



The Yukon Legislative Assembly

Number 19

2nd Session

25th Legislature

HANSARD

Thursday, December 2, 1982 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Andy Phillipsen, 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)

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)

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

⁰¹ Whitehorse, Yukon
Thursday, December 2, 1982

Mr. Speaker: I will now call the House to order. At this time we will proceed with prayers.

Prayers

Hon. Mr. Pearson: It is with deep regret that I rise this afternoon to acknowledge the sudden passing of Don Sumanik Sr., in Whitehorse yesterday.

To say that Don Sumanik was actively involved with his community does not really express the tireless hours he did spend in helping and running sports and recreation programs which have ultimately benefited all residents of Yukon.

History now shows us that Don Sumanik almost single-handedly cajoled, persuaded, convinced and lobbied for the hosting of the world cup of cross-country skiing championship in Whitehorse in 1981. He opened the eyes of thousands who now realize that Whitehorse has a world class facility for future competitions and for future citizens to enjoy in their personal recreational pursuits.

His sports involvements were far-reaching and far-ranging. He was an avid hunter and outdoorsman. He is past-president of the Whitehorse Cross-Country Ski Club and a technical director for cross-country skiing with the Canadian Ski Association. He served actively in the operations of all previous Arctic Winter Games and was on the board of directors of the current Arctic Winter Games Corporation as its treasurer.

He served as a member of the Yukon Recreational Advisory Committee from 1976 until 1978 and took time out to pursue his hobby of organizing and developing square dancing in Yukon. He was very active in the mineral market and was a co-owner of two small mining companies.

After all of these activities were dealt with, he still managed to fill in a full-time job as a weather technician with the federal government here in Whitehorse.

In 1981, Commissioner Doug Bell received an overwhelming number of nominations from many citizens suggesting that a Commissioner's award be presented to Don and Elsie Sumanik. ⁰² The nominations all mentioned Elsie, as well as Don, and I wish to express our deepest condolences to her.

In making his presentation, Commissioner Bell said, "We all know that the words 'dedication', 'devotion', 'inspiration', 'enthusiasm', 'service' and 'volunteer', but it is only when we work with people such as Don and Elsie that the true meaning of them comes home. Lip service and true service are separated by diligence, time and plain hard work.

Don summed up his attitude in an interview in the *Edmonton Journal* in 1980, and I would like to quote from that interview: "My father once told me that you can get anything you want if you are prepared to work for it. You've just got to have a positive attitude", and that was Don's.

Don Sumanik, sports advocate, citizen of the year in 1981, recipient of the Commissioner's Award and a tireless worker, has left us too soon.

Mr. Penikett: From the members on this side of the House, I would like to join in this tribute to Don Sumanik. He was, perhaps, the best known of my constituents and I think it is fitting that the Ski Chalet should continue to stand in the centre of that constituency for some time to come as a memorial to his tireless efforts, which have been enumerated by the government leader. We, too, shall mourn his untimely death.

⁰³ **Mr. Speaker:** We shall now proceed to the order paper on the daily routine.

DAILY ROUTINE

Mr. Speaker: Are there documents for tabling?
Reports of committees?
Petitions?
Reading or receiving of petitions?
Are there any introduction of bills?

INTRODUCTION OF BILLS

Hon. Mr. Pearson: I move, seconded by the hon. Minister of Municipal and Community Affairs that Bill Number 18, the *Third Appropriation Act 1982-83* be now introduced and read a first time.

Mr. Speaker: Could I have the title again?

Hon. Mr. Pearson: The *Third Appropriation Act, 1982-83*.

Mr. Speaker: It has been moved by the hon. government leader, seconded by the hon. Minister of Municipal and Community Affairs, that a bill, entitled the *Third Appropriation Act 1982-83* be now introduced and read a third time.

Motion Agreed to

Mr. Speaker: Are there any notices of motion for the production of papers?

Notices of motion?

Statements by ministers?

This now brings us to question period.

QUESTION PERIOD

Question re: Land claims

Mr. Penikett: A question for the government leader. The territory's negotiator is threatening a land claims agreement over the issue of post-settlement lands. In light of the charges about changing federal positions, I would like to ask the government leader what exactly is the territory's position? Does it want all, most, the bulk or some of Yukon lands, and on what time frame?

⁰⁴ **Hon. Mr. Pearson:** Our position has never changed. It has always been very, very clear. It is a public one. Possibly the way for me to best clear that matter up would be to table, in the House, if that is what the leader of the opposition would like, the document that seems to have precipitated Mr. Munro's letter; that is, our memorandum of agreement that was sent to him in early spring and that we made public in May of this year. It is quite explicit in that we are saying that, if there is going to be a fair and equitable settlement of land claims, it has to be exactly that: fair and equitable. It has to be perceived to be fair and equitable by all of the people in the territory or this government will not be a signatory of land claims.

We have not threatened to walk away from the table. We have never done that and we have no intention of doing that. If the land claims settlement is one that we do not think is fair and equitable, there is absolutely no way that we will be able to sign it. We perceive that to be our responsibility as the government. We are there representing all of the people of the territory.

The question of quantum has not been one that has been raised. We have said, time after time — this goes back to the early 1970s — that, given a land claims settlement that was fair and equitable, there had to be in place a procedure for the orderly devolution of land to this government. We suggest in this document, just to refresh the leader of the opposition's memory, that this devolution should take place over a period of ten years.

⁰⁵ **Mr. Penikett:** The question had been directed to some confusing and contradictory statements on this point but, given the government leader's answer just now, let me ask him what is now a real, not hypothetical, question: given the position of the government leader as he has just put it, is it the Government of Yukon's position that it is prepared to sacrifice a land claims settlement for the time being over the principle of the post-settlement land transfer?

Hon. Mr. Pearson: No. We have not suggested that anything is going to be sacrificed anywhere, and it never will be. The major question is: will we be a signatory of the land claims settlement? If that land claims settlement is deemed to be unfair, if it says that all of the land in the Yukon Territory will go to the Indian people, then I respectfully suggest that we will not be a signatory of that agreement. If it says that the people of this territory have to bear the cost of a land claims settlement, without any assistance from the Government of Canada, I would respectfully suggest that that is not a fair and equitable land claims settlement and we would not be a

signatory.

We may, or we may not be a signatory with of land claims settlement. It really all depends upon what that final settlement is going to be.

Mr. Penikett: I think I spotted a couple of red herrings in front of me just now. Since ministers of this government appear to have claimed that John Munro's statement of last Saturday was a new position, can I ask the government leader why the territory's land claims negotiator was apparently instructed not to sign a land claims agreement prior to Saturday's announcement, since the minister reacted to the negotiator's position on Saturday?

Hon. Mr. Pearson: I can say quite emphatically that our land claims negotiator has never, ever been instructed not to sign — or to sign — any agreement. Our land claims negotiator is there to negotiate a land claims settlement.

Question re: Northern benefits

Mr. Byblow: My question is also to the government leader. Within a couple of hours, full details of the northern benefits taxation regime is to be publicly announced. As the government leader is aware of how crucial this information is to conciliation talks going on in Faro today, does he know of any particular reason why the announcement was delayed until six o'clock tonight?

Hon. Mr. Pearson: I am just not the person to ask; I am not going to be making the announcement, nor do I have any control over when that announcement is going to be made.

Mr. Byblow: Something over which the government leader does have control: how soon is the government prepared to advance their Cyprus aid package? Specifically, how soon are they prepared to purchase the \$1,200,000 worth of housing?

Hon. Mr. Pearson: I have said a number of times, and our position has not changed on this, either, that when we are assured that Cyprus Anvil mine is going back to work, then we will be able to sit down with them and we will be able to put some time frames on the aid package that we, so far, are the only ones prepared to put on the table.

Mr. Byblow: Pursuing the question of aid, on the subject, though, of the federal aid package: I understand the package is now being considered and we may have some approval respecting it by next Tuesday. Can the government leader report if that particular aid is strictly a financial aid package to the mine, or will it have or address power and transportation costs to Yukon in general?

Hon. Mr. Pearson: No, I cannot say. I have not been privy to the federal government's proposed aid package.

Question re: Social assistance

Mr. Kimmerly: A question to the minister responsible for Social Assistance — I gave notice yesterday — is the minister now able to report on the situation regarding emergency assistance?

Hon. Mr. Tracey: I am not sure just exactly which question he is dealing with. If he is dealing with the fact people are coming into my office and the length of time it takes them to get attention, I can give him that information.

Presently, it is taking six working days, on the average, to process these social assistance claims. As I have stated earlier in the House, if it is a dire emergency, the person can wait there and if time comes open, they can be looked after by the intake department, or we can have our emergency social assistance worker take care of them.

Mr. Kimmerly: Will the minister confirm or deny that for the people "waiting there", were the security guards called three times in the last two weeks and the RCMP once in order to remove those people after hours?

Hon. Mr. Tracey: I have the report from my department that neither were the security guards nor the RCMP called.

Mr. Kimmerly: The social assistance allowable budgets were last changed on May 1st, 1981, 18 months ago. When will the next change occur?

Hon. Mr. Tracey: It is very likely that we will be making some changes next spring.

Question re: Land transfer

Mr. Porter: My question is to the government leader and I am trying to get a firm position in my mind as well as the minds of a lot of Yukoners as to his position in respect to land transfer. I would like to ask the government leader, is it this government's position that should there be no provision for a land transfer from the federal government to the Yukon government, that the Yukon government would refuse to sign an overall land claims agreement in principle?

Mr. Speaker: That question is quite hypothetical, however, if the minister would like to answer it he may proceed.

Hon. Mr. Pearson: Well, what we are saying is that if there is not a process in place, if there is not an agreement between the Government of Canada and this government in respect to the orderly transfer of land to this government, then it is likely, if there is absolutely no agreement, that this government would not be a signatory to a land claims agreement because we would not deem that to be fair and equitable treatment of all the people in this territory by the Government of Canada.

Mr. Porter: I would then ask the government leader: should the federal government agree to a system of land transfer to the YTG outside of the land claims forum and composing less than all of the land in the Yukon, would this government be satisfied?

Hon. Mr. Pearson: I would be most anxious to see such a proposal from the Government of Canada.

Mr. Porter: Can the government leader confirm or deny that his negotiator has suggested at the land claims talks that should there be no agreement on federal-YTG land transfer, the Yukon government would refuse to agree to those agreements that affect areas of YTG's constitutional jurisdiction?

Hon. Mr. Pearson: I am quite confident that our negotiator has been saying, as it has been raised as an issue in Ottawa, that if there is no agreement in respect to the orderly devolution of the responsibility for land to this government — something that this House has supported in the past and virtually every legislature in this House has supported for years — then we will not be signatories of the land claims agreement. That is the end of it.

Question re: North highway bus service

Mrs. Joe: I have a question for the Minister of Consumer and Corporate Affairs. On Tuesday, the minister promised to investigate the problem of Canadian Coachways' plan to terminate the north highway bus service. Does he now have any information to report?

