



The Yukon Legislative Assembly

Number 18

2nd Session

25th Legislature

HANSARD

Wednesday, December 1, 1982 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Andy Philipsen, MLA, Whitehorse Porter Creek West

CABINET MINISTERS

| NAME | CONSTITUENCY | PORTFOLIO |
|--------------------|------------------------------|---|
| Hon. Chris Pearson | Whitehorse Riverdale North | Government Leader — responsible for Executive Council Office, Finance, Public Service Commission, and Economic Development and Intergovernmental Relations. |
| Hon. Dan Lang | Whitehorse Porter Creek East | Minister responsible for Municipal and Community Affairs, Highways, Yukon Housing Corporation, and Yukon Liquor Corporation. |
| Hon. Howard Tracey | Tatchun | Minister responsible for Health and Human Resources, Renewable Resources, Government Services. |
| Hon. Clarke Ashley | Klondike | Minister responsible for Justice, Consumer and Corporate Affairs, and Workers' Compensation. |
| Hon. Bea Firth | Whitehorse Riverdale South | Minister responsible for Education, Tourism, and Heritage and Cultural Resources. |

GOVERNMENT MEMBERS

(Progressive Conservative)

| | |
|-----------------|------------------------------|
| Bill Brewster | Kluane |
| Al Falle | Hootalinqua |
| Kathie Nukon | Old Crow |
| Andy Phillipsen | Whitehorse Porter Creek West |

OPPOSITION MEMBERS

(New Democratic Party)

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|----------------|--|
| Tony Penikett | Whitehorse West Leader of the Official Opposition |
| Maurice Byblow | Faro |
| Margaret Joe | Whitehorse North Centre |
| Roger Kimmerly | Whitehorse South Centre |
| Piers McDonald | Mayo |
| Dave Porter | Campbell |

(Independent)

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| Don Taylor | Watson Lake |
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Clerk of the Assembly
Clerk Assistant (Legislative)
Clerk Assistant (Administrative)
Sergeant-at-Arms
Deputy Sergeant-at-Arms
Hansard Administrator

Patrick L. Michael
Missy Follwell
Jane Steele
G.I. Cameron
Frank Ursich
Dave Robertson

Whitehorse, Yukon
Wednesday, December 1, 1982

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

Prayers

DAILY ROUTINE

Mr. Speaker: Are there any returns or documents for tabling?

TABLING OF RETURNS OR DOCUMENTS

Hon. Mr. Tracey: I have for tabling the answer to a question from Mr. Kimmerly regarding office space.

Hon. Mrs. Firth: I have for tabling the Yukon Lottery Commission's Annual Report for 1981-82.

Hon. Mr. Ashley: I have for tabling the Yukon Workers' Compensation Board Annual Report for the year ending December 31, 1981.

Hon. Mrs. Firth: I have for tabling the Department of Education 1981-82 Annual Report.

Mr. Speaker: Are there any reports of committees?
 Petitions?
 Reading or receiving of petitions?
 Are there any introduction of bills?

INTRODUCTION OF BILLS

Bill No. 9: First Reading

Hon. Mr. Ashley: I move, seconded by the hon. Minister of Education, that Bill No. 9, *An Act to Amend the Workers' Compensation Act*, be now introduced and read a first time.

Mr. Speaker: It has been moved by the hon. Minister of Justice, seconded by the hon. Minister of Education, that a bill entitled *An Act to Amend the Workers' Compensation Act* 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?
 Are there any statements by ministers?
 This then brings us to the question period.

QUESTION PERIOD

Question re: Land claims

Mr. Penikett: I have a question to ask the acting government leader. A simple question. Did the Cabinet instruct Yukon's land claims negotiator not to sign government agreements as a result of the recently announced federal position on the transfer of land to Yukon?

Hon. Mr. Lang: It is obvious that to date, that instruction has not been given because thirty or thirty-two agreements have been signed.

Mr. Penikett: The minister did not answer the question. We have been given to understand that on Friday, the federal minister handed the government leader a letter which, in part, criticized the Yukon's negotiator for tying black land transfers to the land claims settlement. I want to ask the acting government leader if the negotiator's position, now under attack by the federal government, was in fact established by this Cabinet?

Hon. Mr. Lang: It is very clear what the position of our government is and has been. It is the very foundation of the Conservative Party, and that is land for all Yukoners.

If the member opposite is in opposition to that, I would suggest that he has a responsibility to tell the electorate that. Further, in respect to the question of land and whether or not the people of Yukon should have the right to control that land once a land claim

settlement has been agreed to by all three parties that the land should be transferred to the people of the territory over a period of time is, basically, the fundamental principle that we, as the Conservative Party, believe in.

My point to the member opposite is that if I were the leader of the official opposition, I would be very irate that the Government of Canada is telling the people of the Yukon Territory that they might get a spot land transfer as opposed to any agreement-in-principle that land should be transferred to the people of the territory.

Mr. Penikett: Once again, the minister did not manage to answer the question while misrepresenting several other people's position's.

Since the government negotiator is now clearly prepared to sabotage a land claims settlement on the principle of post-settlement transfer of Yukon land, let me ask the government leader, again, if this is the position of the Government of Yukon?

Mr. Speaker: The question is addressed to the acting government leader. I believe.

Hon. Mr. Lang: What we have asked for, in asking the Government of Canada — and incidently, previous ministers of Indian Affairs gave verbal commitments to the government, approximately eight or nine years ago, that with a successful land claim settlement, other lands would be made available to the people of the Yukon Territory.

The position that we are taking at the present time is that other land should be transferred to the people of the territory. The member opposite is misrepresenting our point of view. I do not know what his point of view is, but our point of view is that a process must be put into place in order to facilitate an orderly transfer of lands to the territory.

Question re: Carcross school

Mr. Byblow: I would be curious from the acting government leader what documentation he can find to substantiate that.

I have a question for the Minister of Education. The Minister of Education has no doubt received by now a comprehensive report from the Carcross School Committee outlining serious deficiencies in the delivery of education in that community. What intention has she now to respond to this report?

Hon. Mrs. Firth: I have not received the report. However, when I do I will be reading and evaluating it and responding to it.

Mr. Byblow: I wish she would because it is a very serious report, where, in addition to the need for improved school facilities, the school committee makes a special appeal in a number of program areas, such as guidance, counselling, remedial tutorship, alcohol and drug services. Would the minister give me the assurance that she will respond positively to these very serious educational concerns being proposed by the school committee?

Hon. Mrs. Firth: I like to think that the Minister of Education responds positively to the requests of all the school committees.

Mr. Byblow: I would like to think so too. In consideration of the very high drop-out rate, cited in the report, and the fact that only one student graduated from that community in the last 15 years, is the minister prepared to immediately address that situation?

Hon. Mrs. Firth: We are addressing that situation.

Question re: Social assistance

Mr. Kimmerly: A question for the minister responsible for social assistance. Yesterday I asked about the problem of emergency social assistance and the processing of the claims. The minister announced that he would look into it. Is he now prepared to report on the matter?

Hon. Mr. Tracey: No, I have been very busy and have not had an opportunity to look into it. I will certainly have it done.

Mr. Kimmerly: I will advise the minister that I will ask the same question tomorrow. He has previously announced that he would look into the policy of the possibility of social assistance for homeowners. Is there any information on that as of yet?

Hon. Mr. Tracey: I have a memo from my department on my desk. It arrived today and I have not had an opportunity to read it so I cannot inform the member. Perhaps I will be able to do so

tomorrow.

Mr. Kimmerly: Tomorrow I will also ask about the food basket social assistance budget allowances. I would give the minister notice of the question.

Mr. Speaker: Order, please. I believe the hon. member is now making a speech. Does the hon. member have a question? Does the hon. member have a supplementary?

Question re: Wolf poisoning

Mr. Porter: My question is to the same minister with regard to his responsibilities as Renewable Resources Minister and I hope that he is not too busy to answer my questions.

Yesterday, in the legislature, the minister stated that he had secured a legal opinion that his government did not need federal permission to use poison. However, we have since learned that the department of agriculture thinks otherwise. Has the minister changed his original position on the matter?

Hon. Mr. Tracey: No.

Mr. Porter: The departmental official from the Department of Agriculture went on further to say that his department could not deal with this government's application because of a lack of information. Can the minister tell us what information was not provided by his department?

Hon. Mr. Tracey: The Department of Agriculture feels that it has the right to tell us whether we should use poison or not. Actually, the law, as I understand it, and as it has been explained to me, is that the Department of Agriculture has control over the importation of and sale of poison, neither of which we are doing. We have been in contact with the Department of Agriculture; we are prepared to give them our plans, our information, but, as far as we are concerned, we do not require the assent of the Department of Agriculture in order to carry out our program.

Mr. Porter: I might further add that the Department of Agriculture's spokesman went on to say that, should this government proceed with poisoning without federal permission, it could find itself in court. In the case of that becoming an eventuality, what is the minister's position?

Mr. Speaker: The question would appear to be hypothetical.

Question re: Death rates

Mrs. Joe: I have a question for the Minister of Health and Human Resources. Recent studies indicate that the death rate among Indian people is several times greater than the average for Canadians. Does the minister's department collect and analyze statistics relating to deaths or health problems in general among Yukon Indian people?

Hon. Mr. Tracey: It is a policy of this government that we do not segregate the white people from the Indian people and I am not sure whether there are separate records or not.

Mrs. Joe: I can certainly let the minister know that I have statistics of my own. Studies also indicate that the high death rate is not only a medical problem but arises from a complex of cultural, social, economic and psychological problems. Can the minister state what actions his department is taking to identify the cause of the high death rate among Yukon Indians?

Hon. Mr. Tracey: I think there are high death rates among many minority groups throughout the world. I do not think that my department or the people of this government have any claim to the great expertise needed to give the answers that the member obviously thinks that we should be able to give.

We are constantly trying to upgrade the health of all of the people of the territory, not only the native people. I think that the major responsibility for the health of native people rests with the Government of Canada.

Mrs. Joe: I think that the problem is very high in Yukon.

Would the minister of health consider undertaking to co-ordinate a program of action by all relevant departments of his government to attempt to solve the complex problems leading to the high Indian death rate?

Hon. Mr. Tracey: In answer to the question, I believe that this is a function of the federal government. The health of the native people is a direct responsibility of the Department of Indian Affairs

and if anyone should be doing it, it should be the Department of Indian Affairs.

Question re: Placer mining regulations

Mr. McDonald: I have a question for the same minister on resource planning. The federal government, as the minister knows, has indicated that new placer mining regulations are forthcoming. Have the ministers of the Cabinet recently discussed this matter with the federal minister?

Hon. Mr. Tracey: No, we have not discussed it. We have had some correspondence from the federal government. However, we have not had time to discuss it in detail.

Mr. McDonald: When the ministers get around to discussing this matter with the federal minister, will the government make a formal offer to the federal minister to hold public meetings on the new placer mining regulations?

Hon. Mr. Tracey: I am answering this only because it is partly my responsibility. The major responsibility rests with the government leader. I believe that he has had contact with the federal government and we have had correspondence from the federal government, but we have not had time to review that correspondence and make a decision on it. We are very conscious of the placer mining industry and the problems that go with it, and we will address it as completely as possible.

Mr. McDonald: In order to establish a solid frame of reference, has the government recently made any socio-economic studies of the impact of placer mining in the Yukon, and, if not, will they consider doing so in the future?

Hon. Mr. Lang: As the previous minister stated, this is the responsibility of the government leader, who is presently absent, discussing the situation of White Pass with the governor-elect, as well the present governor, of Alaska, on the White Pass and the future of that particular railroad.

In respect to various studies and reports that have been done, the placer mining industry itself has done a number of reports, and I am sure if the member opposite were to contact the Chamber of Mines those reports would be provided for him. I am sure that there are some statistics, or whatever, done in the department and perhaps if there are some available they could be made available to the member.

Question re: Agricultural land

Mr. Penikett: I want to ask another question to the acting government leader in respect to his responsibilities in the area of agriculture. Yesterday in this House the minister repeated his statement that the Minister of Indian and Northern Affairs had made a personal commitment to him that there would be a block transfer of agricultural land upon publication of a territorial agricultural policy. I would like to ask the minister: when, where, and under what circumstances did the federal minister make this commitment to him?

Hon. Mr. Lang: In the renowned City of Ottawa.

Mr. Penikett: The minister did not indicate when this was, but I would like to ask him if there were minutes or notes of this meeting or if there was, for example, a follow-up letter from either minister recording this important understanding which document the government might be prepared to table in this House?

Hon. Mr. Lang: I am not prepared to table correspondence between myself and another individual. I will check and see what correspondence did take place. It was last spring sometime.

Mr. Penikett: Thank you. In the light of this apparent misunderstanding, I would like to ask the acting government leader if last Saturday's speech by Mr. Munro was the first indication the minister responsible for Agriculture had had of a different position than the one he previously took to be the federal government's?

Hon. Mr. Lang: I think you are making a presumption on behalf of the Minister of Indian Affairs and Northern Development. I think that in view of the commitment that he made, I am sure he will remember that once applications are coming forward for the necessary federal block land transfers for the purpose of agriculture I have no reason to see why he would turn them down. We will have to wait until that time. Obviously, the minister, for some

reason, perhaps forget the commitment he made, and that is why we have to clarify — between this level of government as well as the federal government — just exactly what the position of the Government of Canada is in respect to land in totality.

Question re: Dawson school, alcohol consumption

Mr. Byblow: I have another question for the Minister of Education. The minister indicated to me previously that her department and Cabinet were reviewing their decision respecting alcohol consumption in the school facilities at Dawson. Can the minister report whether the matter has been reviewed and if so, what the decision has been?

Hon. Mrs. Firth: The matter has been reviewed and the decision has been reversed.

Mr. Byblow: I would like to then inquire of the minister if by her answer she is confirming that it is her government's position to accept recommendations of a school committee in matters affecting use of school facilities?

Hon. Mrs. Firth: The department has always taken into consideration the recommendations made by school committees when it comes to the usage of school facilities.

Mr. Byblow: I was inquiring respecting the ultimate decision-making. Given that the minister is also responsible for Tourism, and it was a tourism related purpose that initiated the original request, did the minister at all seek an opinion from the YVA or the KVA regarding the school use in Dawson and if so, what recommendations did she receive?

Hon. Mrs. Firth: I believe we had received recommendations from the City of Dawson and from the KVA in Dawson.

Question re: Food prices

Mr. Kimmerly: A question about food prices. In light of my question yesterday I am sure the minister is prepared. What is the government planning with regard to recommendation number five: about unfair competitive practices in the Yukon market?

Hon. Mr. Ashley: Most of the food prices review that was done falls under different departments rather than Consumer and Corporate Affairs. It comes under two other departments. What we have done regarding the idea of a food co-operative, which is what I believe the member is probably talking about, is that the department supported the proposal encouraging co-operative bulk-buying by community groups with the reservation that project initiatives must originate from the community rather than from this government. To date, the department has not received any requests for information concerning the establishment of co-operatives.

Mr. Kimmerly: My question was on recommendation number five, page 82, concerning unfair competitive practices; clearly, the responsibility of Consumer and Corporate Affairs. What is the department doing about it?

Hon. Mr. Ashley: As I said, I believe I answered the question previously. We will help people get information on food co-operatives, but other than that, no.

Mr. Kimmerly: The question is not about food co-ops, it is about recommendation number five, about unfair competitive practices. What is the government doing about it?

Hon. Mr. Ashley: At the moment, I believe in a free enterprise system and that system will work itself out without government interference.

Question re: Wolf poisoning

Mr. Porter: My question is to the minister responsible for Renewable Resources. It is a well-known fact that poison has been used in Yukon in previous years. Can the minister give us an idea if his department did an analysis on the effectiveness of those programs in the past: were they, indeed, effective in controlling wolves?

Hon. Mr. Tracey: As I have stated previously in this House, up until the early 1970s, the Government of Yukon — it was not the Department of Renewable Resources at that time — did use poison programs almost every year. They were very effective and it is only since the government discontinued the use of poison in the territory that we have had the wolf population explosion.

Mr. Porter: Would the minister undertake to this House to provide the written material that would show the effectiveness of the previous programs?

Hon. Mr. Tracey: No, but I think it is fairly obvious: we have not had a wolf problem in the territory for a good many years.

Mr. Porter: Another item for freedom of information. In respect to the Wolf Management Program, what contingency plans has the minister formulated in the eventuality that poison baits prove ineffective for wolves and other animals are adversely affected in a significant manner?

Hon. Mr. Tracey: My department, and a great many other departments of various governments throughout North America, have investigated the use of poison. It is proven, in most cases — in most cases — to be a very practical way to reduce a problem if it is necessary to have that problem reduced in a very quick manner. The use of poison, under this government's control, will only be used to reduce the intense wolf problem that we have at the present time; it is certainly not the position of this government, as I have stated on more than one occasion in this House, to continue using poison if it is unnecessary.

Question re: Yukon River flooding

Mrs. Joe: I have a question for the Minister of Municipal and Community Affairs. Residents of the Marwell area are worried that the river may soon rise to flood the area again. Since last year, when the Marwell area suffered serious flooding, has the minister's department studied the problem of flooding in this area?

Hon. Mr. Lang: There is a major problem in the area, there is no question. If you recall, the Mayor of Whitehorse had a task force to look at the situation, as opposed to going to more costly engineering and technical studies. The decision, if I recall correctly, was that there was not very much that could be done about all the reports that has been done in the previous years.

There has been some discussion over the summer months with the Mayor of Whitehorse. Our problem is that we are looking at flood reduction agreement with the Government of Canada and we cannot isolate Whitehorse, at the present time, from that particular agreement, and that is where we presently are. I recognize there is a problem and we will do everything we possibly can to alleviate the long-term situation.

Mrs. Joe: I understand that a meeting has been called by the federal government for tomorrow to discuss the problem. Will the minister's department be sending a representative?

Hon. Mr. Lang: If the federal government has called such a meeting and, if we are invited, we will definitely be attending.

Question re: School busing

Mr. McDonald: I have a question for the Minister of Education. Recently, in a letter from Oliver Nelson, Director of Indian Affairs for Yukon, to myself, with a copy to the minister, Mr. Nelson stated that an agreement was reached at a meeting in Mayo regarding the operation of a Stewart Crossing bus service to Mayo. Is the minister aware of this meeting or this agreement?

Hon. Mrs. Firth: No, I am not.

Mr. McDonald: Would the minister be prepared to communicate to the Director of Indian Affairs her department's position on school busing in order to clear up misunderstandings that have arisen in the past?

Hon. Mrs. Firth: I have already communicated that information to that person.

Question re: Application for land

Mr. Penikett: I have a question to the acting government leader, in his capacity as Minister of Municipal Affairs. On November 4, I raised with him the case of the Kyle family's long-standing application for land on which their home sits, at Block 591 Group 804 in the McRae area. At the time the minister said that he would look into the situation. Can he now see his way clear to resolving this whole problem?

Hon. Mr. Lang: I think the member should refer back to *Hansard* because it is a question of squatting within the city limits. I indicated to the House that we were developing a squatters policy

to see whether or not we could get the blessing of the City of Whitehorse and also look at the areas outside of Whitehorse. It is presently being worked on. I indicated to the House at that time that, once we have come to any conclusions, I would inform the legislature at the most convenient time. I do not think we can deal on an isolated issue, as the member is fully aware. He was a member of City Council and the City Council has certain authorities that the Government of Yukon Territory does not have and there is going to have to be something worked out between the two levels of government.

Mr. Penikett: Having been a member of both bodies, I can see both sides of the question. I would like to ask the acting government leader, in his capacity as Minister of Municipal and Community Affairs, since the Government of Yukon has previously indicated it would be willing, in this case, to sell the property to the Kyles if the city would rezone it, is that still the position of the Government of Yukon?

Hon. Mr. Lang: I have not got the specifics of the case that the member is raising. There were a couple of other cases that came before me, and it is my contention that I have to deal with the City of Whitehorse, more or less on a principle of policy basis, and then look at the individual cases. I would like to resolve this probably more so than the member opposite to the satisfaction of all parties, if possible.

Mr. Penikett: I wish the acting government leader luck in satisfying all parties. Could I ask the minister, since he has indicated that the new squad of policy will be forthcoming, is it still his hope to be able to present it to the House during this sitting?

Hon. Mr. Lang: It largely depends on how long the member opposite wants to speak.

Question re: Property taxation

Mr. Byblow: I have a question for the Minister of Municipal and Community Affairs on the subject of taxation. Can the minister clarify for me how his government determines the tax rate once the assessment is established for mining properties outside municipal jurisdictions within the territory? In other words, what factors determine the mill rate?

Hon. Mr. Lang: The assessment is done on various properties, whether it be mining or home improvements or privately-owned land, then the recommendations come to the Minister of Municipal Affairs in respect to the assessments that have been done. They are worked out with the Department of Finance just exactly how much monies are necessary for the purposes of the everyday running of government; the school tax levy tied into a certain percentage of the cost of running a school for the projected year on the operation and maintenance side, as the member well knows. I believe that it is 11 or 11½ percent of those costs. And, it boils down to one area; that monies are available for the everyday running of government, including paying the member's salary.

