



# The Yukon Legislative Assembly

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## **HANSARD**

**Wednesday, November 16, 1983 — 1:30 p.m.**

Speaker: The Honourable Donald Taylor

# Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Bill Brewster, MLA, Kluane

## CABINET MINISTERS

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

## GOVERNMENT MEMBERS

### (Progressive Conservative)

Al Falle	Hootalinqua
Bill Brewster	Kluane
Kathie Nukon	Old Crow

## 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**

Wednesday, November 16, 1983 — 1:30 p.m.

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

*Prayers*

**DAILY ROUTINE****INTRODUCTION OF VISITORS**

**Hon. Mrs. Firth:** I would like to request that the rest of the members of the legislature join me in welcoming the students from Grade 7 to 9 of Carcross School who are in Whitehorse for this week, having some extra classes. This is their first visit to the Legislature of Yukon.

*Applause*

**Mr. Penikett:** I would like to also call your attention to the presence in your gallery of some respected and very friendly officers of the Auditor General's office who are in this territory on business.

*Applause*

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

**TABLING OF RETURNS AND DOCUMENTS**

**Hon. Mr. Lang:** I have for tabling the Socio-Economic Memorandum Agreement between Peter Kiewit and Sons Company Limited and the Government of Yukon.

**Mr. Speaker:** Reports of committees?

Petitions?

Introduction of bills?

Notices of motion for the production of papers?

Notices of motion?

Ministerial statements?

Are there any questions?

**QUESTION PERIOD****Question re: Old Crow band, meetings**

**Mr. Penikett:** I have a question for the acting government leader. I understand that the acting government leader and the Minister of Renewable Resources met yesterday with representatives of the Old Crow Band and the CYI. May I ask the acting government leader who called the meeting and what the subject of the discussions was?

**Hon. Mr. Lang:** I am sure the member opposite listened to the news this morning. They called me to have a meeting and we had a meeting and the subject was the question of North Slope development.

**Mr. Penikett:** I was trying to listen to the news but I was being heckled by a couple of sick babies. I would like to ask the minister: at the meeting were any new proposals made by either side in an attempt to change the positions of these parties regarding the King Point proposal?

**02 Hon. Mr. Lang:** I am glad to see the member opposite sometimes has the same problem as I do in the morning.

I would point out that the representative from Old Crow — and I do not know if he was speaking on behalf of the people of Old Crow, it was unclear — listed four demands, which, in most part, had been taken care of in the land claim negotiations and had been ratified by the people of Old Crow. Subsequently, we indicated to the representative, as to the CYI representative, that we would like to see support for the North Slope development because we believe it is very important for Yukon and the economic wellbeing of all people of the territory, native and non-native alike.

We further indicated to them that, as far as the agreements that we had reached, in that particular area, through the land claims negotiations, we would do everything expeditious in our power to

implement what had been agreed to. We also offered our advice to them, in any of their dealings, if we could help them, with respect to the situation they now find themselves in.

Further to that, we indicated we would be more than happy to sit down and discuss the environmental guidelines that would be necessary for such a project going ahead.

**Mr. Penikett:** It is not clear from the minister's answer, yet, who called the meeting.

I would like to ask, as a result of the discussions at that conference, yesterday, did any of the parties to the discussions change or alter their position, in any way, with respect to the King Point development proposals?

**Hon. Mr. Lang:** The member opposite would have to ask the Council for Yukon Indians. Our position has always been very clear: we support development on the North Slope. We believe it is in the best interests of the people of the Yukon Territory, when you take into account the fact that there would be 400 jobs there for people of Yukon. For that matter, my understanding is that the construction phase alone would supply, throughout Canada, approximately 2,000 jobs, but I guess it is going to depend on the Minister of Indian Affairs and Northern Development. A decision will have to be made: does he want Canadians on welfare or does he want Canadians working?

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**Question re: Kiewit economic agreement**

**Mr. Byblow:** The acting government leader just tabled a document referred to as the Socio-Economic Agreement with Peter Kiewit and Son. When was the agreement reached?

**Hon. Mr. Lang:** I refer the member opposite to a debate that we had in this House where the members opposite voted against the development in the North Slope. I should point out that I said at that time that the understanding was that there will be a requirement for socio-economic agreements with this government and the federal government. I indicated in the course of debate that two of the key areas that we were very concerned about were the proposition of people locally having the opportunity to go to work and that northern businesses would be utilized.

We have had memorandums going back and forth between the proponent and ourselves. I am very pleased to announce to the House that we did conclude an agreement.

**Mr. Byblow:** Unfortunately, the minister did not answer "when". I will give him an opportunity to do that on his own. What specific job guarantees to Yukoners does the agreement establish?

**Hon. Mr. Lang:** The agreement was signed last night. It basically ensures that there are job opportunities for the people of the Yukon Territory, because one of the clauses in that agreement is that the costs of transportation for people working on that work site would only be to Yukon communities and those bordering communities in the NWT.

As I explained to the member opposite in the debate that we had a number of weeks ago — and I have explained it privately as well as on other occasions in this House — this is exactly what happened in Alaska and has worked well for Alaska, as opposed to saying you want a percentage of the workforce which becomes very time-consuming and, in the end, probably not a worthwhile exercise to go through. I believe that this is the principle that will ensure those people who wish to work on that particular job, the opportunity. I am not saying "guarantees" because I do believe that anybody who is hired on that job — if it is an eight-hour shift or 12-hour shift, they have to put in the 12-hour shift — if they cannot cut it, then they should not be there.

**04 Mr. Byblow:** How many jobs to Yukoners does the agreement establish?

**Hon. Mr. Lang:** There are no numbers involved in the agreement. Perhaps the member opposite should take time to read the agreement. The principle point was for the purpose of hiring and the proponent has, in writing, agreed that they would do recruitment in Yukon and do everything they possibly can to get people who have the necessary qualifications to go to work and they are also prepared to work with the government in the area of apprenticeship and various other facets in upgrading Yukoners, for

the purpose of working on the job site.

**Question re: North Slope park**

**Mr. Kimmerly:** To the same minister: the minister spoke in the media about a demand concerning a proposed park boundary on the North Slope. He now says the representation was unclear. Will he confirm, for the record, that the CYI and the band of Old Crow made a proposal concerning the North Slope park boundary?

**Hon. Mr. Lang:** The meeting was not with the chairman of CYI, unless he has been replaced by the individual from Old Crow, who was at the meeting. I would suspect that that would be the chairman of CYI indicating that that is the policy of the Council for Yukon Indians. That is why I said it was unclear whose policy it was.

I should point out that, regarding the park's boundaries, the individual who was there was proposing that, I guess, he would just draw a line on the map and designate the park. Well, it would seem to us that if we have agreement in land use management that you should be looking at the utilization of that particular land and then make a conscious decision of where that particular border should be.

I want to make it very clear, for the record, to the member opposite, that it is this side of the House that, for quite a number of years, have been advocates that there be a national park on the western boundary of northwest Yukon. We just believe that some commonsense has to go into it, with respect to designating where that particular boundary should be.

**Mr. Kimmerly:** Is there, and has there been, a YTG position concerning the boundaries of that park?

**Hon. Mr. Lang:** We have the management plan for that area. We believe that there should be some flexibility in designating the boundaries. That is why the Minister of Renewable Resources has stood up countless times in this House, when you were here, and indicated that there has to be some sort of land use planning gone through before you designate the park boundary. I do not think I am giving the member opposite new news. I would propose that it is probably old news, because he has heard it all before.

**Mr. Kimmerly:** Again, for the record. Is it the YTG position that Gulf's port and a road, for example, can and should be built within a park?

**Hon. Mr. Lang:** I do not know where the member opposite is getting his information, but I would definitely appreciate it if he would listen in the course of debates that we have in this House and to the questions that have been put to the Minister of Renewable Resources.

First of all, there is no application for a road at Stokes Point. The proposition that has been put forward by Gulf is that there should be temporary facilities in an area that has already been utilized by man for the purposes of a temporary staging point in that particular point so that they can do their exploration in the Beaufort Sea. We, as a government, have supported that under certain caveats that it be a temporary facility with a major port being established at King Point, for the utilization of all those people in the Beaufort Sea when the time comes. Hopefully, that time will come where we are going to have enough oil there to warrant the development of that particular resource and providing not only Yukon, but Canada, with that resource to make us that much more self-sufficient in energy.

**Question re: Kiewit quarry proposal**

**Mrs. Joe:** I have a question for the acting government leader. In recent media interviews, the acting government leader had expressed some annoyance that a representative of the CYI had also attended the meeting which he and the Minister of Renewable Resources held with the councillor of the Old Crow Band. Can I ask the acting government leader if he intended to come to an agreement with one representative of the Old Crow Band regarding the band's position on the Kiewit quarry proposal?

**Hon. Mr. Lang:** The member opposite is obviously making an assumption that the representative that we had there was speaking on the behalf of the Old Crow Band. The member who was there did not even go to the meeting in Old Crow that Peter Kiewit had as a public meeting in that community. All of a sudden, I am supposed

to accept him? Maybe he has taken over as chief. Maybe you can tell me.

**Mrs. Joe:** Since the acting government leader has questioned whether or not the councillor actually spoke for the Old Crow Band in making proposals yesterday, I would like to ask the acting government leader and the Minister of Renewable Resources why they chose to meet with him?

**Hon. Mr. Lang:** I was the one who was contacted by Mr. Joe. He asked if we could meet. I agreed and set a time. They came over and met with us.

**Question re: Kiewit agreement**

**Mr. McDonald:** I, too, have a question for the acting government leader. Can the minister say, regarding the socio-economic agreement signed with Peter Kiewit and Sons yesterday, what kinds of job opportunities to Yukoners are established in the agreement?

**Hon. Mr. Lang:** I would suggest that the member opposite read the agreement. Basically, what has happened is that they have assured us that if anybody has the necessary skills and is prepared to work — and they are even prepared to work with us in upgrading people's skills — to ensure them jobs in that particular site.

I should point out that none of the members opposite have made it clear to the floor of this House, nor to the public, that, I understand, they were briefed by the representative for Peter Kiewit this morning.

**Mr. McDonald:** Yes, as a matter of fact, they were briefed by John Loewen, of Peter Kiewit, this morning and it was a very fruitful interview.

Mr. Loewen suggested that jobs for the people of Old Crow would amount to, probably, five or so in the first year, with more to be phased in over a couple of years. Can the minister say whether the government is satisfied that this phase-in will occur for more jobs in the future?

**Hon. Mr. Lang:** There are a number of people in Old Crow who would probably be eligible to go to work on that particular site. I do know that an offer was made to them, with respect to the prospects of taking over the responsibility for catering for that job site. In fact, Peter Kiewit and Son, I understand, would be prepared to provide training, which would provide in the neighbourhood of 40 jobs. So, there would be lots of work there for the people of Old Crow or those people who are not employed in Whitehorse.

I should point out, just for the record, that I had a person who happened to be of native ancestry in my office this morning very concerned with the fact that he does not have work. He would definitely like to see the Peter Kiewit & Son proposition go ahead, because he believes it is not only in his interest, but Yukon's and Canada's interests.

**Mr. McDonald:** Is it correct that the majority of jobs to be made available are seasonal jobs and that they will last for three to four months of the year, during the ice-free period?

**Hon. Mr. Lang:** It depends on the size of the operation. I would submit that you are probably looking in the neighbourhood of more of a six-month operation, as far as the Peter Kiewit proposition is concerned. It depends on the volume that has to be extracted for the purpose of providing the Alaskan offshore developments, as well as how successful they are in the Beaufort Sea development.

The only point I put to you, today, to the members opposite, to the general public, is that every day that goes by, the economic viability of that particular operation, obviously, becomes less and less.

**Question re: Kiewit proposal**

**Mr. Penikett:** To the acting government leader: the Kiewit proposal has revealed itself to be something of a phoenix over the last week, since the Kiewit company itself, apparently, still believes there is room for optimism. I assume there must have been some change in the positions of some of the parties to the discussion on this proposal. Can the acting government leader tell the House which of the interested parties, the Government of Canada, the Government of Yukon, the CYI, the Old Crow band, Peter Kiewit, have, in fact, in any substantial way, changed their positions with respect to this development?

**Hon. Mr. Lang:** The only information I have is that there was a public meeting in Old Crow; a substantial offer, the way I understand it, was put to the people of Old Crow and also an offer to the Council for Yukon Indians. Apparently, the people of Old Crow, at that particular meeting, said, yes, they thought it was very beneficial for their community and for Yukon. Now, if that is the reason for optimism by the proponent, then it is.

With respect to the actual decision-making, it is with the Minister of Indian Affairs and Northern Development, who so capably handles the resource development in the territory.

**Mr. Penikett:** I am sure Mr. Munro will be pleased to quote that remark back to the minister.

Is the acting government leader saying that, while Kiewit and Old Crow may be discussing and evolving new positions, that, in fact, there have been no new initiatives, no new ideas from the Government of Yukon or, as far as he knows, from the Government of Canada?

**Hon. Mr. Lang:** If the member opposite could give us some ideas, we would be pleased to hear them. We have not heard one of them on this particular development, except a "no" to it.