Hon. Mr. Ashley: This is in the hands of the Transport Public Utilities Board; they are meeting around December 3rd and they will be dealing with it then.

Mrs. Joe: Did the Canadian Coachways' licence to operate the bus service between Whitehorse and Fairbanks include any requirement to continue certain levels of service?

Hon. Mr. Ashley: That is one of the things that the Transport Public Utilities Board looks at; that problem has not been brought to me, personally, it goes directly to the board. It is an independent board and they will deal with it.

Question re: School busing, Mayo

Mr. McDonald: I have a question for the Minister of Education, for which I have given notice. In a letter from Oliver Nelson, Director of Indian Affairs, to myself, the director stated that he had received assurances in a meeting in Mayo from the Government of Yukon that they would be responsible for operating a bus service between Stewart Crossing and Mayo, commencing September of this year. Has the minister, who yesterday said she had no knowledge of the meeting, or the assurance, investigated this claim?

Hon. Mrs. Firth: Yes, I have, and I have a copy of the letter that the member is talking about.

There are nine children in Stewart, six families, and we are paying them a ten dollar a day subsidy — that is, to each of the families — which amounts to \$60 a day in subsidy money; there are 187 school days, at \$60 per day, which totals \$11,220. That is approximately \$1,246 per child. If we were to put a bus on that route that the member is mentioning, it would cost us over \$50,000, which would be \$5,555 per child and I am not prepared to assure the member that we are going to do that.

Mr. McDonald: I was wondering, when the department made the commitment last year, if the minister could tell us how many students were resident in Stewart Crossing?

Hon. Mrs. Firth: I have no idea; I was not with the department last year when the commitment was made.

Mr. McDonald: Would the minister agree now to communicate her department's intentions regarding the bus service to the Director of Indian Affairs, as he obviously is under a misapprehension regarding the department's intentions?

Hon. Mrs. Firth: I have relayed the department's intention to the person that the member is asking about and I believe I have relayed intentions in other matters, and he seems to have difficulty understanding those as well.

Question re: Land transfer

Mr. Penikett: I have an easy question for the government leader. Yesterday and today we heard members opposite claim that the federal government had changed its position on the post settlement land transfer issue. In the interests of my education and all members of the House, I would like to ask the government leader what evidence can he provide us of this charge, since he has previously tabled another document today?

Hon. Mr. Pearson: I anticipate that as quickly as possible I will be answering the Minister of Indian Affairs and Northern Development's letter. Possibly that would be the appropriate time for me to advise the member of the specifics. I would just ask him to cast his memory back over the years and the stated position of the Government of Canada, which was in complete agreement with ours over the years, that land would devolve to this government given a land claims settlement. What we are looking for is a process that we deem to be fair and equitable. Land was being devolved to this government prior to land claims negotiations starting in 1972. From 1973 on, the federal government repeatedly has said that there cannot be any more block land transfers to this government — the process that was in place — save and except for those that are for a specific requirement, primarily for community development, until a land claims settlement has been reached. In every one of those statements it was implicit, if not specific, that once a land claims settlement was reached land would devolve to this government. What we have done is we have said to the Government of Canada that now is the time for us to talk to you about the process. We have suggested that there should be a process that can be put in place so that everyone knows where they are and where they are going so that we can convince the people of the territory that a land claims agreement is fair and equitable. We are suggesting that it would probably take ten years to do.

Mr. Penikett: I thank the government leader for his answer. I suspect that Mr. Munro might even agree with the first part of it. Since the government leader has made this statement and since we have heard the assertion, again, of a profound change more recently, could I ask the government leader: when, if ever, did the federal government, through its Minister of Indian and Northern Affairs, explicitly indicate its willingness to transfer all, or most, or the bulk of, Yukon land to territorial control?

Hon. Mr. Pearson: I can recall two specific ministers that have, I believe, not only said it publicly but, in fact, have written it in correspondence to this government, and that is, of course, the kind of information that I would like to apprise the Minister of Indian Affairs of. It was obvious, particularly at the press conference on Saturday, that the minister was not aware of the undertakings made by his former colleagues, even while he was a member of that Cabinet.

Mr. Speaker: Order, please. I believe the hon. leader has used up his supplementaries.

Mr. Penikett: No, this is my second supplementary. I have only asked one.

Mr. Speaker: I am afraid that the hon. member has asked two supps and has used up his opportunity on that question.

Mr. Penikett: I have asked one main question and one supplementary on this round, that is all.

Mr. Speaker: If the hon. member deems that it is extremely urgent and of an important nature, I will consider one further

supplementary.

Mr. Penikett: Thank you, Mr. Speaker. The Minister of Municipal Affairs, yesterday, and previously, has announced to the House a previous understanding with the federal minister in respect to agricultural land in Yukon. I would like to ask that minister, or the government leader, if he is now prepared to table any documentation that such an agreement was reached?

Hon. Mr. Lang: I referred yesterday — and I refer the member to *Hansard* in respect to the statements I made — that it was a verbal undertaking and I was going to see whether or not any correspondence had followed through and that is presently being looked at.

Further to that, the member opposite should read the correspondence. If it is to be accepted in principle, like some members appear to be willing to accept it in principle, the fact remains, in that particular document, itself, that where we can prove to our absentee landlord that someone needs land and should have land, then he would be prepared to consider that type of a transfer. I would assume that would apply to agricultural land.

Question re: White Pass and Yukon Route aid

Mr. Byblow: My question is to the government leader and I would like to question him on his trip to Juneau yesterday. Can he report whether his discussions have revealed any commitments, or new initiatives, from the Alaskan government regarding aid, or support, to the rail line?

Hon. Mr. Pearson: Yes, I have issued a press release, however, I would like, and I appreciate the opportunity, to inform the House that I thought that the meeting yesterday between Governor-elect Sheffield, the President of White Pass, the Mayor of Skagway and myself was very beneficial for everyone concerned.

The real upshot of the meeting was that Governor-elect Sheffield, who becomes the Governor at noon next Monday, has undertaken to sponsor in the legislature and the senate in Alaska a bill that would have the effect of repealing the five-man crew law. He has also undertaken to look into, and to follow up on, a request by the City of Skagway that the State of Alaska purchase the docking facilities that White Pass owns and use it as their cargo dock.

These docks, it has been determined, are going to require some \$2,000,000 to \$2,500,000 worth of upgrading in the near future to facilitate tour ships. White Pass has made it clear that it does not have the money nor any intention to upgrade those docks in the foreseeable future, and certainly not while they are not in operation.

There was a legal question raised as to whether the City of Skagway could afford or could allow White Pass guaranteed docking facilities. There was some opinion expressed that that fear can be overcome and the Governor-elect made it clear that if there are no legal impediments, he is very interested in trying to acquire those docking facilities for the City of Skagway.

These two initiatives, although not an end in themselves, would go a long way in helping White Pass to lower their freight rates generally and specifically to Cyprus Anvil. I felt quite confident that, given the success of future negotiations with the union by Mr. King, there will be some movement by the State of Alaska to assist in these two ways. I thought it was very very objective.

Mr. Byblow: I appreciate the government leader's information and will search out the press release.

Can he say whether there are any new initiatives for commitments from the Yukon government towards restoring the rail line and, if so, what were they?

Mr. Speaker: I would ask the hon. minister to please be brief in his reply.

Hon. Mr. Pearson: I shall be very brief. There are no new commitments; although I am sure I do not have to remind the member that we made a loan to White Pass a couple of years ago and we are most anxious that they get back to work at the earliest possible date. If we can be a facilitator in other ways, I would be more than happy to do that.

Mr. Byblow: Given the discussions with the Alaskan government, what is the present position of this government on the subject of reopening and upgrading the Skagway road as an alternate route to the rail line?

Hon. Mr. Pearson: That was not a topic of conversation at all; the only alternate that was talked of, and it was very peripherally, was Haines, but not Skagway. There was no discussion of the road at all.

Question re: Food prices

Mr. Kimmerly: A question to the Minister of Consumer and Corporate Affairs about food prices. In the last two days, obviously, the minister accepts one of the recommendations and rejects another one; is the minister prepared to make a ministerial statement to give the government's position on the various recommendations in the report?

Hon. Mr. Ashley: I have not had enough time, at this point, to go through this in a great amount of detail as to the way I will be going at it after this session is over, in the new year, or possibly later on this month.

Mr. Kimmerly: Is the minister able to state if any co-operation or corroboration is occurring with the federal Department of Consumer Affairs on the issue of food prices?

Hon. Mr. Ashley: I have not discussed that with the department at this time; we will be discussing it in the new year or after this session is over. There is just not enough time to deal with it all right now.

Mr. Kimmerly: Recommendation Number 2, on page 82, recommends the publishing of competitive food prices monthly. What is the government's position on that recommendation?

Mr. Speaker: Again, I would ask the minister if he would be brief. The type of question would require a lengthy reply.

Hon. Mr. Ashley: This is actually not in my department, it is Economic Development.

Question re: Government leader visit to Old Crow

Mr. Porter: My question again is to the government leader. I do not believe that there is going to be a school opening in Old Crow tomorrow so I would like to ask the government leader if he can tell us what the purpose of his visit to Old Crow is? Is it because he is going to go up there and play the fiddle and do a jig, or has he acquired an addiction for a local delicacy known as jitsu, which is a mixture of...

Speaker's Ruling

Mr. Speaker: Order, please. I must simply rule that question out of order as being frivolous. Are there any further questions?

Mr. Porter: Can I not have a supplementary on the question?

Mr. Speaker: I am afraid not.

Question re: Indian death rate

Mrs. Joe: I have a question for the Minister of Health and Human Resources. The minister indicated yesterday that the high death rate of Yukon Indian people is not the responsibility of this government. Can he inform this House if it is the intention of his department to ignore this problem?

Hon. Mr. Tracey: I would like to correct the member across the floor. I did not say it was not the responsibility of this government. I was answering a subsequent question of hers and I stated that the health of the Indian people is a responsibility of the federal government.

Mrs. Joe: The minister has stated many times that his government represents all Yukoners. Why does his department refuse to accept some responsibility for this medical problem affecting 25 percent of the Yukon population?

Hon. Mr. Tracey: I did not state either that my department does not accept some responsibility for it. We are presently in the process, and have been in the process for the last number of years, attempting to have the control of health in the territory turned over to the territory and I am certain that we are just as interested in the health of the native people as we are in the white people. I would like to stress, however, that, up until this time, the health care of the native people is the responsibility of the federal government. It has not been devolved through us and, until it is, there is very little that we can do, except on the periphery, for the native people.

Mrs. Joe: When this government has the health services

transferred to this government from the federal government, can the minister tell us what plans his department has to improve health standards for Indian people?

Mr. Speaker: Again, I would ask the minister to please be brief. This is the type of question that would take up a great deal of the question period.

Hon. Mr. Tracey: I think it would be much better if she was to ask me that and I will give her a written answer.