Mr. Byblow: As well as ministers' cars, I am sure. Further to that, in the instance of mining towns — and I appreciate the information the minister gave me with respect to assigning the mill rate — such as Elsa, what factors, in those instances, does the government consider in setting up the mill rate. Again, in other words, does it relate at all to any calculated amount of government services provided to that taxation area, or again, is it strictly on the basis of the amount of money government needs?

Hon. Mr. Lang: I just want to inform the member opposite, as he may well have forgotten, it is no longer a mill rate; it is a percentage that is levied under the new *Taxation Assessment Ordinance*. I just want to clarify that for the member so that he does not get confused in any other forum.

In respect to the levy, whether it be in Watson Lake or in Mayo or in Elsa, it is done on a regional basis, and it is in respect to the amount of monies that are necessary for running the everyday government. It is not done on a user-pay policy, as the member is indicating, it is to partially offset what government services are rendered in the totality of Yukon.

Mr. Byblow: The minister should also realize that a mill rate, in fact, means "a percentage of assessment". In the matter of placer mining properties, how does YTG determine the mill rate or

percentage of assessment for taxation purposes on the improvements on those properties?

Hon. Mr. Lang: It is not a percentage of assessment. The assessment is done, and a percentage is levied. I am more than prepared to give the member a short course on taxation assessment. I do not know if it is appropriate in question period. Basically, if there is an improvement on a placer miner's claim, it is assessed on the same basis as any other improvement located in Whitehorse or in the community of Faro. Then, a percentage is levied. We try to maintain as much equity as we possibly can throughout the territory and, of course, to maintain the principle that we do not want an overburden of taxation.

Question re: Maternity leave

Mr. Kimmerly: I have a question for the Minister of Justice affecting all of Justice, Consumer and Corporate Affairs, the Women's Bureau and the labour code, if there ever is one. The question of maternity leave is an unresolved issue in Yukon law. Is the minister's department working on the problem and what is the target date for legislation in the area?

Hon. Mr. Ashley: The Women's Bureau is in the Department of Justice and it is the one that is working with the legal draughtsman in that area, along with the human rights legislation that will be looked at. I do not know the target date at this point.

Mr. Kimmerly: Is the Women's Bureau advocating a position or formulating a policy? At what stage are they on this issue?

Hon. Mr. Ashley: They are basically formulating policy and going through legislation as part of that study.

Mr. Kimmerly: The Yukon and Northwest Territories are the only jurisdiction without laws in the area. What is the priority given to the problem by the Women's Bureau and what is the target date?

Hon. Mr. Ashley: I have already said that I do not have the target date at the moment. It is a high priority with the Women's Bureau.

Question re: Wolf poisoning

Mr. Porter: The question is directed to the minister responsible for Renewable Resources. Today we heard the minister again confirm his position to poison wolves no matter what anyone thinks, including the federal government. Can the minister tell us where the minister got the legal opinion from? Who was the lawyer who gave the minister the opinion?

Mr. Speaker: Questions on matters seeking legal opinions, I do believe, are out of order.

Mr. Penikett: On a point of order, Mr. Speaker. A question asking for a legal opinion may be out of order, but a question asking who gave the legal opinion is perfectly in order, I submit.

Hon. Mr. Lang: On a point of order: I would submit to the member opposite that is not correct. It is not required of a minister to answer a question on who gave a particular legal opinion.

Mr. Penikett: On the same point of order: unfortunately, it is not required of a minister to answer any question, but it is information that members of this House, from our point of view, may be perfectly entitled to have, and to seek. If members opposite want to continue their practice of not giving us information, that is their choice, but it is not a point of order.

Mr. Speaker: From the Chair, on this point of order, I am going to draw the attention, once again, of all members of the House to Annotation 539, which guides the rules conducting this question period. I will take you subsection 3: "The question ought to seek information and, therefore, cannot be based on a hypothesis; cannot seek an opinion, either legal or otherwise; and must not suggest its own answer, be argumentative or make representations. It ought to be on an important matter and not be frivolous and the matter ought to be of some urgency; there must be some present value in seeking information during the question period rather than through the order paper or through correspondence with the minister of the department."

If the question, as heard from the Chair, is asking for some sort of an opinion on legal advice, I would rule it out of order and I would ask the hon. member for Campbell to kindly restate his question.

Mr. Porter: Mr. Speaker, in compliance with the ruling that you have just rendered, inasmuch as I am seeking information from the minister, I would like to ask him, again, could he supply this House with the information as to where he got his legal opinion on the matter?

Hon. Mr. Tracey: From the Department of Justice.

Question re: Highway sign policy

Mr. McDonald: A question for the Minister of Tourism: three or four weeks ago, the minister promised a highway sign policy in two weeks. Could the minister tell the House whether she could make this policy public now?

Hon. Mrs. Firth: That policy will be going to Cabinet tomorrow and will be presented in the House next week.

Mr. McDonald: Could the minister tell the House if the new policy will affect the existing highway guidance sign policy in any manner?

Hon. Mrs. Firth: That is a decision we will be making in Cabinet tomorrow.

Mr. Speaker: There being no further questions, we will proceed to the order paper, under orders of the day.

ORDERS OF THE DAY

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Mr. Clerk: Item number one, standing in the name of Mr. Penikett.

Mr. Speaker: Is the hon. member prepared to deal with item one at this time?

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

Mr. Speaker: So ordered.

Motion Number 11

Mr. Clerk: Item number two, standing in the name of Mr. Kimmerly.

Mr. Speaker: Is the hon. member prepared to deal with item number two?

Mr. Kimmerly: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the hon. member for Whitehorse South Centre, seconded by the hon. member for Whitehorse North Centre, that it is the opinion of this House that the mental health support network, under the present responsibility of the federal government, should be expanded to include a day program for persons suffering from mental ill health.

Mr. Kimmerly: I will first give some background as to the reason why the motion was put on the order paper, and I wish to speak about the necessity for a day program, what a day program is and a word or two about jurisdiction, as this is basically the problem of the federal government, as the transfer of responsibility to the Yukon government in this area is not yet achieved. The motion is essentially to support the representations of the Yukon-based officials in the federal government to establish a day program here for persons suffering from mental ill health.

This is an extremely important matter, in that present Canadian statistics show that one person in three, at some time in their lives, will seek assistance for emotional or mental problems or crises. Indeed, one person in six in Canada, at one point in their lives, will be in hospital due to mental or emotional problems. It is an extremely widespread problem in society today and an extremely important one.

The long-term background of the assistance for these kinds of problems is interesting. As little as 200 years ago, there was a mythology and a religious attitude about mental illness. People were killed, burned at the stake, punished in a physical way and exorcized in extremely cruel fashions, and it is only in recent times that our attitude changed. Two hundred odd years ago people started to be kept in institutions, which resembled jails, but the main purpose was to take people experiencing mental illness out of society and put them in a place where they would not bother the rest of us.

¹⁶ It was in the 1950s and into the 1960s, 20 to 30 years ago, that a

movement occurred releasing a lot of people from the mental institutions, and it was largely done with psychopathic drugs, in that many people under present day drug therapy, or chemotherapy, were kept in a manageable or controllable emotional state, and in fact were allowed back into the community as functioning citizens. For the most part, it was a tremendous change in the treatment philosophy; a tremendous change in government expenditures and in the planning for facilities and treatment networks. It is relatively young even now. There is an ongoing debate in society and especially in professional circles in this area as to the adequacy of support services for people outside of mental institutions who may be experiencing mental or emotional problems.

In Yukon today the support network is inadequate and is especially lacking in what professionals call the after-care services, voluntary support services and patient self-help groups or services. The professionals on the front line of the support network are overworked and despite the valiant individual efforts made are not able to cope with the magnitude of the problem here.

I also wish to speak about the attitude of society. Mental illnesses and emotional problems have a very large social aspect to them as well as an individual aspect.

¹⁷ It is obvious that when an ill individual relates with the community, he is either supported or further put down, or perhaps swept under the rug, shunned, or sent away to other outside institutions. Mental institutions were the per-diem rate, frequently paid by the taxpayers in excess of two hundred a day.

A responsible community responds to unfortunate individuals and individuals who are going through a temporary crisis with support and understanding. It is a terrible tragedy, in my view, that there are some people in Yukon who are sent to mental institutions outside who would not be sent there if they lived in larger centres with a better support network; and a day care or a day program is exactly this kind of program. It involves patient care on a non-residential basis.

The phrase "day program" is a generic phrase, and it simply means a treatment program that a person goes through in the morning and leaves in the evening, much as a lot of people go to work.

The patient is not a resident of the facility; he or she receives treatment and support at the facility during the day, sometimes all day, sometimes for part of the day, and the programs are, out of necessity, individually planned and contain also a group or social aspect for the most part.

Now, it is my understanding that the federal officials in the Yukon in the past recommended the establishment of this type of a program.

¹⁸ It is my opinion that, at a recent public meeting where the Yukon Director of Child Welfare, the lone psychiatrist in the Yukon, the federal Director of Mental Services and a CYI director of these services attended, there was a general consensus that the most important lack in the network of services was in the after-care area and the first service to initiate and develop in the after-care area would be a day program service.

The motion essentially supports the consensus view of the professionals in the area and supports the existing recommendation of federal civil servants to their superiors in Ottawa. It is an extremely important issue to many, many citizens. It is a support that we can give now and it expresses an attitude of elected members that community supports are essential and necessary in the area of individual mental health.

Hon. Mr. Tracey: For the edification of the members across the floor, we are in support of this motion. I would like to give some details in regard to it before we do pass it. There were, in 1979, some motions and positions put forward by the federal people in conjunction with the territorial government and the Canadian Mental Health Association, in which the member that just finished speaking played a great part, to have the day care facility and also to have a group home type of facility for the people.

In 1980, the federal program forecast showed this program and the man-years required for it. The funds were not approved that year and they have not been approved since, nor in 1981-82. There has been some reconsideration of some of these proposals and the

psychiatrist who is here now is presently doing a study on the day care proposal because there is some question about whether there is justification for having it here.

¹⁰ There are some statements that, perhaps, with our small population and with the diverse type of people that we have in the position of needing this help, that perhaps they would not be able to function very well together. They are a very few in number and perhaps their personalities would conflict in some areas.

The psychiatrist is doing his own study, as are the people involved in the department: one comes out in January and one comes out in February. I am hopeful, myself, that they will come out in support of a day program and, certainly, we are in support of it. We would hope that the federal government will see the position that we have in here in the territory and recognize the fact that we would like to look after our own citizens to the best of our ability. Perhaps, by passing this motion on the floor today, we can put our position to the federal government in a little stronger light.

Mr. Penikett: I am pleased to participate briefly in this debate, not for the least of reasons that this appears to be the first consensual discussion we have had on opposition day in this session.

As the minister was bound to refer to the question of funds — and that is something we should always be conscious of because, for the time being, at least, this is still a matter principally within a federal jurisdiction — I still submit that this debate and the resolution is a very useful expression of the opinion of the House.

I want to say that I do not speak to this question with anything like the expertise or the knowledge of my friend from Whitehorse South Centre. He has some training and experience in this field and I have none; however, as a private member, I have previously expressed my attitude on some of these questions. I, as a private member — as I am not speaking for my party when I say this — have always been troubled by the extent to which, even here, we are tending to want to institutionalize our problems. We, I think, have in our society come increasingly to want to hospitalize sick people; jail people who fall afoul of the law principally because they have problems with alcohol; or, in many cases, unfortunately, required to house in old folks' homes senior citizens who at one time would have remained the responsibility of families. Also, because of the smallness of our society and the lack of social capital and many facilities here, we also have to, in Yukon's case, export a lot of these problems; we have to send people for specialist care and to specialist institutions many miles away because the facilities are not here.

²⁰ I want to say, as a modest observation, in a small way our humanity suffers as a result. I think in some small way the community fabric is unraveled as a result and I want to join in supporting this motion because I think, with some more adequate programs, families and groups of friends and even local society can have a better capacity to deal with those of us who experience psychological troubles. I think, potentially, our life here can be enriched and strengthened by the experience of sharing responsibilities with those people who may be temporarily mentally ill; especially those whose problems are not that serious.

When I was a very young child, I used to know an old man, a distant relative of mine, who was elderly, alone, unskilled and had for most of his adult life been a voluntary patient in a mental institution. Because his problem was not that serious he was able to come and go as he pleased. He used to spend his Sundays with our family, for want of a better place to go. Without saying a lot about it, I think that while the experience was good for him, it was also good for my brothers and me. I think if those people in our community who have this kind of problem for awhile can be assisted by the implementation of a resolution such as this to get a return to the care of the families, with some professional support, I think we would all be better off for it. As the member for Whitehorse South Centre said, we are talking about a program which will meet a need for people in the transitional stage of their recovery or may also meet the need of people who could make use of a modest and low-cost alternative to some kind of maybe unnecessary institutional arrangement but which now is the only alternative. Therefore, I just want to say I enthusiastically support

this motion.

Mr. Speaker: Are you prepared for the question? The hon. member for Whitehorse North Centre. I would please ask again if members wish to speak, would they immediately rise so that the Chair might know, and save the Chair the embarrassment of putting the question and then referring back to members.

Mrs. Joe: Thank you, Mr. Speaker, my apology for not getting up as quickly as I should have. I just wanted to say a few words on this motion. I am happy to see that the government members are supporting it. I can only speak from my experiences that I have had in the past and seen how great the problem has been. The problems of working, many years ago, in the hospital and seeing people coming back time and time again because these day care facilities were not available, and still are not. And, also, from my experience as a JP; getting called in to try to decide whether or not a person has to be taken into custody simply because there were not these kinds of facilities available, and the importance right now of supporting a motion like this is very encouraging. I am glad to see that the whole House is going to be supporting it.

²¹ **Hon. Mrs. Firth:** I had not intended to rise and speak to this motion. However, I do agree with the motion for the expansion of a day care facility, but I would like to say just for the record that when it comes to caring for the mentally ill in the Yukon, that I think we have to recognize and we have to commend the nursing staff at the Whitehorse General Hospital who, although they do have limited facilities, do a fantastic job caring for the mentally ill.

Motion agreed to

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

Mr. Speaker: Is the hon. member prepared to deal with item number 3?

Mr. Penikett: Next sitting day.

Mr. Chairman: Item number 4, standing in the name of Mr. Kimmerly.

Mr. Speaker: Is the hon. member prepared to deal with item 4?

Motion No. 13

Mr. Speaker: It has been moved by the hon. member for Whitehorse South Centre, seconded by the hon. member for Whitehorse North Centre, that it is the opinion of this House that the support systems for Yukon senior citizens should continue to enjoy a very high priority, and that, to support greater self-sufficiency and dignity of Yukon senior citizens, the government should investigate and report to the House within one year on the expansion of support services for senior citizens who reside in private accommodation.

Mr. Kimmerly: Again, this is probably a non-controversial motion. I bring it forward at this time because it is an issue of extreme importance to some constituents of mine and it is a means of calling attention to, and increasing change in, attitudes towards elderly persons. And I wish to support that change.

Just yesterday, a government minister answered my question about the waiting list for senior citizens accommodation in Whitehorse, and he clearly stated a policy that the government is doing everything it can to encourage senior citizens to stay in private accommodation.

²² We support that, and wish to put the support clearly on record.

It is interesting that in the last YTG study that I know of — I believe the last made public on the issue is February 1978 and is entitled, *A Survey of Senior Citizens Services in Western Canada* — talks about senior citizens' housing, and there is a recommendation, on page 52 of the survey, particularly applicable to Yukon, and it states that, at the time in late 1977 and early 1978, this kind of a program was not a priority although it ought to be looked at and the costs of the program were minimal and there is a saving to taxpayers if the program is implemented and successful.

I wish to emphasize, though, the saving to taxpayers, although it is nice, it is not the primary motive, and should not be. In my opinion, the primary motive ought to be to promote the maximum dignity possible to senior people. From my experience, the vast majority of senior citizens wish to maintain their self-sufficiency

and self-reliance and only move into government accommodation as a last resort or because they are incapable of managing in their own homes. It is usually single people who move into government accommodation.

It is clearly our party's policy to maintain an adequate supply of accommodation for senior citizens at either the taxpayers' expense or a subsidized expense. It is clearly our party's policy. I will quote from our policy book, "...to make it a realistic choice for seniors to live in their own homes and receive support services where desired".

²³ This is a timely motion because, presently, at Greenwood House, there is a large building — the old bishop's residence, which is attached to the new building — which is the accommodation for approximately 36 elderly people in Whitehorse. The building is unused and it could be the base or the office space or the facility used by support services of this type.

I recognize this is a time of financial restraint. I have talked with senior citizens who are eager to give of their time and energy as volunteers in various kinds of programs, and many of these programs involve social supports and exchange of services among senior citizens. For example, there could be senior citizen who is a good carpenter or who is a good painter and who wishes, and is able, to work who could barter or trade services with another senior citizen and assist seniors in maintaining their self-reliance and their individual dignity.

I have recently come across a report of a nursing home in Saskatoon and, out of this particular home, there are support services run by paid staff and by volunteers. They do various things: one of the programs is a very simple one and is, in fact, operated successfully with no cost at all to the taxpayer; it is that seniors, especially single people residing in their own accommodation, phone in once a day to the facility and simply chat and report in. They are not disturbed by a phone call to them or interrupted in any way.

²⁴ If they do not phone in, the facility knows something is wrong and they send a person out to check and see if everything is alright. A very simple procedure, requiring no expense, that is substantial comfort to the people who phone in every day, who are aware that if something goes wrong within a day somebody will come around to check. Another service is the socializing or friendly visit service. The Golden Age Society already accomplishes this to some extent. Another one is a nurse who travels around in a car and looks in on many people in need of irregular nursing care, and sometimes regular care, in their own homes. Another program is practical assistance in terms of shovelling snow off driveways, putting on storm windows and cleaning chimneys; those kinds of things which senior people are unable to do themselves.

The philosophy, or the principle of the centre, is that the centre has a duty and a responsibility to maintain at least as many people outside the facility as it has beds inside the facility. It is my view and my opinion that the various facilities in Yukon ought to maintain the same philosophy; that seniors who wish to reside in private accommodation ought to have support services such as I have just outlined, more in order to maintain their dignity, and their realistic choice of either going into government accommodation or maintaining their own private accommodation.

Hon. Mr. Lang: It is nice to see that there is at least some consensus from both sides of the House in respect to the pioneers of the territory. I do have a criticism of the motion the way it has been presented. I think it is somewhat narrow, in view of the overall commitment that the government has as far as the senior citizens are concerned.

²⁵ I think it is interesting, if one takes a look at the various programs that the Government of Yukon Territory and the people of the territory provide for the pioneers, I think, overall, we can be very proud of the way we are accommodating our pioneers and providing the various services to them which, in my opinion, is very well deserved.

I am sure you, Mr. Speaker, as a member of the House, with the many years that you have served here, can recall 20 to 25 years ago that there were very few, if any, programs in place to benefit our pioneers. I can say, from my knowledge, that the Speaker was one

of the members who was very strong advocate of the various services being provided to the pioneers in the early 1960s.

When one looks through the various problems that have been put into place, our senior citizens are provided with medicare, at no charge; our pharmacare program has been put into place, at no charge; you are looking at a program of the pioneer utility grant, which I believe is \$360.00 a year, which provides a very much needed service for those people who are in their own homes and have not taken the choice of taking "government accommodation" but prefer to maintain their own home and living in Yukon. It is also very interesting to note, under the programs that we have under the Yukon Housing Corporation, that the member referred to, and as I indicated the other day, I am sure that he will be more than happy to go back to the people who reside in that particular accommodation and report to them that Dan Lang was the Minister of Housing when the decision was made to go ahead with that particular facility.

You take a look at Greenwood Place: we have Alexander, Macaulay Lodge, and senior citizens' homes in Dawson City. We also started a program a number of years ago with a four-plex in Watson Lake for senior citizens to avail themselves of if they have no other accommodation. As you know, there are tenders in the newspaper to put another building into Dawson City. Hopefully, this particular program will continue.

It is also interesting to note that the Council for Yukon Indians is also putting accommodations in Haines Junction. It would seem to me that, from where I sit, not only is there a need to see whether or not we can strengthen, within the financial limitations that we, as legislators, must work within, the various programs than can be enhanced, whether it be an increase of the pioneer utility grant, or whatever the case may be, to encourage and make it possible for those senior citizens to maintain their own homes. One area that I think has been a cause of concern, as expressed by my colleague the Minister of Health, is the lack of a geriatric home.

²⁶ I speak with some knowledge on this; in fact, for the record, I will state that my grandmother resides in Macaulay Lodge, and I must say that the people who are working there do a fantastic job in caring for the people who reside there. I think it is very much appreciated, in turn, by the people who are presently residing there.

It would seem to me that the other area that we have got to look at, in the very near future, is the question of the geriatric home. I think it is safe to say that all members were somewhat surprised, with the limited population that we have here on a twelve-month basis — 20,000 to 24,000 people — that we have an estimated 1,500 senior citizens residing in Yukon. It would seem to me that we are beginning to have more and more of a need for this type of accommodation. Granted, to some extent, it is an institution, but the need is there and I think that is one that we have to approach, as well.