It would have been very nice in this House if, when we discussed and debated the motion for the development of that particular port facility, we could have had unanimous consent on that resolution, which would have given some options for the minister to consider: that there was some consensus in the territory that development should proceed.

<sup>98</sup> I do not think that there is much more that we, as a government, can do. We have made representations. We will continue to make representations to the Government of Canada, but that is where the decisions are made. They are made in Ottawa, the capital of Canada, and not in Whitehorse, the capital of Yukon.

**Mr. Penikett:** We have frequently offered some ideas to the minister opposite, but I do not think he would recognize an idea unless it bit him in the leg. The Government of Yukon has previously taken the position that John Munro and not the CYI, or Old Crow, or land claims, was the real reason why a land use permit was not issued to Kiewit. Could I ask the acting government leader if, in light of his remarks this morning, the Yukon government is now changing its position and inclined to put more of the blame or responsibility on the CYI and the Old Crow councillor?

**Hon. Mr. Lang:** It was very clear, in the minister's press release, that the reason he did not proceed with the development was because of the Indian land claim. Now, the CYI and the people of Old Crow have been offered a substantial benefit from that particular development because of the decision of the Minister of Indian Affairs and Northern Development. If they decide that that particular development is beneficial to the territory, then I presume that will be put to the Minister of Indian Affairs and Northern Development to see whether or not he is prepared to modify or reverse his stand.

Further to that, I do not know if the member heard the questioning in the House of Commons, but the minister also, in one answer to a question put by the opposition, indicated that there were environmental reasons which, of course, was not in his public declaration when he made the decision. I leave it to the Minister of Indian Affairs and Northern Development, the good friend of the member opposite.

#### Question re: Kiewit agreement

**Mr. Byblow:** The acting government leader may want to take a lesson on consensus from the Cyprus Anvil lobby. Earlier, he mentioned that there would be considerable economic opportunity and business opportunity as a result of the Kiewit proposal and I read in the agreement that, in fact, every effort will be made to use subcontractors.

Could I ask the acting government leader what business opportunity guarantees are in place to ensure that Yukon businesses, other than native businesses, have opportunities on the Kiewit proposal?

**Hon. Mr. Lang:** That is, perhaps, where the members opposite and this side of the floor part company. You talk about guarantees, we talk about opportunities. I believe that people should compete in

the business community for the business that is there. They have agreed, in principle, that they will do everything they possibly can to use northern businesses. To some extent, they have already indicated that already with respect to some of the preliminary work that was done up on the north coast. I have no reason to doubt that they will do everything they can to use northern businesses because it reflects in their operation, for example, in James Bay.

We contacted Quebec; they went into a similar agreement that we did with Yukon Hydro. My understanding was that they were very pleased with the conduct of the company. I have no reason to doubt that they would not act accordingly here.

**Mr. Byblow:** If the acting government leader cannot use the word "guarantees", then I will use "assurances". What assurances are in place that will allow smaller Yukon firms to bid competitively and secure service and materials and goods contracts from the Kiewit proposal?

<sup>99</sup> **Hon. Mr. Lang:** It is very clear in the agreement that they are going to go to northern businesses first in respect of goods and services. The prices will have to be submitted. The member opposite obviously now is looking at what we have signed as an agreement and is saying "no, that is not good enough". Well, if they do not support the development for environmental reasons or because Mr. Faulkner represents the party in the House of Commons, say it. Do not speak out of both sides of their mouths.

**Mr. Byblow:** I would like the acting government leader to recognize that we got this agreement less than five minutes ago. I want to ask the acting government leader then...

**Mr. Penikett:** Because he announced it publicly before coming to the House.

**Mr. Speaker:** Order please. Would the hon. member please get to his question?

**Mr. Byblow:** Can the acting government leader tell me: has Kiewit guaranteed that contracts will be broken down small enough to ensure that Yukon businesses have a fair chance to compete?

**Hon. Mr. Lang:** They have assured me that they will do everything they can to involve as many of the small business people as they possibly can. Now, in view of the intent of that memorandum agreement, it would seem to me that they will make every effort to ensure that that happens. I also should point out that in the appendix to that agreement they have agreed to use those northern transportation companies out of Whitehorse to the site that have operating authorities for Yukon as well as Northwest Territories.

I do not know what more you could put in writing in respect of the proponent and the social economic agreement that we signed. I recognize the member opposite has turned into a Philadelphia lawyer, and God bless him!

#### Question re: North Slope road

**Mr. Kimmerly:** I quickly read the agreement recently tabled and, on principle, it looks fairly good. I am glad the government listened to one of our ideas. On the second major point, the agreement talks about transportation. What is the government's position on the eventual building of a road to the North Slope?

**Hon. Mr. Lang:** I would point out first of all, in the opening remarks, the member opposite said it was their idea. I would refer the member to *Hansard* where we said we were working on a socio-economic agreement with Peter Kiewit and Son who had a major proposal as far as the general economy of Yukon was concerned. We have done that.

The member opposite talks about a road. There is no proposition for a road put forward by any of the proponents at this time. They are going to truck the necessary materials to that site, in many cases, with utilization of the Dempster Highway and, I would imagine, a winter road from either Inuvik or Aklavik to the job site, if the job goes through. All these things were explained to the member opposite, and I should just correct myself: it would be a ice road in the winter, similar to what they have from Inuvik to Tuk for the purposes of winter transportation. I find the member opposite's position on this confusing now. It seems to me, if they want to stand up and say they are in support of the project, we would appreciate that support.

**Mr. Kimmerly:** As the government is on record as originally being opposed to job guarantees and satisfied, on the record, with five percent, I seriously take issue with the minister's comments. The minister talked about an ice road ...

**Mr. Speaker:** Order please. I believe the hon. member is now making a speech. Could he kindly get to his question?

**Mr. Kimmerly:** What is the government's position now about a road to the North Slope?

**Hon. Mr. Lang:** The member opposite has spent too much time in the world of academics. An ice road is on ice, off the shore. I could bring a map in and demonstrate to the member opposite how it is done. I have observed them putting them in. If the member opposite is now taking a position that an ice road should not be built along the coast, then say it. I am just saying how the materials would get to that site so that the job could get underway.

With the question period going the way it is, I would just submit to you that I do not think we should raise the expectations of the people of the territory about this project any more than what they already have been. The Minister of Indian Affairs and Northern Development and his Cabinet colleagues make the final decision on resource development in the Yukon Territory and that is where the decision will be made.

**Mr. Kimmerly:** Will the minister state, for the record, that it is the policy of the government to not build a road through caribou calving grounds?

**Hon. Mr. Lang:** I do not think there is any question that we would do everything we could to avoid going through the calving grounds, but I am not going to make a firm statement to this House that, if 10 years or 20 years down the road, technology being what it is and environmental controls being what they are, and the advancement in those areas, that it could not conceivably be done.

If the member opposite is saying his party does not support any development in the North Slope, that is fine. We are saying, from this side, we support the development because we believe it is environmentally sound and economically viable for the people of Yukon and the people of Canada.

#### Question re: Kiewit agreement

**Mrs. Joe:** I have also just glanced briefly at this agreement and, in here, it says that the Peter Kiewit company agrees to provide affirmative action programs for the employment of disadvantaged Yukoners. Since this government does not support affirmative action programs, can the acting government leader assure us that this government will, in fact, support this proposal?

**Hon. Mr. Lang:** The member opposite, again, has taken out of context what the government leader has indicated to her in Question Period. We do have a number of programs to help those people, with respect to job placements within the government. That is exactly what we expect of the proponent if that project goes ahead.

It is my understanding they are making significant commitments to the native community, through the Council for Yukon Indians and the people of Old Crow, to see whether or not those people can be provided jobs on that job site.

**Mrs. Joe:** I would like to ask the acting government leader who these disadvantaged Yukoners are?

**Hon. Mr. Lang:** It is obviously somebody who is handicapped, somebody who, perhaps, has to be trained in certain areas, similar to what we have done through Yukon College: these types of things are in our educational system. We recognize there is a small minority of people out there and if there can be jobs made available to them, the company has said that if they are capable of coping with those jobs and if they have to train them for those jobs, they are prepared to do that.

#### Question re: Kiewit agreement

**Mr. McDonald:** I have a question for the same minister on the same subject.

Since, apparently, only a shift in the position on the part of Indian groups affected by the Kiewit proposal is expected to be able to change the mind of the federal Minister of Indian Affairs, has the acting government leader scheduled any further meetings with representatives of the CYI and the Old Crow Indian Band?

**Hon. Mr. Lang:** If the member opposite would listen to what I said earlier, we made it very clear that, first of all, we would be prepared to expedite what we had signed in the land claim agreement with Old Crow, as soon as possible, if the Government of Canada and the CYI wanted that to happen. Secondly, we were prepared to work with the CYI, the people of Old Crow, and with the Government of Canada to look at what environmental controls would have to be put into place for such a project to go ahead.

I think we have been totally positive with respect to trying to get this project to go ahead.

**Mr. McDonald:** To the same minister. Although the Old Crow Band has traditionally opposed development on Yukon's North Slope, yesterday they indicated that they were prepared to modify their stance in return for a greater say in how the North Slope development would take place. Is the Yukon government prepared to make any concessions at all to enable the King Point quarry proposal to proceed?

**Hon. Mr. Lang:** We have done everything we can to get this project going ahead. If the member opposite is asking whether or not we are going to renegotiate land claims; every agreement, in this particular case, had been ratified by the community and it made national news that it had been ratified 48 hours prior to this demand being put on by the individual that the leader of the opposition referred to. Where are we? Do we have an agreement or do we not? We operate from a position of trust. We signed them in good faith. We indicated with those agreements that we would do whatever we could to implement them.

**Mr. McDonald:** One final supplementary. Since management of the Porcupine caribou is still a matter not yet covered by the land claims agreement-in-principle, has the minister planned meetings for this week to discuss the issue with the Old Crow Band and the CYI?

**Hon. Mr. Lang:** The question of caribou management, of course, lies in the purview of the Minister of Renewable Resources. I understand that we have an agreement, at least in part, with the CYI in this matter. Apparently there are some discussions going on with the Government of Canada on it. I would like to think that we could reach some sort of agreement, but that remains to be seen.

#### Question re: Land claims

**Mr. Penikett:** I am moved to ask another question by the minister's answer. To the acting government leader: the Yukon Indian land claim agreement-in-principle summary released yesterday by the Yukon government makes it clear that there are a number of loose ends in the agreement which will require further negotiation by the parties to the land claims talks. In light of the comments made by the acting government leader this morning, is it the position of the acting government leader that no further negotiations on issues addressed in the agreement-in-principle will take place?

**Hon. Mr. Lang:** No, I did not say that.

**Mr. Penikett:** I apologize. I could have sworn the minister did. By definition, an agreement-in-principle obviously is not a full agreement on particulars. Is it the acting government leader's position that the agreement-in-principle is the final word on the issues that it covers?

**Hon. Mr. Lang:** I do not have the text of the documents that they are presently negotiating. There are a number of areas outstanding and we are in the process of negotiating them. Overall, the elements that we had agreed to with the CYI and the Old Crow Band, in large part, took into account the environmental concerns that have been put forward by that band as well as the CYI. It is our position that we should be proceeding with those elements that we could implement.

**Mr. Speaker:** There being no further questions, we will proceed to orders of the day, motions for the production of papers.

#### MOTIONS FOR THE PRODUCTION OF PAPERS

**Mr. Clerk:** Item No. 1, standing in the name of Mr. Penikett.

**Mr. Speaker:** Is the hon. member prepared to deal with item 1?

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

**Mr. Speaker:** So ordered.

**Motion for the Production of Papers No. 7**

**Mr. Clerk:** Item No. 2, standing in the name of Mr. McDonald.

**Mr. Speaker:** Is the hon. member prepared to deal with item 2?

**Mr. McDonald:** Yes, Mr. Speaker.

**Mr. Speaker:** It has been moved by the hon. member for Mayo that an Order of the Assembly do issue for copies of:

1) (a) Names of persons whose applications for agricultural land have been received and the corresponding size and location of each applicant's land request;

(b) The time and date each application was received;

2) Names of persons whose applications for agricultural land have been accepted;

3) Names of persons whose applications for agricultural land have been rejected;

4) The cited land use conflicts associated with any applications received for agricultural land; and

5) Names of members of the YLA or their immediate family who have made successful applications for agricultural land.

**Mr. McDonald:** For your information, the YLA referred to in number 5 is Yukon Legislative Assembly.

This is not a frivolous motion; it is one of fundamental importance to the proper development of the agriculture industry in Yukon and fundamentally important, I believe, for the public's right to know about the activities of their government. I do not expect to speak at great length about this issue because I believe that the reasons for this request and the justice for this request are self-evident. The written question asking questions about the nature and specifics of the dispersement of agricultural lands was posed seven months ago. I do not know what the government's idea of expeditious action is, but a seven-month wait for essential information is far too long a period for my liking.