Question re: Government Leader's visit to Old Crow

Mr. Porter: In his visit to the community of Old Crow tomorrow, is the government leader's reason for going is that he would like to precipitate an advance party to the planned visit to that community of the oil and gas industry representative scheduled for the week of December 13th?

Hon. Mr. Pearson: I was aware that one of the oil and gas companies was going to Old Crow. I was not aware of the specific date. My reason for going to Old Crow tomorrow is because I have been invited there as the government leader to celebrate with the people of Old Crow the opening of their new community centre, which this government helped them build.

Mr. Porter: Then I know he is going to jig. Will the government leader be discussing with the Old Crow Band Council an appointment of their representative to the COPE negotiations?

Hon. Mr. Pearson: As I have indicated earlier in the House, it is my intention to meet with the band council and to discuss many matters, one of them being COPE.

Mr. Porter: Would the government leader give this House the undertaking that he will agree to have a representative of the Old Crow people as a member of the Yukon negotiating contingent at the COPE agreement-in-principle?

Hon. Mr. Pearson: The COPE agreement-in-principle is being negotiated in Ottawa by the Government of Canada and COPE. We have a negotiator, if you will, in Ottawa, who holds a watching brief for us. I cannot make any such undertaking because I have absolutely no idea of what, for instance, the cost of that kind of an undertaking might be.

Question re: Property assessments

Mr. McDonald: I have a question for the Minister of Municipal and Community Affairs for which I have given him notice. Is the minister aware that real property assessments for the government holdings in Mayo have fallen an approximate \$600,000 from the year 1981 to 1982 and if so, can he explain why?

Mr. Speaker: Again I would ask the hon. minister to be brief in his reply as this is a question which would require a very lengthy reply.

Hon. Mr. Lang: I make a firm undertaking to the Chair; I will not go into another lecture on assessment versus taxation. The information I have is that in the 1982 tax year the assessment in the community of Mayo was approximately \$8,250,000 and in 1983 tax year the assessment in the community of Mayo was increased to \$8,472,670, so there has been an increase since the previous assessment was done.

Mr. McDonald: The first question was for real property assessments for the government holdings in Mayo. I guess, because the hon. minister obviously is not prepared to answer that specific question, can the minister assure the House that any fluctuation in property assessments will not adversely affect the grants-in-lieu payable to the LID?

Hon. Mr. Lang: I am more than prepared to give the member opposite a copy of the *Municipal Finance Act*, and the White Paper that preceded it, so that the member opposite could fully understand how our transfer payments go to the communities. I want to just make one other comment. It is not our intention to cut back unduly in this area, recognizing the various responsibilities the municipalities have throughout the territory.

Question re: Casual employees

Mr. Penikett: I have a question for the government leader in his capacity for the minister responsible for the Public Service Commission. The government leader has told the House that the

policy of regularly laying off casual employees for a single day, in order to keep them on the casual pay-roll is not a practice which the government condones, although a number of the government employees, some of whom have worked for YTG 12 months a year for as long as two years, have complained that they are required to accept one-day lay-offs in order to retain their jobs: could the government leader explain the contradiction between the ideal position which he expressed then and the present reality.

Hon. Mr. Pearson: The reality is that in a lot of these cases, these jobs go for seven months, instead of six. And it would be a case of having to lay one person off, not just for one day, but laying them off permanently and hiring somebody else to replace them. That is the reality and it is one that we would just as soon — although, not condone — follow where it is deemed necessary that we do so.

Mr. Penikett: Since the government leader has previously stated that it is not a practice we want to encourage at all, could I ask him, since the practice is still used, if the government leader could inform us what plans he has to actively discourage or discontinue this type of employment practice?

Hon. Mr. Pearson: It is very difficult to discontinue because it does not become realistic. There is a requirement to have this kind of a rule in a public service of this size. It is very difficult to operate without it, and it is in most cases advantageous. There are the exceptions to the rules; I do not know how we can change it at all. I have not ever been presented with an alternative to the six-month rule.

Mr. Penikett: Could the government leader inform the House if these one-day lay-offs were used recently as a restraint measure to reduce the amounts of retroactive earnings payable to the YTG employees for the time period April 1st to August 19th.

Hon. Mr. Pearson: No.

Mr. Speaker: Order please. The time allotted for question period has now expired. We will now proceed to orders of the day, government bills and orders.

ORDERS OF THE DAY

GOVERNMENT BILLS AND ORDERS

¹⁶ Bill Number 16: Second Reading

Mr. Clerk: Second reading, Bill Number 16, standing in the name of the hon. Mr. Lang.

Hon. Mr. Lang: I move, seconded by the hon. member for Kluane, that Bill Number 16, *An Act to Amend the Municipal Finance 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 Kluane, that Bill Number 16 be now read a second time.

Hon. Mr. Lang: This is very similar to the bill that was put to the legislature last year and that is as a result of the fact that the *Municipal Act* has not been proclaimed. We will be asking the legislature to grant another year's extension to the *Municipal Finance Act*, which is linked directly to the new *Municipal Act*, for the purpose of allowing the transfer of payments to the local improvement districts throughout the territory under the formula that has been developed under the latter.

Mr. Kimmerly: This is an uncontroversial bill and we look forward to its speedy passage.

Motion agreed to

Bill Number 10: Third Reading

Mr. Clerk: Third reading, Bill Number 10, standing in the name of the hon. Mr. Tracey.

Hon. Mr. Tracey: I move, seconded by the member for Kluane, that Bill Number 10, *An Act to Amend the Wildlife Act*, be now read a third time.

Mr. Speaker: It has been moved by the hon. Minister of Health and Human Resources, seconded by the hon. member for Kluane, that Bill Number 10 be now read a third time.

Motion agreed to

Mr. Speaker: Are you prepared to adopt the title to the bill?
Hon. Mr. Tracey: Yes, I move, seconded by the member for Kluane, that Bill Number 10 do now pass and that the title be as on the order paper.

Mr. Speaker: It has been moved by the hon. Minister of Municipal and Community Affairs, seconded by the hon. member for Kluane, that Bill Number 10 do now pass and that the title be as on the order paper.

Motion agreed to

Mr. Speaker: I declare that the motion has carried and that Bill Number 10 has passed this House.

Bill Number 12: Third Reading

Mr. Clerk: Third reading, Bill Number 12, standing in the name of the hon. Mr. Ashley.

Hon. Mr. Ashley: I move, seconded by the hon. Minister of Health and Human Resources, that Bill Number 12, *An Act to Amend the Optometry Act*, be now read a third 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 Number 12 be now read a third time.

Motion agreed to

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

Hon. Mr. Ashley: I move, seconded by the hon. Minister of Health and Human Resources, that Bill Number 12, *An Act to Amend the Optometry Act*, be now passed and that the title be as on the order paper.

Mr. Speaker: It has been moved by the hon. Minister of Justice, seconded by the hon. Minister of Health and Human Resources, that Bill Number 12 do now pass and that the title be as on the order paper.

Motion agreed to

Mr. Speaker: I declare that the motion has carried and that Bill Number 12 has passed this House.

¹⁷ Bill No. 11: Third Reading

Mr. Clerk: Third reading, Bill No. 11, standing in the name of the hon. Mr. Ashley.

Hon. Mr. Ashley: I move, seconded by the hon. Minister of Education, that Bill No. 11, *An Act to Amend the Insurance Act* be now read a third time.

Mr. Speaker: It has been moved by the hon. Minister of Justice, seconded by the hon. Minister of Education, that Bill No. 11 be now read a third time.

Motion agreed to

Hon. Mr. Ashley: I move, seconded by the hon. Minister of Education, that Bill No. 11, *An Act to Amend the Insurance Act* do now pass and that the title be as on the order paper.

Mr. Speaker: It has been moved by the hon. Minister of Justice, seconded by the hon. Minister of Education, that Bill No. 11 do now pass and that the title be as on the order paper.

Motion agreed to

Mr. Speaker: I declare that the motion has carried and that Bill Number 11 has passed this House.

Bill No. 7: Third Reading

Mr. Clerk: Third reading, Bill No. 7, standing in the name of the hon. Mr. Ashley.

Hon. Mr. Ashley: I move, seconded by the hon. Minister of Municipal and Community Affairs, that Bill No. 7, *An Act to Amend the Personal Property Security Act*, be now read a third time.

Mr. Speaker: It has been moved by the hon. Minister of Justice, seconded by the hon. Minister of Municipal and Community Affairs, that Bill No. 7 be now read a third time.

Motion agreed to

Hon. Mr. Ashley: I move, seconded by the hon. Minister of Municipal and Community Affairs, that Bill No. 7, *An Act to Amend the Personal Property Security Act* do now pass and that the

title be as on the order paper.

Mr. Speaker: It has been moved by the hon. Minister of Justice, seconded by the hon. Minister of Municipal and Community Affairs, that Bill No. 7 do now pass and that the title be as on the order paper.

Motion agreed to

Mr. Speaker: I declare that the motion has carried and that Bill No. 7 has passed this House.

Bill No. 8: Third Reading

Mr. Clerk: Third reading, Bill No. 8, standing in the name of the hon. Mr. Lang.

Hon. Mr. Lang: I move, seconded by the member for Porter Creek West, that Bill No. 8, *An Act to Amend the Liquor Act*, be now read a third time.

Mr. Speaker: It has been moved by the hon. Minister of Municipal and Community Affairs, seconded by the hon. member for Whitehorse Porter Creek West, that Bill No. 8 be now read a third time.

Motion agreed to

Hon. Mr. Lang: I move, seconded by the member for Whitehorse Porter Creek West, that Bill No. 8 do now pass and the title be as on the order paper.

Mr. Speaker: It has been moved by the hon. Minister of Municipal and Community Affairs, seconded by the hon. member for Whitehorse Porter Creek West, that Bill No. 8 do now pass and that the title be as on the order paper.

Motion agreed to

Mr. Speaker: I declare that the motion has carried and that Bill No. 8 has passed this House.

Mr. Speaker: May I have your further pleasure?

Mr. Penikett: Since question period came to an untimely end, I would like to, on a point of order, ask if the government House leader could indicate to us before Mr. Speaker leaves the Chair, what the House business will be for next week?

Hon. Mr. Lang: On that same point of order, tentatively, the schedule will go as follows: it is our intention to proceed with second reading with *An Act to Amend the Workers' Compensation Act*; we will also be going forward with a second reading of the appropriation bill that was tabled today; we will further be prepared, tentatively, to discuss those two bills as well as the other bills in committee. What will take place, and I stress this as tentative, is that we will try to proceed with the bills in committee that are presently under discussion with the idea of catching the remaining bills that have been tabled today.

Hon. Mr. Lang: I would move, seconded by the Minister of Education, that Mr. Speaker do now leave the Chair and the House resolve into the Committee of the Whole.

Mr. Speaker: It has been moved by the hon. Minister of Municipal and Community Affairs, seconded by the hon. Minister of Education, that Mr. Speaker do now leave the Chair and the House resolve into the Committee of the Whole. Are you prepared for the question? Are you agreed?

