Trespass Ordinance* and Bill Number 17, *An Ordinance to Amend the Lands Ordinance*.

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?

Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Mayo, that we do now adjourn until Monday at 1:30 p.m.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse Porter Creek West, seconded by the Honourable Member for Mayo, that we do now adjourn until Monday at 1:30 p.m.

Motion agreed to

The House adjourned at 5:24 p.m.

The following Sessional Papers were tabled Wednesday, April 8, 1981:

81-4-15

Green Paper on Community Capital Assistance

81-4-16

White Paper on Municipal Finance Program

81-4-17

Annual Report: Yukon Housing Corporation, 1979-80