To put the request for information into context, let me say this from my position as elected representative of the people in my riding, we, in the Yukon Legislative Assembly, are not given regular accounting of the Agriculture Development Council's activities apart from the generalities expressed in Question Period. We are faced with the prospect that all decision-making regarding agricultural development may be passed through Order-in-Council, leaving the deliberations and discussion and debate leading up to the real decisions to the private preserve of only a few. We are told that information about government policy will be made public upon the good judgment of the minister. We have been told that all aspects of agricultural development are being reviewed on an ongoing basis and all have high priority, with the dispersement of land having even higher than high priority. However, the bottom line and the underlying base is that public awareness and this legislature's awareness of what is happening is absolutely dismal.

None of this would be important if only we were to discuss agricultural industry in theory and not in reality. It would not be so bad if we were going through the intellectual exercise of developing agricultural policy in the absence of any public demand for it. And, if we were developing guidelines for the dispersement of agricultural land when we had no such land to disperse, then, of course, we would not worry so much that there are no procedures permitting the public or the legislature the opportunity to see what is happening within the government's departments.

The reality in Yukon is much different. People want real action in developing agricultural policy and they want agricultural land to be dispersed to those people wishing to farm.

There are a great many issues associated with the promotion of a healthy industry in Yukon, and this motion attempts to address only one, the dispersement of land. The question is: who is getting the land, who is not, how much are they getting, when did they apply, what are the land use conflicts and who in this legislature have received land, or their families? The reason for the motion is, I believe, twofold. The first is that the public and this legislature must perceive that land is being dispersed fairly. Government activity must be fair and be perceived to be fair. The government is distributing a valuable public resource. It is a resource which will,

in part, determine the nature of our expanded economic base in the future. The strength of farming, the strength of our economy in the future will depend on what is happening right now behind closed doors. The public must be assured that we on this side of the House wish to be assured that the distribution of land is efficient, it is done in a manner which best promotes the agricultural industry, it is done in a manner which accommodates the wishes of Yukoners and is done in a manner which is fair and is perceived to be fair.

The other reason for the motion, I submit, is so that we can begin to understand what the government's policy is regarding agriculture. We can glean from the answers to these few questions a great deal of what has been left unsaid. I understand the view of some that the development of policy regarding land dispersement, for example, is in initiation stages and therefore no policy can be written in stone. We must experiment a little and take our lumps when wrong or ill-considered decisions are made. However, the reality remains that we are distributing land now because there is a demand for it now, I submit. We are distributing the land under some sort of policy, either formal or informal.

Because the government is distributing public assets, the public has the right to know to whom the assets are distributed and under what conditions it is, or it is to be, or was, distributed. Our goal should not, and I stress should not, be to disperse land in private — in secret — so that when all is said and done, when most of the land if not all of the land is distributed, we can hold up a land dispersement policy, which can stand the test of time. We do not need a perfect policy, if we cannot use it.

I want to know the answers to the questions submitted in this motion. I want to be able to tell my constituents, who have placed their faith in me, that agricultural land is being distributed fairly and for the right reasons. I want to be completely confident that land is dispersed to farmers and that no person has a natural advantage over another in receiving a property. I want to be assured that the best land is being distributed fairly and I want to begin to understand some of the policy which this government has established to distribute land.

There are a great many other issues in the overall heading agriculture in Yukon, which we could take the opportunity to debate at any time. I would like to reserve my comments for this one issue and I would hope that the minister would focus his answers on this one issue, because I believe it is one of the more fundamental ones. We will have plenty of opportunity — and if the minister wishes, I can submit motions every Wednesday — to debate a variety of issues regarding agriculture, if that is the only way that we are going to debate it effectively.

This is all the information I feel we must know in order to do our jobs as members of this House, and I am hoping the minister will favourably support this motion.

**Hon. Mr. Lang:** One thing I would never accuse the member opposite of is not being persistent.

I indicated in the House, I believe earlier this week or last week, that I was going to answer, as much as I possibly could, the question that he had on the Order Paper, as soon as I could. It is in the process of being prepared by the department.

With respect to the disposition of land and how it is being disposed of, the policy was discussed with the Yukon Livestock Association and other interested parties. There was common consensus that this was the method that should be employed for the release of land.

With respect to the questions put forward for the production of papers, I want to make it clear when I respond in writing, by a legislative return, for the purposes of answering the written question, which is, really, the motion before us, I will not be prepared to put forward the names of those people who have applied, who have been successful or unsuccessful. I want to make it very clear that, in any discussions that we have had with people and whatever they have put forward, it has been assured to them that in the strictest confidence it would be held.

I want to say to the members opposite that we are doing everything we can to expedite the disposition of land. I have indicated to him that there are number of areas we are going to have to look at in the tax regime. We have gone out and we have, on

contract, an individual who is an agronomist, a specialist in the area of agriculture, who is helping both us and the Livestock Association and the Yukon Development Council, with respect to not only developing policy but, just as importantly, giving advice to those people who are getting into this area of interest to them.

I think we have done everything, from our side, with respect to expediting land out to those people who are interested. For example, as of October 30, 1983, we had 63 applications on Commissioner's land and of those applications, 37 had been approved, of which 20 agreements for sale have been executed and 17 are pending final certified correct sketch plans and boundary adjustments. Twelve applications have been rejected due to a number of points of view and 14 are currently under review. So, I think we have met, in most part, where we have the responsibility for the land, where we have come to the conclusion the land can be put into production, in concert with the soil pedologist and the agronomist who we have on staff, we are meeting the requests that the general public are putting to us.

So, I am not going to support the motion, primarily from the principle that it is asking for information about individuals by name. I will submit a written reply to the question that has been on the Order Paper for some time. I will apologize to the member opposite: perhaps I should have answered that particular question a little bit more expeditiously.

<sup>15</sup> **Mr. Kimmerly:** This is a remarkable debate to occur in a democracy. The written question occurred seven months ago and the minister has answered that he is going to answer it as much as he possibly could. Those are his words, indicating he is going to answer it. Of course, there is a little qualification, which in fact is a very large qualification. Today is the first time that we are told that the government will not make the land application process a public process. Everywhere else in the free world, I submit, land is registered, it is distributed and held according to public documents and public information. What we are seeing here is a secret disposal of public assets, of public land. The minister said today he would not give the names of those who have applied and those who have got land. Land is obviously a very important question in the Yukon. I remember something of a perceived scandal around the federal distribution of lots at Cowley Lake and the major problem there was the problem of public access to information.

This is the same issue. It is public access to information, so the public can see what is happening, who in fact is getting the land and who is not and, for what reasons, public suspicions are substantially reduced; in fact, allegations of scandal or impropriety only come up where it is in fact found. In this case, there is a secret disposal process and the public naturally feels uneasy about such a process, and so they should. What is there to hide? If there is nothing to hide, why is the information not available?

This is a legitimate question, a legitimate motion about a most important topic. The response of the government, I submit, is simply undemocratic. It is contrary to our traditions of freedom and parliamentary democracy.

<sup>16</sup> There is, in the community, some suspicion about this secret process. I have certainly heard it. That suspicion will continue until it is clearly visible, and accountable as to members of this House and the Assembly.

**Some hon. Members:** Question.

**Mr. Speaker:** The hon. member for Mayo, now speaking, will close debate.

**Mr. McDonald:** I suppose, from your position, you can realize that nothing new has been said here this afternoon, from the minister. We, of course, were treated once again to the announcement that there is an agronomist on staff and there is a soil pedologist on staff, and they are both doing great jobs and we are depending on them heavily. I am sure we are depending on them heavily. That may not be a bad thing. There is nothing wrong with receiving expert advice. We have an Agriculture Development Council of real farmers in the territory who provide that special touch of real life experience that we all need when we are making decisions regarding agricultural policy. These are all good things and there are a variety of areas on which I would dearly like to

discuss agricultural issues with the minister. I am sure the minister will be more than happy to discuss those issues in this House, in the legislature, at the appropriate time, perhaps even starting next week. We can go through the issues one by one.

The method by which the determination was made was by consensus. The minister says that the Yukon Livestock and Agriculture Association and the Agriculture Development Council sat down together and discussed what the real needs were. We found out, finally, last spring, after a motion debate of similar nature, that these guidelines would be made public and, in fact, they, in a very general sense, were made public. There are still a large number of issues left outstanding and perhaps they can be the subject for more motion debate in the House. Probably it will have to be on my initiative.

The minister stated that he is not prepared to provide the names of people who had made successful application or any application for agricultural lands in the territory, which is going to present Yukoners with an interesting dichotomy, in the future, because of course the federal policy is full disclosure and so they will be able to find out that kind of information from federal authorities and they will not be able to find out that kind of information from territorial authorities. That leaves some major questions in my mind because when you cannot include the names associated with the application, you do essentially three things.

<sup>17</sup> You cannot determine whether or not a single person has made application for, received or been rejected for more than one piece of land. That is, perhaps, a minor point but it is going to arise, I know it.

Another reason is that the perception of political favouritism will not be put to rest; certainly, it will not be. We will always be questioning whether or not there is political favouritism. The minister has suggested that I have been persistent, but I certainly will continue to be persistent on this point, because I am not satisfied that this one aspect, this one problem that we anticipate will not be put to rest.

Finally, perhaps another minor point, is that we will not be able to know or determine whether corporate bodies and individuals who apply for land will be one and the same. These are practical questions, perhaps. The first and the third are certainly practical questions and the second is a very real political problem which we cannot refuse to address.

The minister also suggested that there were applications for land rejected and a certain number were being reviewed and these are not issues that I directly address in the motion. I would hope that the minister would provide them of his own free will; the reasons why they are being reviewed and the detailed reasons of why some are being rejected. I am sure that is important, as well. If he does not, of course, there will be another written question and there will be another seven-month wait and there will be another motion made.

So, I would hope that the minister agrees to this motion. We do not believe it is going to bring down the government if the names of people who have received public assets are going to be made public. In fact, it will only promote a true democratic experience for all in this House and we will all be able to bask in the glory of the feeling that we really have heeded the public's concerns and provided this kind of information to the public.

The minister suggests I am playing my violin. Perhaps so, I may be taking a lesson from the minister himself, who makes this kind of speech on a regular basis.

I think the principle is very important; the principle of full disclosure is very important. I do not think that not giving us names is going to do the trick. I think that the minister is going to have to realize that the names are going to have to come, whether it be now, next week or seven months from now or 14 months from now, or whenever.

So, I am hoping that the minister will magically reconsider his position and vote for the motion.

**Some Hon. members:** Question.

**Mr. Speaker:** Question has been called.

**Mr. Penikett:** Division.

**Mr. Speaker:** Division has been called.

<sup>18</sup> Mr. Clerk, would you poll the House?



**Hon. Mr. Lang:** Disagree.

**Hon. Mr. Ashley:** Disagree.

**Hon. Mr. Phillipsen:** Disagree.

**Hon. Mr. Tracey:** Disagree.

**Mr. Falle:** Disagree.

**Ms. Nukon:** Disagree.

**Mr. Brewster:** Disagree.

**Mr. Penikett:** Agree.

**Mr. Byblow:** Agree.

**Mr. Kimmerly:** Agree.

**Mrs. Joe:** Agree.

**Mr. McDonald:** Agree.

**Mr. Clerk:** Mr. Speaker, the results are five yea, seven nay.

**Mr. Speaker:** I must therefore declare the motion has been defeated.

*Motion for the Production of Papers No. 7 defeated*

**Mr. Speaker:** We will now proceed to motions other than government motions.

## MOTIONS OTHER THAN GOVERNMENT MOTIONS

### Motion No. 40

**Mr. Clerk:** Item No. 1, Adjourned Debate, the Hon. Mr. Lang.

**Hon. Mr. Lang:** I listened with a great deal of interest to the comments by the member opposite in respect of what he deemed the taxpayers of the territory, through their government, should be doing in respect of, particularly, the community of Elsa. I want to say, from this side of the House, we can sympathize with the people of Elsa in respect to the situation which they find themselves in. It would appear to me that they are in a situation which was created many years ago — not today, not yesterday, but years ago when the incorporation of that community was a company town — and it still is 'a company town'. Whether the member opposite wishes to recognize it, that is the fact of life and that is the way it is today. The impression given was that this government has not provided any services to that community and I believe, for the record, that that should be corrected. We have provided, over the course of at least the term of office that I have been in this House, the education facilities — basically, the education programs that we make available in any community, and rightfully so, that is our responsibility — through our agreement with the RCMP, the necessary enforcement that is required, we maintain the road from Mayo to Elsa on a daily basis. We took steps a number of years ago — recognizing the traffic was less on that particular road but recognizing the safety hazard in that particular area — to apply calcium chloride between Stewart and Mayo, for the people of Mayo and the people of Elsa. I do not think I would want to get into a debate of one community versus another. I think we are in a situation where we have a community at the present time which is, for various reasons, I think it safe to say, the member opposite would, has been run down to some degree. I think, largely in part because of the financial situation that the company faces and the people in the community face. I am not here to rehash history — the nine-month strike, the year that it had to close because of prices. From reading the newspaper, and I do not know whether or not those statements are accurate, we have been told that they are just barely making it as far as a profitable venture as far as the community is concerned. I can see the point brought forward by the member for Mayo. I should point out that I have had conversations with the previous MLA for the area who worked hard in the previous four-year term, Mr. Hanson, and he has always brought forward the concerns of the community of Elsa — even now — in respect of the fact that he has lived in that area for years and recognizes the very real situation that exists with those people. It would seem to me that we do overall, and I want to impress to the people of Elsa, and we do it recognizing that we are doing it, overall, general programs within government are available to them, whether it be Arctic Winter Games, whether it be the question of recreation, for an example. In the past we have had the Mayo-Elsa areas a recreational area to try to get commuting back and forth between the two communities. Even not too long ago, and the

member opposite, I think, would stand up and say at least we made an effort. He may not think it is a great enough effort, but we have said look, we are prepared to take care of your particular problems as far as engineering plans are concerned, if you want to make a similar type of structure that we are in the other parts of the Yukon, which was a \$15,000 saving. If we had said "no", then obviously there would have been a very difficult situation.