Motion agreed to

COMMITTEE OF THE WHOLE

Mr. Chairman: I will now call the Committee of the Whole to order. We will now take a recess.

Recess

Mr. Chairman: I will call Committee of the Whole to order. We will continue with Bill Number 15, *Agriculture Development Act*.

Bill No. 15

Hon. Mr. Lang: We had a fairly thorough debate on the principle of the bill and it got into a number of areas, primarily dealing with land.

In dealing in the specifics of the bill, I should point out that it does bring in statute what we had created, by Cabinet Order, the existence of the Agriculture Development Council, who will be charged with certain responsibilities to look into matters for the

purposes of advising the minister responsible for this area of concern. As I indicated, there was a lot of work done with the Yukon Agriculture and Livestock Association in going forward to develop a policy which would, as the member for Porter Creek West indicated, give the responsibility to the individual in having the government in a position of assistance, as opposed to government telling people what they may or may not do prior to application for land.

I listened with a great deal of interest to the member for Mayo's critique of the bill before us. He may find this a little surprising but, in part, I have to agree that the statute does not really put into place "programs" or the principles of no subdivision versus subdivision; these things that should perhaps be incorporated in legislation. I want to say, from where I sit, that I am prepared to consider, once this act has been in place for a certain period of time — and I am not prepared to put a time frame on that — that once we see various elements working and we are satisfied that there do not have to be major changes, which may have to be done fairly quickly to accommodate a situation, I would be prepared to put it into statute. That does not mean just strictly this act; it may apply to the *Lands Act* or the *Taxation and Assessment Act*, depending upon the issue at hand.

If you take a look at the bill before you, it refers specifically to the *Lands Act* and that is where the land disposition policy rests, under the regulations that were promulgated, I believe, approximately five to six months ago.

²⁰ The point I am making is relatively new. We are trying to see exactly how well they are working as far as the implementation of the regulations are concerned. I can concur that, over time, once we are pretty confident that the legislation that we have, under the auspices of regulation, are pretty satisfactory for not only short term, but the long term, I would be prepared to consider putting those into statutes. As I indicated, I am not prepared to make the commitment to the member for Mayo and I think that he can appreciate the fact that I am not prepared to lock myself into a time frame because we are dealing with many issues and it is sometimes very difficult to get, in the legislative programming, certain acts, as far as priorities are concerned, and it takes a fair length of time to draft and to bring them forward, for scrutiny of the various Cabinet committees that look at these types of things prior to the tabling in the House. I think all members should be aware that this legislation just does not appear one day. A lot of work goes into it. I do not think that the public is aware that, between sessions, one of the responsibilities of the members who are on Cabinet is to develop, scrutinize and perfect, wherever possible, legislation for the purposes of tabling at any forthcoming session.

Just to go further into the bill, I think it is very important that people realize that the areas that the Agricultural Development Council can look into, if authority is granted by the House here, is fairly broad and extensive. We have intentionally kept it that way so that we are not hindering the work of the Agricultural Development Council, who would be, perhaps, having to look at something that may have come up at the spur of the moment and not have the authority to do so.

From my knowledge, the members of the association who represent the people who are interested in this type of a life-style and who are also involved in this type of life-style, are overall, the way I understand it, fairly pleased with the act and the way it is written, and before the House. I think that the member for Mayo can rightfully say, when he stands up and speaks to the bill, that we have done our homework in respect to the legislation. We have consulted the people who are directly affected and have had a fair amount of close work with them in order to develop what we have today. With those remarks, I cannot see any reason why there should not be speedy passage of the bill before us.

Mr. McDonald: I, too, do not see any good reason why we cannot have speedy passage of this bill. I think, to a certain extent, I shot my wad, so to speak, yesterday, and those remarks are on record. There is probably no good reason to repeat them now.

²¹ I would like to say that this act is generally non-controversial apart from the regulations. In fact, I would say that it is quite a positive step and I would agree with the minister's assessment that

this act is applauded by the Yukon Livestock and Agricultural Association. It is one of the first positive steps by any government in this territory.

What the act essentially does is it sets up the council, pays the council, outlines the terms of reference for the council and in regulation provides for the future of agriculture in the territory. And that is probably where I am most skeptical.

I would have, obviously, as I said yesterday, liked to have seen certain initiatives taken because I felt then, as I do feel now, that with the number of position papers, policy papers, statements of intent and various promises made in the past that we could have at least have taken some initiatives in important areas. But then again I am repeating myself.

Regarding the agricultural council itself, I believe that there was a recommendation by the YLAA sometime ago that perhaps we could have had wider representation on the board — five members as opposed to three. I think that there is still a concern within that particular group of people that they should be able to receive input and participation on a regular basis. Their participation should be set in legislation and I would tend to agree with that. I do not see any reason why that should not be the case. I think their record on agricultural issues is a public record which is quite admirable.

The legislation itself states that they will have an advisory capacity and I would hope that the advice is taken prior to implementing legislation, prior to the promised legislation that the minister mentions. As such, I have no real problems with their terms of reference. I think that the bill goes a long way to delineating many of the areas of concerns that have been enunciated by numerous policy papers and many farmers around the territory; certainly farmers from my riding. I think that as such it is a valuable document, in itself. As I said I think that there are good reasons to put into legislation now what is already minimal policy as far as eligibility criteria for applicants and the conditions respecting disposition of lands, the minimum and maximum parcels of lands, and things like that. I believe that the terms used by the development council are intensive, extensive, parcels of land, rules for the letting out of lands, terms to be contained in agreements, etc. etc. These are things that are already being enacted and I think perhaps that they quite properly should be in legislation.

21 So having said that, I do not really believe that there is much more, and I can merely repeat that the agricultural council is a positive step as it will provide for ongoing coherent advice of procedures for providing to the minister. I think it is something that has been lacking in the past. We have been treated to various reports with specific terms of reference, specific time frames, and now perhaps we are going to be treated to some sort of ongoing coherent advice. I think that is a very positive step.

So, without further ado, I think that when we come down to the amendments that we do propose — brief amendments — I think that they will quite clearly outline our concerns and I think that they are reasonable. The minister may be quite critical of them, but I believe that they are truly just amendments and do reflect the intent of the legislation, and we can deal with the act clause by clause. I do not anticipate too much in the way of debate or confrontation.

Mr. Falle: Listening to the conversation yesterday and the arguments over this bill, we got into land use and I think a lot of concern on the opposite side of the House was the difference in what agriculture may do compared with land use. Well, agriculture, in itself, is quite compatible. It is compatible with almost all other land use known. It is compatible with the oil and gas industry, pipelines, roads, right of ways; it is compatible even with parks.

Another interesting factor on wildlife — and this comes from Alaska, which has done an awful lot of studies on this agriculture thing — agriculture was one of the biggest boosts to the wildlife population that Alaska had seen. In certain parts of Alaska where agriculture was introduced, over 1600 percent increase was seen in certain species. These were deer, coyote, elk and mule deer. It can be very beneficial, when you consider agriculture's main aim. It is in business to produce food. And when you are producing food, where there is food, there is an abundance of wildlife. Basically, it happens to me something that can coexist with wildlife.

Another interesting thing that people feared yesterday was that it

may conflict with other land uses. I just thought I would throw that in at the beginning, because it is quite compatible with just about every other land use known.

Hon. Mr. Lang: I appreciate the comments from the member for Mayo and I accept the compliments that he put forward in respect to the bill in the spirit in which they were given.

22 I did not want to see it happen, as I am sure the member for Mayo would not, that the House turned into a mutual admiration society, but I have to concur with him that this bill is the first step in attempting, and making every effort, to ensure that there is a coherent approach to the question of agriculture in Yukon and giving a forum for the advice that we, in government, should be seeking in order to ensure that any program, if it does come to pass and is put into place, is complementary to what is taking place, as far as the territory is concerned.

I just want to stress — and I think it is important for the record — that I do believe that the member for Hootalinqua has worked very hard in this area as his riding is primarily the one affected in most part in the foreseeable future. He has worked very hard with a great number of people from the area in trying to come up with a consensus of opinion that could give the proper direction for government to take in this area. I appreciate the fact that he has been successful in bringing that message to government and also ensuring that it is in the process of being implemented.

Just on a more humorous note, referring to my colleague for Hootalinqua, the good doctor, I just hope that the opposition will, in all deference to myself, once I do achieve an honorary doctorate from wherever it may come, that they would not hesitate to utilize it in the purpose that it should be brought forward.

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Mr. McDonald: I think that Clause 4 warrants a few remarks and I think that it does elicit a few notes of caution, in that the existing choice of the members of this board have been criticized, to a certain extent, not for their agricultural qualifications, but for other reasons. I think that this is another question which we must guard against in a small territory, where claims of patronage are quite serious.

23 I would like to suggest, perhaps, in the future, once we have studied this a little more closely, that we can realign, or rework, the selection of the choice for the members of the council, should we see the need be proven. As I said in my opening remarks, the Yukon Livestock and Agricultural Association, for the minister's information, did suggest that perhaps they should be able to receive representation and have it set in legislation. I think that that is something that we should be looking seriously at in the future. I am not totally sure of myself on these grounds because I think that that could be proven, over time, depending on how we research the choice of members. As a point of information I think that should be mentioned at this time for the record.

Hon. Mr. Lang: I am going to get one thing very clear and on the record. I have no problems accepting a recommendation from an organization, from individuals, or whatever the case may be. If I am going to be responsible for the actions of this council, or any board, or whatever the case may be, I believe the minister responsible should have the final say of who is going to be appointed. I am not prepared to allow that authority to be divested to someone else to make the decision on my behalf. In this particular case, we did have a recommendation by the organization, who is primarily interested in this area, and, for that matter, the present make-up of the board is three members who are members of the association. I just want to put my position on the record and, if I am going to be held politically accountable in respect to the actions, then I will retain the prerogative *vis-a-vis* the question of appointments.

Mr. McDonald: I think it is important to point out at this time, and to remind the minister, that this board is quite clearly stated in this legislation to be an advisory board and that the minister does not necessarily have to accept the advice, or pay heed to the advice, or

follow the advice with action. Decisions are not made on his behalf; he has the final say and I think that is the point to be made about any advisory board.

I do not think that we need to applaud the exploits of the Yukon Livestock and Agricultural Association again. We both recognize, I think, that this is a worthy group and worthy of input in such a concern.

Hon. Mr. Lang: I am the last one to ever say that the member opposite is not entitled to his opinion. I defend his right to say it. What I am saying is that this is my position.

²⁵ *Clause 4 agreed to*

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Amendment proposed

Hon. Mr. Lang: I have a motion to propose: I move that Bill Number 15, entitled *Agriculture Development Act*, be amended in Clause 9, at page 2, by substituting the following: "Clause 9(1)(a) the disposition of lands for agricultural purposes include:

- (i) agriculture development plans;
- (ii) eligibility criteria for applicants and conditions respecting the disposition of such lands;
- (iii) minimum and maximum parcel size and rules for the laying out of such lands;
- (iv) terms to be contained in agreements for sale or lease or other agreements;
- (v) land use and subdivision controls for such lands; and
- (vi) prices for disposition of such lands and methods of payment."