What I am saying is that I agree with what the member opposite has said about the senior citizens of the territory. I have to say that it is not often that I can agree with the member for Whitehorse South Centre, but I will go on record that, in this particular issue, I can. I am saying that I think that the areas that the minister should be looking at has to be broader. I specifically named one area that the minister has raised in other debates during the course of this session, as far as the question of the geriatric home is concerned.

Hon. Mr. Tracey: I am sorry for being late in standing up, but I thought there were some other members who would want to speak.

I, too, agree in part with the motion on the floor. As the Minister of Municipal and Community Affairs says, I do not believe it goes far enough, myself.

I would also like to mention some of the things that we are doing for seniors that, perhaps, were missed by the minister. We also have extended care benefits, which supply various prosthetics for seniors if they are having problems, such as walkers or wheelchairs or crutches or whatever is necessary. We also supply meals-on-wheels out of Macaulay Lodge for these people.

Incidentally, I am hopeful that I will be able to introduce in this House, in our Capital budget, an extension to Macaulay Lodge, which will further enhance the ability that we have to supply meals-on-wheels to people who are desirous of living in their own

homes. It is my objective, as minister, to try and keep as many people in their own homes as possible.

²⁷ I do not believe that is necessary for the government to investigate. We are presently investigating, and we are going to great lengths to try to keep people in their own homes.

I would also like to state that at our last convention here a couple of weeks ago, we had a motion on the floor that was passed by the Progressive Conservative Party that we would try to install a volunteer program throughout the territory for people to look after the older folks.

So, while we were fully in support of the intent of the motion, I disagree with the idea that we should investigate and report to the House. I believe that, on an ongoing basis we are reporting to the House, and we are investigating. I do not think we need to be told to investigate. So, I am going to propose an amendment to the motion that I think everyone in the House can agree with.

Amendment proposed

It is moved by myself, and seconded by the Minister of Tourism, Heritage and Cultural Resources, that motion number 13 be amended by deleting all words following the word "That", by substituting therefor the following words, "It is the opinion of this House that the government should continue to demonstrate its high regard and esteem for Yukon senior citizens, as it has always shown in the past, in recognition of their honoured position in society, and their particular needs as a result of the aging process, and further that the minister be encouraged by all members to maintain his commitment to Yukon senior citizens as a top priority, in the development of residential and community-based services, which promote the self-sufficiency and dignity of Yukon senior citizens, and will further enhance the range of programs and services which are currently in place."

Speaker's Ruling

Mr. Speaker: Order please. While we are awaiting the amendment, I might advise the House, as there seems to be some confusion, on the matter of rising for debate. Among members, if all members wish to debate a question, please, I would sincerely suggest that they rise, all members perhaps at the same time if necessary, to enter into that debate. The Chair is to ensure that that debate is balanced, and everyone gets to speak. So, please, I would suggest to all members, do not hesitate when you see four or five other members rising to speak at that time.

We have an amendment to Motion Number 13: moved by the hon. Minister of Health and Human Resources, seconded by the hon. Minister of Tourism, Heritage and Cultural Affairs, that Motion Number 13 be amended by deleting all words after the word "That", and by substituting the following words, "It is the opinion of this House that the government should continue to demonstrate its high regard and esteem for the Yukon senior citizens, as it has always shown in the past, in recognition of their honoured position in society, and their particular needs as a result of the aging process, and further that the minister be encouraged by all members to maintain his commitment to Yukon senior citizens as a top priority in the development of residential and community-based services, which promote the self-sufficiency and dignity of Yukon senior citizens, and will further enhance the range of programs and services which are currently in place."

²⁸ **Mr. Kimmerly:** In speaking to the amendment, I say this; that I am certainly not opposed to the principle and thrust of the amendment. I, in fact, will support it. But I do wish to say that there are two issues that should be brought to light. The particular wording is that this Assembly has always shown in the past a priority for seniors. I think in the recent past, in the last 15 or 20 years perhaps, that is true. However, beyond that, in the days of the debates about federal pensions and provincial and territorial assistance programs for seniors, the priority of seniors was not always as high as it is now. That is a minor criticism of the wording, but nevertheless I support the motion.

The other substantial difference is that in the original motion it calls for a report into a specific service within one year. I fully recognize that the original motion was narrowly worded and members opposite quite appropriately commented on the other services and the other aspects to the fundamental principle. I will

not insist or persist in my motion to call for a report in one year, however I would expect that within a year these kinds of programs can be under way. And, if a year from now they are not under way, I will reactivate the issue, as I am sure members opposite may also be motivated to do.

Amendment agreed to

Motion as amended agreed to

Mr. Clerk: Item number 5, standing in the name of Mr. McDonald.

Mr. Speaker: Is the hon. member prepared to deal with item number 5?

Mr. McDonald: Next sitting day if you please.

PUBLIC BILLS AND ORDERS OTHER THAN GOVERNMENT BILLS AND ORDERS

Mr. Clerk: Second reading, Bill No. 102, standing in the name of Mr. Penikett.

Mr. Speaker: Is the hon. member prepared to deal with item one?

Mr. Penikett: Next sitting day.

GOVERNMENT BILLS AND ORDERS

Bill No. 5: Second Reading

Mr. Clerk: Second reading, Bill No. 5, standing in the name of the hon. Mr. Ashley.

Mr. Speaker: Is the hon. member prepared to deal with Bill No. 5?

Hon. Mr. Ashley: Yes, Mr. Speaker. I move, seconded by the hon. Minister of Health and Human Resources, that Bill No. 5 be read a second time.

Mr. Speaker: It has been moved by the hon. Minister of Justice, seconded by the hon. Minister of Health and Human Resources, that Bill No. 5 be now read a second time.

Hon. Mr. Ashley: These amendments to the *Landlord and Tenant Act* apply to part four of the act, residential tenancies. The name changes are the inclusion of mobile home sites in the definition of residential premises, clarification of the rights and obligations of landlords and tenants and the appointment of the rentalsman, who will have the authority to investigate, mediate and arbitrate complaints and disputes between landlord and tenants.

Prior to drafting the amendments, submissions were received from both landlords and tenants. Many of the amendments reflect the recommendations contained in the submissions.

During the past year, my department has received numerous enquiries from both landlords and tenants concerning the status of the existing tenancy agreements on the change of ownership of the rented premises, restrictions being place on mobile homeowners, renting space in a park, wishing to sell their homes, and that the legislation did not provide for short-term termination periods when there has been a substantial breach of the tenancy agreement.

The amendments address and clarify all of these areas of concern, as well as providing clarification of the landlords and tenants rights and obligations. The landlord shall be required to disclose, in writing, all rules and fees that exist at the time tenancy agreements are entered into. The appointment of a rentalsman will help landlords and tenants understand their rights and responsibilities. It is important to realize that the rentalsman can act only in those specific areas where the act has given him or her the authority to act.

³⁰ For instance, a rentalsman cannot arbitrate a dispute except upon the written request of the landlord and the tenant; however, in those cases where both parties of the dispute agree to use this alternative, we will be providing a valuable public service and thereby reduce the time and expenses involved in dispute resolution which would otherwise go through the courts.

Recognition has been given to the fact that it would be difficult for mobile homeowners to relocate their homes in mid-winter; therefore, if a landlord serves notice to terminate without cause, the tenancy shall not terminate in December, January or February. In cases where the tenant has committed a substantial breach of his

tenancy agreement, the landlord has to give 14 days notice to terminate. The notice must contain the details of the breach or he may apply to the court for an order terminating the tenancy.

In summary, these amendments update our legislation and address many of the concerns and recommendations expressed by landlords and tenants. As well, in order to assist landlords and tenants early in the new year, my department will develop a booklet which will answer most questions people have about the *Landlord and Tenant Act*.

Mr. Kimmerly: May I say, at the outset, because I am going to become critical later on, that we welcome this bill; we support this bill at second reading.

Now, even when Bill 25, in the last legislature, was presented, we supported it and, indeed, called for it repeatedly throughout the previous several years. It was unfortunate that the previous bill was introduced on the same day, indeed, a moment or two before the election was called — and the legislation was not proceeded with long before now; some eight or ten months ago. In any event, it is late but it is here, and we welcome it.

As to the general principles in the bill, we support several principles in it. It was our position, and is our position now, that a new act or a substantial amendment was necessary in order to replace the old, or the existing, legislation, as it had many, many flaws. That, by and large, is done, although it was not completely done, to our satisfaction. It was our policy, and still is, that, as part of the residential tenancy law, there should be a minimum mandatory standard lease that could not be contracted out of and the present bill does go a long way in establishing those fundamental rights of both landlords and tenants.

³¹ Both landlord and tenant groups were calling for that clarification in the law. It is a welcome clarification for both sides of the landlord/tenant problem when disputes arise. Our policy also was the establishment of a rentals officer or a rentalsman with power to arbitrate disputes. That is done, although it is imperfectly done in the legislation. Our policy is that the rentals person ought to be empowered to look at the question of the amount of the rent, the adequacy of the rent and the fairness of the rent. The bill does not do that; the bill only gives power to arbitrate the other disputes. The other disputes are important, but rent ought to have been in the powers.

Also, during the previous debates and questions in question period and on the estimates, it is already evident what kind of resources are going to be called into play in this area; what kind of a support the rentalsman is going to have. He is going to have nothing in addition to what he already does so, a factor which I am sure in the future is going to impede the efficiency of the rentalsman. I will say more about that at another time.

The position of my party, and the established party policy in this area, are addressed in this bill, and we welcome it.

There are some deficiencies that I wish to identify, in a general sense, because this bill going to go to the committee stage extremely quickly, probably today, even if some notice is a good idea. The bill speaks about the ability of landlords to increase charges to the tenants for things like utility fees and increased costs of the landlord. That is a reasonable provision, welcomed by landlords, and indeed is fair. However, the bill allows, under the present wording, a unilateral and arbitrary increase as long as the proper notice is given.

³² It allows repeated increases. There ought to be, in those provisions about that principle, a safeguard for tenants; that where utility fees and the like are increased by the landlord, that it only be enough to compensate the landlord for increased costs. We are talking about increases outside of the lease, outside of the rental payment, and in addition to the rental payment. That is a deficiency in the bill and we will be speaking to it. The right to sublet is not adequately dealt with. That is a deficiency and we will be speaking to it in the committee stage, and I give the minister notice of that.

With regard to mobile homes — and our leader is going to speak at greater length about mobile homes, but I wish to express, basically as notice — the provisions about mobile homes indeed are welcomed, however, they are deficient still, in that the landlord-tenant relationship for sites for mobile homes is substantially

different from the normal relationship on a residential premise; for example, an apartment or a house. It is much easier to move personal belongings out of a landlord's premises than it is to move a trailer off a mobile home site. The notice provisions ought to be sufficiently long to account for the Yukon winter and the practical cost of moving, or attempting to sell, a mobile home. The bill addresses the question but the notice provision is not long enough.

Those are the areas of fundamental principle that I wish to raise. We welcome the bill going into the committee stage. At the committee stage, on those principles, there will be amendments presented and questions on a few other of the sections of the bill.

Mr. Penikett: I want to enter this debate as the member for Whitehorse West, the housing critic of my party having spoken. I wish to join this discussion as a constituency representative.

The purposes of this act are well stated in the explanatory note to the bill. They are, "the purpose of this act is to extend the scope of the *Landlord and Tenant Act* to mobile home parks, to provide for changes in the ownership of rental properties, to specify more fully the obligations of landlords and tenants and to provide for the appointment of a rentalsman in the arbitration of disputes, to extend the notice period for termination of tenancies, and to improve the remedies for enforcement of rights under the act".

As my colleague has said, we will be supporting the bill in principle. It has been a long time coming, and for that reason, I want to relate, in some detail, the story of one group of people, namely the residents of Northland Park here in Whitehorse, and the simply awful year those people have experienced in 1982 because, I think, their story illustrates extremely well the many inadequacies in the present legislation, and I think provides good reason for us to support in principle the changes that are going to be made in this bill.

On January 4th of this year, and you will recall that it was a very cold day, I received a half a dozen telephone calls; messages from constituents of mine who live in Northland Park, complaining that they had just received a notice of a rental increase, raising their rent from \$137 to \$180 per month, and, pointing out, at the same time, that they had already experienced one rental increase that year, and asking me what protection they had under the existing legislation. Unfortunately, I was unable to provide them at the time with what seemed to be the correct answer: that they had none. As a result, I suggested to some of those people that if they were prepared to organize a meeting to discuss this and other problems, we would be prepared to assist them.

Until I attended that meeting, which occurred on January 6th of that year, I simply, even as one who has been sensitive to, and hopefully articulate on, the problems of landlord and tenant issues, in four years in this House, I had no sense of the feeling and aggravation being experienced by the tenants of this mobile home trailer court; a park, which I might add, for all other purposes, is probably the best of its kind in this city, or certainly one of the best. ³³ These people were, quite simply, incensed about a decision by the new owner of the park to raise their rents 50 percent over what they had been paying five months before. Many of them felt that the increase would have imposed extreme hardships on the park's elderly and single parent tenants and they also became aware for the first time that, as tenants, they had no protection under the present law.

They were very angry and they were very upset and, as was pointed out by one of them, the majority of the people living there were, in their view, at the bottom half of the income scale and, for many of them, mobile homes were the only kind of reasonable housing they could afford. Many of them had had a real struggle to scrape up enough money to get the down payment for their trailers. At the same time, they were also extremely upset about new rules that had been introduced since the five-year-old park had been acquired by the new owner the year before.

In the news stories on that meeting, it was interesting that the resident manager of the park had been quoted as saying that the company had sent her a letter, through its lawyer, notifying her of the rent increases, but offering no explanation for them. That is significant. She mentioned that she had been trying to get a hold of the owner, but there had been no explanation and the only

indication that she had had was that the owner of the company was merely trying to bring the rents of the park in line with those in Edmonton. At that point, I think, I became aware of the problem, in this case, of resolving an issue with an absentee landlord.

I was surprised, as I said, at the extent of feelings and commitment of the people on this issue because, at that first meeting, on January 6th, I think there were about 100 people who turned up and, as a result, they organized the Northland Mobile Homeowners Association. I want to say, for the record, that that group and its leadership has played a very significant role in producing amendments to this legislation and that the people involved in that association have given enormously of their own time and energy in trying to deal with the problems they were faced with — problems, I submit, that need not have happened had we had the kind of amendments in effect a year ago that we are now dealing with today.

In response to this crisis that had arisen, the minister of the day put out a press release, on January 11th, that said, "Mobile home parks will be referred to in revisions of the *Yukon Landlord and Tenant Ordinance* to be introduced at the spring session of the legislature.

35 That same press release also indicated that the government was looking for public input and would welcome submissions from people renting stalls and from mobile home park owners. I know that at least one mobile home park owner did submit in writing his views on the proposed legislation and that person was kind enough to give me a copy of his opinions. I know that the Northland group, especially, put an awful lot of work into developing what they thought were suitable amendments to this legislation. Since they were operating under, as I recall, an extremely tight deadline, I think they made a very commendable effort. Other groups, tenants' associations — there was one organized at Kopper King and I think a group came together at Takhini Trailer Court — also participated, and I think there may have been one or two other tenants' association briefs on this question. I believe though that the others were all substantially based on the draft that the Northland group had prepared. Having done this work and having responded to the deadline, it was therefore a great disappointment to these people that this legislation was not amended this spring.

While this was happening, the owner of the Northland Park sent a memorandum on February 15th to all the tenants, which included the following questionnaire: "Would you be interested in buying the mobile home lot you are now renting for the amount of \$14,000 to \$18,000, with approximately \$2,000 as your down payment? Would you please assist us and drop this off with your answer to Northland Park offices as soon as possible." That memorandum generated a whole new area of uncertainty for the tenants because they now had to wonder whether in fact the park that they had moved into, which they had understood would provide them with certain services — some of which, I might point out, had never been given — was going to continue on the same basis, adding to their own fears and frustrations about their situation. In March of this year, the tenants at Northland put together, in response to the rules which had been arbitrarily handed down by the owner of the park — most of these people are homeowners whose collective investment represented in the neighbourhood of \$3,000,000 — whose investment may have represented considerably less than that, without any consultation with them. They proposed, in response to this arbitrary edict, a new lease agreement, which they believed to be fair and reasonable, which, even if had not been agreed to the management, should have been the basis for some kind of rational and quiet discussions between the tenants and the landlord. Unfortunately they were not.

Going into the summer, after the people had become aware that the law was not to be amended this spring — as we had an election instead, and the bill was presented and a few minutes later the election was called, so we never had a chance to debate it — the problem persisted through the summer and I had a number of calls from people who were attempting to define, or understand, what was happening. A number of them had received a letter in July offering the lots for \$213 a month over 25 years; an offer many of

them found unattractive.

It was not until a public meeting in August that a significant number of tenants were able to get together with the management of the park, in what turned out to be a fairly stormy meeting, to discuss some of the long-standing grievances. I attended that meeting and I remember well the amazement I had when Mr. Beatty walked into the meeting and announced that the meeting would last 45 minutes and that was going to be it. As it turned out, he was kept there a little longer than that because there were many more concerns than could have been adequately dealt with in that time.

At that meeting, though, the owner, as he said, would make no promises on what would happen to rents in the new year. He also pointed out that his condominium proposal that he was floating at the time, he claimed, was a suggestion from a minister of this government. There was some discussion at that meeting about what many people felt was, in fact, an obviously deteriorating relationship. The questionnaire, which asked people how many of them would like to buy the lots in question for \$14,500, was circulated. There were allegations at the meeting that tenants had been told that the man at park management had told them that rent would be going up to \$260 a month in October, even though the owner contradicted that statement.

Many of the tenants said that as a prospect of improving their tenure, their sense of security, they would be prepared to buy their lots, but not for \$14,500. One woman at the meeting told the owner, "I can buy a lot three times that size for my own \$14,000. You must be making a huge profit off us suckers. I really feel I am being sucked right in." Another man said that he would be willing to pay \$5,000 or \$7,000 for his lot. Another tenant noted that people were being asked to buy at an inflated price lots that they, the tenants, had substantially improved with gardens and fences. The owner conceded that the lots, which were assessed at an average of \$6,000, were not worth the price that he was asking. But he said, and this is the extent of the explanation that he gave, reality forced him to sell them for that amount.

Then there was a question of the association trying to deal with the landlord as a group, which would have made sense. There were suggestions that, in fact, there had been individual contracts, or relationships, established in an attempt to break the solidarity of the tenant association.

37 Also, the question of water meters was raised, and a monthly charge of ten dollars a month that was going to be charged there. And at that meeting there was a question again of water meters being proposed because of excess water use in the park. Several residents suggested that they felt that their lots and trailers were sinking and suggested that there was a leak underground. Others blamed the high water consumption on having to keep taps on all winter to avoid frozen pipes.

Finally, the owner angered the tenants by saying that he would not build the storage compound for cars and boats, which had been one of the understandings that people had been given, by the previous owner, to those who had moved into that park.

A little more than a month later, in September, one of the tenants in that trailer park found that his lot, on which he was sitting, had literally caved in. A two-year resident of that park found that his trailer was buckling and his lot had started to sink into the ground, and a leaking water main had been identified as the cause of the underground erosion.

A number of the park residents have been trying to tell the park owner that there were serious problems with the water system ever since the park was built. No attempt had ever been made by the new owner to identify the cause.

On two occasions, the holes that appeared on this gentleman's lot had simply been filled, but the substantial problem had not been rectified.

Now, in the middle of September, a section of the lot collapsed completely. And, that evening a bracing was placed under the structure to prevent further structural damage, but already there were warped window frames and cracked roofing and twisted siding, and they were just some of the evidence of damage that had been done to the trailer. This person found that the doors and windows would not shut.

Other problems by the tenants' association during the evening of the meeting that was previously referred to: one of the tenants who had a "for sale" sign on his lot, had it removed. He filed a complaint that was referred to the Real Estate Association. Back in September, as well, the Real Estate Association decided not to take any action.

Surely this kind of indignity, this kind of offence, this kind of a grievance is building up. And unfortunately, at this time, we had no legislative framework, no function in Consumer and Corporate Affairs that could adequately deal with this growing catalogue of problems.

In fact, it was reported in August, in a story in the *Whitehorse Star* that feelings of outrage and helplessness and desperation described the feelings of the people. At one three-hour meeting, the tenants became very angry. A number of us in this House were present. I remember at that meeting the offer of the lots that was made by the owner was discussed, and I remember one of the tenants employed at the bank, a loans officer at a bank, told her neighbour that the offer was ridiculous. Even if a lender was willing to finance the lot over a period of time, the payments would add up to costing over \$60,000 over twenty-five years.

38 We had at that time made public the evidence that one of the tenants, on a matter of principle, had refused to pay his rent increase. At that same meeting, I recall that the Minister of Municipal Affairs made an offer to some of the tenants to relocate in Crestview, a position which a number of people indicated interest in, which may have, rather than solving the landlord-tenant problem, I suspect somewhat weakened the park owner's bargaining position. Some of the tenants, I think, would have been grateful; there was indication that night from a gentleman from Central Mortgage and Housing that there would have been \$3,000 grants if they moved their homes to Crestview and I gather, then, for a period after that, there was some uncertainty about whether they would be covered. I understand that that was eventually resolved.