I see the member for Whitehorse South Centre smiling smugly to himself. I do not know why. I recognize the reasons for the motion. Perhaps they were brought forward by the member for Whitehorse South Centre. I am speaking from my point of view as, not only a member of this House and a member of the Cabinet, but as a resident of the community recognizing the importance of Elsa to Yukon.

It would seem to me that we have a situation here where these people have been put into a situation because of the company's financial capacity to perhaps be able to do more for the community at the present time, where the government is called upon to do certain things. I want to make very clear that I am not prepared to vote for the motion the way it stands. I also recognize the concerns brought forward from the member for Mayo. I am prepared to sit down with the company and discuss its situation as "a company town", and find out what the longevity of that particular community is going to be. I think the member opposite, with his previous union affiliation, will recall that at times there was one year or two years of resources left and the mine was going to be closed. This has been, as you know, going on for years. Whether or not they are prepared to make a commitment for 10 or 20 years, I think these are things that we in government have to know; all members of this legislature and the people in Elsa, with respect to that particular community. It would seem to me that, with respect to the community, that I want to demonstrate to the House and to the people of Elsa that we are as concerned about them as the member for Mayo is. I want to say to you that we recognize that Elsa is not only a community but also is very, very important, as far as the general economy of the territory is concerned.

### *Amendment proposed*

Therefore, I would move that Motion Number 40 be amended by deleting the words "alter" and by substituting for it the word "reconsider".

The reason I move this particular amendment is so that it gives us the opportunity to sit down, primarily with the company, because they are the agency that is responsible, find out what their long term plans are with respect to the community and perhaps there is some method that can be employed where we could perhaps assist the company and the people of Elsa in achieving some of the objectives they have outlined.

I trust the members opposite would be prepared to support the amendment that I have brought forward because I believe it indicates the good intentions of this side of the House in recognizing a very real dilemma that those people in that community face.

**Mr. Speaker:** It has been moved by the hon. Minister of Municipal and Community Affairs that Motion Number 40 be amended by deleting the word "alter" — which, the Chair assumes refers to line one — and by substituting for it the word "reconsider".

### *Amendment agreed to*

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

**Mr. McDonald:** For the record, I will just say that I did vote for the amendment because it is, on first reading, relatively harmless. I would certainly like to see the motion, in total, pass and now that the minister has suggested that he would like to amend it, we can assume that he would like to pass it.

The minister said a great many things and it just so happens I would like to comment on every single one of them.

He says that he has sympathy for the people of Elsa and that it is an historic problem. It certainly is an historic problem. In the period that I have spent living there this has always been a major bone of contention and it has only come to the political forum, in the form of this legislature, for the first time recently, in the last few months, perhaps. I did an exhaustive search of *Hansard* and

could not find very much of anything said about Elsa. In fact, the only times that I did read of Elsa in *Hansard* was when there was a stoppage of revenue coming from the mine, whether it be a strike or the shutdown this past winter due to falling silver prices.

So, yes, it is a problem. It is a problem for the people of Elsa and they are going to be listening very intently to what has been happening here in this legislature and what government is prepared to do, and window-dressing and stop-gap measures are certainly not going to do the trick. I am sure the minister is perfectly aware of that. I know that he has been in contact with various persons in management of the United Keno Hill Mines, and I am sure that he has received some direction from them on the opinions of the people in the community.

The minister suggested of my speech that I had given the impression that YTG had not provided any services to the community of Elsa. I do not know what the minister means by the word "impression", when I had explicitly stated that the community does appreciate the educational services, does appreciate the road grading, et cetera, and the minimal recreation funding, services which every community in Yukon gets whether they are a resource community, whether they are a primary producer, whether they are wealthy or whether they are poor. We are certainly glad that we are not cut out of those services, as well.

The minister did suggest, too, that they maintain the roads on a daily basis. I would like to make that a quote of the week in the local Elsa *Tramline* for all people in the community; they might have something to say about that. Perhaps he did not mean on a daily basis, perhaps he meant on a regular basis.

The minister, further to that, made reference to the fact that the town is in a rundown condition and I do not think anybody would dispute that; that the company, in a sense, is barely profitable now with the silver prices, not at an all-time low, but low enough to make the threshold price for maintaining the mine somewhat questionable, though the management and the workers are doing their best to keep the mine operating.

However, I think I made the point in the first speech that, whether the mine is profitable or unprofitable, whether the town is aesthetically pleasing or not, whether it is comfortable or not, that does not really reduce the government's responsibility to its citizens. It is not up to the residents of Elsa to negotiate with their employer to ensure that they receive what, in all other communities of Yukon, are government responsibilities. I think that ought to go without saying. So, whereas I do believe that, not the poverty of the community but the comparative poverty of the community from recent times, may have put an edge on things, it is not the only issue, and it is not really the significant issue of principles that we are trying to debate here.

The minister suggested that he has heard a great deal from my predecessor, Peter 'Swede' Hanson, who even now supports Elsa. I do not know what he means by that — whether Swede has been coming to his office daily, regularly, to make representation on behalf of the residents of Elsa. We did not hear of Swede's — let me put it this way — I did not know that Swede existed until 1980. During the strike, we made an effort, on the union's side at least I think ...

**Mr. Speaker:** Order please. I think at this point we are detracting from the purpose of the motion and getting into discussing individuals. Could the hon. member kindly return to the intent of the motion?

**Mr. McDonald:** For the record, too, the Minister of Renewable Resources suggested that I was busy in 1980 shutting down the whole territory or something — that is something that we have to debate sometime because that is a continually and completely fallacious charge that they always like to dredge up.

The only reason I am responding to these issues one at a time is because the minister himself brought them up. If you do not feel that they are worthy subjects for debate then perhaps you can tell me, as I go down the list of points the minister listed in his debate, whether or not they are relevant to the debate now.

**Mr. Speaker:** The Chair has already commented on that. If we could just keep the debate to the motion on both sides of the House, it would be appreciated by the Chair.

**Mr. McDonald:** Okay then. I think the points that I have made, I have made reasonably well. The minister did talk about an engineering plans. We were talking about government funding; engineering plans, the \$15,000 that the government says that they offered to the community. I think that is an appropriate issue to discuss here just briefly. The people in Elsa I think have expressed their opinions of the photocopy of the Pelly pool engineering plans. As the people have also said, Elsa is a hillside community and engineering plans for a pool on a flood plane are not the same as the engineering plans for a pool on a hillside.

The minister is screwing up his nose, which is something that he does regularly. It was suggested that the pool which the community wanted to purchase for the community and the company wanted to purchase for the town had already been designed and had already been purchased; they wanted engineering expertise to install the pool. That is why they expressed their displeasure with the government when they found out that they were only going to be receiving engineering plans. They certainly did not need to have government engineers come up and tell them something that they had known already; that, in fact, the pool was condemned for various reasons and had to be replaced.

So, I too believe, and I hope the minister really does believe this, that Elsa is of great importance to Yukon, not only for its revenue-generating ability and its proven ability, but also because there are territorial residents living there. The minister suggested that in his deliberations with the company, he made it clear that he had been discussing with the company. I would draw to his attention that the petition sent to this legislature, which was unfortunately disallowed, did come from the residents of Elsa and not from any particular company official, and that he would need to know from the company the longevity of the mine, because, as everybody knows, there is only a two-year ore reserve anticipated.

This mine has been in operation for 54 years. They have always had a two-year ore reserve, because that is the nature of their drilling program. It is one of the richest silver mining areas in the world and at the time it was discovered, it was the richest silver mining area in the world. There is nothing but optimism about the ore prospects. There are some 20 open pit sites suggested. Perhaps, technically, the company would only be able to say, as it has in the past, that they have two years proven reserves ahead of them. The history of the town is that despite the so-called two-year rule, the town has been in operation for decades; four, five decades.

**Hon. Mr. Tracey:** Who owns the town?

**Mr. McDonald:** The Minister of Renewable Resources asked a completely irrelevant question: who owns the town? If he wants an answer to that question, I can provide it some other time.

The people of Elsa — I stress the people of Elsa and certainly the company would like to see government abide by its responsibilities to the people of Elsa — are not asking for special status, because they are a generator of revenue, they are a creator of jobs in Elsa, Keno, Mayo and in Whitehorse, and not because they put into action the desire of Yukon to be self sufficient. They are actually doing it. They are not asking for more revenue. They are not asking the government to make up for the comparative neglect of the past 30 to 40 years. They are not asking for any of that sort of thing. They are offering to wipe the slate clean, to start fresh and to forget the past, to have their futures discussed at Cabinet level and in the upcoming budget debates for real government participation in the community, for real government funding in the community, and any perpetuation of the past injustice is not going to be tolerated. I am sure the minister is slowly becoming aware of that. I truly do believe, that the minister was prepared to, in fact, perpetuate the past for some time to come. Perhaps this gives us a note of encouragement. We in Elsa, and I count myself as a resident, truly do hope that this means more than window dressing. We are waiting for some serious action on the part of the government. I am glad the government is going to support the motion.

**Some Hon. Members:** Question.

**Mr. Speaker:** Question has been called. Are you agreed?  
*Motion No. 40 agreed to as amended*

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

Penikett.

**Mr. Speaker:** Is the hon. member prepared to deal with Item 2?

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

**Mr. Speaker:** So ordered.

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

**Mr. Speaker:** Is the hon. member prepared to deal with Item 3?

**Mr. Kimmerly:** Next sitting day, Mr. Speaker.

**Mr. Speaker:** So ordered.

**Mr. Clerk:** Item Number 4, standing in the name of Mr. Porter.

**Mr. Penikett:** At the request of the member, the next sitting day, Mr. Speaker.

**Mr. Speaker:** So ordered.

*Motion Number 47*

**Mr. Clerk:** Item Number 5, standing in the name of Mr. Kimmerly.

**Mr. Speaker:** Is the hon. member prepared to deal with Item 5?

**Mr. Kimmerly:** Yes, Mr. Speaker.

**Mr. Speaker:** It has been moved by the hon. member for Whitehorse South Centre "That a Select Committee, the membership and chairman to be named in a separate motion, be created for the purpose of obtaining public input and making recommendations on appropriate legislation in respect to the relationship between children and parents;

That, during periods when the Legislative Assembly is in adjournment, draft legislation on the subject of the relationship between children and parents may be transmitted to the Select Committee by the Minister of Health and Human Resources; and

That the Select Committee shall review and make recommendations on any such draft legislation so referred to it."

Just before recognizing the hon. member for Whitehorse South Centre, the Chair notes that, for second reading on the Order Paper, is Bill Number 8, entitled *The Children's Act*. I just would caution all members of the House that it would not be permissible to discuss contents of that act in discussion of this motion.

**Mr. Kimmerly:** I have no intention of debating Bill No. 8. In fact, I hope I will never debate Bill No. 8, but I will be speaking about the relationship between children and parents, in a general sense, and express a view or a principle or a policy or two on that topic.

However, the primary thrust of this motion and my primary topic is process; that is, parliamentary process, specifically. The subject matter of the motion, the relationship between children and parents has been dealt with, to some degree, in this Chamber and in a far greater degree outside this Chamber. It is the process that has been followed on this issue and, much, much, much more importantly, that should be followed in the future that I wish to address.

We are shown a very unfortunate example in our parliamentary life by our neighbours to the south in British Columbia. There what should be parliamentary processes and debates have become extra-parliamentary and, in this case in Yukon, the issue of the relationship between children and parents has largely become extra-parliamentary. It is debated in the public and in the media, but not in this Chamber. The purpose of the motion is to bring the debate to the parliamentary forum, because the parliamentary forum is a time-honoured, traditional forum that works.

<sup>23</sup> I am trying to make the point and I will make the point perhaps repeatedly that the process that would work to resolve the issue from the point of view of the principle and to resolve the issue from the point of view of practical politics, is that a select committee should be established to study the general issue, and obviously it is contemplated that the subject matter of Bill No. 8 be referred to that committee.

In this legislature, there has been a long tradition of parliamentary democracy going back to the gold rush. Now, in recent years, after the last two elections, there has clearly been put in place a party system and a party procedure, and indeed the standing orders are amended and refer to parties and party officers in the House. The

procedure that has been followed in a general sense concerning the process of bills have been largely determined by the governing party in this legislature. The Minister of Renewable Resources comments that it is in every other party or every other legislature. He obviously accepts that statement as accurate. Parliamentary democracy, by its traditions, is something different than that. We are not involved in a system where there is an election every four years and the winner takes all and decides all of the important policy questions. Parliamentary democracy is a process whereby all of the representatives of all of the regions and constituencies come together and discuss, debate and find compromises about the important issues of the day, especially about issues which are essentially non-partisan issues.