And it is largely in there in view of the fact that this is basically a typing error: if you take a look at (iii), it flows into (iv) and I wanted to have it clarified.

Amendment agreed to

Clause 9 as amended agreed to

On Clause 10

Clause 10 agreed to

On Clause 11

Mr. McDonald: I warned the minister during coffee that I would be moving an amendment respecting the regulations. I think it is an entirely justified amendment and I take the minister's current promises to get something moving on agriculture as fine.

Amendment proposed

I think, however, it should be scrutinized publicly by this legislature and that is the reason for the amendment, which reads as follows: "that Bill Number 15, entitled *Agriculture Development Act*, be amended in Clause 11, at page 4, by deleting paragraph 11(1)(b)."

In just briefly speaking to that amendment, I think the intent is quite clear that "the Commissioner in Council may make regulations establishing agricultural program of Yukon", quite clearly in my opinion, should be legislation. When the minister feels that legislation is necessary, he should bring legislation to the House for public scrutiny and for speedy passage, if it is, in fact, a progressive step.

I do not see the need for establishing agricultural programs to be put in regulations. I, in fact, see that it is a retrogressive step and would hope that the minister would reconsider and vote for this amendment.

Hon. Mr. Lang: I cannot support the amendment. I indicated earlier in my preamble to the bill that I was prepared to consider bringing in further legislation, but was not prepared to lock myself into a time frame. I cannot see this particular section in the first place being utilized that often. If it was it would be in a minor way perhaps requiring some agreement with the Government of Canada. When you talk about an agricultural program, if it is going to require the expenditure of money, for an example, that would

require the minister responsible to bring forward to the House a budgetary item which in effect is legislative authority to proceed in such a manner. I think I have clearly delineated this side of the House's position regarding the proposed regulatory body that we feel is necessary at this time. As we get more experience in this area I am also committed where it is deemed necessary by myself; not necessarily the member for Mayo, to bring forward legislation. I am more than prepared to do that and I think that it is a commitment made, not from a partisan point of view, it is made from in part the issues that were brought forward by the member from Mayo yesterday in respect to bringing forward legislation as opposed to regulations as far as general principle and general policy is concerned.

I should further point out in respect to regulation, it is definitely not our intention to overregulate in the area of agriculture. I think it is safe to say, if one takes a look at any of the regulations that have been passed to date, and the member for Whitehorse South Centre can probably concur with this, major substantive regulations really have not been implemented over the course of the last year. Now one could raise a number of areas of perhaps where one would argue whether or not they were substantive, but I am talking overall. When you talked about regulation making power, in most cases it is a question of appointments, this type of thing, as opposed to major substantive changes as far as policy is concerned. At the present time, I maintain that we need this. We will find out a year or two years down the road exactly where we are. If there is some major substantive policy decisions that could require legislation I am more than prepared to bring them forward.

Mr. Kimmerly: The minister makes a commitment and we accept that, and we will duly take note of it, and if need be, we will quote it back at him, I am sure. However, if he makes that commitment why does he needs this regulating-making power, because if he used this power, in essence, he would be breaking the commitment: he would be establishing an agricultural program by regulation, when it should be done as a matter of policy, by the legislature.

²⁷ It is interesting, if we look at the other regulating-making powers, especially (e), they are very widely worded; there is power to make all sorts of ancillary regulation. The only reason for this particular section about agricultural programs is in order to establish policy by regulation. If the commitment is serious, the regulating-making power is unnecessary.

Hon. Mr. Lang: I submit, and I indicated my commitment, that in regulating-making power, if we were to bring something substantive in, that we had experience with for a year and a half to two years, I would seriously consider bringing it into statute. I would be more than prepared, after some experience, to look at the land regulations that we presently have and perhaps bringing them forward in statute. And I think that these are the matters that the member is referring to.

I also maintain that I need, and the agricultural council needs, some discretion at the present time, and that is what I am asking of the House.

I think the members opposite have to agree that I have gone a long way on this, unless it is struck from *Hansard*. I will check that in the morning, but it is not that often that I am prepared to make a firm commitment, just like I did, with the only qualifier that I have put on it is not locking myself into any given time frame because sometimes events are not necessarily to one's making or liking and subsequently I cannot make a firm commitment as far as a time frame is concerned. I am sure the member of the opposition would agree with me. In view of this commitment, I cannot see any problem with the section before us. But I cannot support the amendment.

Mr. Kimmerly: For the record, I too will make a commitment. I am going to keep a copy of the minister's commitment and I am going to look at the regulations. And if a regulation comes through establishing an agricultural policy, at the next opportunity I am going to bring it here and wave it in front of the minister's nose.

Hon. Mr. Lang: The last discussion that we want to get on is the question of noses. I just want to qualify this, very specifically, to the member for Whitehorse South Centre, as I indicated, if we

put something into regulation and we had had some time and experience with it and we were satisfied with it, I would be prepared to bring forward the necessary statute within the time frame that I had to work within. And this is not a change of position, if we read *Hansard* and, I have no doubt, if they have quoted me accurately, precisely and to the point.

Mr. McDonald: I do not want to detract from the moment or from the commitment at all, but I would like to say, for the record, that we expect this agricultural policy to come into regulation. I do not want to (inaudible) the commitment at all, but we do expect that this is what this House does on an ongoing basis. This is their job, this is the institution. I think, to a certain extent, however, we have already been subjected to some policy which could be in the form of an act, as I have said already. It should be under public scrutiny. The point to be made, when it comes into this House, is that it does endure some public scrutiny, and I think that I have personally received a number of informal complaints about eligibility criteria for applicants and conditions respecting the disposition of such lands — minimum, maximum, parcel sizes; rules for laying out of land, terms to be contained in the agreement, et cetera.

These are the sort of things that we had expected to be in the legislation and I think, if they are to be enacted, and if lands are to be disposed of in this manner, then we should have the opportunity to establish those ground rules for everybody to see and for members of this House to debate. Perhaps we could take the minister up on his word already, right now, and hope to see an act coming in the very near future regarding this position of agricultural lands.

Hon. Mr. Lang: My only point, in coming back into the debate, is that I have given the commitment sincerely and, time permitting, I will be looking at all aspects of it and discussing it with the members of the Agricultural Development Council and seeing what, perhaps, could be put into legislation. As you know, we are dealing with a number of pieces of legislation, not just this one, as I indicated earlier.

If the member does have some complaints, I would be more than prepared to listen to them, whether it be in this House or outside of the House, in my office, if he has a constituent who has a problem so that I can convey that message to the members of the Agricultural Development Council. To date, I have not really had any criticism coming forward, in any substantive nature, as far as the criteria is concerned, and I would like to hear them. I do not want to delay the passage of the bill and hear one particular incident, unless the member wants to dwell on it. I am just saying that I am open to suggestions and, if he has any constructive recommendations, I would be more than prepared to hear them.

Mr. McDonald: At the appropriate time, when the minister decides that he will bring forth such legislation, I will be more than happy to debate it in the proper parliamentary manner to which we have become accustomed and, I hope, of which we have not seen the dying days.

Amendment defeated
Clause 11 agreed to
On Clause 1
On Title
Amendment proposed

Mr. McDonald: I have another amendment that I would like to propose, regarding the true intent of this act. I think it is important that the title of the act does, in actual fact, represent the intent of the act, so I am proposing "that the title to Bill No. 15, entitled *Agriculture Development Act*, be amended to read *Agricultural Development Council Act*".

The intent of this is to encourage the minister to bring forth pieces of legislation as they come about and to entitle the legislation in the proper manner, and that, to sum up: that, in the future, we do receive legislation pertaining to the various aspects of agricultural policy, this being but one, albeit a good one; and that, in the future, such legislation does come down to be debated before this House in the appropriate way, at the appropriate time.

Hon. Mr. Lang: In order to save the taxpayers' money, I will not take a great deal of your time. My only point is that I think I have made a number of commitments in the bill.

I cannot support the amendment, not only on the way it is written, but also from the point of view of the intent, which is to negate from the bill, in my opinion, the start-up of development of agriculture in the territory, which is the spirit of the bill before you. This side of the House cannot support the amendment.

Amendment defeated
Clause 1 agreed to
On Title

Hon. Mr. Lang: I move that you report Bill Number 15, *Agriculture Development Act*, out of Committee as amended.
Motion agreed to

Hon. Mr. Lang: If it is the intention to go onto land planning next, and it will not be our intention to debate the *Landlord and Tenant Act* today, but I would be prepared to go on with the *Municipal Finance Act*, which is a minor amendment.

Mr. Kimmerly: Just as a notice, I wonder if I could ask when is the intention to proceed on the *Landlord and Tenants Act*?

Hon. Mr. Lang: In all likelihood, and I will confirm it with the opposition, depending on how business goes today, I would think that we would be able to debate or begin a clause-by-clause reading of that particular bill on Monday afternoon.

Mr. Chairman: We will now go onto Bill Number 14, the *Land Planning Act*. Is there any general debate?

Hon. Mr. Tracey: I think that we did enough general debate on it yesterday and we should be able to carry on with the bill.

On Clause 2
Clause 2 agreed to
On Clause 3
Clause 3 agreed to
On Clause 4

Mr. Kimmerly: On clause 4, I wonder if the minister could give us a word of explanation as to the make-up of the committee and as to the co-operation that he had previously spoken about in the second reading and the way the CYI plan and the federal government plan are seen to be in co-operation or basic agreement with this section. It is my understanding that, especially, the federal government plan is substantially different than the make-up of the board. This, of course, is the crux of the power of the bill, I suppose, and I would ask the minister for a word of explanation about the co-operative process he announced.

Mr. Chairman: Do you really wish to discuss this as this clause has already carried.

Hon. Mr. Tracey: I only think it is proper that I answer that question. As you can see, we ask the federal government to nominate two members. We also ask the CYI to nominate two members and we appoint two members from the general public and two government members, which form the board. We are not talking about the committee here, we are talking about the board. The federal government's position is that they will have a planning directorate and that is already established in the bureaucracy of the federal government.

The planning committees will consist of eight to ten people and there is no specific number for representatives. The northern land use planning commissions that they recommend includes 10 to 15 people, with no specific representation. We are not exactly sure what kind of co-operative mechanism would be in place with the federal proposal. The CYI proposal is that CYI should have at least 25 percent Indian, which we have addressed and which we did address in our original policy paper. It is quite likely that in some areas there would be more than 25 percent. Perhaps we are dealing with lands that will affect the native people and we would want to appoint another native person as a member of the Yukon delegation, of the government nominated ones.