We discussed, again that night, the fact that there was still considerable demand, considerable public demand, for amendments of the kind we are now seeing to this bill. There were, in fact, editorials: I remember one in the *Whitehorse Star*, August 13th, which talked about the fear and the anger, of the strong emotional feelings of the residents of Northland. That paper, at that time, supported the call for trailer parks to be included in the legislation and for a rentalsman.

The other paper in town, the *Yukon News*, had an editorial, about the same time, that talked about the classic case of the little guy, with his back to the wall and the gun against his head. It talked about "...big business is twisting the screws tighter while residents of Northland Trailer Park are squirming to get out from beneath what has become a torturous idea. Without any protective legislation in place governing trailers under the *Landlord and Tenants Act*, renters were at the whim of their landlord".

Then the paper went on to talk about "...legislation was in the making this spring, but it died on the order paper the night the House was dissolved for the spring election". That editorial criticized the government for failing to act on the legislation at that time.

Late in September, there was some indication that the owner of Northland was willing to discuss a new lease with the tenants; there was some indication, as some people put it, that there might be a softening of his stance. Meanwhile, as a result of the minister opposite's offer, there were some tenants who were prepared to pick up and move to Crestview — they had given up, they had become hopelessly frustrated at the situation. Another tenant had gone to court to fight the rent increase — he had refused to pay the increase that he felt was unwarranted — and that battle, as we all know, eventually went to the Supreme Court. The lawyer for the tenant, in fact, argued that, notwithstanding the view of all of us, I think, the *Landlord and Tenant Act* did apply.

39 As we all know, eventually the court did rule that the *Act* applies, but I understand that the decision was subject to appeal. The difficult, unsatisfactory and disturbing situation between the people of Northland Park and their landlord has gone on and on without a happy resolution. As I said, even the people who moved to

Crestview were not sure about their \$3,000 CMHC grant. First they were not going to get it, then they were. I think the situation and the feeling of the tenants was perhaps much more articulately expressed than I ever could by a letter to the *Whitehorse Star* on September 23rd, which I would like to read. It begins: "Want to buy a mobile home cheap? A better than new, 1978, 14x70 mobile home sitting on a rental pad in Northland trailer park. The neighbours are hard-working, friendly and also like to maintain their rental lots in an attractive manner. We are talking a lot these days about hunting, fishing, camping, flowers, gardens, schools and the landlord. The reason I am offering this beautiful, comfortable mobile home at such a ridiculous low price is because I cannot afford to offer you any guarantees. I cannot guarantee that you can leave your home on the rental pad longer than 30 days. I cannot guarantee that your home will not settle in the middle, allowing your doors not to fit or your windows not to close. I cannot guarantee that you will not have to reblock your trailer once a year to keep it from falling into an ever-growing hole. I cannot guarantee that your rent will be reasonable for the services promised or provided. I cannot guarantee that the general appearance of the park will not continue to look worse and worse. I cannot guarantee that if you have a concern or a complaint that you will be given any satisfaction. I cannot guarantee services will not be cut back and that rents will not go up. I cannot guarantee that you will not be in competition with your landlord when you are trying to sell your home. If you are interested in this comfortable, attractive home you may have trouble finding it because the landlord does not like real estate signs and will not let me put one up any place but in my front window. I cannot guarantee that you will get any help from the Yukon government who drew up the concept of a well-designed park. The *Landlord and Tenant Act* gives you little protection. I cannot guarantee that any more than a couple more MLAs and/or counsellors really give a damn about your problems. If after purchasing this beautiful home you are unable to resolve your problems you will have the opportunity to tear your place apart, abandon all your hard work, drag your home to a government lot and start all over again. It appears that you will be asked to contribute your hard-earned dollars to prove in court that the landlord is unfair and that the Yukon government and the City of Whitehorse have some responsibility for this mess. Make me an offer. You will be surprised at what a good buy I am willing to give. Doug Tufford, Whitehorse."

40 P.S. To make my offer more attractive, I have a good selection of shirts, size 16½-33, that I would be willing to throw in at no charge. You might as well have them, as I am losing them anyway.

I want to conclude by saying that the issue at Northland Trailer Park goes on. They are now discussing leases: one year and five years. There are now rumours of another rent increase in the wind. Needless to say, many of my constituents — those who live in mobile home parks, not just those at Northland, but those at Takhini, Kopper King and what is now known as Hillcrest mobile home park — look forward to the passage of this legislation. The pressure for rental accommodation and the demand for rental accommodation has fallen, because of our economic situation, but I am confident that will change. I am absolutely convinced that fairness, good sense and justice to both tenants and landlords requires the passage of this bill. I am absolutely convinced that, had we had a rentalsman or some process of arbitrating the kind of disputes that have arisen in Northland in this last year in place, in law, this spring or even before that, some of the awful experiences that have had to be suffered by some of those tenants this year need never have happened.

Hon. Mr. Lang: I rise just to make a few comments with respect to the bill that is before us. I think the member for Whitehorse West gave a fairly descriptive story in respect to the situation and the way it evolved in one particular case as far as the mobile home residence in Northland Park. At the time it began, Northland Park was part of my riding and I was involved with the situation just as much as the member opposite; in fact, probably more so in view of the responsibilities in government that I held at that time.

I think the real problem that we had, and is probably going to

continue no matter what the laws are, is the fact that in that situation which has been described, you are dealing with "the absentee landlord", good, bad or indifferent. If one takes a look at the other mobile home parks, I think in most cases the residents are satisfied with their landlord because they are landlords that live here, that have invested here and they invested on a long-term basis as opposed to what perhaps could be seen as a short-term basis in the other case.

For the record, it is important to stress that the other landlords, in my opinion, to date have been very responsible in respect to what they ask of their tenants, and the monthly charge that they put forward. I think that they are attempting to be as fair as they possibly can in respect to the costs that they incur and, as well, the investment that they have put forward.

41 I think it is important to correct the record on what the member for Whitehorse West put forward: the offer that I put forward about the option of people moving if they so wished. I recognized that it would not correct all problems and it was not put forward in the manner that the member has indicated; that of giving some idea that, perhaps, the solidarity of the organization would be weakened.

I want to put on the record that the offer was made in good faith. I personally believe, and perhaps this is where the member opposite and I philosophically part on this issue; that if a person is his or her own landlord, their problems are negated, in most part, other than for the everyday cost of living. I think many people, including those people on the executive of the Northland Mobile Homeowners Association, believe that the offer that the government put forward about the purchase of lots was fair and reasonable: 20 percent down, five years to repay the remainder and you own your own land and you have your own home.

I talk with some experience that, perhaps, the members opposite do not, in that: (a) I grew up in a mobile home; and (b) I lived in a mobile home for a number of years prior to building the house I presently live in. I recognize, especially when younger people are starting out, that this is a way making an initial investment with the idea, down the road, that one will be able to build his or her own home and own it. I think that that is the most important point, in respect to government and government's responsibility in providing an option for people to own their own land, to either provide their own services or common services are provided; in that, from a short-term point of view, the individual or individuals are better off and, just as importantly from the long-term point of view, they are much better off because they have an investment that is eventually paid for. It is paid for and, if they wish to sell it, they can; if they are in their older years, they are not looking at rental increase and this type of thing; and it is much more beneficial for the individual or individuals involved.

It would seem to me that it is a viable option and it is one that we, as government, working in this particular case with the Municipality of Whitehorse, should ensure is kept open.

42 We have, I believe, arranged 50 lots available in the Crestview area for mobile home sites. We have sold, I believe, 24, which is going to provide these people with not only their home but the land base which goes in turn to the general philosophy of our government and that is to stabilize our population. I equate this, in referring back to the absentee landlord, and that is why this government is very, very concerned in respect to the question of land throughout the territory: the question of the absentee landlord who can arbitrarily make decisions, right or wrong, that is his/her decision to make, that is going to affect a certain class or all individuals, depending on the ownership, whether it be a mobile home park, or in the case of Ottawa. If they decide tomorrow to put a park in place beside Porter Creek, the people in Porter Creek are not going to have any say about it. That is why we are saying that land is one of the key elements in respect to responsible government, in respect to the responsibility of the individual to make his/her own decisions, as opposed to big government.

At the same time, we recognize that there has to be certain guidelines in legislation as far as the landlord and tenant relationship is concerned. It should be clarified and we have attempted in this bill to specifically clarify it so that there is no misunderstanding. All you ever hear about are the areas where there is

something really gone wrong. In this particular case the member for Whitehorse West referred to the Northland Trailer Park. There are a lot of landlords throughout the City of Whitehorse and, for that matter, in other communities throughout the territory, who have a very good relationship, landlord and tenant-wise, and go on year after year with no major problems, no major upsetting upheavals on either part and has worked in most part. In this particular case it has raised an issue.

One area that I am very concerned about is those winter months, as far as the owner of a mobile home park is concerned, and the question of eviction through those very cold winter months. We have attempted to, and I think we have, addressed that question. From my perspective, I recognize, and I believe, that those people who have made that investment in their home should not have to be moved, they should not be required to move, during those very cold winter months. It is kind of surprising, in talking to some of the people involved in the ownership of homeowner parks, that, in most part, they agree. They are people and they would not do it. They can even agree with that principle being put into legislation so that it cannot happen.

It would also seem to me that a person that deserves some credit in respect to the situation at the Northland Trailer Park, and I speak of that specifically because the member for Whitehorse West has referred to it, is the fact that I think CMHC and their personnel there have to be commended. They went to a public meeting, put up with the harassment of the general public, which they are not paid for, as the members from Whitehorse West and myself are paid to do, and made a very genuine offer, and did manage to convince his counterparts, the regional office in Ottawa, that the commitment was made and subsequently those people who had moved in the past year could take advantage of the monies that are available through that program. And I certainly think that if that program continues over the next couple of years, I believe it still should be extended to that type of a construction, because I believe that it is very beneficial.

43 I should also point out, in going back to the question of land, and what we did in the Crestview area, it was our considered opinion that if we put in the pavement, curb and gutter, you were looking at costs in the area of \$14,000 to \$15,000. We made the decision that we were not going to put in those particular amenities at this time, but put in the very basic amenities of water, sewer, telephone, hydro and road, and, at a later date if the residents wished for a local improvement they could go to the municipality.

Subsequently, we were able to put those lots on the market for approximately \$6,000 to \$9,000, depending on the size of a lot and where it was located, and make it available to people within the pay range that they could afford, as opposed to government deciding they can mortgage themselves for many many years, and then there is the question of whether or not they can pay for it.

So, from that aspect, I think that it has been successful. I have to wonder whether, even with the passage of this legislation, which we will be debating in committee, the real problems and the real situation that the member from Whitehorse West has related to us. No matter what legislation has been put into place, there has to be a trust relationship between two parties. Now, whether or not, and I hope that that can be accomplished, that that could come to pass, it would seem to me that at the present time, as government, we have a responsibility to pass legislation.

I recognize there could still be a problem between the tenant and the landlord; hopefully, it is resolved. I was hopeful that the discussion, in trying to bring the two parties together — which I am sure Mr. Penikett will verify, I have tried to do it a number of times. They utilized my office at that time to bring the two parties together; the idea of talking about the various problems, and laying out the various options, to see whether any decisions can be made. In looking to the future, I hope that that can be done.

I just want to clarify one other point that was put on the record in respect to the question of condominiums. I went to a public meeting and stated quite frankly that I had put the suggestion forward to the owner. The reason being was because I felt that if the prices were properly set and were within the financial capabilities of people there, that they would be much better off not only in the short term,

“but for the long term.

I personally agree that \$14,500 was too much and I do not think that anyone argues that point. I also want to assure that it is on the record that I had discussed it very informally in private with some people who lived in the area as an idea that perhaps could be put to the people who lived there and seriously considered. I have to say in hindsight perhaps it could have been done in a better manner as far as putting it to the tenants of the area. It would seem from my perspective that it could have been handled in a better manner.

I want to reiterate that we have very serious decisions to make within the confines of the legislature. It is a fine line between the landlord and the tenant. We do not want to impede further building that it is going to provide, further accommodation when it is necessary that accommodation come forward. At the same time, we recognize that there has to be a definition between landlord and tenant and that relationship.

The members opposite say, “control the rent”. I say that the marketplace is going to take care of it in most part. The member from Whitehorse West has said that we are looking at an economic recession, not only here but through Canada, and you can see it in the rents. There are more apartments, more rental accommodation, available, and subsequently the rental structures have gone down: in some cases considerably. If you have rent controls in then the landlord would say, “well the government said eight percent or ten percent, or whatever the case may be, and they have set the rent”. It would seem to me that as far as the control of the rental structure is concerned, that the structure could be set in such a manner that the marketplace is going to dictate what is going to be charged. If we continue to ensure that we have land available as a viable option for whatever type of household you wish to live in, then that is an option one can take.

When we hosted the Minister of Municipal Affairs conference here three years ago, representatives of the various provinces throughout the country were very surprised that we could sell these service lots for the prices that we are asking. We are in a very fortunate position as far as the general public is concerned and we can utilize it both as a social and economic type of tool to encourage stability in our population and longevity as far as people staying here in Yukon.

In conclusion, a lot of work has gone into the bill before you. It is unfortunate that the bill could not have been proceeded with prior to the election. Perhaps the members opposite will support us in that maybe the election period should only be 29 or 30 days as opposed to 45 days. As I recall we were all very tired, no matter what party we belong to.

“In conclusion, as far as the bill is concerned, there has been a lot of work done on it. We have tried to get the various points of view forward. As I indicated, we are walking a very fine line in trying to encourage that people will continue to build accommodation for people to rent and, at the same time, ensuring that there is an adequate protection for both the landlord and the tenant.

Mr. McDonald: I want to assure members that I do not have a long-winded rhetorical speech to make, I just have a few brief remarks regarding this bill.

I do not feel comfortable that the act, or the proposed amendments to the act, adequately address or fully appreciate the relationship between a landlord-employer and tenant-employees. In a jurisdiction like Yukon, where the resource industry has opened townsites near the production processes it has resulted, in many cases, in the creation of company towns or, alternately, single industry towns.

Generally speaking, the employer must allocate scarce housing judiciously to maintain his business. However, there must be guidelines to protect the individual employee and provide him/her with a sense of security equivalent to that present in the normal landlord-tenant relationship. Being a landlord and employer both grants one party considerable leverage that is not otherwise accorded in either a normal landlord-tenant relationship or an employer-employee relationship.

There must be special provision to at least partially remove the residue of the employment relationship in the rental agreement in these cases and that is that special consideration must be given to

the employees so that the threat of losing one's home, the roof over one's family, it does not enter unreasonably into the employment relationship.

For example, and by way of remedial action, the notice of termination of a rental agreement could be lengthened in order that an employee without work, and faced with the prospect of finding new accommodation, will have more time to react. In single industry towns in the Yukon, Elsa and Faro for example, the management and union attempt to keep industrial relations delicately balanced, yet the special *Landlord and Tenant Act* does more to disturb that balance than anything else. It is a factor which, in many cases, unreasonably intrudes into the career decisions of many individual employees and I think, quite unfairly, into labour and management disputes.

I think it is time this legislation specifically addressed this special problem and made efforts to separate the working life from the home life. Especially in such cases as company towns because I think it is fair to say that the security of a job and a home is an issue and a goal for all working people.

Hon. Mr. Tracey: I was not going to get up until the last member got up and started to tell us landlord-employers and tenant-employees. It is a well-recognized fact, everywhere in North America, that a landlord-tenant relationship does not exist in the collective bargaining system. I find it hard to believe that the member across the floor would talk about a landlord-employer and a tenant-employee. They negotiate their housing in their collective agreement.

“In most cases, the landlord, who is the employer in this circumstance, gives these people very generous accommodations and they only have the right to that accommodation as long as they are working for the company. It is company-owned property that the employee uses while he is working for the company and I fail to understand how the member feels that there is a tenant relationship there, because there certainly is not. He is an employee and he has his accommodation because he is an employee.

The member for Whitehorse South Centre gave us a long dissertation on his party's beliefs in regard to landlords and tenants. He constantly was saying that his position was that they should have a rentalsman and that there should be some form of control by this rentalsman. Well, as a member of this House for the last four years, before that member was in this House, we were constantly hearing not about a rentalsman, what they wanted was rent control legislation. It was raised in this House on a great many occasions: rent control, rent control, all we heard was rent control.

I do not doubt for a second that this legislation is beneficial because of the fact that we lay out not only the landlord's responsibilities, but we also lay out the tenant's responsibilities. I think a lot of people tend to forget that the tenant also has some responsibilities in regards to a landlord/tenant relationship. When you have a situation such as Bradahead Developments and the Northland Trailer Park, it is made a big issue of, but that is only one issue.

There are a great many issues and a great many landlords in this territory and in Whitehorse, in particular, who have numerous complaints about tenants, but rather than constantly complaining about it, they absorb the cost and that cost, unfortunately, has to get passed on to the future tenants. So, tenants also have a responsibility under this new act that we have brought in here and I think it is going to be beneficial for everybody; that not only the landlord's responsibilities are outlined, but also the tenants.

Motion agreed to

Bill Number 15: Second Reading

Mr. Clerk: Second reading, Bill Number 15, standing in the name of the hon. Mr. Lang.

Hon. Mr. Lang: I move, seconded by the hon. member for Hootalinqua, that Bill Number 15, *Agriculture Development Act*, be now read a second time.

Mr. Speaker: It has been moved by the hon. Minister of Municipal and Community Affairs, seconded by the hon. member for Hootalinqua, that Bill Number 15 be now read a second time.

Hon. Mr. Lang: I am pleased to have the opportunity to

introduce for second reading an act to establish the Agriculture Development Council.

47 I would like to begin by giving a lot of credit for the impetus and the final resolution that a bill would be coming to the House from the member from Hootalinqua. The member from Hootalinqua has worked very hard in respect to an area that does have an agriculture potential. He has brought forward the concern of those people, the lack of land, the lack of tenure, all these questions that have occurred in respect to the past performances of the Government of Canada in most part.

To give some background, a number of years ago, the Peake Report was commissioned, and the report was forward, and there was very little activity in respect to that particular report, but the major recommendation was that the Government of Yukon identify areas for agriculture potential. And I am pleased to see that we are dealing with a bill later on in the session today that is going to have that capability of doing the necessary inventory and identification.

I think it is safe to say that our government has adopted a firm policy which emanated from our party and was part of our platform, of recognizing agriculture as both a legitimate Yukon life-style as well as a means of enhancing and diversifying the self-sufficiency of Yukon economy.

Before specifically discussing the various principles in the act before you. I would like to briefly outline the steps that our government has taken to support the development of the Yukon agricultural sector. In early 1982, the Agriculture Development Council was established to advise the government on agricultural policy and to recommend measures to develop this industry. I should point out that the bill we are about to consider will entrench this council in legislation.

I should further point out that the membership of the Agriculture Development Council has representation from the Livestock Association, as well as an individual who is not farming but has a great deal of farming experience from both Ontario and Alberta, as well as a farmer from the Dawson City region, to try to make sure that we have some regional representation as well as some understanding of the problems throughout the territory.

48 In May of 1982, as a result of a lot of work done by the members of the Agriculture Development Council, agricultural development proposals and related land applications were solicited from the general public for two categories of agricultural land.

The first category, defined as intensive agriculture, provides for a land base of between 20 and 160 acres for the purposes of carrying out intensive agriculture activities, such as market truck gardens, greenhouses, hogs, chicken production, et cetera. The second category was defined as extensive agriculture and provides for an initial land base of 160 acres for the purpose of livestock and feed crop production.

As I indicated the other day, I was going to bring the information forward as to the number of applications that we have had to date. We have had approximately 120 agriculture development proposals received by the council: approximately 60 on federal land and 60 on territorial land. The initial priority has been assigned to dealing with those agriculture applications on Commissioner's lands outside the Whitehorse municipality area and, to date, after intensive review of applications, eight proposals have been approved in principle, for which specific development agreements or contracts will be finalized in the near future.

Basically, these development agreements will provide farmers with a five-year period in which to meet specific performance requirements, at which time they will receive title to their property if they fulfill the caveats that they agreed to upon having the right to work the land.

In the case of intensive agriculture performance, requirements are going to relate primarily to achieving a specific dollar investment and level of production, while, in the case of extensive agriculture performance, requirements will generally be to bring two-thirds of the land in question into production. I should point out further that, in all cases, if livestock is to be kept on the property, they must be adequately contained and 80 percent of applied for land must be arable.

Further to that, in order not to burden those people who wish to

farm and recognizing the high capital cost of debts that are going to be incurred by these individuals, land will be made available at development costs, which is largely cost of survey.

As soon as the agreements that have been recommended to me and that have been agreed to between the government and the parties are finalized, the land will be classified and zoned for the purpose of agriculture, with the prohibition — and I stress prohibition — on future subdivisions.

Once the remaining applications of Commissioner's land have been dealt with, agriculture development proposals on federal lands will be considered and the Government of Canada will be approached, where an area is deemed to have agriculture potential, for a transfer of these lands to the administration of the Government of Yukon.