<sup>25</sup> This has become a partisan issue in the last session and I submit it has only become a partisan issue because of a peculiar process that the governing party is following. If a different process were used, it would not be such a partisan issue. I wish to elaborate on that at some length.

Also, I submit that it is absolutely crucial that the parliamentary debate or the debate about legislation occur in this legislative chamber or within its committee structures; for example, a select committee. Just today, I was afforded an extremely vivid example of the dangers that we face if that procedure is not followed. I am talking about the procedures that the government follows in consulting with certain people essentially in private and developing legislation through a private non-public process and by consulting with the people who they choose to consult with.

Previously, on this issue, that is exactly what has occurred. Today — this is a short digression as an example of a process — I was at a meeting of lawyers considering a new legal professions act and it was stated by the executive of the Law Society that there was a consultation with the government about the substance of legislation, and essentially there was a deal struck and it was essentially this: that if the Law Society did not agree with the major contents of the proposed bill the government would withdraw or not introduce the bill and, if they did agree, the government would proceed if the Law Society agreed not to criticize the points of disagreement. That ends the digression, and that was not said in a confidential setting.

The point is that, in a private consultation, these sorts of deals can and are made. Also, it raises the very, very important issues of some groups that have an inside track with the government, for example lawyers, and some groups that do not. On the relationship between children and parents, there are no clear distinct organized groups although there are churches and women's groups and native groups in a general sense who are being consulted.

I asked a question yesterday of the responsible minister, concerning process. He talked about a critique of the subject matter of this motion by the Council for Yukon Indians. He commented that it was like Latin. Well, it is not. It is in fairly understandable language, although it is lengthy.

The criticism that can and, perhaps, should be, brought is that the general public are not privy to the discussions that go on. The CYI has made their critique fairly generally available. I know I have a copy officially, however, many other groups are unaware of the negotiations going on and it is a very important consideration to them that the negotiations are held in a private setting between some groups and not with some others.

We also know that there are public documents and public recommendations about the issue and we do not know the deliberations or the extent of the deliberations that occur in the consideration of the wording of the bill. The legislative drafting process, of course, is a technical process, but the policy decisions, which are made as a direction to the legislative draftspeople, should be a public process about these kinds of issues.

I submit that it is essential to maintain the integrity and respect for this institution and its committees and that the important work of considering the policy of legislation and debating it and receiving public input on it occur here and in a public setting, so that all concerned people may know that their views are received, listened to patiently and considered seriously.

<sup>27</sup> On this issue, the relationship between children and parents, there was a lengthy bill introduced in the last session and we in the opposition were told we were going to debate it on a certain day and we prepared for that. The debate did not occur. It was delayed by the government. However, the public debate continued and some time went by. On April 27, several opposition members attended a public meeting and it is interesting that the public meeting occurred during the sitting hours of this Assembly. That is a curious, I submit, and almost a absurd state of affairs. There is legislation before us and the debate is in a public forums outside of this Assembly and that is forced because of the refusal to deal with it here in a timely and a complete way. The same thing is occurring in BC about other issues.

It is interesting that on precisely the same topic, children and parents, there was in the spring a raging serious debate in Ontario and it occurred around community hearings which were public hearings of a legislative committee considering a green paper on exactly the same issue. The Ontario situation received wide media attention in Ontario, and indeed, nationally, and it is obviously a very important consideration for many, many people. Citizens feel very strongly about government interference with the relationship between parents and children on both sides of any issue on that general topic. In Ontario, the right thing was done. There was a legislative committee to receive public input in a public forum and the debate occurred and the various sides were satisfied that their points got across.

<sup>28</sup> That is not occurring in the Yukon, and it should.

Another issue is the timing of legislation. Back in the spring, we talked about a very long bill and it eventually became clear there were going to be some amendments, and the government position was "we have changed our minds on some points, there are going to be amendments but we are not going to tell you what they are; we will introduce them in the legislature and debate them there". The process followed on a number of bills in this session is a kind of legislation by ambush. There are serious complex issues which are given to us and we are expected to digest them and debate them the next day, or possibly two days after. All the while, being occupied on other issues in this Assembly makes it extremely difficult and the work under those conditions could get sloppy. Much more importantly, there is no reasonable opportunity for consultation with citizens and groups who are interested in the information about the legislation, and gets to those people after we get it primarily in the media and other such sources, except in the case of a privileged interest group. I submit it is fundamentally unjust that, on any public issue, public legislation, some particular interest group has an inside track to information which other people do not have and which is, indeed, excluded to other people by a clear, consciously stated policy.

Another issue is the accuracy of information. Information which is available publicly and debated by both sides publicly goes through a sifting process and the accurate information is sifted out, and the inaccurate information and the fallacious arguments are discovered. I would submit that, on the process followed in the past on this issue, the relationship between children and parents, the major faults in the legislation which resulted were because of the lack of debate in a public forum and in a practical setting. The legislation was drafted by essentially three people: a government bureaucrat who is an administrator, a government lawyer with extremely little practical experience, and an academic from a university.

<sup>29</sup> If the process were opened up and the practical people who are actually involved in the day-to-day operations of the system were involved, some very serious mistakes would not have been made and, if nothing else, substantial government embarrassment would have been avoided.

I was also speaking about accuracy. The then minister attempted to give information to the public, but not this Assembly, back in April. In a letter he stated, about the relationship between children and parents, "Much clearer and stronger protections are built into this legislation for the parents of children believed to be in need of protection". In a debating forum and in a public forum, that statement would not have lasted a minute. In a private forum, where

the degree of information is very limited, it may have fooled some people. It is clearly an inaccurate statement, clearly wrong, and those kinds of statements are not possible in a public, practical debating forum.

I have talked a lot about the process. I wish to put a few comments on the record about the issue of the relationship between children and parents. By far the most controversial, practical issue is around child apprehensions. My party and members on this side follow a party policy on this issue. It is extremely brief, so I will read it into the record. The member for Tatchun, I know, is interested to know what it is.

It is entitled "Child Apprehension", and reads, "Whereas apprehension of children by directors of child welfare is both disruptive to the family and expensive to the taxpayer, be it resolved that rather than apprehending children, that family support services, for example, homemakers, parent aid, child care, et cetera, be expanded so that qualified individuals be provided for families in need of support to assist those families developing as a unit."

<sup>30</sup> Now, that is our policy on the issue of child apprehension. Our policy on the issue of the relationship between children and parents is that it is impossible to define children's rights without at the same time defining parents' rights, and vice versa. We are talking about a relationship and our policy is, and I am sure Conservatives would agree, that basically there is a right of parents to determine the manner and way children will be cared for and brought up, and that parents are the best people to look after the concerns of their own children. That principle should be ...

**Hon. Mr. Philipsen:** Mr. Speaker, I understood we were to debate the motion, not to deal with any other item on this paper.

#### **Speaker's ruling**

**Mr. Speaker:** Yes, the Chair was listening very closely to the past remarks of the hon. member and it would appear that the hon. member is straying from Motion Number 47, which asks for a select committee, and deals with a select committee, to deal with the general subject and perhaps we could stay away from the details which may be contained in Bill Number 8.

**Mr. Kimmerly:** Thank you for your direction. Bill 8 does not speak of this issue. I am speaking about the relationship between children and parents, which is the purpose of the motion. The process whereby that relationship must be enshrined in law should involve the maximum opportunity for public discussion and public debate involving both parents and children and groups who represent them. I realize that the minister is not interested in debating this important issue. He is trying to avoid it. However, it must be ...

**Hon. Mr. Philipsen:** Point of order.

I wonder if that is not a question of privilege when I am impuned this way, saying I do not wish to discuss something. I am here to discuss the motion before us.

#### **Speaker's ruling**

**Mr. Speaker:** I have on many, many occasions attempted to explain to hon. members the rules of parliamentary procedure and the role of questions of privilege in those rules and procedure. I would once again ask all members to review their rules and procedures in relation to the question of privilege. As the hon. members all should know, there is certainly no question of privilege raised. Also, there is only a dispute between two members as to allegations of fact and that does not constitute a question of privilege or a point of order.

<sup>31</sup> **Mr. Kimmerly:** Thank you. I appreciate the rest the hon. member gave me and I can now go on longer.

The minister has stated in this House what process he wishes to follow about defining the relationship between children and parents, and he says on page 705 of *Hansard* that, firstly, his door is always open and he receives input. We are extremely glad of that and never doubted it, and support that, but that is not enough. They also talk about public meetings during which the subject matter will be

spoken of at particular meetings. That also is not enough. It is unclear as to whether the public meetings are to explain the government's policy or to receive criticism.

It is indeed very difficult at this stage to formalize specific criticisms because we are not aware of the government initiative. There is no clear statement that the past bill will be reintroduced in its old form. There is a statement that there will be some changes but we do not know what changes. It is extremely difficult to argue about an elusive consideration or elusive principle. What we need is a clear point of reference. What we need is a proposal like a green paper or a draft bill, something specific, so that criticism can be focussed on the real practical issues that are addressed by the government's proposals. At this stage, there has already been a private process of public input and clearly a draft of legislation.

That is our first point of reference. The example of the CYI brief is extremely revealing. The CYI made recommendations before the draft was introduced; they were very general and fairly brief. After the bill, they introduced a book of many pages, much more specific, because it can be at that point. It is necessary to receive public input about the specific provisions. It is necessary that a committee be established so that the public has a responsible, democratic, fair way of getting their views aired, and that the debate at the practical, political level occur in a committee and that the recommendations be brought to this House.

It would be far more fair. It would be in keeping with parliamentary tradition. It is certainly called for at this stage. It would not be any more expensive and, perhaps, even cheaper than the minister's proposed method of consultation or public brainwashing, whatever it will be.

It would facilitate the passage of the bill in this House, which brings me to another point, and that is the point of practical politics. It should be obvious to all members that if there is a discussion involving both parties in this House, involving both sides of the debate and a forum in which meaningful compromise and informed argument can occur, that the eventual result would likely be one that all parties could accept. From the point of view of practical politics, it only makes good sense.

I would urge the minister involved, as he has taken over this responsibility from the minister who completely botched it, to listen responsibly to a very serious concern — indeed, a plea — from this side. We want a good bill and the way to do it is to use the traditional parliamentary procedure. We wish to be as cooperative and as constructive as possible to work hard on it and we are only asking for that opportunity for the benefit of the children and parents in defining the relationship between them.

**Hon. Mr. Philipsen:** I will try to be as brief as the member opposite has been.

The first remark made by the member opposite was to his debating Bill Number 8. I would suggest that the member opposite has a fairly short memory. He has already discussed Bill Number 8 with me in my office at length. I believe he would have a difficult time telling this Assembly that he was not listened to. I would also assure him at this moment that I will keep his remarks to myself in the strictest confidence.

**Mr. Kimmerly:** You do not have to.

**Hon. Mr. Philipsen:** Oh yes I do. I will bring four people in who will disagree with that.

It would be of great interest to me and, perhaps, I am sure, the professor who wrote three books on the subject at hand, to be happy to have the member opposite repeat what he said about his lack of expertise outside this House. I am sure that we would probably hear a little more from the good professor in a short time. I would have to say to the member opposite that he has sat here and said that he talks a lot and on that one issue I do have to agree with him.

It was apparent, even before hearing the member for Whitehorse South Centre speak to his motion, that his intentions were clearly to try to establish a select committee by way of this motion; a select committee to review *The Children's Act*. It has been clearly stated on a number of occasions that it is not this government's intention to establish a select committee to review *the Children's Act*.

As the member for Whitehorse South Centre is aware, the subject of the relationship between children and parents is addressed in the

draft *The Children's Act*. He is also aware that I have already begun to obtain public comment and recommendation on the appropriateness of the legislation that we will be putting forward. Further meetings with interest groups. I would like to mention some of the interest groups that we plan to have discussions with, if possible. It is not just one interest group, the CYI. I shall run down the list for the edification of the members of this House: the Ministerial Association, the Yukon Medical Association, the RCM Police, school administrators, crown attorney, chief territorial judge, Yukon Nurses' Association, Yukon Teachers Association, the Council for Yukon Indians, the Yukon Indian Women's Association, and the Yukon Bar Association, and I suggest to you that the member opposite is out to lunch if he suggests that that is a small number of interest groups.

My door has been open since the first of July for any member of the public to come in at any time to discuss *The Children's Act* with me. It will probably come as a great surprise to the member opposite that if they cannot get in, I do have a telephone. I have listened to everything that has been said to me. I have determined by the number of people who have made representation to me since July 1st that indeed a select committee is not something that the people of this territory desire and a thing that they are pushing for at every opportunity. There is one individual who wishes a select committee, and he sits opposite.

When we are finished with the complete process of obtaining public comment, the public's wishes in this regard will be complete. The final draft of *The Children's Act* will be prepared and that act will then be brought before this House where the necessary debate may take place in a form which will allow the public the further opportunity to judge whether their concerns have been addressed. It will also provide the opportunity to amend any portions of the legislation which are, through the course of debate, determined to be in need of amendment.