So I think that we have met all of our commitments under our original proposal of our land use policy and we have also gone almost all the way to meet the government's representation, although as we said yesterday during general debate on this bill, the way the federal government proposal is possibly going to be set up, we would have very little representation. We would only be one of any number of groups that would be represented. We think that

Yukon land should be planned by Yukoners for Yukoners and we are prepared in our proposal to include Yukoners in all the planning process.

Mr. Kimmerly: I understand the basic policy assumption that Yukon land ought to be planned by and for Yukoners: what is the reason for including federal government appointees at all?

Hon. Mr. Tracey: We accept the fact that the majority of land in the territory is under the control of the federal government. Also, we would like to call on federal government expertise. We do not have it all here in the Yukon Territory. We have jointly planned land in conjunction with the federal government in the past and we would like to continue to do so in the future. This *Land Planning Act* that you see before you is capable of planning any land anywhere in the territory. We would like to see, after the land claims settlement, that we can sit down with the federal government and nominate people to the land planning board and the land planning committees and get at the job of planning the land in the territory.

²² **Mr. Kimmerly:** When the bill is passed, obviously it will apply to existing Yukon lands. Was there any thought given, or negotiation or discussion, as to the make-up of the board under section 4 in relation to the likelihood of future transfers of federal lands?

Hon. Mr. Tracey: There was a great deal of thought given to the make-up of the board and the committees as we presented in our policy paper last April or May when we brought our policy paper out. There has been a great deal of study done on how we should make up the board and the committees and we have tried to make them up so that it is fair and equitable to everyone.

Mr. Porter: Mr. Speaker, I... Pardon me, Mr. Chairman, I did not mean to give you such a quick promotion, but, although we would accept the previous promotions of our leader that we were given yesterday and today.

In addressing the whole question of land use, as is outlined in the act before us, I would like to begin my comments by saying that I am disappointed in the government for moving so quickly on this legislation at this particular point in time. We have just received the legislation and I expected this to be legislation that we would be dealing with next week. I understand that the *Landlord and Tenant Act* was to be at this particular point but has been delayed, so I would like, for the purpose of record, to record an objection to the fact of the speed of this legislation. I would have liked to have had more time to sit down and look in greater detail, in clause by clause, in this particular legislation. I think that, by and large, a lot of that discussion would not be carried out as well as it should be.

However, on the whole question — the politics that have surrounded this particular legislation — there is all kinds of room for discussion. We can discuss that... That word that has been used quite regularly in these Chambers, *ad nauseum*.

Mr. Chairman: We have gone beyond general debate on this and we are on clause 4 of the debate. Did you wish to speak on clause 4?

Mr. Porter: Are you ruling, Mr. Chairman, that I cannot, at this particular point, speak about the generalities of the debate, that I must restrict my comments particularly to the clauses that we are now in?

Mr. Chairman: At this point we are beyond general debate, Mr. Porter. Is there any further discussion on clause 4?

Clause 4 agreed to

²³ *On Clause 5*

Mr. Porter: In clause 5(2), which reads: "The Chairman ... shall supervise and direct the work of the board and preside at all sittings of the board", I would like to put some questions as to what this board will have as its ability to function; inasmuch as that there has to be some question as to the validity of the overall legislation. As we look at the situation now, if we look at who owns what particular piece of land in the territory, I think that we would find that, at the present time, the federal government has under its jurisdiction somewhere in the neighbourhood of 99.8 percent of all federal lands. I believe that the territorial government, at this present time, holds 0.2 percent of lands.

In effect, the board that is called to be set up and whose powers

are discussed in this particular section, would only be able to confine its workings to that particular portion of land over which the Yukon government has present jurisdiction. I would like to ask the minister, on that particular point, in the future, if that is the case, then, that this particular legislation's rules only apply to those lands which the territorial government has jurisdiction over, what would be the situation should the federal government continue to move with land use planning for the remainder of other lands, and the Indian people set up another system in which they, in turn, plan for the lands which they have received as a result of settlement?

Hon. Mr. Tracey: First of all, I would like to state that this legislation is set up so that it can plan any land in the Yukon Territory; it is not necessarily restricted to the land that the territorial government has.

As I stated yesterday, we have jointly planned, with the territorial government playing the lead role, a significant amount of federal government land and we are presently awaiting the turnover. There is no restriction in this section for the land planning board; it is capable of planning any land in the territory.

The other question that the member is asks is a hypothetical one; it is something for negotiation and I could not give the member an absolute answer until we find out exactly what the federal position is. There is some concern on our part that the minister, when he was here on Saturday, was not fully aware of the previous position of ourselves and many of the people in the federal government.

²⁴ **Mr. Porter:** Would the minister not agree that a clear, legal, constitutional terms, the Government of Canada, by and large, controls and has jurisdiction over all of those lands outside of the present lands which the territorial government has clear jurisdiction to? Does he not agree that is the case? And, if he does agree, does he not then agree that the federal government has then the legal jurisdiction to plan for land use of those lands over which they have constitutional jurisdiction?

Hon. Mr. Tracey: It is not arguable. He knows exactly what the answer is. He is right.

Mr. Porter: It may very well be that we should pass this legislation and find that it cannot be enforced on those federal lands over which the federal government has jurisdiction. So, realizing and recognizing that reality what would happen in the future? If there are other agreements struck between the federal government, the Council for Yukon Indians and the territorial government, would this House then be asked to bring in a whole new piece of legislation that would in effect have the legal ramifications of amending what we are talking about here today?

Hon. Mr. Tracey: We see no contradiction in the fact that perhaps the federal government does want to maintain control of their land. What we are saying is that this bill cannot only plan our land it can plan the federal government land, if they allow us to do it. But if they do not allow us to do it, it still has the capability of planning our land. There is no necessity for a change.

Mr. Porter: It might be important.

Hon. Mr. Lang: I appreciate the member opposite recognizing that when I do rise, I do have something of importance to put across. I think the point that has to be made here, and the irony of the situation when we talk about federal land versus territorial land, is that once that land is transferred to an individual or a corporation or whatever the case may be, the third party, our laws of general application apply, whether it be taxation assessment, zoning, whatever the case may be. It is kind of interesting to note that we have already on the books that have put into effect on federal land; it is under the *Area Development Ordinance*, that has given broad authority to this government and that was given assent in 1953. There has been some recognition by the Government of Canada that the question of land, the zoning of land, is in part a dual responsibility between the Government of Canada, if they own the land, and also the responsibility in part of the Government of the Yukon Territory. I think what we are dealing with here is a very hypothetical case; what if the Government of Canada were to do certain things or what if the Government of Yukon was to do certain things? The point is that what we would like to get into place is a legislative mechanism to go forward with a planning process which is going to in effect give us a pretty clear idea of the inventory

throughout the territory and it is going to take, as we have indicated a great deal of time, a great deal of time and is going to cost a great deal of money, but in the long term, as far as the future of the territory is concerned, I think it is to everyone's benefit, as long as it is not seen that during the planning exercise that has to be gone through that it is going to hold up development which is perceived to be in the public interest.

³⁵ That is not the intent of the bill. But it would seem to me that if one takes a look at the bill itself, as the Minister of Renewable Resources had indicated, it can be utilized on territorial land, and if the federal government is willing to co-operate — as the member from Campbell quoted in his letter that the federal minister was more than prepared to be co-operative — this would provide the necessary legislative date to proceed and also abide by a very basic principle that we believe in, and that is that Yukon land should be planned by the people of the Yukon Territory.

Mr. Porter: Recognizing that the ability for this legislation to come into effect on all federal lands is completely up to the federal government at this particular point, and speaking to the point of the member's recent observation as to the application of general laws on all lands in the Yukon, I would like to ask the minister responsible in this area, why is it that we have heard nothing from this government in respect to this particular debate as to the legality of the federal position on land use planning?

If you read the federal land use planning proposal, they propose to infringe on what is clearly territorial jurisdiction in respect of the social and economic factors in the planning process. It is very clearly stated in the federal position that they would assume that in the planning process they would take into account the need to include economic and social factors. My understanding has always been that that has been a constitutional responsibility in respect of some degree to this government. Has this government looked at the legal implications of such a proposal and, if so, what has been the findings of the government?

Hon. Mr. Tracey: You can rest assured that we are looking at every implication that there can be in the federal minister's proposal. I agree with the member that social and economic planning is of a local and general nature and that it is the responsibility of the territorial government.

However, we do not have that capability in very many instances right now, and I think the federal government is putting their proposal forward, and they are not only perhaps attempting to take away our control over our Yukon land, but also get involved in the social and economic planning of our land. That is a position that we disagree with and we will make our thoughts well known to the federal government on that. In fact, there is a meeting today.

³⁶ **Mr. Porter:** In respect to the whole business of reporting within the federal document it is very clear that there is no mechanism provided for by which there is a procedure of reporting to those ministers of the territorial Crown whose jurisdictions are affected. Have any representations been made to the federal government in this respect and what has been the response?

Hon. Mr. Tracey: I think we are getting a little bit away from the bill that we are dealing with here. We are not talking about the federal government proposal on land planning, we are talking about our bill.

Hon. Mr. Lang: I just want to follow up with what the Minister of Renewable Resources said and I think it should be on the record. The member for Campbell is totally accurate when he says that it would appear that the Government of Canada is trying to move in to the areas that we, as a legislature, have responsibility in. I want to stress to you, that is one of the purposes of the bill and that is why we deem it to be of importance to have a mechanism in place that we can call up on, when necessary, for the purposes of land use planning; looking at the social and economic implications in turn.

If we do not have a bill in place that we can utilize as a statute, we are in a situation where the Government of Canada can move in because the legislature of the day, or of the past, has not put the necessary legislation into place that can be called upon to be utilized for the purpose, in this case, of land use planning. One of the purposes of the bill is when territorial lands and, if the federal

government is prepared to be as co-operative as the letter that the member for Campbell quoted from, I cannot see any reason why this would not apply in some general areas where it is going to affect the people of the territory. It gives that mechanism which, at the present time, we do not have.

Mr. Chairman: May I draw the member's attention that we are debating clause 5.

Mr. Porter: Clause 5 speaks about the ability of the Commissioner and executive council to name the chairman and the vice-chairman of the board. Later on we will find, in the act, that in the eventuality of a tie between the voting members of the board, the chairman is given the power to cast the deciding vote. By and large, on very important decisions in the future we may have a situation where, on a continuous basis, this government's view, as provided for by the way in which they select board memberships, will always prevail. Would the government consider amending this portion of the legislation to, in effect, rotate the chairmanship of the board, say, between the federal government, the Council for Yukon Indians and itself, or between this government and the Council for Yukon Indians' representative?

³⁷ **Hon. Mr. Tracey:** This bill is a government bill and we intend to appoint the chairman to the board; we have no intention of rotating the chairmanship of the board. This is not some advisory committee; this is a board that functions under the legislation of this government and we are, in the legislation, naming the chairman of that board.

Mr. Porter: Would the government consider putting a restriction of residency on the chairman and vice-chairman of the board to ensure that, by and large, we have representatives on the board who have indicated by way of commitment that they will stay in Yukon and that they intend, in the future, to stay? Have you examined the possibility of a ten-year residency requirement?