Lately, there has been some criticism on the question of land — at least from our side of the House, though I have not heard much from the other side of the House — as far as the Government of Canada's lack of commitment to transfer land to the people of the territory. I do have to give some credit and that is to the Department of Agriculture who we have been working with last spring and who has agreed to recruit and establish a soil pedologist in Whitehorse. It is my understanding that the position has been filled and the employee will be located in Yukon within the next couple of months. I believe this soil pedologist will be able to provide invaluable assistance in advising individuals who are seeking and applying for land as well as being of great assistance to the Agricultural Development Council who have to consider any of these applications they are bringing forward.

49 The mandate of the council to be established under the act that you have before you is primarily twofold: to undertake analysis and research on Yukon's agricultural potential and, I believe, will tie in very well with the *Land Use Planning Act* that is before you today as well, and will be providing advice and recommendations to the government in respect to all areas of agriculture. The immediate priorities that have been assigned to the council have been the question of land disposition that they have worked on and they are now in the process of implementing. Other questions that I think will have to be addressed in the very near future is the question of grazing of livestock, the possibility of livestock disease in seed, pest and wheat control policies.

One of the other important functions that I believe in working in conjunction with the Agricultural Development Council will be the provision and dissemination of information as well as expertise in agriculture education programs to not only new farmers, but people already established in the business. With the council working in conjunction with the Livestock Association it would be very beneficial to have a number of seminars on those areas that are of question as far as individuals who wish to get into the area of agriculture. Such an example is breaking of land and how to do it, what time of year to do it; only this type of information can be provided by someone who has the necessary expertise.

The zoning and sale of lands will be carried out under the *Area Development and Lands Act* rather than the *Agricultural Development Act*. As in the case with the regulations and disposal of Commissioner's land, it was felt that particular authority should still in place as opposed to incorporating it in the new act.

50 I would like to touch on three related issues as far as agriculture is concerned. It has been raised numerous times by the member for Mayo. Hopefully, I have clarified our position and, if I have, I have no reason to doubt that he would not agree with the government's position. The first one is that a lot of people would believe that we should immediately rush headlong into a very expensive agricultural program ranging from a large bureaucracy to a myriad of grants, establishment of marketing boards and whatever. I think it is safe to say that the approach we are taking is a relatively cautious approach but, at the same time, preserves a very basic principle. The success of the agricultural industry in the territory is going to depend on the ability of the individuals to meet the commitments that they have made to the Agriculture Development Council.

As time goes on, and I have no doubt that they will be successful in most part, we are going to have problems, there is no question about that. In most part, I believe it will be successful and then the

government can say what other areas we should become involved in, perhaps financially, or whatever methods, as far as government programs are concerned. That responsibility does lie with the Agriculture Development Council to advise the responsible minister in respect to what steps could be taken at certain times as the industry grows.

One area that really does bother me, and I think it should be stated here, is that there is an undertone, by at least some parties, that agriculture will mushroom to such an extent that it will occupy all of Yukon's lands and the land base of the Yukon is too small for agriculture and wildlife to coexist. I am here to tell you: it has been done in many other parts of the world, and there is no reason that it cannot be done here.

There is no question, in looking at the number of applications we have had to date and the criteria that we have set down in respect for an individual, or individuals, to apply, is not that substantial. One hundred and twenty people have voiced interest. How many will be approved remains to be seen as they sort out the applications. It is not that vast a number in respect to the land base of the territory as a whole. It is important to point out that the agriculture, and the question of agriculture, as far as land base is concerned, is not going to take up that significant amount of land throughout the territory.

A question that has been raised is whether or not the Government of Yukon Territory should identify areas that have agriculture potential. To some extent, that has already been done and it gives the ability to guide. For example, the Peake Report — and there were a number of other reports done in the 1960s, especially when we had the experimental farm — is available to the public and those who are interested in looking at the possibility of areas that they can look at for the purposes of applying for land for the purpose of going into agriculture.

⁵¹ Our approach at the present time, as I indicated to the member for Mayo — and I trust he has not forgotten, and I will remind him — has been that, initially, we believe that the individual should have the right to come and apply and the potential would be that, especially in view of the fact that we have three qualified people on the council itself, who do in most part see the land that they are talking about; who actually go out and walk the land and have a look to see how much potential the land itself has, and also, in view of the fact that we do have, coming on stream, a soil pedologist who is going to be paid for by the Government of Canada, or Agriculture Canada.

Further to that, the land use planning bill that is before the House, there is no question in my mind that it is going to aid and abet the Agriculture Development Council in the fact that they will also have the mandate to identify and do the necessary resource inventory for further information that can be provided to those individuals who would be interested in the purpose of going into agriculture.

I do not want to sound combative or partisan here, but I think there is one issue that has been raised in the House, and that deserves perhaps a position being made by the members opposite, and that is the question of the availability of land. I think that it is safe to say, at least from my perspective, and I put it forward every time that I have run for office; that land should be made available to all Yukoners. And, of course, with the *Land Use Planning Act* that has been put forward, as well as this particular bill that is before us, its dealing with a very vital part of Yukon, and that is land.

Now, take myself; I am not interested in farming. I am not that interested in actually getting a lot on a lake. But that is my own decision. There is a very fundamental principle involved here, that I feel very strongly about, and that is the right to go and apply and get that piece of property if I wish to do so, not go to, what I refer to earlier, as the absentee landlord, not to the Minister of Indian Affairs — who may fly in once a year, God bless his soul — not go to the regional director, who is responsible to the bureaucracy in Ottawa, but I would like the ability and the knowledge that I know as an individual and a citizen of Canada, living in Yukon, I have the right to come to the territorial government, who is duly elected and say, look, I have put my application in. If it is a no, then there is somebody who is politically accountable, and the members

opposite have the right to raise the question whether I have been justly treated with respect to a particular application.

⁵² That is not the case, right now. Looking at 120 applicants, if they were to be serviced fully, and if the total amount of land, at 100 acre parcels an application, that had been applied for was granted, we would be talking about 12,000 acres. If you were from the Province of Alberta, you would think it was a joke that 120 people, applying in an area of 186,000 square miles, may not have the right to apply and to get that land.

I said earlier I am going on the verbal commitment that was made to me in the previous government, in my role as the minister responsible for agriculture, that land would be made available where there was agriculture potential that did not conflict with land claims. In most part, we are getting the land claims sorted out and, as I indicated, we are in the process of implementing the policy that we have incorporated in the bill.

I would just ask the question: just exactly where do the members opposite come in respect to the land of the territory, and should it or should it not be transferred to the people of the Yukon Territory. It would seem to me that all members of this House, no matter what their political stripe might be, no matter what their philosophy might be, putting it forward honestly to the public. We ran, in large part, on the policies of the Conservative Party: that land should be made available to the people of the territory — and we are in the process of achieving that — where we have the legislative authority over the land.

It seems to me that we are in a very critical period in the history of the territory and the actions of both sides of this House, in most part, is going to dictate whether the people applying for agricultural land...

Mr. Penikett: On a point of order.

Mr. Speaker: Order, please.

Mr. Penikett: On a point of order: if I were giving this speech I know I would be called to order. I wonder if the member could say a little something about this bill rather than the next bill on the order paper, which he now seems to be addressing?

Speaker's Ruling

Mr. Speaker: Order, please. I regret to keep having to advise the hon. member that he knows he has no point of order and cannot make a statement. It is a breach of the rules of the House to interrupt the hon. member without asking for a question. If a member disagrees in any way with what another member is saying when he has the floor, I believe I would refer the hon. member to Annotation 303 of Beauchesne, which clearly sets out the manner in which that can be done.

⁵³ There is no point of order and I would like the hon. member to retain his seat and give the courtesy to the member speaking.

Mr. Penikett: A question of privilege then. It seems to me, sometimes, that the rules only apply to this side of the House. If I was as far off the bill as the member is now, who is now supposed to be speaking about agriculture, nor federal land policy, you would call me to order. But you do not seem to do that over there.

Mr. Speaker: I must once again call the hon. member to order. The hon. member, as he knows, has no question of privilege and I would ask that all members of the House give courtesy to other members of the House when they wish to speak.

Mr. Penikett: We have to...

Mr. Speaker: Order, please.

Hon. Mr. Lang: I am addressing the question of agriculture because how could you have an agriculture policy with no land? Where have you been? Pack a lunch. From where I sit you have to have some land available in order to implement an agriculture policy and I am trying to explain it, in the nicest terms possible, to the member for Whitehorse West — I caution myself, I do not want to cause the member opposite any medical problems but, in the nicest terms and the most non-partisan manner that I can — the real critical problem that we could well be encountering is the question of land. The point that I am making is with respect for the implementation of the agricultural policy, we need land. Now, I have that through to the member opposite. I should have brought a colouring book.

The point that I am trying to impress, and there is a relationship between this bill and the following bill that is going to be discussed,

even if the member opposite does not see it — that is not my problem, that is his and he is going to have to, one day, atone for his comments to the member for Whitehorse West I am sure — in respect to the members of this House and looking down to the future of the territory, as far as land is concerned and the question of making land available for agriculture or whatever the purpose may be, there is a very basic principle involved and that is that the land should belong to the people of the territory.

Mr. Penikett: Hear, hear.

Hon. Mr. Lang: May we get that on record. He is here, but we are not too sure if he agrees.

All humour aside, I am asking a very, what I deem to be, important question in respect to not only short-term but long-term policy as far as what commitments that we feel the Government of Canada should be making in respect to the transfer of land for the purposes to do what we may with it, and that includes agriculture.

Further to that, it would seem to me, and I am sure that we will be debating it later on this evening, looking at the clock, that this is one of the most critical elements if any member of this House believes in "responsible government". If you do not have the land base to go ahead to implement the agriculture policy, or whatever the case may be, but you do have the ability, as the Minister of Indian Affairs and Northern Development said, to implement a sales tax, there really is not too much of a *quid pro quo* in respect to what the authorities of a responsible government should be to its citizens.

⁵⁴ What I am basically saying is, in order to implement successfully — I am taking the Minister of Indian Affairs' word on this, and that is all I have, in a private conversation in his office that land will be made available — we will put the applications forward, but from my perception that land should be our responsibility not only for today, but for ten years down the road. If we do not all strive for that, at least in some commonality of purpose and objective, then the Government of Canada has a situation where strictly on a partisan point of view there is bickering. They have exactly what they want from the Government of Canada and that is to divide and conquer. We should do everything at all cost to ensure a common front in order to reach that objective in the long term which is Yukon for Yukoners.

Mr. McDonald: I had been warned that perhaps the hon. Minister for Agriculture would be wound up to his rhetorical best, especially at the misrepresentation of this side's position. I certainly will not give a long-winded speech on agriculture. I think I can make my points a little more succinctly. First of all, I would like to say that I am happy to see that the territorial government has received the services of a soil pedologist and not a soil pathologist, as has been suggested by the Minister for Renewable Resources.

Hon. Mr. Tracey: Point of order.

Mr. Speaker: Order please. The hon. member on his point of order.

Hon. Mr. Tracey: That was not stated by myself at any time. I said "pedologist", or soil specialist.

Mr. Speaker: Order please. I must say that the hon. member does not have a point of order and I believe all members are aware of that. I will now allow the hon. member for Mayo to continue.

Mr. McDonald: Thank you Mr. Speaker. I felt that I would have to spice things up a little bit myself there, but I see the minister has done quite an adequate job in that vein himself. In any case, I would like to commend the government on its recent promised initiatives and these promises are once again on record for the umpteenth year in a row.

I am happy to be able to speak to this act, primarily because it is one of the first times in many years that this House has had the opportunity to debate agricultural issues. The desire to develop a farming sector in Yukon has been a long-standing desire and has yet to receive its just due from this legislature. However, I must admit this act has to be one of the slimmest excuses for discussing agriculture that anyone could possibly imagine. People of Yukon wanted to see some concrete initiatives promoting agriculture after years of discussion papers, comprehensive technical reports and promises. And now, in 1982, after two election campaigns in which agriculture constituted an important issue, we get an advisory

council — advisory — and we know what that means to some ministers in this government.

It has already been in operation for 10 months, and has been recommended seven years ago, and we finally get the legislative authority to pay for the members of the council, and we get a promise that agricultural programs may never see the light of day in this legislature again.

The meat of agricultural policy is in the regulations. That is the last section of this very brief act. The executive council, it seems, governs by regulation. There will be no legislative scrutiny, there will be no public scrutiny, and one of the most important issues of this day — and I would agree with the minister, that it is one of the most important issues of this day — will be the prerogative of the minister and of the Cabinet.

Even if we had no interest in protecting the democratic institution, which we are participating in today, and the right to scrutinize Cabinet activity, we would still have good reason to worry about the future of agriculture in this territory. Despite the grand rhetorical claims by government members today, and in the past, the promotion of agriculture has not done very well under this government. It has been on the government's plate since 1978 and has been met with foot-dragging and skepticism; not healthy skepticism, but ill-informed skepticism.

The minister responsible for Agriculture, the Minister of Economic Development, in 1979, about three and a half years ago, said in response to a question about agricultural policy, and I will put it in full for our members' benefit, "Mr. Speaker, we have been working on this. I suppose my department has been working on this for quite a while. As I told a member earlier on in this session, a lot of this agricultural area has been looked at. There are some areas that are viable. However, sooner or later, most of these people are going to get frozen out, and then they are going to come looking to the government for help, and we do not really know just where to go on it. So we are still taking a very hard look at it. People came out from the Livestock Association. They wanted 50,000 acres to be released annually, and that is approximately 78 square miles a year. They also say that they want 100 acres, that is 507 farmers every year, and I do not think that we are ever going to be looking at that within ten or 20 years, never mind one year". The minister finished the line of questioning with the disturbing phrase, "We are not the end-all and be-all of anything." Mr. Speaker, I could not have said it better myself.

Then comes the position papers, policy papers, statement of intent and more promises. In March of 1981, the Minister of Renewable Resources — it has now changed departments — said, with his characteristic bravado, "Now that I am in a position to be able to tackle this question, the question of policy for the agriculture industry, I would like to think, as I indicated to him earlier, that we can come up with something with a pretty solid basis over the forthcoming months. I think it would be very unwise to give him a time frame of 24 hours." 24 hours, no kidding, it has been 20 months.

⁵⁵ I should say that we have good reason to be skeptical. There have been two election campaigns, five years, and we have one advisory council and no more legislation from this House. That is a fine record. I hope the minister is proud of that.

By the way, I would like to ask who is confused about which government department is taking responsibility for Agriculture. It has been stationed in Economic Development, Renewable Resources, and now, Municipal and Community Affairs, in just three years time. Now, the minister of the department with the agricultural expertise brings in the *Land Use Planning Act*. The minister of the department with lands expertise brings in the *Agriculture Development Act*, yet the government leader asks me "why am I puzzled?". Who is puzzled? Perhaps the government is puzzled about where they would like to put this responsibility. I think it is fair to say that the Yukon public expected much more from a government that was fond of publishing discussion papers and soliciting public reactions for years and years and years.

People wanted to see some initiatives in the marketing of agricultural produce; farmers' markets, and initiatives to alleviate the conflict between the open ranging of livestock and public

safety. The wanted to see the result of the research into food production in Yukon and, perhaps, the establishment of local competent technical advice. Perhaps the government could have investigated the possibility of a preferential tax policy for the farming community and negotiated with the federal government, special access for farmers to farm credit. These were identified as concerns two years ago, at least. Nothing shows up in the act besides the establishment of the Agricultural Development Council, which is probably the only positive step to pass through this legislature for years.

Such sound advice, by the farming community, is long overdue. I would, of course, have liked to have seen a slightly larger committee, with representation by the Yukon Livestock and Agricultural Association — that is the proper name for the minister's information — set in legislation.

What their responsibilities will be for the disposition of lands is as yet to be determined. We have heard from the minister of land planning that they will have input into the selection of land and I suppose we can take from this that they shall advise the new land planning committees, which are also in the act that the minister is speaking about.

At least, we do know now that the method of land selection and dispersement will be slightly altered. The policy, at this stage of the game, to solicit applications for federal lands, and label it promotion of agriculture, is a cruel joke on unsuspecting Yukoners. It pushes the farming community into the front line of the constitutional paper-pushers debate. You might as well be asking for people to make application for garden plots in Stanley Park for all the effect it will have.

The government is not sure, or clear, about what Mr. Munro has said regarding the transfers of land. Let me quote, word for word, "I am prepared, further, subsequent to implementing a comprehensive and co-operative land planning process, to recommend the transfer of blocks of land for agriculture". Lord only knows, I am not privy to the decisions of the back rooms of the federal Liberal Party, but I certainly do know what that means. Having the government make policy to accept applications for something that does not exist is exactly the reason why such policy should pass through this House.

We intend to vote for this bill at second reading in order to send it to Committee where there can be substantial amendments proposed, primarily in the regulations.

The promotion of agriculture in Yukon needs always to be discussed and debated in a democratic manner, if not only to expose improprieties, should they occur, but also to ensure that all activities are open to public scrutiny. Furthermore, it is important to remember that the government has been running with agriculture for years and only now comes up with an advisory committee, albeit a positive step.

Let us formalize the Agriculture Development Council and then let us discuss land availability and administration, agricultural research, technical support, marketing and other matters relative to supporting agriculture in Yukon; in other words, agricultural programs. We need agriculture to broaden our economic base and to protect us against the fluctuations in mineral prices.

Mr. Philipson: I rise in support of this bill. I would also like to congratulate the member for Hootalinqua for his diligence in this regard.

The backbone of any agriculture policy is the way in which the government tends to look at land. It may seem that this is a statement that is self-evident, but I would like to point out that there are several different ways to look at land. Some would say that the land should belong to all people; it should be shared and preserved for the greater good of the community. This is the socialist perception of man and land.

Still others would say, for example, that an individual farmer should have the privilege to benefit from the land and that he should have tenure over that land for a certain specific reason and a certain specific time period. The federal government is the biggest advocate of this policy. That is, in Yukon, when one gets land from the federal government, it is usually as a lease.

I would say that an individual farmer should have, as one of his most fundamental rights, the right to enjoy and own his property in fee simple title. Except for a small, almost insignificant portion of Yukon lands today, the state, with all its powers, owns the land and that is very unfortunate.

The growth of a substantial agricultural presence in Yukon is a very emotionally-charged issue. On the one extreme, you have the wildlife interests who believe agriculture has no place in Yukon; on the other, you have the farmers who not only believe that agriculture could and should thrive in Yukon, but who believe that it must in order for Yukoners to lessen their dependence on imported food.

Somewhere in between, we have the majority of Yukoners, who think there is probably room for both wildlife and agriculture.

Then there is the government of which I am a member. We have the responsibility to look at the wildlife interests as well as the agricultural interests. If I were a farmer, I would not be disheartened by all the recent emotional conflict between wildlife and domestic animals, because we are going to have agriculture in Yukon.

It is now the time to look at how we are going to implement an agricultural policy. As you know, the government announced in the Throne Speech that we are going to be introducing an act formalizing the Agricultural Development Council and its mandate. The council has already looked at the way in which the government should dispose of lands for agriculture and I am sure that you are all aware of the recommendations. Cabinet has approved a number of these recommendations and, as they now stand, it is the basis for our agricultural policy.

Take notice that the backbone of this policy is the individual. The government has put its faith in the individual and individual initiative. We are not going to tell you what to grow or where; we believe that you are the best judges of that.

I would like to take special notice of another particular point of that policy and that is that the applicant will be issued title to the property once he fulfills his obligations. He will own the land. I believe in that, and I also believe that the right to own the land is one of the most basic of Canadian rights and freedoms.

As the hon. minister has stated, and I would like to reiterate, it is my belief that we should have the right to choose.

Thank you.

Applause

Mr. Kimmerly: I, of course, come from the smallest in area of the constituencies in Yukon; indeed, in my riding, every inch of the land is developed or zoned open space and has absolutely no potential for agriculture, except for greenhouses and individual gardens.

Nevertheless, I rise in this debate for several very, very important reasons. From a constituency point of view, many of the apartment dwellers and other people in my riding live in the city only because they cannot get agricultural land and there is not an adequate agricultural policy; they look forward to developments in the area.

Also, all city dwellers are consumers of food and the price of locally grown food, of course, is important and extremely so to lower income people.

Those issues are crucial to people in my riding, an exclusively urban riding. I wish to enter those issues into the debate. More importantly, I wish to talk about what is basically, in my view, a constitutional issue, and a constitutional issue of primary importance.

I have listened to the speech of the minister proposing this bill and it has an extremely strong political component. Of course, land is a very emotional issue, a very political issue, and the debate will probably be intensified on the next bill in the order paper. I do not wish to speak about that at this time, in any event, but I do wish to speak about the framework, or the policy or principle, of this bill.

The explanatory note is entirely accurate, in my view, in that it is a legislative provision for the establishment of an Agricultural Development Council. It sets out duties and responsibilities for the council, in my view, and I say this extremely carefully, in an unconstitutional way. I do not mean that in a narrow, legal sense. I mean that in a broad, political sense. The bill is out of order in the

sense of a time frame; in that an agriculture policy ought to be here first. The provision and the process ought to come after the policy. The bill does not contain an agricultural policy. There are many serious issues: The competing land use for agricultural interests and wildlife interests, for mining interests and agricultural interests, the question of the present open range policy and the question of pest and weed control, those kinds of things. They are not in the bill. There is no agricultural policy in the bill.