I value the recognition on the part of the member for Whitehorse South Centre that it is necessary to obtain the public's involvement in legislation which touches on the relationship between children and parents. It has always been the position of this government that the family unit is of the utmost importance in the Yukon's society and its continued existence must be assured by whatever means possible. I remain unconvinced that a select committee will accomplish this. I am satisfied that the debate on *The Children's Act* in this House will safeguard the relationship between children and parents, which has finally become a concern to the member opposite.

We do not feel, on this side of the House, that a select committee is necessary to deal with this subject and we will, therefore, not be supporting it.

**Hon. Mr. Tracey:** I guess this side of the House has been subjected to another one of the diatribes from the member across the floor who, I would seriously think, thinks of himself as a professor who is going to instruct everybody in this House. While he is doing that, he is impugning the integrity and the ability of the people who were involved in writing the act, all of whom no doubt have much more education than he has and are much more capable, including the bureaucrat who he impuned. That person, who was involved in drafting that act, I am fairly confident, has more years of education than the member across the floor, and has education pertaining to the subject, pertaining to the exact subject that *The Children's Act* deals with. The professor, the so-called academic, is considered one of the leading child welfare people in North America.

**Mr. Speaker:** Order please. I am afraid I am going to have to ask the hon. member to return to the subject of the motion. We seem to be straying away from the motion, which would appear to wish to create a select committee, and I find no relevance in the comments now being made.

**Hon. Mr. Tracey:** I will accept your criticism. However, the member dealt with these subjects in his speech. To go on, he talked about the parliamentary process and the parliamentary forum, the age-old system that was set up to have public input. Well, obviously the member across the floor does not know a heck of a lot about parliamentary process either, because the Committee of the

Whole is the process that members of this House have to deal with bills that are introduced in the House. The select committee process, especially, is a recent phenomena and is very recent in this legislature. In fact, it is only about three years old.

<sup>15</sup> He is talking about private consultation, in the accusation he is making. He raised the question of private consultation in regards to the *Legal Profession Act*. The *Legal Profession Act* was an act that deals with a specific group of people. It sets up a process through which they can run their own affairs in the territory and it has very little to do with the balance of the public. It was a process that was set up for the legal profession.

I am very surprised at the member across the floor standing up and making the comments he did about it because, if there is any group in this territory who has been consulted about a piece of legislation that was proposed to go into this House, that is one group that has been given very serious consideration. After the comments of the member across the floor, I will be reconsidering what I will be doing with the *Legal Profession Act*.

He talks about *The Children's Act* being a very long bill and that it should go to the public and there should be a select committee. There was a bill, which is about twice as long as *The Children's Act*, introduced in this House a few days ago and it was passed by this opposition in about 30 seconds.

He talks about credibility and about the fact that we have to have public input. That bill that I just mentioned was probably one of the most important bills that could be introduced in this House at any time. It is obvious how much credibility the public should give the members across the floor in that regard.

He also made accusations that there were public meetings held while this legislature was in session dealing with *The Children's Act*. I do not know where he was at, but I was at quite a few meetings and I am sure the other members on this side of the House were at quite a few meetings that were held. I do not know how we could have been there if the legislature was in session because, contrary to a great number of the members across the floor, we do spend most of our time in the House.

There is a reason why the members across the floor want the bill referred to a select committee. It is a very obvious reason and it is obvious to the general public, as well as to members on this side of the House. They want another forum. It is another forum they are looking for. They want another forum to try to criticize the government. Well, they have a forum here, a very good one. The press is here every day, some of them sit in the Gallery, some of them sit in the press box. They are here every day and they can record what the members across the floor have to say. I suggest to him that that is the parliamentary process that has been long established in this country and it is a process that we should be following.

I wonder if the member across the floor is not getting paid by the column inch for the statements that he makes in this House, because it looks very much to me like he is working for the press and getting paid by the inch. He goes on and on and on and says very little.

**Mr. Byblow:** He has a good example, eh?

**Hon. Mr. Tracey:** It is so boring that even the members of his own party do not stay in the House and listen to him.

<sup>16</sup> So all in all, we feel that there is a process in place to deal with *The Children's Act*. The members across the floor have had the act for months now. We tried to make it available to the public as long as possible. We had a public review process in place previous to the introduction into the legislature the first time. There have been a lot of meetings, some that I held, some that the now Minister of Health and Human Resources has held, and others that he will be continuing to hold in the future. Contrary to accusations that are made by members across the floor, there is very little disagreement in this territory with *The Children's Act*. There was a lot of hype raised by opposition members but very few areas where *The Children's Act* needs to be amended. Some of those we had identified long before the opposition members even started to raise the issue.

We have a process in place and I will be voting against the amendment, as will the rest of my colleagues.

**Hon. Mr. Lang:** I listened to, at least in part, the long

presentation made by the member for Whitehorse South Centre. I want to commend him. His participation in debate definitely makes up for the lack of participation from the member for Campbell. If that is the intent, it is definitely taking a great deal of *Hansard* and a great deal of time in this House.

**Mr. Speaker:** Order, please. I think I must remind the hon. member that it is very unparliamentary and, in fact, is an abuse of the rules and procedures of parliament for any member to reflect on the attendance of any other member. I would draw the attention of any hon. member to annotation 316(c) in *Beauchesne*.

**Hon. Mr. Lang:** Speaking to the point of order, I just want to say I apologize to you and the House with respect to what one can see every day.

I just want to point out, with respect to the select committee that is being recommended by the member opposite, there is a place for select committees. With respect to the issue at hand here, that *The Children's Act* be directed to a select committee, the act has been tabled and made public and has been in the public domain for close to a year, or a year and a half. Now, I think it is in the votes and proceedings. I know for a fact that the member for Whitehorse West, the leader of the official opposition, stood up in this House and commended the government for the consultation that took place on the *Municipal Act* with the Council for Yukon Indians and the Association of Yukon Communities. The Minister of Health and Human Resources has indicated he will be meeting with a number of groups who he feels are indicative of the community to discuss pertinent points within the act. Also, he has made his commitment that he will be going to various communities to discuss the act and to listen to the general public. With that type of a commitment by the minister, I would submit to the House that is he going through a very lengthy and time-consuming — and it will be very onerous on him personally — process.

<sup>17</sup> It will take time for him to discuss with people the particular act in question, as opposed to going to the select committee where the member opposite has indicated that he would definitely like to participate. I am sure that I can say for the Minister for Health and Human Resources that the public forum that he is in the member opposite has every right to attend. I am sure that the general public, if they are put to the speeches like we have been put to in the past number of days, will appreciate them to the extent that we do. I trust that he could even be lengthier in his presentations, because I am sure the general public would be more than pleased to hear what he has to say on the issues, whether it be of select committees or of the principle of the act.

So, I think it is safe to say, from our side of the House, as the Minister for Renewable Resources indicated, and the Minister of Health and Human Resources, we believe the process that we are going through for this particular piece of legislation is a proper one similar to, in many instances, the *Municipal Act*, which was discussed in the communities, was discussed with the municipalities themselves, with the Council for Yukon Indians and with anyone who wanted to discuss that particular piece of legislation. I am saying to the side opposite that you cannot have it both ways. What I am saying is that yesterday we were commended for the consultation process that we undertook and now we are being condemned for the same public consultation process that we are going to undertake.

**Mr. Kimmerly:** Fairly briefly, I would like to respond to the comments made about my proposal.

The responsible minister says that there is only one person who wants a select committee and there is no public demand for it. I do not have my full files here, but on April 26th, by a letter to the government leader, the Yukon Status of Women Council said, and I quote: "we cannot emphasize strongly enough the importance of this piece of legislation being put to a select committee of the legislature". An editorial in the *Star* asked for it and the Council for Yukon Indians asked for it. I believe there were others. I remember that I was at a public meeting and I proposed a select committee and I got a round of applause for that. I remember that, and so does the member for Tatchun; it occurred in Porter Creek and he was there.

The member and the minister previously responsible for the

legislation attacked me personally at some length, and I always enjoy that; he gets a chance to express his feelings. When I am that uncharitable and unchristian, I will resign. He raised one point worthy of a response. He said that the reason why we want a select committee is obvious: we want another forum to criticize the government.

38 Well, if you analyze that, it is absolute nonsense. We do not need another forum. We can do it in a Committee of the Whole and it will have the same effect. Why would we want another forum. Also, even if it were true — which it is not, but even if that were true — that only indicates that the government is afraid of criticism. It is part of the tradition in legislatures — legislatures of this kind — that there is an opposition whose job it is, in part, to criticize, and standing up to criticism is a very good test for any measure.

The acting government leader talked about the *Municipal Act*, as an example. I submit that is the worst possible example he could have chosen. On the *Municipal Act*, if the process had been a committee it would be in place now. There would not have been all of the public uproar and the straining of relations with AYC and CYI and the commission, which occurred, and the two sets of major amendments that are not finished yet. A select committee could have solved those problems.

He also talked about the minister's roadshow expected in January. To a certain extent, that will be a public relations exercise. One of the major points is that a select committee is a far more responsible and constructive way of getting at the feelings of the citizens of the territory and the views of the citizens of the territory, listening to them, warning them adequately what the precise issues are and allowing for informed public discussion, consultation and debate.

The policy that this government is following is a policy of legislation by ambush. The Cabinet proposes legislation and the legislature disposes of it. That is not the principle followed by this government. It is clear that the government prerogative is to propose legislation. The legislative duty is to dispose of it, to deal with it in the most responsible way possible.

This is a most important measure. There is, obviously, a serious public debate in the territory about it. A committee structure and committee hearings are the best way to dispose of it. If there was a case for a select committee, this is it.

**Hon. Mr. Lang:** Question.

39 **Mr. Speaker:** Question has been called. Are you agreed?  
*Motion No. 47 defeated*

**Mr. Speaker:** We will now proceed to government bills.

## GOVERNMENT BILLS

### Bill No. 31: Third Reading

**Mr. Clerk:** Third reading, Bill Number 31, standing in the name of the hon. Mr. Tracey.

**Hon. Mr. Tracey:** I move that Bill Number 31, *An Act to Amend the Motor Vehicles Act*, be now read a third time.

**Mr. Speaker:** It has been moved by the hon. Minister of Renewable Resources that Bill Number 31 be now read a third time.

**Mr. Kimmerly:** I welcome this opportunity to again address the legislature about an important question.

On balance, we accept this legislation. I wish to put very clearly our position on the record. It was done in the committee stage but I believe it is important to clearly state our position.

We agree and we have always agreed with the principle of requiring by law blood samples from suspected impaired drivers who are unable to give a breath sample pursuant to the *Criminal Code of Canada*. However, it is not our policy, and we do not agree with the proposal in this bill, that a blood sample be taken by force. We do not agree with that. Our position is strongly that there should be a legal requirement to give a blood sample and if a blood sample is refused, that constitutes an offence and the penalties for the refusal of a blood sample should be the same penalties as for impaired driving. The assumption should be made that the level of impairment was very, very high.

Consequently, those people refusing would be convicted of impaired driving. We believe the conviction for impaired driving and the consequent penalties are the proper sanctions and the

addition, practically speaking, of a sanction of forcefully sticking a needle in a person, is unnecessary in law, uncalled for, and to be avoided.

Another issue in the bill is that the penalties for the offence of impaired driving proven by a blood sample should be the same as the penalties for the offence of impaired driving, proven by a breath test or independent evidence of impairment, as frequently occurs in the courts.

40 It is an error that the penalties included in this bill are not consistent with the penalties for impaired driving. It is worthy of note that the penalties in this bill are far less severe than the impaired driving penalties and, therefore, this bill is imperfect. It should have been improved; however it was not. However, the principle is still the same principle that we hold and we support the bill but with considerable regret.

**Hon. Mr. Tracey:** I have a couple of comments in regards to what the member across the floor has just said. I will quote him. He said, "we have agreed and always agreed that blood samples should be required". I find that strange. I do not know of any other place in Canada where blood samples are required, and some of the governments of those areas have been NDP. I am really surprised, if that has always been their position, why they have not brought it in before.

He also says that the fact that we require the ability to use force for blood samples is inconsistent with the breathalyzer and he says it is wrong to do that. All I can say to you, Mr. Speaker, and to the members across the floor, is that — and I will use some of the words that he has used in this House in regards to this bill — "it is just plain stupid". His proposal is stupid, and I will tell you why. Because if those people were in their ordinary right mind and sane, the police officer would ask for a breathalyzer. He would not be asking for a blood test, he would be asking for a breathalyzer test. And if they refused that, they would be automatically guilty. We are dealing with people who are incapacitated in some manner or another and in order for us to find whether they are under the influence of alcohol or not a blood test is required. So, it is not this side that is wrong, it is that side that is wrong.

He says the penalties are not consistent. We are not writing the *Criminal Code of Canada*. We are dealing with Yukon laws and we are dealing with people who, in 99 percent of the times that a blood test is required, will have caused an accident on our highways, under our driving laws, and we are dealing with penalties under our *Motor Vehicles Act*, not the *Criminal Code of Canada*. The penalties here are consistent with other penalties in the act.