Hon. Mr. Tracey: We would not deem a ten-year residency clause to be constitutional, although I can assure the member that any man we appoint to the board is going to be somebody who is committed to the Yukon Territory.

Some Members: Or woman?

Hon. Mr. Tracey: The use of the words "any man" also includes "woman", in this respect.

Clause 5 agreed to

On Clause 6

Mr. Porter: The term of office specified in 6(2) would be four years and, later on, we talk about a two-year period. Is there some plan of staggering the membership of the board and, if that is so, then which representatives of the various interests that are going to be on this board are going to be affected by the four-year period, as opposed to the two-year period?

Hon. Mr. Tracey: All of the members of the board would be appointed for a four-year term, except for the first term, which would set up the rotational basis. As we do in any other government committee where we want continuation of the committee, we appoint some people for one, two, three or four years. In this case, we will appoint some for four years and some for two years to start with and, after that, it will be rotational.

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

³⁸ *On Clause 8*

Clause 8 agreed to

On Clause 9

Mr. Kimmery: On clause 9(1), a question for the minister. Supposing the board is in an inactive stage and a particular applicant for land wishes the board to meet. Has any guarantee for an individual been considered to essentially force an application to be dealt with in a certain period, say, three months or six months or something like that?

Hon. Mr. Tracey: No, there is not, but in clause 9(2) you will see that the board can be called by the minister. So, if the person has a legitimate claim to want the board to sit earlier, he can appeal to the minister and the minister can direct the board to do so.

Clause 9 agreed to

Mr. Chairman: We will now take a short recess.

Recess

39 **Mr. Chairman:** I will call Committee of the Whole to order.
On Clause 10
Clause 10 agreed to
On Clause 11

Mr. Kimmerly: On clause 11(1), I am specifically interested in the issue of publicity and public proceedings. I realize that sections 15(2) and 15(4) also talk about public participation, but, under the rules of procedure, there appears to me to be a discretion for the board to either meet in public or private. Is that the minister's intention and is there any existing government policy in the area as to public meetings?

Hon. Mr. Tracey: The reason for this section being in here is to give the board some autonomy and the government's position would be, in all circumstances except if they are dealing with something that should not be public information, of which I can hardly think of anything, they would all be public. We did leave the flexibility in here to give the board some autonomy so that they could set their own rules of procedure. I cannot even think of a situation where they would consider sitting in private.

Mr. Kimmerly: I thank the minister for that assurance and I may say that I totally agree with him. Is there any policy or any thought about the publicity around available lands and land applications? I realize, if something is deemed to be public, it is entirely different from advertising and publicizing the information. Is there any government policy on that issue or is it going to be entirely up to the board?

40 **Hon. Mr. Tracey:** In most cases, we would leave that decision up to the board. We are trying to give them enough autonomy that they can make their own decisions and rule their own course of action with very little guidance and very little instruction from the minister or Executive Council.

Clause 11 agreed to

On Clause 12

Clause 12 agreed to

On Clause 13

Mr. Porter: I would like to ask the minister if he considers that clause 13(1) allows the board to be able to bring in something that is desperately missing from the overall legislation, which is a mechanism for environmental assessment? Environmental assessment is a very important aspect of land use planning: it means that it is the only way in which a process can be looked at in a detailed fashion when we can look at the potential impact of any proposed developments on any piece of land.

I suggest that, without an environmental assessment, the planning board remains completely dependent upon government and that brings to mind the whole environmental assessment review process that is currently set up under federal jurisdiction. This, as we all know, is a very ineffectual process. By and large, even the decision as to whether or not that process applies, or should apply, to a proposed development, it is in the hands of government.

I would like to ask the minister: would this section indeed allow for an environmental assessment mechanism?

Hon. Mr. Tracey: There is nothing in this land planning act that has anything to do with environmental assessment. As I said in my opening remarks yesterday, we believe that environmental assessment is a separate issue. We are talking about land planning — planning for the use of the land.

When someone wants to make some use of that land, be it a mine or a hydro development, then is the time that the environmental assessment plan was set up for, to study that particular proposed development. We do not see that as being a function of the land planning process.

Mr. Porter: I would like to ask the minister, then, if he is in effect saying that environmental assessment and the responsibilities for environmental assessment will be left to the government?

Hon. Mr. Tracey: If he means the federal government, I would say no. Once land is turned over, what we do is set up the environmental assessment process, and usually what happens is that the company that is making the proposal actually has to make an

environmental assessment and give it to the government involved.

All we are talking about in this bill is the general plan of the land: what the land is capable of doing and what it should be doing. For example, a prospector who found some ore and wanted to put a mine in that was in conflict with the land plan, it would be referred back to the committee and the board for further investigation. The actual development of the mine and the environmental assessment are separate issues; we do not feel it rightfully belongs in the *Land Planning Act*.

41 **Mr. Porter:** So in effect what we have is a situation where the planning board can commission a planning committee who could go to a certain regional geographic area of Yukon, collect all the data, take into account all the socio-economic environmental aspects related to the proposed data and relate it to the land on which the development is to take place, bring that information to the government, have the government say, "our commitment to the developer is much more important than the kinds of arguments that you present, the kinds of usages that you have recommended, so therefore we chose to ignore, just by a decision of the executive council, the recommendations as put forward by you and that we, as government, who have the ability to legislate in respect to land use planning and also in respect to environmental assessment — and there is no provision for any public participation in the assessment of the environment — so therefore we have a very dangerous situation where the government can conceivably continue to act single-handedly without taking into account the recommendations of the planning board.

Does the government, in its planning that I know it obviously does day-in-day-out for the future of the Yukon, take into consideration a planning mechanism that will facilitate representation of various interests of the public and involvement of the public in a process of environmental assessment similar to what was being proposed for land use?

Hon. Mr. Tracey: No. The member across the floor has it all wrong. This bill sets up the planning process and once a land use plan is put in effect and accepted by the government, that is the plan. If it says that there will be agriculture in a certain area, everything must comply to that plan. If a mine comes along and says that there is mining potential there and they wanted to develop a mine there, at that time, as you will see further on in the bill, it would have to go back to the board and the committee for further study and that committee would have to make recommendations to the board who would make recommendations to the minister whether that should be considered or whether it should not be. There is not a decision made by executive fiat. It goes back to the people who did the planning.

Mr. Porter: Does this section allow the planning board to also engage itself in making decisions and developing development strategies? In other words, you have indicated to me in your last answer that there would be some aspect of that role contained in the board, but I would like a clear statement as to would this board be able to, through its legislation, or in the future, to help develop and forward developmental strategies for the entire Yukon? In other words, to make decisions as to where development can occur with respect to the various sectors of the hydrocarbon industry or to the mineral industry and make decisions as to which lands are more productive for agricultural purposes? Would it be able to make clear-cut decisions in respect to the competing use for land use in Yukon?

42 **Hon. Mr. Tracey:** No, the board has no clear-cut responsibility to make any decisions. The special committees that are set up do the initial study, they make the recommendations to the board, the board then considers all the competing aspects that have been brought forward from the committees and they make a recommendation to the minister. At that time a decision is made of whether to accept the board's recommendation or whether to send it back for further study. The board does not make any decisions.

Mr. Porter: Can the minister explain to me: where will the land use policies emanate from? Where will decisions about development strategies come from? Will they come from another sector of government? How will that particular department of government, which would be left with the decision, to determine where

development takes place or what land use policies are implemented, and the department responsible, in this case Renewable Resources, for land use planning, be able to co-ordinate their efforts?

Hon. Mr. Tracey: I do not think the member should be confused that every square inch of the territory is going to be decided; that that can happen there, and that can happen there. We are looking at it on a regional or district basis and what we are saying, perhaps is that this area here is good for agriculture and that area there would be good for a territorial park or wilderness conservation, or whatever, or the rest of this area here could be used for development. I would not want the member to get confused and think that every square mile of the territory is going to say that can happen there and that can happen there. It is looked at in a broad range, exactly as it is now, and certain areas would be set aside for specific purposes. The rest of the country would be open for development of certain types. Then, if someone came in and wanted to do some development, at that time, the environmental assessment would have to be addressed.

Hon. Mr. Lang: Maybe to break it down into the context of a very real situation: for an example, a lot of work was done in the MacPass area from which various technical expertise was hired or seconded from various levels of government. They did a survey of the wildlife in the area. They did a soils analysis on the area. For example, in the area of soils, they could tell you really where you could go for a major quarry pit, as opposed to going in with a cat and ripping up two or three valleys until you found exactly what you wanted.

These are the things that I would envisage them doing: basically, an inventory of what the land can be best utilized for. When you get into the question of the mining development, if that were the question in the MacPass area, then there has to be a look in respect to sites and everything else. For example, when you take inventory and the decision were to go with a municipality, a new town, if that were to occur, with the information they had they could tell you where the best area would be for an airport, for the purpose of expansion, your soils types, the water, and all these various other things. In other words, it is not to be seen as an impediment for development but the idea is so that government, industry and people in general can look at the information that has been provided and say, in their best judgement — in this case, government would have to make that judgement, because somebody finally has to make a decision — to say that the following events or thing will take place. It seems to be a very reasonable exercise to go through.

Mr. Porter: In structuring the planning board and the overall process surrounding the duties and responsibilities attached to the planning board, has the government considered, recognizing the very unique problems of the Yukon government, creating a separate and distinct entity, yet legislatively linked to the planning board, to deal specifically with the northern Yukon, because of the various problems that are involved there in the north in terms of the fragility of the environment, the aspect of the need of a Porcupine caribou herd management agreement in place, the overall competing aboriginal rights and interests that are involved there. Has the government looked at the possibility, because I know that it has been suggested by the federal government, and also by the Council for Yukon Indians, as a desirable idea.

Hon. Mr. Tracey: Yes, we have, and we have said so publicly with our northern Yukon resource management model. The planning that would be done in the northern Yukon would be done on a much stricter and more involved process and also involve the people from the north; the people from Old Crow. We will set up, most likely, a separate mechanism to deal with the northern Yukon.

Mr. Porter: As a final question on this particular section: could the minister tell me whether or not the land use planning process that this board will be implementing, and the way the powers and structures of the board will be set up in this legislation — can he tell me whether or not in his opinion this legislation, and the contents therein, are in conflict with the sub-agreement-in-principle that has been negotiated at the land claims table?

Hon. Mr. Tracey: I can assure the member that what we are doing here is not in conflict with anything that we have developed at the land claims table. If it was in conflict, it would not be here.

*Clause 13 agreed to
On Clause 14*

Mr. Porter: I would like to ask the minister why, at this particular point in the legislation — it seems moreso on this particular page and covering the next three sections — we see a proliferation of some very weak legislative language. For instance, in clause 14(1), "Without limiting the generality of section 13, a recommendation of the board under section 13 may be recommended..."