60 It is left to the Agriculture Development Council to recommend such a policy, to co-ordinate such a policy with the federal government. To develop such a policy, to recommend the processes and establish the programs, establish agricultural programs is a clear reference in the bill's regulation-making powers. The member for Mayo is absolutely correct when he says that it is possible, that after the passage of this bill we never again debate agricultural policy in a meaningful way in this House because it will be subject of regulations and studies and policies of a committee — not a committee responsible to the Legislature, but a committee advising the minister. Skeptical or cynical people could suggest that the bill could be used as a mechanism to avoid political accountability in this House. The minister proposing the bill frequently makes reference to an opposite member's length of tenure in the Assembly and, indeed, his residency in Yukon. I say to that minister: if he had experience on the Statutory Instruments Committee, if he had that kind of background, he would be far better informed and far more responsible in these kinds of bills. It is a clear, uncontroversial constitutional principle that the political policies of the government be established in legislation and that the regulations fill in details on the matters which may frequently change. For example, it is clearly appropriate that the Legislature either establish a fee for government service or not, and the regulations from time to time might set the precise amount of the fee.

61 The clear constitutional principle ought to be that agricultural policy be in the bill, and the regulations ought to refine it and deal with individual land applications and agricultural use applications in accordance with policy guidelines. Nowhere in the bill are those policy guidelines given.

This is not an agricultural policy, it is simply a process of forming an advisory council. We proposit that process, but it does not nearly go far enough and we will be proposing, as is constitutionally responsible, the establishment of a policy within the bill.

Hon. Mr. Lang: I will be closing debate, in view of the fact that I am now speaking. I think there are a number of comments that I would like to make. I recall a question that was put forward. I believe the member for Faro indicated to me that he had a legal opinion and he wanted me to express a comment on it, and I stated to him at that time: a) I did not know from where he had received the legal opinion, and b) I did not know what he had paid for it, so I was not prepared to comment on it one way or the other.

The member for Whitehorse South Centre refers to the constitution. I should refer the member opposite to the constitution of the Yukon, which is the *Yukon Act*. Have a look at sub-section 16, the legislative powers of the Commissioner-in-Council: "the Commissioner in Council is subject to the provision of this Act and any other act that the Parliament of Canada, make ordinances for the government of the territory in relation to the following classes of subject...". Namely, it states, "agriculture", in the list of the authorities that the legislature has.

I can say this: I think that some criticism can be put forward for the fact that it has taken some time to put together an adequate policy for the purpose of agriculture in the territory, and there has been a number of stumbling blocks to that. I will be the first to admit that, but I think the point is that we have come forward with a bill which provides for the necessary people who do not only have the expertise, but, at least, in part, live the lifestyle and are involved in the industry that any legislation passed by this House would affect directly.

62 I want to assure all members in respect to the conflict that some members refer to between wildlife and agriculture: any areas that are being scrutinized for the purposes of agricultural development are sent over to the wildlife department for their comments to

ensure that any conflicts will be caught at the beginning. There is a process in place of trying to find what some people might determine to be a very fine line between the responsibility of wildlife and the responsibility of agriculture.

The bill does outline the various areas regarding agriculture where the members of the council will advise the minister responsible. The political decision will have to be made by either the minister or the Cabinet who will have to justify to this forum, and to the people of the territory, what has or has not been done in respect to this area of concern. I can make this commitment: in those areas where we deem a statute is necessary, if it is in the area of pest control and we had to address that, then somewhere down the road the necessary legislation would have to be presented to the House and properly debated. I agree in principle with that aspect.

We are just starting with the Agricultural Development Council and cautiously getting into an area which is totally reliant on the individual and the individual's ability to perform. It seems to me that we should be starting out in the steps we are outlining in this bill. When the time comes, as I indicated earlier, certain elements should be legislated and brought forward. As far as the land disposition policy is concerned, it is already in place and, granted, it is in regulation. It is the first step forward in saying, "These are the rules and the guidelines; you come forward and apply and if you meet the criteria, your application will be processed accordingly".

That seems to be fair ball to me. I do not know how the member for Mayo on one hand criticizes the bill, but will vote on it in second reading. The member for Whitehorse South Centre says that he supports the bill but he does not support the bill. I recognize the dilemma that they are in. It is very difficult not to support the bill because it was drafted by the Minister of Municipal Affairs, and there cannot be too many problems with that.

I think it meets, at this time, the aspirations of those people who are wanting to or have become involved, at least in part, in this industry. A great deal of discussion has gone on between the association that represents the farming community as well as the government, and it has culminated in the bill you have before you.

I can see a speedy passage of the bill which I am sure you will be happy to hear. I am looking forward to a clause by clause debate from the hon. member for Mayo.

Motion agreed to

63 **Bill No. 14: Second Reading**

Mr. Clerk: Second reading, Bill No. 14, standing in the name of the hon. Mr. Tracey.

Hon. Mr. Tracey: I move, seconded by the member for Whitehorse Porter Creek West, that Bill No. 14, *Land Planning Act*, be now read a second time.

Mr. Speaker: It has been moved by the hon. Minister of Health and Human Resources, seconded by the hon. member for Whitehorse Porter Creek West, that Bill No. 14 be now read a second time.

Hon. Mr. Tracey: It gives me a great deal of pleasure to be able to introduce to this House a bill important to all Yukoners, the *Land Planning Act*. As we are all so acutely aware, our economic future in Yukon lies in or on the land and is found, literally, in the ground in this part of the country. It is becoming increasingly more obvious that, without the systematic and continued development of our land and resources, our economic future could be very bleak.

Such has not always been the case. In the past, when most Yukoners were closer to the land and when development schemes rarely amounted to more than a family operation, the potential impacts of land or resource development, or making a living off the land, were small compared to the mega-project proposals that we have today.

Planning for the use of our land was not as important as it is today, when we face potential mega-impact on our environment, economy and the very fabric of our social structure as a result of some of these proposed developments. The size of some of them is often almost beyond comprehension and yet we, as Yukoners, are being asked to accept them into our backyard, most often without our significant input and most often within such an accelerated time frame that we do not always have the time to respond or to

participate meaningfully, even when and if asked to.

We have spoken to many issues resulting from such proposals in this House, such as the Macmillan Pass development, the access road and resulting impact on Ross River; the Dempster Highway and its operating regime and impacts on caribou; the North Slope Development and Dawson; the Beaufort Sea's play in the massive potential developments on Yukon's north shore; the Alaska Highway Pipeline and the associated social and economic impacts. These are a few of the up-front proposals we have seen in the recent past, but there are many more in the shadows, on the sidelines, that will also affect our future, such as: hydro development; parks and conservation lands; mines; roads and tourism developments.

Perhaps one of the most important land decisions to affect Yukoners for all time will result from the on-going Indian land claim negotiations. The Department of Indian Affairs and Northern Development, the federal agency purporting to have the mandate to plan and control our destiny, have not, until now, been in a position to react to such proposals and have not been in a position to guide or encourage development or make decisions about land use on a pro-active, systematic, rational and planned basis.

¶ In short, in all the years they have exercised control over the land in the Yukon, they have simply not done any planning for future land use and they have been caught off-guard with virtually every major land development proposal. We propose to change that situation.

We are deeply concerned, as Yukoners, that these decisions regarding any or all of the above — these development schemes or proposals — should not be made on an ad hoc fire-fighting basis by other than Yukoners; often, without Yukoner input, and more often, not always in the best interest of Yukoners.

We are the ones who live here, invest our savings here, and raise our families here. It is we who must live with the decisions affecting the future of land and resource development, and therefore it must be Yukoners who lead the process, providing direction to future land and resource development.

The *Land Planning Act* addresses these concerns by enabling a land planning process for Yukoners, by Yukoners and in the best long-term interests of Yukoners. It is not a land use regulation and control bill, such as the existing land use regulations, nor is it a bill intended to control, review, oversee or regulate specific land development proposals, such as is done by the federal Land Use Committee. Rather, the purpose of the bill is to enshrine a co-operative process whereby all interested and concerned parties, including the federal government, the CYI and other Yukon residents, can establish a systematic and balanced approach to the development and growth of our land, following analysis and consideration of all pertinent factors in the social, economic and environmental spheres.

I would like to stress the co-operative nature of this process envisioned by this government, and emphasize the broad range of matters that will influence the preparation of a land use plan. Land planning committees, made up only of Yukon residents, will be required to consider and report on a range of social, environmental and economic supply and demand factors to achieve a balanced plan.

The reason for this is to ensure that balanced growth and development will occur following implementation of the plan, and that it will not be totally oriented or biased toward single development for land use activity. The intent is to try to consider and plan, in advance, the trade-offs and compromises necessary to satisfy the land and land use requirements of all Yukoners.

Since a number of factors must be considered before arriving at a comprehensive land use plan with systematic and balanced growth cut across many jurisdictions, a co-operative approach is the only logical process.

I would also point out that land ownership is not an issue at all in the proposed process. We have been planning and implementing specific land and resource uses for a number of years on federal land without the actual block land transfer, or ownership, of the land in all cases. Community planning is one example. The planning and management of highway corridors and campgrounds are others. In fact, the federal government has co-operated with us

in many recent land planning exercises. For example, Whitehorse North and Whitehorse South, East Kluane and the Dempster Highway are a few of the projects for which we took the lead role, aided and cost-shared by the federal government.

¶ Some of these plans have been incorporated under the *Area Development Act*, which was assented to over 25 years ago to allow the government to regulate the orderly development of designated areas in the public interest. The *Land Planning Act* simply expands upon this principle and provides for a modern, comprehensive land planning program for all Yukoners.

One point is very clear, however. As I pointed out earlier, it is only logical that, since the results of this or any other land planning process impacts upon Yukoners, it is only reasonable that Yukoners take the lead role, and it is only reasonable to expect that Yukoners implement the plans.

I would like to say a few words on the nature of our land planning in Yukon for the benefit of members of this House, for I believe that the term "planning", particularly as it relates to land and resources, is probably one of the least understood, if not the most often heard, north of 60 in recent times.

Everyone plans, at some point, in ones personal life. The problem to be solved may be as inconsequential as deciding which gala party to attend or as important as laying a subsistence trapline. The essence of planning involves little more than the realization of, or identification of, a problem, identifying alternate courses of action and making a rational choice among them.

A many-faceted problem we face in Yukon today is attempting to accommodate a myriad of resource and land developments within the complexities and constraints of social, cultural, economic and environmental parameters. By identifying and analyzing in detail alternate courses of action available, we will be looking to the future and guiding and encouraging developments in the best interests of all concerned, rather than simply responding, on a fire-fighting, ad hoc approach, such as is now done through the federal Lands and Lands Use Advisory Committees.

Land planning is often criticized as being preemptive, restrictive, unnecessary, or biased when, in fact, it usually is intended to achieve the exact opposite ends. We must recognize that, more and more in Yukon, our society is producing different sectoral, cultural and other special interest groups, each with their own diverse views, values and aspirations relating to the land. Even more evident, or, perhaps not so evident, is the sector of Canadian society that wishes to develop our lands, take the profits and run, without ever setting foot in the territory.

Land planning in Yukon should be seen as the process that forces the explicit recognition of the full range of values held by Yukoners and, to some degree, outsiders, and which ensures a just resolution of any possible conflict situation.

This must not be a technical or written-in-stone procedure forced upon us by outside interests. Again, I say, it must be a process that we Yukoners are happy with and can agree with and one that is in our own best interests.

Both the federal government and the Council for Yukon Indians have published their proposed version of northern land use planning policies. The land use planning principles contained in the *Land Planning Act* does not differ significantly from either of these proposals. The basic difference with the federal policy is really one of lead role, and yet, even the federal government espouses respect for people, regional identity and the northerner's responsibility for the preparation of plans.

¶ The CYI has openly objected to Ottawa-dominated planning and agree that their proposals are much closer to YTG's than to the federal policy. On the other hand, the CYI proposal calls for an environmental assessment review process to be carried out within the context of land use planning. While I do not disagree and, in fact, we support environmental assessment review or development assessment review processes, it is clear that such a process is part of an implementation procedure not related to the planning process *per se*. That is not to say that the government will agree to any, or all, of the developments, with or without a plan, or with or without a review process of some sort; only that the purpose of the two processes, although related, are distinctly different.

The purpose of land use planning is to guide future land uses and development in a manner agreed upon by those whom it will impact upon. An environmental assessment review process is designed to review individual development proposals, assessed as to specific social, environmental and economic implications, and to recommend mitigative measures where necessary.

This government recognizes, and agrees with, the principle of environmental assessment, as put forward by the CYI, and which is contained in the agreement-in-principle with respect to land use planning and environmental assessment in Yukon, signed at the land claims negotiating table. However, we feel that further discussions are necessary to determine the nature of the process and the participation by various parties in the process. I have emphasized many times today that land planning in Yukon must be for Yukoners, by Yukoners. A land planning board and land planning committees, with predominantly Yukon representation, will provide for a Yukon voice to direct future land use and development.

Equally as important is the recognition that planning is for people and that there must be a public participation input into any land planning process. The framework contained in the *Land Planning Act* ensures such input from the outset and ensures that our land will be planned and used in the future in a socially, economically and environmentally acceptable manner.

Mr. Speaker: Rather than interrupt the hon. member next wishing to speak — I believe it is the hon. member for Campbell — perhaps, now, the House will recess until 7:30.

Recess

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

Mr. Porter: At the outset, I would like to say that this government has been known to do some crazy and pretty wild things, but the politics that they have demonstrated over the land use issue can only be described as absolutely goofy.

I do not know what they expect to achieve by employing such childish tactics. I would suggest that if they continue to demand the transfer of all lands in Yukon prior to signing an overall land claims agreement-in-principle they would do the following: further alienate the federal government and increase tension between Whitehorse and Ottawa; bring the land claims process to a halt and, deny an orderly transfer of land to the people of Yukon who need the land. I would like to now expand in these areas in greater detail.

On the question of alienation of Ottawa, for the Yukon government to continue on the road of confrontational politics, they may very well be committing political suicide. Four years from now they may not be here. The people of Yukon are fed up with the Whitehorse-Ottawa squabbles. In this case, we cannot put the blame entirely on the federal government, because it is the Yukon government who have initiated the fight with Ottawa. The political fallout from such insane bickering may be that other areas of the Yukon-Ottawa relations will be seriously affected.

⁰² At the present time the Yukon government is virtually on its hands and knees to Ottawa for an economic aid package. And if this government continues to use political blackmail as a tactic in dealing with Ottawa, those desperately needed federal dollars may not be forthcoming. Because of these serious possibilities, I urge all Yukoners to make it known to this government that their latest political activity is totally unacceptable. I urge all Yukoners to convince this government as to the folly of their activities. For the Yukon government to continue in pursuit of this dangerous political game can only be to the detriment of all Yukoners.

The next area is on the land claims, and we have learned by way of a letter from John Munro, Minister of DIAND and Chris Pearson the Yukon government leader, that the Yukon government has taken the position that it will not sign an overall land claims agreement-in-principle until an agreement is reached on the Yukon government control and ownership of most lands in Yukon.

This latest position is not only politically stupid but it may have the result of bringing the land claims process to a grinding halt,

with ten years of negotiations down the drain. Negotiating parties at the table have worked long and hard, and have achieved 30-plus agreements to date. It seems that a land claims settlement in the Yukon is finally attainable. Is this government so immersed in their political ambitions that they would allow such a travesty to occur?

⁰³ If they did, I am sure that the people of Yukon would never forgive them. For them to initiate action which would have the consequence of derailing the entire process is beyond comprehension.

The Yukon needs a land claims settlement. Yukoners want a land claims settlement, not only for the obvious economic benefit, but more importantly because they recognize that a settlement would accomplish a great deal towards bringing the people of this territory together as one people.

We have heard Dave Joe, the chief negotiator for the CYI, state that should the Yukon government pull out of the talks, we may see a process by which the federal government and the CYI re-negotiate the entire settlement package.

This could mean separate schools, separate health care, separate laws, separate governments and, most drastically, a separated people. The chairman of the CYI further stated that he believes that the latest action of the Yukon government is designed to sabotage the land claims talks. We have to ask ourselves to what end; what will it achieve?

I submit it will do no good whatsoever. It will only serve to rip a hole through the social fabric of the territory. I sincerely hope that this never does come about.

At this point, I would like to remind all members of the government that the land claims talks are a priority which, individually or collectively, they all campaigned on during the most recent territorial election.

This brings me to my third and final point: denying land to the Yukoner. The action of this government could have the negative result of denying Yukoners the land that they are interested in acquiring. If Ottawa's back is pushed to the wall, they may well be very hesitant to transfer any land to the territory.

⁰⁴ This situation should be avoided at all costs. It must be avoided for the sake of all Yukoners. This government must stop daydreaming. They must get their feet solidly on the ground. They cannot afford to be unrealistic in their demands from Ottawa. Transfer of all lands in Yukon from the federal government to the Yukon government at this present time is not a political reality.

To illustrate this particular point I would like to quote from the letter sent to Mr. Pearson from John Munro. It is dated very recently, the 27th of November, and I would urge the member from Porter Creek West who continuously reminds us of his verbal commitment from the minister to listen attentively to the contents of the letter.

The letter reads: "Dear Mr. Pearson: Please forgive the delay in responding to your letter of September 17th concerning your proposals on land ownership and management in Yukon. In this connection, I would also wish to thank you for earlier sending me a copy of the Yukon government's proposed land use planning policy. I note that these items were outlined recently in the opening address to the Legislative Assembly and that you intend to proceed with enabling legislation. If implemented in an appropriate fashion, I am confident that this new planning process will ensure a greater level of public participation in land management and planning decisions. I am, however, extremely concerned that debate on the post claim disposition and management of Yukon crown lands is occurring in an atmosphere of misunderstanding and unrealistic expectations. At the heart of this concern lies a need to address the growing expectation of Yukoners; that all federal lands in the territory will be turned over to your government when the final agreement with the Council for Yukon Indians has been attained.

⁰⁵ "I refer specifically to your statements in the April, 1982 land use policy document. If, by misrepresentation, residents of the Yukon assumed your proposed legislation applies to all Yukon lands, a situation could develop which would be very difficult for both of our governments. Unless we work together, within our respective responsibilities for land in the Yukon, we will create confusion, hostility and confrontation and not the co-operative and

meaningful approach required for rational management of Yukon lands and the appropriate transfer of certain lands to your government.

"As minister responsible for the control, management and administration of public lands north of 60, I have no mandate to transfer all federal lands to Yukon control, nor have my colleagues indicated that this is the approach that the Government of Canada should take. On the other hand, they have approved a federal land use planning policy for both territories which, with your co-operation, will go a long way toward meeting the expectations of your government and Yukoners generally in matters related to land use planning.

"With reference to the long term implications of your land use planning initiatives, I am advocating a positive approach to these matters in the interests of both the Government of Canada and the Yukon. Mr. Yvon Dube, Director-General, Northern Environment, has been instructed to pursue discussions with your officials with a view to seeking mutually-agreeable understandings about land management and land use planning in the Yukon. I understand that initial discussions have already occurred and, hopefully, these will continue towards satisfactory conclusions that are supportive of our respective responsibilities.

"In this regard, you should be aware that I am extremely supportive of the Yukon government's planning initiative, insofar as it is intended to apply to lands that fall within Yukon control. It is, of course, my expectation that this capability will be developed in concert with the federal planning initiative and our respective planning initiatives will be integrated, one with the other, so they are mutually complementary.

"Also, I should like to clarify my position on the process and timing of land transfers from the federal government being proposed by agreements in the CYI land claims negotiation process and on statements by your negotiator that your government will not sign an overall agreement-in-principle until agreement is reached on Yukon government control and ownership of most lands. As you know, since 1970, my department has successively conducted a series of land transfers to the Yukon government where there has been a demonstrated need for local control of land for community development, recreational use and other purposes.

"The process for accomplishing these transfers is through established mechanisms, initially in the form of block land transfer programs, and more recently by the spot land transfer program. Lately, instead of using these programs, your negotiators have been using the land claims forum to tie such transfers into various agreements-in-principle with the CYI. By not having prior adequate resource assessment and examination of alternative land and resource uses, such claims induced transfers court the distinct risk of creating land use conflicts. For this reason, I am directing negotiators to avoid using the claims forums for other than land settlements for claims beneficiaries.

"I anticipate that a comprehensive approach to land transfers will be developed in conjunction with the establishment of appropriate land use mechanisms in the territory. When these mechanisms are in place and working so that decisions can be made, we will have the means for addressing issues such as the transfer of administration, management and control of additional lands to your government. Accordingly, I would see the planning process as having a major role in determining the pace and extent of future land transfers. I am prepared to proceed on this specific area with some vigour after ratification by all parties of the CYI agreement-in-principle.

"Having stated this, I am also aware that certain lands may be required by your government for development purposes on an urgent basis, and in the absence of comprehensive land use planning. I am prepared to deal with these legitimate requests as they arise.