So, I have to disagree with both of the arguments that he has put forward.

41 *Motion agreed to*

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

**Hon. Mr. Tracey:** I move that Bill No. 31 do now pass and that the title be as on the Order Paper.

**Mr. Speaker:** It has been moved by the hon. Minister of Renewable Resources that Bill No. 31 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. 31 has passed this House.

### Bill No. 26: Third Reading

**Mr. Clerk:** Third reading, Bill No. 26, standing in the name of the hon. Mr. Ashley.

**Hon. Mr. Ashley:** I move that Bill No. 26, *Constitutional Questions Act*, be now read a third time.

**Mr. Speaker:** It has been moved by the hon. Minister of Justice that Bill No. 26 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 that Bill No. 26 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 that Bill No. 26 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. 26 has passed this House.

**Hon. Mr. Lang:** I move that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole

**Mr. Speaker:** It has been moved by the hon. Minister of Municipal and Community Affairs that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole.  
*Motion agreed to*

*Mr. Speaker leaves the Chair*

#### COMMITTEE OF THE WHOLE

**Mr. Chairman:** I would call Committee of the Whole to order. At this time we shall take a short recess.

*Recess*

**Mr. Chairman:** I would like to call the Committee of the Whole to order.

We will continue at clause 106 of the *Municipal Act*.

#### Bill No. 30: An Act to Amend the Municipal Act — continued

*On Clause 106*

*Clause 106 agreed to*

*On Clause 107*

**Hon. Mr. Lang:** The rewording of this amendment is to make it clear that the community plan requires the same approval as the plan itself.

**Mr. Penikett:** I wonder if the minister could indicate, because I am not clear at this point, if this is the subject in which AYC had been interested in having a reference to the municipal board in a dispute in this area but that YTG did not think that was a good idea?

**Hon. Mr. Lang:** I do not have that information with me, but this is to ensure that if there is an amendment to the plan, then it has to go through the same procedure, demonstrating the importance of the community plan if you are going to make an amendment, which in any case would be probably a major amendment. There is a certain sequence of events that you would have to go through.

*Clause 107 agreed to*

*On Clause 108*

*Clause 108 agreed to*

*On Clause 109*

*Clause 109 agreed to*

*On Clause 110*

*Clause 110 agreed to*

*On Clause 111*

**Mr. Penikett:** Does the minister know why these are repealed?

**Hon. Mr. Lang:** The section that we are repealing prohibited the passing of a zoning bylaw prior to adopting a community plan and repealed section 326 providing for the commissioner to exercise the powers of council in relation to zoning when council fails to adopt a zoning bylaw or is directed by the courts on a zoning bylaw. In consultation with AYC and CYI, it was felt that this was no longer necessary.

*Clause 111 agreed to*

*On Clause 112*

**Mr. Penikett:** Disagree. Can we have a vote?

*Clause 112 agreed to*

*On Clause 113*

*Clause 113 agreed to*

*On Clause 114*

**Mr. Penikett:** I am all in favor of simplifying the language. Could the minister indicate why he was so unusually amiable to doing that in this case?

**Hon. Mr. Lang:** You are referring to Section 114?

This was to clarify the intent which provided only for the regulation of quarrying. It is very clear that that responsibility cannot be transferred to a municipality. I am sure the member opposite, like myself, would like to see the day that the

municipality of Whitehorse might assume that responsibility.

*Clause 114 agreed to*

*On Clause 115*

**Mr. Penikett:** I am a little confused when we get into this section of the bill. The section we are amending here is '333(3)'. Also, it seems to me there was concern about '336(1)' in this same area, where the CYI was talking about board approval. The AYC was talking about zoning by bylaw approval, but there was not any agreement on that, I guess, by the parties. Could I ask the minister what conclusions he reached that caused him to make the changes that are, in fact, made in 115(1)?

**Hon. Mr. Lang:** The rewording of subsection '333(3)' is to correct a typographical error in the present unclaimed section and to clarify that a notice to property owners is only required where a change in zoning classification is proposed, rather than the present reference to "any zoning amendment", which could well be a minor change in any provision of the zoning bylaw. In other words, it was to try to tighten up that section so that only those areas that really apply to a major change would be brought to the attention of the property owners. I think that is fair. To my knowledge, I do not think we have any real disagreements with the association on this.

*Clause 115 agreed to*

*On Clause 116*

**Mr. Penikett:** This language is more specific. Perhaps the minister might indicate why this change was made.

**Hon. Mr. Lang:** The member is correct. It is to make it more specific. It corrects wording to only require that a zoning bylaw be reviewed and consolidated when an official community plan is actually adopted or amended.

*Clause 116 agreed to*

*On Clause 117*

*Clause 117 agreed to*

*On Clause 118*

*Clause 118 agreed to*

*On Clause 119*

*Clause 119 agreed to*

*On Clause 120*

**Mr. Penikett:** I understand that the section being amended here was the subject of some discussion. I am not sure that I completely understand all of the concerns with it, but there was some concern. I gather, the CYI — not AYC, perhaps, but the CYI — preferred that this power be held by the board, rather than the Executive Committee member, essentially, or by Cabinet, but it is clear that the government has resolved this in favour of the Commissioner in Executive Council having the power. Could the minister comment on that?

**Hon. Mr. Lang:** To my knowledge, as far as the discussions on it goes, I think we came to the resolution that the minister responsible should be in charge of this particular area. All we are doing is deleting the reference to the Commissioner as we go through the bill.

**Mr. Chairman:** Mr. Penikett?

**Mr. Penikett:** Just give me a moment.

**Mr. Chairman:** Okay, I will give you two.

**Mr. Penikett:** If I understand this amended section, we are talking about the council or "the person authorized by it shall be the approving authority within the municipality once the council has adopted an official community plan; a zoning bylaw, subdivision control bylaw approved by the municipal board and until such time as the municipal board or the person who authorized it shall be the approving authority".

I understand, at least, that on the proposal that the municipal board have that authority, originally YTG had not objected to the municipal board having the power instead of the Commissioner, but there was a change about that. The AYC also had a different view. Can the minister just say a little bit more about how they were able to work through that discussion and that conflict?

**Hon. Mr. Lang:** I have to admit that this section did not really come up as a major issue directly to me. I have to say that my understanding is that there was some discussion on the section and they had no problem recognizing that the minister responsible should have that authority, and that it should not be delegated



elsewhere. I really do not have much more to add to the discussion on it.

**Mr. Penikett:** I just want to say how deeply disappointed I am not to hear more from the minister on this because, it would seem to me, it was obviously an area of some discussion, and on which the three parties to the discussion all had a different view and I thought we might have had some fascinating insights from the minister, but, I guess not.

<sup>45</sup> *Clause 120 agreed to*

*On Clause 121*

**Hon. Mr. Lang:** On clause 121(1), on '(2)', I hope we can take it as a typo on this next subsection; it should be 121(2) for the purposes of numbering within the bill.

**Mr. Penikett:** I, of course, would have no objection to that, having proposed that yesterday, but I believe we were severely reprimanded by the Clerk at the table for seeing number problems as typos, and I believe it was the Clerk at the table who was advising us and that we got ourselves into a terrible problem in the *Financial Administration Act* by doing exactly that. When we are given this kind of advice by infallible people like the people at the table, we should probably take it.

**Hon. Mr. Lang:** The advice I am given is that if we have consent of Committee we can. We are not changing numbers. All we are doing is moving the number over to the left, approximately one inch. That is section 121, subsection (2), and that is all we are asking. If the member opposite feels I should bring in an amendment, I have been advised by the very fine advice that we receive from this table, perhaps at all times, that it could be seen as a 'typo'.

**Mr. Penikett:** Anything I can do to move the member opposite over one inch to the left, I am pleased to do.

*(Laughter)*

**Mr. Chairman:** That is agreeable to everybody, is it?

*Clause 121 agreed to*

*On Clause 122*

*Clause 122 agreed to*

*On Clause 123*

*Clause 123 agreed to*

*On Clause 124*

**Mr. Penikett:** I want to ask a general question about this clause because the issue has been identified by the learned gentleman I referred to yesterday — I believe his name was Dr. Peter Landlord — about public-use lands belonging to the commissioner and not the municipality. In related sections, the government has changed the bill, or is proposing amendments to in fact do away with the commissioner selling off these public-use lands. We are talking about buffer strips and other lands that may be within the municipalities. As a philosophical question, does the minister have any views on this question? I ask him this because, from a planning point of view, given that neither the territory nor the federal government is subject to the zoning laws or the plans laid down by a municipality and given that, while YTG complains reasonably that it does not have sufficient public lands at its disposal because the feds are holding them all, similar grievances are often expressed by local governments in respect of public lands that they do not control within their municipalities which, for planning and other socially useful purposes, they would like to control.

<sup>46</sup> We have YTG trying to get land from the federal government. We often have cases where municipalities would like to have more public land from the territory. At the same time, it seems to me that, for a mature municipality to properly govern certain things like buffer strips and other such public lands, or things that are going to remain in Crown hands but are not going to have commercial value, from a planning and management point of view, it would make sense for them to, if not tomorrow, in time — perhaps next week or next month — revert to the municipalities or transfer them to the municipalities. Since these clauses that we are dealing with here relate directly to that question, I wonder if the minister has anything that he could say by way of a philosophical statement on this question and if he would indicate whether the territory might be changing its policies on this or whether, in fact, any substantive change in this area would have to wait until there

was a substantial transfer from the federal government, so that YTG had other lands at its disposal.

**Hon. Mr. Lang:** That has not entered into the debate that we need more land because we are giving land to the municipalities. I think that would be unfair of us if we were to take that approach. From a philosophical approach, I think it is safe to say the government here, since 1974, I believe, has always said, "look, if you want the land, we are prepared to sit down and seriously consider the transferring of that responsibility", primarily to the City of Whitehorse, is what we speak of. I do not have a problem with sitting down with the City of Whitehorse. I do have a very basic concern with respect to the areas for the purpose of development. If you transferred the land *carte blanche* to the City of Whitehorse today, the question comes up of the ability to develop and the ability to set up the administrative framework that has to be set up. I am concerned from the point of view of the duplication of administration, because we are still going to need people at the territorial level who work closely with the city in those particular areas.

That is a concern from the taxpayers' point of view. Philosophically, I do not have a problem in sitting down with the City of Whitehorse, or, for that matter, any community — if it is a park, if it is buffer zones, or whatever — and saying "look, we will transfer the land". I think the policies that we have exhibited just in the past year support that. We transferred the responsibility for the streets and lanes in Dawson City. I do not have a problem with that, if they have a pertinent reason for it and a logical reason for requesting it. I think we have acted in most cases, if not all that I can think of, by saying, "look, here you go for the specific purpose you have". I just have the one concern with respect to duplication of administration, if you like. I think the member opposite shares that but from a philosophical point of view, to answer his question, I do not think we have a problem in transferring land where it is necessary.

**Mr. Penikett:** I want to make clear I am not talking about development land. I am talking about those public-use lands which are really identified in this section. I am looking at the original bill and we are talking about buffers between adjacent lands, or strips for the development or preservation of earth burns or plantings, and these kinds of things which may be, in fact, land adjacent to the streets and so forth, which are within the municipalities. There was just some question that, in fact, and it may be archaic for the senior — I do not want to use the senior government because Mr. Falle will get mad at me or the territorial government — the other level of government — to, in fact, retain control, even in law, of these things, when in most places they would have been transferred.

I think the minister has answered the question but it strikes me that it is conceivable at some point that this may be an area where we might end up contemplating further amendments down the road.

<sup>47</sup> *Clause 124 agreed to*

*On Clause 125*

*Clause 125 agreed to*

*On Clause 126*

**Mr. Penikett:** I believe this was the section I was referring to earlier, where, in the old bill, it was the Commissioner's right to sell the kind of lands we were just talking about, these buffer strips, and so forth. That is repealed in this section and I think that is probably a good thing.

*Clause 126 agreed to*

*On Clause 127*

**Mr. Penikett:** I am not sure I understand the reason for the wording change. Could the minister explain that to us?

**Hon. Mr. Lang:** I guess it is more of a legal question. As opposed to "vested in the Commissioner", "vested in the Crown as Yukon lands" reflects the political evolution we are at, at the present time. Of course, one of the amendments throughout the bill has taken all reference to the Commissioner away and this is the terminology we have been told should be used in this case.

*Clause 127 agreed to*

*On Clause 128*

**Mr. Penikett:** On the part being repealed, could the minister just explain that?

**Hon. Mr. Lang:** The repealed subsection '352(2)' provides the necessary direction as to the content of regulations for controlling a subdivision of land that may be made under this particular section. It was felt that it was more or less redundant, that it was trying to tell people how to run their business, which really was not necessary.

*Clause 128 agreed to*

*On Clause 129*

**Mr. Penikett:** I have the same question.

**Hon. Mr. Lang:** The repealed section provides for authority for municipal bylaws regulating subdivisions. This authority is now provided in the new section, '346(1)'.