We go further down to section 15, it says "shall take into consideration", "may make recommendations". Why can we not be more definite and say that in this case they "would recommend", and in the further case that not only "shall take into consideration" but, as their duty, that they would have to look at the relationship between the competing interests and further that they "will make recommendations", as opposed to "shall", because that is a very weak legal word.

Hon. Mr. Tracey: In some circumstances, the board would not require a committee to reach a decision, especially in the first year or so of operation when we are dealing with areas that have been planned or where there is a great deal of land already released.

After that, they might want to set a committee up, but the committee might be dealing with various things: in one area, the committee might be required to make one type of recommendation to minister and, in another area, it might want to recommend something else. We have tried to give the board a great deal of autonomy; we have given the board the ability to make the recommendation to the minister. We do not insist that he shall recommend this or he shall recommend that, we say that they may in order to give them a broad base to work from.

*Clause 14 agreed to
On Clause 15*

*Clause 15 agreed to
On Clause 16*

*Clause 16 agreed to
On Clause 17*

*Clause 17 agreed to
On Clause 18*

Mr. Porter: Would the minister not agree that the contents of 18(1) are, indeed, in conflict with the sub-agreement on land use planning in land use planning?

Hon. Mr. Tracey: I am not at liberty to say what is in the land use planning sub-agreement, but, as I stated earlier, there is nothing in this bill that is in conflict with any agreements that have been reached with the native people.

Mr. Porter: It is stated here, is it not, that eight members of the committee can be nominated and there is only provision for one native representative?

Hon. Mr. Tracey: Yes, it says "one" because we might want to appoint eight or we might want to appoint four: we can have four or we can have eight. It is worded so that we can appoint only four members to a committee, if that is all that is deemed necessary, but we do guarantee equal representation to everyone. If there was more than four appointed, it would go on the same terms as the appointment of the board.

Mr. Porter: When we have a situation of only four members appointed to the committee, and one of them is a representative of the native people, we have a situation where the native people are, in effect, given guaranteed representation of 25 percent of that particular board. However, there is no provision in this section, or in sections following, that, in the case where the membership of the committee expands to more than four — up to eight — to have that degree of representation respected and followed through. Why is that?

Hon. Mr. Tracey: I think one thing is being forgotten here and that is that this committee does not report to the executive committee member or the minister. It reports to the board that has 25 percent native representation. Now the committee might be structured so that you have some expertise. You might want a soil specialist. You might want a geologist. You might want something else on the committee. We do guarantee native participation in the committee, the same as we guarantee federal government participa-

tion, public participation and Yukon territorial government participation. This committee reports to the board that has 25 percent native participation. I think the native people can rest well that they are well protected.

Mr. Porter: My question to the minister is why does he not have equal representation of the committee of the members appointed when he goes over the four-member mark? When he expands to eight why does he not then bump up the representation of the various parties so that they are, in fact, similarly represented as they would have with only a four-man committee?

Hon. Mr. Tracey: We might want expertise on this committee. The reason for the four is so that we can appoint four more people with expertise to the committee. If the expertise that is available is native people, we do not have any problem with that at all. I must reiterate that this committee reports to the board that has a guaranteed 25 percent representation and, most likely, in a lot of instances, would have probably 33 percent or more representation. I do not know exactly what the member's problem is. These committees are doing the detailed studies of the land area and I am fairly confident that there are not enough native people with all the degrees that are necessary — in fact, there are probably not enough people in the Yukon Territory with all the expertise necessary. You would have to most likely bring some in and appoint them to the committee to study a specific area. There is no intent here to try to take any power away from CYI or the native people. This is a working committee.

Mr. Porter: If the intent of this particular section is strictly in terms of advocating a greater degree of membership to the committee, if that is done simply to allow for the inclusion, to the committee membership, of recognized experts in various areas, then why was this section not drafted to say that very clearly?

Hon. Mr. Tracey: I am saying that now.

Mr. Porter: That does not count. The legislation does not say that.

Hon. Mr. Tracey: It is not our intention to change this section. I think the native people are very well represented. I do not see any problem with it. Perhaps the member does. We guarantee the ability to have the native people represented on the committee. We also want the ability to have expertise on the committee if expertise is desired in certain areas, and that is the reason it is structured this way.

Mr. Porter: Are we now on section two?

Mr. Chairman: We have not cleared section one yet.

Mr. Porter: On clause 18(2), in terms of the municipality there is accommodation for provision of a representative of that municipality to be included in the membership of the committee. Why does this section not take into account a band council representative of a particular community?

Hon. Mr. Tracey: After the Indian land claims settlement, we will have a one-government system and the representative of the community should be a member of the municipal government.

Mr. Porter: Is the minister in effect saying that band councils, in the future, following the settlements, will not have any responsibility in respect to land planning?

Hon. Mr. Tracey: No, that is not what I said at all. In fact, there is native representation guaranteed on this committee. Perhaps the member who is guaranteed on the committee might be a member of the Indian band in that community. There is nothing that says in here that a band member will not be a member. We would like to have, in most instances, a member of the municipal government of that area.

*Clause 18 agreed to
On Clause 19*

*Clause 19 agreed to
On Clause 20*

*Clause 20 agreed to
On Clause 21*

*Clause 21 agreed to
On Clause 22*

Clause 22 agreed to

*Clause 23 agreed to
On Clause 24*

*Clause 24 agreed to
On Clause 25*

Mr. Porter: I was wondering about, "in the operation of a plan, the committee shall not take into consideration the following matters...", which would be the protection of existing uses of the land that is being brought into review by the committee, such as a trapping and fishing outfit that is located on that land?

Hon. Mr. Tracey: I think it would be inherent in any consideration that they would consider the existing use of the land. I do not think there is any doubt that they would have to take that into consideration in order to plan the land.

Mr. McDonald: I have one very brief question and I would like the minister, if he could for the benefit of all of us, to just explain the intent and purpose of 25(1)(k).

Hon. Mr. Tracey: That is there as a catch-all, in case there is some specific question arising that might not be covered by any of the others from (a) to (j).

Mr. McDonald: Can the minister give us any examples of what he might anticipate in the way of any private matter that might affect the committee's decision?

Hon. Mr. Tracey: No, that is the reason why 25(1)(k) is here: if we had thought of any further specific examples, we would have put it in. As I said, this is a catch-all so that, in case we missed something, we would have the ability to cover it.

*Clause 25 agreed to
On Clause 26*

*Clause 26 agreed to
On Clause 27*

Mr. Porter: In 27(2) (2), I understand that "recreational" would include fishing and hunting, in terms of a profession, but I wonder if trapping, for the purposes of the word "commercial" would be included, legally, in that term?

Hon. Mr. Tracey: Yes, trapping is a commercial operation.

*Clause 27 agreed to
On Clause 28*

*Clause 28 agreed to
On Clause 29*

*Clause 29 agreed to
On Clause 30*

*Clause 30 agreed to
On Clause 31*

*Clause 31 agreed to
On Clause 32*

*Clause 32 agreed to
On Clause 33*

*Clause 33 agreed to
On Clause 34*

*Clause 34 agreed to
On Clause 35*

*Clause 35 agreed to
On Clause 36*

*Clause 36 agreed to
On Clause 37*

*Clause 37 agreed to
On Clause 38*

*Clause 38 agreed to
On Clause 39*

Mr. Kimmerly: While I am a member of the legislature, I cannot let a clause like this go by without some comment. It is an extremely complex and serious matter in my view. Obviously the previous 38 sections have already cleared and been agreed upon and the bill is going to be passed as it is a government bill. I do wish to make some comments about the general philosophy or the general prospect of this kind of clause because it is fundamental to our concept of freedom and democracy in this country.

It is an issue that is interwoven with the issue of aboriginal rights in the context of this bill. It is absolutely clear in my view that it is fundamentally politically unacceptable in the general sense to discriminate on the basis of race and I am sure all members agree with that, of course, that is an uncontroversial statement, and it is certainly reflected in the *Canadian Constitution* and the *Canadian Charter of Rights and Freedoms* and the Yukon law, the *Fair*

Practices Ordinance such as it is.

The issue of aboriginal rights puts a new dimension on this concept. The issue of affirmative action programs also put a new dimension on the concept, although aboriginal rights for the purposes of Yukon and this bill are, in my view, far more important.

49 When the land claims agreement-in-principle is made public, this issue is going to be an issue of public discussion. This issue has previously been an issue of discussion in these Chambers, in a general sense, related to other issues: for example, the constitutional debate last year and other land claims matters. I want to be quite clear that I am not, at this time, expressing a personal position on the question and I am content that this section pass in this context, that is, in the context of the present bill. However, for the record, and, indeed, for my own conscience, I wish to state that, when the land claims agreement-in-principle are made public, I will rethink it and come to a personal decision on this particular question as it relates to the various pieces of legislation going before the House.

It is important, I believe, for all members not to let these kinds of issues simply pass without very serious consideration. We are told by the minister proposing the bill that this bill is consistent with land claims agreements. I am, for the purpose of this debate, relying on that information. The question of aboriginal rights is obviously being defined through a negotiation process and it is not for me to second-guess, or to impose my personal standard on the negotiation process.

I do wish to comment that these kinds of sections are clearly political issues of the utmost importance in society generally and it ought to be considered with extreme care and, indeed, reconsidered at the time of a final land claims agreement, where the question of racial discrimination and the question of aboriginal rights come together and the apparent conflicts which, from time to time, arise are dealt with.

50 **Mr. Porter:** Maybe I could ask the minister responsible for the legislation to give us his view as to the meaning of this section?

Hon. Mr. Tracey: I think it is fairly obvious. If we did not have this section in here, anyone could take the government to court and shoot this bill down because it is racially discriminating; it does allow for a specific group of people, the native people of the territory, to have a guaranteed appointment to a board which we do not guarantee to anyone else. In order to be able to do that, we had to put this section in here, saying "notwithstanding" the *Bill of Rights* or the *Canada Act*.

Clause 39 agreed to

On Clause 40

Clause 40 agreed to

On Clause 41

Clause 41 agreed to

On Clause 1

Clause 1 agreed to

On Title

Title agreed to

Hon. Mr. Tracey: I move, seconded by the Minister of Justice, that you report Bill Number 14, *Land Planning Act*, out of Committee without amendment.

Motion agreed to

Hon. Mr. Lang: I move that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Speaker resumes Chair

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

May we have a report from the Chairman of Committees.

Mr. Phillipsen: The Committee of the Whole has considered Bill Number 15, *Agriculture Development Act*, and directed me to report the same with amendment.

Further, the Committee has considered Bill Number 14, *Land Planning Act*, and directed me to report the same without amendment.

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

Some Members: Agreed.

Mr. Speaker: May I have your further pleasure?

Hon. Mrs. Firth: I move, seconded by the hon. member for Kluane, that the House do now adjourn.

Mr. Speaker: It has been moved by the hon. Minister of Education, seconded by the hon. member for Kluane, that the House do now adjourn.

Motion agreed to

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

The House adjourned at 5:16 p.m.