"You have stated that one of your main priorities has been the expeditious resolution of land claims. I have made it clear on a number of occasions that this is also the principal concern of the Government of Canada. I certainly do not feel that the resolution of the CYI claim should be encumbered with side issues concerning government ownership of land after settlement. We must settle the

Yukon Indian Land Claim, and through a co-operative land use planning process, set the stage for making meaningful decisions about lands, which should be transferred to the control of your government." It is signed, "John Munro".

The federal minister of Northern Affairs supports a co-operative approach to land planning. The CYI supports a co-operative approach. The majority of Yukoners support a co-operative approach. We, the NDP, support a co-operative approach. Even the Minister of Renewable Resources supports a co-operative approach, and sometimes he has been known to be unco-operative, but in this instance of land use planning, we have heard today and yesterday from him that he does in fact support a co-operative approach to the whole issue. I ask: what about this government? What about the individual members of the government, and what about Mr. Phelps, the YTG's negotiator at the land claims talks? Why has he been making statements to the federal government about not co-operating at the land claims talks. Is it because he is making independent decisions at the bargaining table? We have to ask ourselves just exactly what is the position of the government leader? It is a very legitimate question, because over the last few days there has been some serious doubt as to where he stands on this issue.

To illustrate the government leader's views I would like to point out some of his contradictory statements.

In his speech last Saturday, when John Munro sought the positions of all parties in concluding a just settlement which would bring about the devolution of responsibility for all lands in the Yukon...

Mr. Speaker: Order please, I should advise the hon. member that the House did not sit on Saturday; just to correct the hon. member.

Mr. Porter: In his speech in reply to the hon. John Munro's initiative on land use planning...

Mr. Speaker: Proceed.

Mr. Porter: Further, in the press conference following this meeting with John Munro — and this was initiated by questions from Mr. Munro himself and from Mr. Massey Padgham — Mr. Pearson stated, and I quote, "I do not think that our position is that all of the land in the territory has to be transferred".

Later on, in the CBC newscast aired at 8:30 a.m. Monday, the 29th of November, it is reported that Mr. Pearson said a land claims settlement could be delayed for some time as a result of the whole land claims issue. In reply to questions from our leader in Question Period dated November 30th, he states, "there are meetings going on at the present time in Ottawa at the land claims table. We are still there, we are as objective as we always have been. I hope over the next few days we can come to an understanding with respect to what I perceive to be a misunderstanding that occurred on Saturday as a result of the minister's speech".

It is obvious that even the government leader does not know where he stands on this issue. He is confused. His positions cover the entire political map. I submit that he has found himself up a tree with no way to get down.

I urge the government to re-assess their position. I ask them to take into account the plight of all Yukoners. I ask them to be reasonable, think before you act and stop playing political games with the future of all Yukoners. Yukoners want land, and it is this government's job to obtain land for them. Picking a political scrap with Ottawa, and scuttling the land claims process is not going to achieve that objective.

Yukoners want their government to act in a responsible and reasonable fashion in their negotiations with Ottawa. Yukoners want a co-operative land use plan; they want land use policies to go with those plans, and, most importantly, they want land.

We, the NDP, recognize these facts. We recognize the political realities surrounding this issue. That is why we are urging the government to proceed with caution.

There are many doubts and problems with the legislation before us today. Among them is the absence of any land use policy. Legislation, without policy, is like the Minister of Renewable Resources without his nose. The two are inextricably interlinked. The consequences of opinion would indicate that should this legislation be enacted, it will only apply to those lands presently

held under the jurisdiction of this government.

For the government to finally get around to putting together land use structures and land use legislation would normally be indicative of a sign of maturity on the part of that government. However, some would question the motives of this government. Some would think that the original impetus was to provoke an aggressive political campaign with the federal government. Be that as it may, the legislative initiative, in itself, is a step in the right direction. What the Yukon needs is a genuine co-operative planning process for land use in the territory. That means involving not only the federal government, the CYI or the Conservation Society, but it means most importantly involving the people of the Yukon. I believe that could have been achieved very easily. If the government was honestly interested in seeking the views of all Yukoners, they would have sent this legislation to a select committee and invited all Yukoners to participate. These kinds of actions would show the people of Yukon that the government is indeed a responsible and reasonable democratic government. I might add it is not too late; the government can still make that decision. It is entirely up to them to demonstrate their competence.

Because our party supports the idea of an orderly process of land use, we will be supporting the legislation to go to the committee stage. Hopefully at that point we can convince the government to agree to a truly co-operative approach to land use planning in the Yukon.

Mr. McDonald: I just have a few brief remarks. I suppose it is largely a lesson in co-operation; what is and what is not co-operation. The Minister for Renewable Resources, who I should now call "lord of confrontational land use planning" has said that the *Land Planning Act* was a co-operative effort with the federal government and the CYI. He, of course, did not mean that the development of the policy was a co-operative effort. We can review the minister's remarks yesterday, entirely quoted: "The *Land Planning Act* tabled in this House yesterday was our position of how land should be planned in the territory on a co-operative basis with the input not only of the federal government but also the input of the Native people in the territory. I think this is going to go a long way towards co-operation in this territory. For example, we could have brought a land planning act in here that did not have any co-operation from any government or the CYI. We are quite within our legislative capability of planning the act totally within the government." Then, pressed only very slightly, the minister says, "We have no assurance whatsoever that any act that we bring in will get the co-operation of the federal government. The federal government, under the agricultural development policy, could give the land or they could not give the land. There is no guarantee from them that we are ever going to get land as on Saturday the minister made quite plain." The minister must mean in this case that the application of the bill is a co-operative effort. Yet what the bill suggests clearly is that the lead role transfers control to the Government of Yukon. Yukoners take the lead role, Yukoners develop the plan. It is a fine and worthy goal, but the problem is that the reality will not conform to the model.

Mr. Munro said on Saturday, when the House was not sitting, that we must face realities; one being the importance for the federal government to retain its ownership, and more particularly, in view of some misunderstanding here, its present jurisdiction over Canadian land and resources.

There you have it. The lines are drawn. Like it or not, the federal government has taken a position on what it sees as its responsibilities. I think that Mr. Lang says it best. In 1979, page 185 of *Hansard*, on the discussion of agricultural policy and land distribution. He states, "I should point out, Mr. Speaker, prior to getting into the debate on the subject that I am the minister responsible for Municipal and Community Affairs, and I am not the Minister of Indian and Northern Development. So, number one, my responsibility lies in approximately 362 square miles of land. The remainder of the responsibility lies with the Government of Canada." There is the reality from the horse's mouth, as a figure of speech.

What we have here is all sides talking land use planning. I think everyone wants land use planning yet what we may be subjected to

is a debate on what land use planning we must accept, which constitutes another constitutional debate in a no-win situation for Yukoners.

There are people in this territory who are at the end of their tether; they have been exceedingly patient and are not prepared to get onto another fed-bashing bandwagon. They want land. They want Yukon land for Yukoners' use. So, the rallying cry ought to be that we should go out and develop a co-operative policy, co-operatively. Let us get control of Yukon land. We need an orderly transfer of land to enable us to take control of land in a manner which will meet Yukoners' immediate needs. We should not play political or constitutional games at the people's expense.

Mr. Falle: I have sat here and I have listened to the hon. member say that we were politically stupid and using political blackmail. I think the question here is whether or not we, as Yukoners, want to plan our own destiny or if we want Ottawa to plan it for us. I have not heard anybody on the other side make any suggestions on what they want to do. It is all right to criticize; that is your job, but also your responsibility is to Yukoners. We are all a part of the government, the government elected by the people of Yukon and the people expect us to give them guidance. They do not expect Ottawa to give them guidance.

A political fact as far as I am concerned is: what is good for the goose is good for the gander. Mr. Porter brought up Indian land claims. The fact is that an election was run by this party on land for Yukoners — all Yukoners. It is a political fact that we are here and you are there. This is a political fact. We have never, at any time, said that our position was not open. Everybody knew our position. We ran an election on our position. If any position can be more public than that, I do not know what it is. I have absolutely no idea.

Only in your mind...

Mr. Speaker: Order, please. I would ask the hon. member if he would kindly pass his remarks through the Chair because it is obvious, as all members will agree, that the record will show that the remarks are addressed to me and I really am not a part of this.

Mr. Falle: Only in the mind of the opposition — in their mind — are we going to pack our bags and go home. You never heard anybody from this side of the House say we are going to pack our bags out of land claims and go home. That is only in their minds. It is not a fact.

Last election, we said that we wanted land for all Yukoners. We have maintained that position. We intend to carry on maintaining that position. The position in Ottawa has changed drastically. That is why we have to reconsider our position.

When the rules of the game are changed in the middle by our great white fathers in Ottawa, then you have to wonder what is going on. It is only right that we do consider, or reconsider, our position because definitely our position has to be jeopardized; it has to be changed, it has to be negotiated. I believe that is what Mr. Pearson was talking about; the rules were changed. No Yukoner, at any time that I can remember, had any doubt where this government, and this side of the House, was coming from. As far as we are concerned, the bill that is before us is for Yukoners to plan their actions, plan the use of their land, and we are being co-operative with everybody involved.

Mr. Kimmerly: I wish to put a few comments on the record and to introduce a different dimension into the debate that has been going on so far. Clearly, we are talking, at second reading, about the *Land Planning Act* and the process by which the land use in the territory will be planned. Politically, of course, everyone is talking about land claims and the confusion over the statements by the government leader and the federal minister. The two factors are clearly related and it is, I suppose, appropriate that the political content of the debate addresses that issue because it is a very central issue.

It is my view that the political content of the debate is an extremely confusing one and it is not virtually impossible, it is impossible, for the ordinary Yukoner to understand what is going on. I am not making a comment about intelligence or wisdom when I say that, I am talking about information. There is an air of secrecy, an air of confusion and contradiction that is going on which is inexcusable in my opinion. The editorials of both of

Yukon's papers today comment on the question. In the *Whitehorse Star* the byline is "confusion", and talks about the contradictory statements that have been made. In the *Yukon News* it talks about "Pearson's wishful thinking, a delusion", and it talks about the contradictions in the debate so far.

¹¹ The previous speaker, Dr. Falle, has given a political speech; perhaps the best I have heard from him and it is interesting that he uses the phrase "land for all Yukoners". The member for Porter Creek East used the same phrase repeatedly this afternoon. And they ask us what is our position? Our position is: we stand for land for all Yukoners. We agree with that, however, it is a political obfuscation. It is not the real issue. The political issue is the transfer of Yukon lands from federal jurisdiction to territorial jurisdiction under federal legislation. It is interesting that in the Province of Quebec, a northern part of the province — a third of the province, if not more — was only transferred to provincial jurisdiction under the federal *Transfer Act* after the James Bay settlement of the Indian claims in the James Bay area.

It is a political fact of life that the issue of provincehood and the issue of control over all the land, or the bulk of Yukon land, are intricately related. Not only is the political slogan "land for all Yukoners" a misstatement of the real issue, there is also, really, if you analyze carefully the federal statements, at least, very little disagreement about the real issue. The member for Porter Creek East stated repeatedly that he was told that after land claims there would be land transferred to territorial jurisdiction.

¹² I, myself, heard on Saturday at the press conference, the federal minister, John Munro, state that after land claims there would be transfer of federal lands. He said that. He did not say there would be a transfer of the bulk of Yukon lands. Indeed, he made it abundantly clear he had no mandate to do that.

In the letter, read by my colleague for Campbell, it is abundantly clear that that issue is a non-starter. It is not an item for negotiation. He also made a very important point; there is land under territorial jurisdiction that is not allocated yet. The minister said that if there is a demand for land, if it is demonstrated that there is a need for further transfers for various purposes, he is amenable to doing that, after land claims.

If the government members responsibly acted on their slogan, "land for all Yukoners", they would be in the process of planning the land use policies — the agricultural and other policies — and preparing for the transfer of the lands the Yukoners can use now, and the federal minister has indicated that he would be favourably disposed for an application for that transfer.

Instead, what we have is a phony and a very dangerous confrontation. I would like to quote from the government leader. He made various statements about land claims. On the 20th of May, 1981, he spoke to a Commons committee in Ottawa and he said this, and I quote directly, "...but I think a land claims settlement will be a tremendous economic and social factor in Yukon Territory and that is where my interests really lie". He was asked to expand, and he said, and I quote, "Certainly, I am quite convinced that there is going to be a tremendous amount of money involved in the land claims settlement, and it is going to be federal money. I know very well that Indian people are not going to spend in any place but in Yukon Territory, and that is what we need for development. That is a straight, pragmatic point of view".

¹³ We have a further indication of where the government leader's interests really lie and it is using the land claims process as a confrontational vehicle in order to further the ongoing constitutional struggle and to further the transfer of all, or the bulk, of Yukon lands.

Another example of this kind of confrontation was in the delay of the signing of the Special ARDA. Again, Indians were used as a means to grab more power. That is an irresponsible way to use the whole issue and it only serves to increase the racial tension in the territory. It is irresponsible.

We support land use planning. We are in favour of this kind of a process and structure for planning the development, the allocation and the use of Yukon lands. It is a co-operative step to allow federal representatives on the board which is going to plan Yukon lands. It is not realistic to expect that this bill is going to further the

transfer of more federal land to Yukon jurisdiction; exactly the opposite will occur.

Mr. Philipson: I will be supporting this bill in its entirety. For years we have seen development of the resource and allocation of land proceed in a haphazard manner in Yukon. Up to this point, it has not been too serious because of a small number of developments and the relative sizes in relation to the amount of land and resources available. All of a sudden, in the past few years, with the proposed pipeline corridors, tourism, hydro reservoirs, regional mineral development, off-shore oil development, land claims and so on, one can begin to see that maybe there is a limit to be reached. It is in our best interests to look ahead while we still have the opportunity.

Most decisions about land use and land allocation in the past have rested largely with the federal bureaucrats, with the sometimes advice of land use advisory committees. It is important that we Yukoners now be given a greater voice and responsibility to plan our futures.

¹⁴ It is particularly interesting to note that the planning process outlined in the bill involves local residents and allows for the local situations to be considered when planning. I understand this to mean that the individual and local requirements for land and the resources will be taken into account, and the process will not be biased in one direction or the other. This is very important for those wishing to earn their living off the land, such as farmers, trappers or loggers. I can see where this planning process will help these persons simply by recognizing their aspirations and needs and making provisions for them in the plan; perhaps even identifying particular suitable lands or resources for that purpose. The planners will also have to take into account the ongoing policies and programs of the government of Yukon in preparing their plans. This means that existing policy, for example, agricultural policy, will be incorporated and protected through the adoption of the plan.

It is also my understanding that a land moratorium will not be imposed prior to having these plans; rather, policies and programs will be implemented and incorporated into the plan for a particular district when it is undertaken. This is very important since we are all aware that land selection for the Indian claims settlement is ongoing without the benefit of district land use plans and could not be implemented if such moratoriums were in place.

At the same time this principle must be adopted for other land selection processes as well, such as for agriculture and recreation for instance. In other words, land allocation, or land use, for whatever reasons must be consistent both before, during and after a plan has been adopted. It is also worthy to note the process envisioned must consider social, economic and existing community development factors, all of which are local and private nature; these sensitive factors in Yukon require the understanding of people who live here.

Mr. Byblow: I rise to the debate in order to bring a couple of points on the record on this subject. I recall in 1979 I introduced one of my first motions into this House; it was on the subject of land. After at least a couple of amendments from both sides of the House it subsequently passed unopposed. The motion of that time, that stated, in effect, the position of the House — from both sides, I repeat — was a representation consisting at that time of ten Tories, two Liberals, one New Democrat and two Independents. That motion read "that this government take steps, subject to prior settlement of Indian land claims, to assume responsibility for the disposition of all Yukon land by developing a comprehensive land policy which will include provisions that: 1) Yukon lands be developed by government or the government in conjunction with private enterprise, 2) the degree of development vary with the different uses of land...", and it goes on.

¹⁵ The critical portion of that motion relates to the phrase "subject to prior settlement of Indian land claims". That was the position, unanimously, of this House, which said that steps be taken on the disposition of land only after land claims are settled. I listen to the good doctor from Hootalinqua, or the hon. member for Hootalinqua, demonstrating his ability to penetrate the very serious issue of the moment, and in response to his allegation as factual information that this party ran on a platform of land for all Yukoners, I say that is probably correct. They did do so. I only note that I remember, during the election, some 16 Tories promising us land; promising

all Yukon residents land, telling them to just apply and "ye shall get". But nobody said anything about the land they were applying for being in federal jurisdiction. I think it was something of an election hoax the way this government led Yukoners to believe that they could have land that they could not get for awhile. The hon. member for Whitehorse Porter Creek West is suggesting to us that there was a process of organized land use planning. Not in that exercise. As my colleague noted, we believe in land use planning.

It becomes a matter of serious concern to see this new position being taken by this government, considering the motion of support in 1979. The position now being taken, arbitrarily — perhaps, rather, it is a latent disposition of the members opposite about their true intent — I think it becomes something more serious when we see the potential devastation by the motives and behaviour in posturing now over the land issue at this very critical time in Yukon history.

I would simply ask: why is this government assuming a confrontational posture at this time when the process to acquire land is clearly understood and could be agreed by all parties? What ulterior motives do they really have in mind? Where is this government really coming from?

Hon. Mr. Lang: I rise chiefly to bring a different dimension to the debate thus far. I have heard the members opposite say that it is the Government of Yukon Territory that is promoting a confrontation with the Government of Canada. Forget political parties, political philosophies, but let us look at what has transpired over the last week.

The Government of Yukon Territory was informed, I believe on Thursday, prior to the minister's arrival, that he was coming to make a great constitutional statement to the people of the territory. Some people might refer to it as a revelation, I am not too sure. But at any rate, we, and for that matter, the leader of the opposition, both welcomed the opportunity for the minister to fly in and make a statement that is going to affect all the lives of the people of the territory in one way or another, whether it be short-term or long-term.

Now, I have to ask myself, why all of a sudden, when the land claims negotiations are going so well, and you are a party to it, and we have been working very objectively and as constructively as we possibly can to resolve one of the key political issues facing Yukon today. But for what purpose was a statement such as his made? Was it to set up division in this House, in the street, outside with the people of the territory, native and non-native, agriculture verses wildlife, or whatever the case may be? What was the intention of the presentation that was made? Or, could one surmise that perhaps the Government of Canada did not want a land claims settlement, or they tried to pass the buck back to the people of the territory, the government side of our small legislation verses the opposition, and the story goes on?

Let us just stop and look at the events and get to the point we are at in respect to debating the broad principle of land and the disposition of land, and the process of planning land. Why are we to that point, because if you take a look, it was approximately eight months ago that a memorandum of understanding was sent by the previous government to ask the Government of Canada to seriously consider signing the agreement that, once land claims were settled, that there would be a process set in place over a certain time period, which was ten years, for an orderly, planned transfer of land to the Government of the Yukon Territory.

¹⁷ That was eight months ago. We have been through an election, its ups and downs. That is the world of politics. But, why now? Why, all of a sudden? We have a presentation that says that we are going to give you responsible government, we are going to give you the right to authorize a sales tax, which we already have; that is the irony of the situation as far as that particular taxing power is concerned. On the other hand, he says the priority of the Government of Canada is a land claims settlement, which all members in this House have said: yes, we would like to settle it. At the same time he says to the people, native and non-native alike in the territory, that there will not be any public lands transferred unless I agree with it. There will be no process, no timeframe even to negotiate on the principle that further lands should come under

the responsibility of the people of the territory through their duly-elected legislature.

He said, in effect, and I personally do not think that he understood the ramifications clearly of the long-term effects of the statement that he made here, was that the people of the territory, other than for what is settled in Indian land claims, can have 360 acres or 360 square miles that you have now and, maybe, if you are a good boy and you do everything that you are told, we might consider a small portion out at the lake for you.

I say to you, would it not be to our mutual interests — and forget political philosophies, forget the partisanship — to look and say is it not correct and right that the people of the territory deserve a commitment that a large block, or the bulk, of the Yukon land will be committed for transfer, once it is planned, to the people of the territory. I still do not have it clear in my mind whether members opposite disagree with that particular principle. We are not looking for a confrontation. We have not said that as soon as the land claims settlement is signed you must transfer 186,000 square miles. We have not said that. We have said, in the memorandum, that we wanted agreement; agreement over a ten year period — maybe it will take 12 years, who knows — that the bulk of Yukon land be transferred to the people of the territory.

I am very serious on this. Is that wrong? I cannot accept the principle that we, in Yukon, should roll over and die in respect to what is one of the most fundamental principles of responsible government.

¹⁸ The member for Whitehorse South Centre says that provincial status in land in effect means the same thing. I do not agree with that. When we talk about our natural resources there is no question then that we are talking provincial status. If you take a look at the presentation that was presented to us, not in the House on the minister's previous visit, he talked about provincial status. In fairness to both sides of this House, since we sat nobody, but nobody, has talked about provincial status. We recognize it is an objective, but it is down the road. We all know that. The only time that I heard provincial status mentioned at any time, and the leader of the official opposition can concur with me on this, was when the leader of the Liberal Party was in the Legislature. And he is no longer here.

I want to assure all members and the public that we are not looking for confrontation. We are looking for agreement. We are asking the Government of Canada that a process be put in place where over a period of time there is an agreement that the bulk of Yukon land will be transferred to Yukoners. Whether it be native or non-native, what our special interests are, where we stand in the community; that should be the position for all people of the territory, unless some members disagree and say that responsible government does not mean land.

I want to relate some past history that took place in the state of Alaska. I am referring to the story of the absentee landlord. When the state of Alaska attained statehood, there was an agreement for X amount of square miles of land to be transferred to the state of Alaska. There was a time period that was put in place. They were very fortunate; they chose the area around Prudhoe Bay. It was foresight on the part of those people who were in the state administration at that time who chose that land as part of their land selection. I do not have the exact square miles that were allocated, but it was a very minor amount considering the size of the state of Alaska. There happened to be an election in the Congress of the United States. There happened to be "very much of a rush for environmentalists". But what was imposed on the state of Alaska was that the bulk of their land was tied up by someone who would be 7,000 miles away.

¹⁹ It was popular in the state of New York. And now, and you go to Alaska, and no matter what their political strain is, they look at that and they say, "Jesus, what are these people doing? We are prepared to manage it. We are not going to go out and make a vacant parking lot of the State of Alaska", which I am sure no party in this House is prepared to do in Yukon.

The Alaskans have the right to deal with those things that directly affect them, as opposed to having a Congress of the United States, of whom the majority, if not 90 percent of those members have

never been to the State of Alaska, making the decision on their behalf.

I think it is a very logical position that we are putting forward; that land should be transferred to the Government of Yukon Territory. The Council for Yukon Indians, and Mr. Dave Joe, made a major public statement a year ago for the culmination of the land claims settlement: there should be land transferred so that all people in the territory have access to land. Who could argue with that?

We are putting, basically, that position forward. And I have to ask you, is there something wrong with that principle? I am not trying to be facetious, but I look at the minister, who I know works 12 hours a day, the Minister of Indian Affairs and Northern Development — he would have to just to survive — and he has total national responsibility, plus he is in the cabinet, plus he is the MP for Hamilton East, similar to myself being a member for Porter Creek East.

But here he is, and he flies in and makes a statement of that kind. And I have to ask myself, "Why was the statement made, and why the timing?". They knew it was going to be divisive. I do not think the minister knew, but I am sure that within the civil service they knew. But I think there is another question in respect to particular issue in another dimension, that has to be brought forward. I would become very nervous within the bureaucracy in Ottawa if I thought that further land would be given to people of the territory, because, if I was a land administrator and I lived in Ottawa, I would not have a job. Does that make sense? I think it does. So, what do you do? You manipulate the system, you draw the papers up in such a manner that not only is your empire protected, but it expands. ²⁰ We have the federal land use planning document now, which, incidentally, for members opposite, the Northwest Territories government is not in total agreement with either. I think, from initial discussions, the way I understand it, they basically agree with the position that we are taking. It is Yukon land, let us plan it.

I would love to be the mayor of Ottawa and live in Whitehorse. It would be great. "Sorry, Mr. Lang is out; he is at the hot springs; memo to follow". You have to put it in that perspective. I agree with the members opposite when they say it is a very serious thing that we are facing. As I indicated earlier today, and I recognize that I sometimes got partisan, and it is a very critical point here, in respect to where the Yukon is going to go. As you know, Mr. Phelps is coming back, he is going to be sitting down speaking of what has gone on in Ottawa; just exactly whether or not the chief land claims negotiator knew anything about this particular pronouncement that was made here.

What I am saying is that I think that there has to be some commonality. Like the members opposite said, we agree with land using planning. What I am saying, in respect to the general overtone and the politics that are taking place, that I do not believe that we are the ones who have started the confrontation. We had no intention of starting a confrontation. We intended to sit down with the minister and say, "Look, we have to come up with something that is fair and equitable throughout the territory". Is that wrong? Is it? I do not think so. I think, on behalf of the people of Porter Creek East, for that matter the constituents of Whitehorse West, they have to know the objective of what the short term and the long term holds for them as far as the future and the land of the territory is concerned. For the most part, land is going to play a major key role.

You take a look at the speech that was presented to the members and the general public. It says that you cannot become a province. Nobody, first of all, has asked to become a province but he said, no, you cannot. On the other hand, going further down through the presentation, it says the resources are here and it is in the national interest that we keep them. When I look at the province of Alberta, Ontario or British Columbia and you have to ask yourself, if the Government of Canada had control of those resources and was the only player in respect to the development of those resources, would those provinces be in the financial situation they are now in at the present time?

²¹ Would there be that development taking place because the regional people had been involved? Or would there be a lack of development? Basically, what I am saying is as far as land use

planning is concerned it will give us an inventory, we have already done some. We did the MacPass area, the Southern Lakes area, doing a rough topographical, looking at the soils, doing all these various technical things that give an indication of what the soil is, what it perhaps could do, and it is very valuable information as far as land use planning is concerned. Basically, that is what you are talking about when you talk about a land use plan, looking at an inventory of your resources and the utilization of what that land could be.

But I do not think that the objective of an orderly transfer of land to the government of Yukon Territory, as an agreement-in-principle with the government of Canada, is too much to ask. I will be very frank, the native people of the Yukon are going to get a native land claim settlement, the government of the Yukon Territory is supporting and helping and encouraging them to get a land claim settlement that will not only be settled but more importantly will be successful for the native people and the non-native people; beneficiary and non-beneficiary. I think you will find that anybody who has been involved in the land claims negotiations will come up front and say YTG has never breached confidentiality in the land claim negotiations.

You take a look at this letter transposed to Mr. Pearson and when you generally have a correspondence with somebody and it is done in sincerity and co-operation, you say, "Here is my position; if you do not agree, maybe we should get together and discuss it", as opposed to waving it around, which was done. It is a fact of life that it is a public documents until you have any negotiations. When you take a look at that you have to say to yourself, "Will those people whom the member for Campbell represents, who happen to be non-beneficiaries, going to get access to land? Are the native people, who may be beneficiaries of the land claims but may not want to take part in it, or may not be interested in the land that has been selected, but would like to get a lot or a recreational subdivision somewhere else; are they going to get land?".

I think that is the real question: is there a future for all people of the Yukon Territory? I am talking about the long term. We have to ask ourselves: do we really want to raise our children here? Does the government of Canada want us to live here? I have had people in my riding ask me that. What is the Government of Canada doing?

²² They say on one hand that they want to develop the north. On the other hand they say that they want to tax our benefits. Then they say there will not be any public land made available to you. So you have to ask yourself: what is the motive of the bureaucracy in Ottawa? Is it the motive of the Government of Canada to give lip service to all these nice platitudes? Inwardly, is the public service simply expanding their "empires" and dictating how the member for Campbell will act? He can act in an advisory capacity to us in the Legislature — or the member for Kluane — is that what they want?

If you do not have an objective, which is the transfer of the land to the people of the territory, what do you have? Are we going to sit in this House and argue over an agricultural spot land transfer for a constituent of the member for Mayo? Or will I go to Ottawa and say, "Mr. Smith applied for this land and you cannot, under your territorial *Lands Ordinance*, give it in the same manner that we can grant it because you are confined to the territorial *Lands Act*, which means fair market value." So I will trudge to Ottawa and the new minister and I will take out the plans. I will say that I recommend that Mr. Smith should get that piece of property. Mr. Minister will come forward and say that he has had discussions with his people in the community and they think that Mrs. Jones should get it. What are we going to do?

That is roughly the situation when you talk about block land transfers that we are in at the present time. It took seven g-d years to get 13 acres so that the people of Haines Junction could have water and sewer and build a home. That was called a block land transfer. It was successful to the point that the member for Kluane got seven years older and the people who initially applied for the land had left and it was all new people. Did we accomplish what we wanted to accomplish? We finally got the land developed because we cleared all the hurdles of the Government of Canada and all the

close scrutiny because "those people in the Yukon really do not know what they need or what they want".

Do we sit here in the Legislature and accept the principle that we will just have spot land transfers? Right now the Government of the Yukon Territory is in a very difficult financial strait.

²³ That is no secret. Christ, the Government of Canada is, for that matter, but do we sit there and say, okay, we cannot come up front and say where we stand because now, today, the system that we thought we had run for office on was that one could stand up and speak his or her mind without fear of threats or a police state. Is that what we have come to? Have we come to the point where, as Canadians in the Yukon, we are Canadians but keep your mouth shut and pay your taxes?

I do not believe that that is the case. I think that there has to be an objective for all people of the territory and I think that that is a land transfer to the people of the territory. I think that there has been a misunderstanding as far as the media is concerned. We have asked, once the land claims is settled and native lands have been identified, that there be a process put into place for the transfer of land to all the people of the territory.

All I can say is that I think that is fair. I think it is just. I think it contributes to the cultural mosaic of the country but, more importantly, I think it goes to the objective that I would like to think we are all looking for and that is a Yukon run by Yukoners, and having those decisions on behalf of Mr. Smith made by the people of the territory and not be required to go every couple of months to see an absentee landlord who really does not know where we are and, when it comes right down to it, really does not care how we feel and does not really, when you look at it, worry about what we think.

I think we have to be very, very cautious that we do not, over this particular issue, which is a very fundamental issue, put the Legislature to the point that some people would like to see it, in an advisory capacity. I not only think that we would be doing our electorate an undue hardship and also betraying the electorate but, more importantly, I really think that we would be doing the children of tomorrow a very major wrong-doing.

Applause

Mr. Penikett: I thank the members opposite for their applause and I want to say how appropriate it is, at the tail-end of debate, that a couple of real statesmen like the member for Porter Creek East and I should enter the discussion.

I must say, lovingly and respectfully, to the Minister of Municipal Affairs, that sometimes he gives me the impression that he is one of those people who thinks that you negotiate a bank loan by going in and putting a gun to the manager's head. There is something in the member's negotiating style that conveys that to me and it may be an unfair impression. He said that he wanted to approach the subject from a different dimension and I want to say, as well, that a lot of times we, on this side of the House, do feel that he comes from an entirely different dimension than the rest of us.

²⁴ He raised a question at the beginning of his speech — and I want to compliment him on this speech, because it is the first one he has given that is different from all the others, most of which we have memorized — about whether it was a conflict precipitated by the Government of Yukon or the federal government. He raised the question as to what Mr. Munro was really doing here last Saturday, as he stopped off on his way back from Yellowknife to Ottawa. He somehow suggested that the constitutional pronouncements by the minister were — I cannot quite figure out whether he thought they were profound or not, but anyway — worthy of comment.

I want to say, as someone who is not a fan of the constitutional position of the federal minister at all, someone who is violently opposed to C-48, someone who is distinctly nervous about the fact that the Conservatives and the Liberals are going to be secretly negotiating a new constitution, up until the time that we have a final agreement, that I am profoundly in disagreement with the federal minister's constitutional notions. But then, I have always been a skeptic when it comes to the Liberal position on those questions.

The minister opposite raised the other rhetorical question about why we had Mr. Munro's statement, now. I am not one of those

people who was persuaded that there was an awful lot new in the minister's speech. I hear the member opposite say that there was not, which leads me to the next obvious question then: is this position by the minister in his speech on the land question, a new position? We have heard on at least three occasions that I can recall, and the minister of Municipal Affairs indicates that the minister told him something different in private — and I accept the minister's word for that, however, we have no documentation for that — and, in fact, there is plenty of other evidence that the announcements by the minister last Saturday were perfectly consistent with the previously retentive and rigid views of the same minister on the same subject over a long number of years.

I do not know, when the member opposite says that "land claims have been going well, you know, and this is a terrible thing to have happened now", we have to accept his word for that, because some of us here have no way of knowing, since we are not told anything about what was going on there. We do not know what has been cooked up in secret on these kinds of constitutional questions. We even had one minister, the Minister of Renewable Resources, who was sponsoring this bill, tell us the other day that he did not know what was going on at all, even though he is in the cabinet and is supposed to be directing the negotiator. The minister opposite referred to a memorandum of understanding made eight months ago. I guess perhaps he was indicating that this was a memorandum of misunderstanding.

Now, the minister's statements regarding land in his speech, I thought, were reasonably clearly stated. There is a bit of bureaucratise, I will admit, but what he said is not really debatable. ²⁵ He said "I am aware of the desire on the part of many Yukoners to have a greater voice in the determination of land use. I am certainly prepared to work co-operatively with the Yukon government on land use planning." I hope that is true. "I am prepared further, subsequent to implementing a comprehensive and co-operative planning process, to recommend to the federal government the transfer of blocks of land for parks and recreation, for agriculture and for community and economic development to the Yukon government for its administration." He goes on in his speech talking about clarifying roles and establishing acceptable working relationships.

"I am thinking of constitutional processes that would be appropriate to land use planning and economic development for renewable resource management". He does not say that this is the same secret ones that he wants to have with Mr. Pearson, the government leader, or whether he has other ones, but that is not relevant, right now. A question was raised by the member opposite as to whether the federal minister was promoting this division that we are talking about tonight or whether he was being divisive. I agree it is a good question; I am trying to give an honest answer, as best I can, to the extent that is relevant to this bill.

I am glad that the minister opposite admitted that there was confrontation. I got the distinct impression, having attended the news conference with the government leader and Mr. Munro last Saturday, that the minister was reacting to what he regarded as a provocation from the YTG land claims negotiator and the YTG. I want to say that the public debate at the news conference between the government leader and federal minister, while entertaining, was not terribly illuminating, except for the fact that it revealed to some of us for the first time the extent of the misunderstanding and disagreement between the parties.

Now, I cannot say for sure one way or the other what the negotiator is doing as we are never accorded the privilege of hearing anything about that here. We are never even accorded the privilege of getting any information which is not secret at all — ought not be secret — which are the basic principles under which the negotiator operates here — the philosophical principles; the negotiating principles. We have not even been told that. Now I do not know what the negotiator is doing at the negotiating table, I know what he does at election time. I get lots of reports about that, but I have not had any other reports. The minister opposite talked about misunderstanding; well, we have lots of misunderstanding. We are not sure if the Tories are asking for the bulk of the land to be transferred, most of the land to be transferred or all of the land to

be transferred. There are different statements on the record as to what they want.

²⁶ The minister said, and I, too, heard him say, that he was perfectly amenable to transferring some land, although he asked a very good question to the government leader: why were they not using some of the land they already had?

To suggest that there is some simple constitutional link between the transfer of land and constitutional development is a bit of a dubious proposition. I understand what my colleague from Whitehorse South Centre was saying, even if the members opposite did not. The fact of the matter is that the history of the these transfers is very varied. Most of the eastern states of the United States, as part of the terms of their union, got most of the land as a grant from the States. The western states got a less satisfactory arrangement, from their point of view, and Alaska got perhaps the worst deal of all, from their point of view. But, in the case of the recent constitutional history in this country, of Saskatchewan and Alberta, they simply did not get control of resources. I think they became provinces in 1905, got the resources in 1930, and I suspect they did not get much of the land until then either.

The problem with this bill, as I see it, is not the principle of the bill; that is acceptable. The question is: what land are we talking about planning for? If we are talking about co-operation, I think, seriously, the point made by my friend from Mayo, has to be considered. If you want a genuinely co-operative process, the arrangement itself has to be the product of some co-operative arrangements. Right now, as far as I know, we have at issue, up for public discussion, a CYI proposal in this land use planning; we have the federal government proposal, as the minister said; we have the YTG proposal. We have other proposals, such as my party's, which the government recently borrowed in large part. What we do not have is a proposal which is the product of some kind of co-operative discussions; a proposal, if it were a product of such co-operative discussions, I submit, would have a much better chance of seeking the objective that is intended to be, namely, getting a lot of the federal land.

We have proposed here a co-operative model which involves four representatives from the territory, two from the federal government and two from CYI. I fully understand why YTG would propose that. I would hope that YTG would be intelligent enough to realize why the federal government might be less than enthusiastic about that level of representation, especially since, I suspect, most of the land we are talking about is now, at least for the time being, federal land.

I think the point made by the member for Faro is a very good one. We had this rather lunatic debate during the territorial election, where the Tories were going to give away land that they did not have, and take applications for federal agricultural land, which they not only did not have but now, apparently, do not have any immediate prospect of getting.

²⁷ I suspect the member for Tatchun would become quite upset if I went into his store and started handing out the groceries there and said, "Look, people here need this food". They are living there in hard times, I am going to go in there and hand out the groceries. He would be a little upset. He would say that I do not own them so I do not have any right to do that. In fact I am almost certain that he would say that — Christian gentleman that he is. I hope that members opposite will understand that the federal government, for the time being, at least, might respond the same way.

The member for Porter Creek East talked about how it took us seven years to get a little bit of land in Haines Junction. I ask you: what better proof can you have of what hopeless negotiators the territory has been on this kind of question? Surely they ought to know that if you want to get anywhere you try honey first and then vinegar, not the other way around. An entirely serious point has been made tonight about what I think is an irresponsible action of this territory's negotiator — whether he is directed by Cabinet or not I do not know because I have seen other cases where he has acted one way and then told the Cabinet what their position was. The negotiator has tied, according to the charge we have from the federal minister, land transfers to a land settlement. The consequence of that is, now, there is at least the potential, unless cooler

heads prevail, of it costing us both objectives which I think all reasonable people in this House want to achieve. When you are negotiating with the federal government, especially when you are negotiating with an entity where there is so much bureaucratic control, I do not think that the bureaucracy is designed to respond to this kind of political game. They are not equipped to play it. Politicians can do it in public and the public may tolerate it for a time, but we are dealing with matters of profound importance to the territory, of eternal consequence to this territory. We should be keeping our cool and being very rational about it.

Having said that, I want to say that we support this land use process and I would like to call question on the bill.

Hon. Mr. Tracey: Before we call question, I would like an opportunity to give my final remarks. The member for Mayo said that we had no policy. I say that we do have a policy. Our policy is: land for all Yukoners. That is exactly what our policy is. Our intent is to make land available for all Yukoners. In order to do that, we have put before this House a *Land Planning Act* so that we can plan that land and it can be turned over to Yukoners in the manner that it should be. It should be used for the purposes that are best suited to it.

²⁸ The member for Whitehorse South and also the member for Faro said that there were many contradictory statements made by the leader. Well, I suggest to you that none of them are contradictory. We have made our position quite clear, as the member for Porter Creek East said, eight months ago, and during the election we released our document about when we wanted land turned over to this territorial government. We wanted to plan that land, and have it turned over after it was planned — and, after the land claims, which is in total agreement with the motion that was passed in this House in 1979. There has never been a time where we said we wanted all the land turned over before the land claims were settled. But we are saying that when the land claims are settled, we want the land turned over to this government, and we also want an arrangement where we know that the land is going to be turned over to this government.

The federal minister has come along now and said, no, we are not going to turn land over to you; we might give you a little bit of land here or there, maybe for a cabin or for a farm — if you can spend seven years justifying it, we might give it over to you.

I would also tell the member for Whitehorse West that the word "Tatchun" is spelled with an "n", not an "m". He consistently says "Tatchum" instead of "Tatchun".

The member for Porter Creek East also said that it is only correct and proper that land should be transferred, and I agree with that one hundred percent. Incidentally, so do most Canadians. If you were listening to the radio today, you would likely have heard that a poll was taken and 87 percent of Canadians think that Yukon should become a province, and 83 percent of them think that not only should we have all the land, but all the resources too. It is obvious to me that perhaps there is some contradiction here. The people who live outside of the territory think that we should have it and yet some members of this House think that the federal government bureaucracy should control it.

The member for Campbell said that we are trying to alienate ourselves from Ottawa and I suggest to him, as the member for Porter Creek East did, that perhaps it is Ottawa trying to alienate us from them. I would also like to assure the member for Campbell that I am firmly attached to my nose, it works very well, and I am able to smell a skunk once in a while as well.

He stands in this House and reads a letter that was sent to the government leader by the Minister of Indian and Northern Affairs, who gave him permission to release that document if he felt it necessary. He also sent a carbon copy to the Chairman of the CYI and I would like to know — and I would suggest to you that it is very obvious — where the copy came from that the member read in this House, because it was not released from this side of the House.

²⁹ The land policy that we put before you yesterday and we are debating today is, as I stated earlier, this government's position on how land should be treated in this territory. It is a co-operative position. It is a position that involves everyone in the territory and gives special status to some people in the territory and I think it is a

very good bill and I would hope that everyone would support it.

Motion agreed to

Hon. Mr. Lang: I move, seconded by the leader of the official opposition, that we do now adjourn.

Mr. Speaker: It has been moved by the hon. Minister of Municipal and Community Affairs, seconded by the hon. leader of the opposition, that we do now adjourn.

Motion agreed to

Mr. Speaker: This House now stands adjourned until 1:30 p.m. tomorrow.

The House adjourned at 9:07 p.m.

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The following Legislative Return was tabled December 1, 1982:

82-2-8

Office Space rented by Yukon Government in City of Whitehorse (Tracey)

The following Sessional Papers were tabled December 1, 1982:

82-2-12

Lottery Commission Annual Report: 1981-82 (Firth)

82-2-13

Yukon Workers' Compensation Board: Ninth Annual Report for year ended Dec. 31, 1981 (Ashley)

82-2-14

Yukon Department of Education Annual Report 1981-82 (Firth)