*Clause 129 agreed to*

*On Clause 130*

**Mr. Penikett:** Just before we carry this, as I understand it, neither the AYC or the CYI requested a change here. This is something that originated within the government. Can the minister give us an explanation?

**Hon. Mr. Lang:** It is just strictly a rewording of Clause '354(2)'. It deletes reference to the regulations, under '352', which will not apply to a municipality which has passed a subdivision control bylaw. It is just strictly a follow-up and a clean-up, as far as the general principles of the bill are concerned.

*Clause 130 agreed to*

*On Clause 131*

**Mr. Penikett:** Could the minister briefly explain the change in Clause 135(1), '372(2)'?

**Hon. Mr. Lang:** This particular amendment is a rewording of subsection '355(1)' and deletes reference to a "certificate of approval of a proposed subdivision" as this document is not considered necessary. It was felt it was just strictly another technical aspect in the law that was really an inconvenience to everybody.

I just wonder if the leader of the opposition will allow me one more inch to the left? Subsection (2) should be moved approximately one inch, if that is okay with the member opposite?

**Mr. Penikett:** We would be happy to give the minister a foot.

*Clause 131 agreed to*

*On Clause 132*

*Clause 132 agreed to*

*On Clause 133*

*Clause 133 agreed to*

*On Clause 134*

**Mr. Penikett:** Why is this being repealed?

**Hon. Mr. Lang:** The section being repealed provided for the Commissioner to enter into an agreement with the municipality to provide funds to do work in a business improvement area and that authority is no longer required.

*Clause 134 agreed to*

*On Clause 135*

**Mr. Penikett:** On subsection (1), I understand this is one of those clauses where the change was a result of the consensus of the parties to the discussion. Originally, I understand it was contemplated that there would be, in this section, some reference to population or a certain kind of population size when the municipality would have the powers, or this section would apply to. Could the minister indicate something of the thinking of the government on this section?

**Hon. Mr. Lang:** The present section '372(2)' requires that a board of variance, where the population is more than 5,000, shall be composed of persons other than aldermen; i.e. the mayor could still be a member. This amendment is tying-in board membership to municipal status, and we are saying that, in a city, the board of variance shall be composed of persons who are not members of the council. We are basically saying there are enough people within the community for the board of variance and, subsequently, that is the way it should operate.

**Mr. Penikett:** If I could just pursue that a second. As I remember things in this city, the members of a board of variance were essentially those members of council who were not on the planning board. In other words, they were essentially the members who had not made the original decision and so you were not having

the problem of people sitting in appeal of a decision that they had originally made. It strikes me that that could be a particularly difficult problem in the smaller communities though, and I would be interested in knowing if the minister feels that the language he has in the bill now is adequate for that task?

**Hon. Mr. Lang:** This is a concern that was brought forward by the AYC and the CYI, and I do not really have any problems with it that I can foresee. It seems legitimate. If we do have problems, I can assure you whoever has this portfolio will have to deal with it, perhaps by an amendment. In view of the recommendations put forward to us, we felt that there was not really a problem that we could foresee; and in view of the comments put forward by the association as well as the CYI we did not feel any strong reason to object to it.

**Mr. Penikett:** Basically, what we should say here is that the minister and I should just probably trust the CYI and the AYC.

**Hon. Mr. Lang:** To my knowledge, the department did not have a problem with it either, and obviously the member opposite does not really have a problem with it, so let us try it and see what happens.

*Clause 135 agreed to*

*On Clause 136*

**Mr. Penikett:** In reference to Clause 136(2), on '373(3)', if I understand it, the problem in the old subsection '(3)' is a problem of a lack of precision. Is that correct?

**Hon. Mr. Lang:** Yes. The purpose of the revised wording is that it clarifies the intent of the present reference to allow change of use of land or buildings.

*Clause 136 agreed to*

*On Clause 137*

**Mr. Penikett:** At one time, the minister's officials and the CYI and the AYC and all the good people who were involved in cooking up these amendments, were talking about \$500 in this section. We had \$200, but the minister is now talking about a sum, "such as may be prescribed by the board to meet expenses". In other words, no limit. Could the minister indicate this, or is this just the thoroughly sensible thing; to not lock yourselves into specifics that inflation may make redundant?

**Hon. Mr. Lang:** The member is totally accurate in saying the AYC had proposed a maximum of \$500, which, to be quite honest, I consider to be excessive. From my point of view, I feel it is up to the council, and, basically, you are looking at getting your expenses back. So, we felt, from where we sat, that "such sum not to exceed \$200 as may be fixed by bylaw" gave a certain amount of flexibility. In fact, there was a great deal of debate on this section, actually, because of the dollar amounts that were being spoken of.

You are serving the public and you are not there to penalize them, but you want, at the same time, to make sure that it is not frivolous applications that are coming forward, either. We felt this would solve that problem.

*On Clause 137 agreed to*

*On Clause 138*

*Clause 138 agreed to*

*On Clause 139*

*Clause 139 agreed to*

**Mr. Chairman:** I think, as the next one is a rather long one, that we shall recess until 7:30.

*Recess*

**Mr. Chairman:** I will now call Committee of the Whole to order. We will proceed with clause 140, page 33.

*On Clause 140*

**Mr. Penikett:** Yesterday afternoon, we did get into some brief discussion of this clause. One thing I do not think that we discussed nearly specifically enough was the structure of the board. We talked about the kind of people the minister would hope to see appointed in addition to the nominees. Let me, for the point of shorthand, talk about the AYC and the CYI nominees even though that is not exactly what they will be.

I would like to ask the minister why he felt it was necessary to have three government appointees as opposed to local government appointees.

tees, and why he did not feel that two would have been sufficient to protect the public interest of the Yukon Territory, as opposed to the interests of the local governments?

**Hon. Mr. Lang:** I do believe that we discussed this the other day, in respect to the principle of appointments. It is my considered opinion that if I am the minister responsible, I should be able to appoint the majority of members to that board because I have to answer for their actions in the final analysis in this House.

**Mr. Penikett:** I understand that the minister did say that before; he did not really answer my question about whether he could not have adequately done that with two, assuming, of course, even if one of his appointees were chairman. I want to pursue this point a little bit more, if the minister will forgive me, because there are some boards, as the minister will know, where ministers of this government have said "I am not accountable, at all, for what the board does" is intended. There are other occasions, such as the one we are now talking about, where the minister is saying before the House — or holding himself up, and I appreciate that — and saying that he will be accountable in the House for the decisions they make.

<sup>02</sup> That kind of relationship between the minister and a board is, I think, very obviously ordained when you are talking about an advisory board, because if the board gives advice to the minister, the minister, then, has the choice, basically, of accepting it or not accepting it and then you get the discussion on what basis he may have rejected the advice, on what basis he may have accepted it or what kind of technical or other advice he may have got.

This board is somewhat different in that it is not an advisory board like any other board: it has some significant authority. The minister, because it has significant authority delegated to it by the Crown, has appointed his majority to it. Presumably, where the board has that kind of authority, the minister does not see it as his role, on a day-to-day basis, to instruct the board on how it should carry out those things where it has its authority. To that extent, then, the board is going to be independent, if you like, in terms of its — what would you call it, quasi-judicial — functions or those ones where, in fact, it is holding hearings.

I would assume, therefore, when the board is operating in that mode, that the minister is not going to, in the same sense, be accountable for its actions, because he is in no way responsible for them, except to the extent that he appointed the members. In other words, he has not directed them to make a decision; they have made the decision.

I make the point seriously. It seems to me the minister could still have had his advisory capacity and he could have had the accountability to him that way. With respect to that side of the board's activities, the other functions, the quasi-judicial ones, I really wonder whether he really did need to have the three, or whether the two appointments, for example, just for the sake of argument, would not have been adequate.

<sup>03</sup> I would like to make one further point on that. It seems to me — the perception may not be shared on the other side — that, because we have had a lot of boards, and we have a variety of boards, and the method of appointment to them has changed in recent years, there is still some confusion, perhaps, on all our parts, about the correct relationship between the administration and these boards.

I do not want to be particular about it, but I can cite an example where I remember a Cabinet minister telling us — this was not in the life of this legislature, but in the old legislature — that a board was independent. But, in the very next week, I recall that there was a minor matter that was clearly in the jurisdiction of the board where the minister had given very definite direction to the board.

I think that may be a function of sort of change in relationship, growing pains, or whatever. But, I would be very interested in having the minister describe a little more about his view about his relationship to the board with respect to both of its aspects; the quasi-judicial functions and, if you like, the advisory functions that it would proclaim?

**Hon. Mr. Lang:** There is no question about the advisory capacity. I see it in a role in an advisory capacity. I expect that I will be speaking to the board in its totality, or the chairman, if I wish to give some instruction. I recognize the relationship, when it

becomes a quasi-judicial authority and it is exercising those authorities, then, obviously, it is not my role to be involved, until which time they come up with the recommendations for, perhaps, Cabinet to consider on a certain point.

From that perspective, I think, like the member opposite has indicated, sometimes there are confusions on just exactly what the authorities of the boards are. There is no question in my mind: where it is advisory, it is in my purview as the minister responsible. When it is quasi-judicial; I will wait until which time we hear the recommendation from the board and then we will have to make a decision. I have to say to the member opposite, that he is fully aware that this is not a corporation, by any stretch of the imagination. I have also indicated that I do not expect to see the Municipal Board meeting every day, either. There are a number of crucial areas. One that I cited before, which is going to have to be considered probably within the year 1984-85, is the extension of the boundaries in Watson Lake. That is one clear area where I can see that some consideration is going to have to be given.

<sup>04</sup> So, I think we are going to have to play it by ear. I recognize sometimes you do get into problems with boards. They may not be following your party or your government's policies in a general sense and, subsequently, there has to be the ability at stated times when you have a general, broad objective as government that you want to achieve, that the board or commission, or whatever you have before you — and I am talking in generalities, and not particularly about this piece of legislation — is to get an instruction, and that is the majority political wish that that be given, then they should have to follow that general direction in respect to policy.

I do not have much more to say on it. I do not share the member's views there. I am going to appoint the majority to the board. That is the bottom line, I guess.

**Mr. Penikett:** We were kind of hoping Her Majesty would, on the recommendations of the minister.

**Hon. Mr. Lang:** There is no question; I love Her Majesty.

**Mr. Penikett:** We are about to become a republic here; I guess that that will be a bill that will come later in the session.

**Hon. Mr. Lang:** That is why we are keeping you here, just to appoint her.

**Mr. Penikett:** The minister has neatly evaded the question I was trying to push him on as to whether he could not have been satisfied with two members instead of three, and if they were really good, effective people he probably still could have kept his majority, I am sure. I am curious about the role of the alternates. I can either wait to ask that question when we get to the specific clause or can I deal with it under the general subject of clause 1.

**Mr. Chairman:** Whichever way you choose.

**Mr. Penikett:** We do not have alternates in all the boards and they do not always function. We do not have that many models for alternates and I am just wondering if the minister could get into an explanation of their roles and their powers.

**Hon. Mr. Lang:** It was basically brought up in consultation with the AYC and the CYI. They wanted the ability to have an alternate there just in case the member who was designated to that particular board could not appear. It seemed to be a reasonable request, so we incorporated it in the legislation. I cannot see anything wrong with it. It ensures that you have a quorum.

<sup>05</sup> **Mr. Penikett:** It may be a very good idea. Because it is a bit novel, I would like to ask the minister a couple more questions about that.

There are many organizations where the alternate, because they are described in law here, can be present at meetings where the delegate is present, if you like, or the board member is present. In some cases they may have a voice but no vote, but I assume, in this case, they would have neither voice nor vote, but that clearly, because they are a designated alternate, might have the right to be present. I would be curious about the minister's view of the usefulness of that.

I would make this representation: my own views on that would be that it would be a good idea. If you have someone who is an alternate and would have to sit in, in order to make an informal judgement on any question — at the last minute someone gets sick

or whatever — they should have been, at least, an auditor of the previous discussions on the same point, otherwise, it seems to me, they go in cold and they may not make an informed judgment. I would just be interested in the minister's view on that question.

**Hon. Mr. Lang:** I never gave it that much consideration, to be quite frank. I do not have a problem. Anybody could go to the meeting, as far as I am concerned. As the member full well knows, I believe in public discussion, open public disclosure and I cannot see any reason why that principle would not apply to this section.

**Mr. Penikett:** Except in the case of agricultural lands, but I would be out of order if I said that, would I not?

**Some hon. Members:** Yes.

**Mr. Penikett:** My apologies, Mr. Chairman, but so would anybody else who commented on the same subject.

Since the minister said the board will not be meeting every day but will be meeting frequently to deal with important matters like the Watson Lake expansion and the whole business of plans, could he indicate just how frequently he would expect it to meet? To put the question precisely, would he expect them to meet as frequently as the Transport Public Utilities Board which, I understand, is a monthly meeting, or the Electrical Public Utilities Board which meets, I gather, reasonably frequently, but not as frequently as the Transport Public Utilities Board? Could he give some idea?

**Hon. Mr. Lang:** It is going to be kind of hard to say. It is going to depend on the community plans, really. I can see that as a major area of concern over the course of the next couple of years. I do not see it meeting as frequently as the Transport Public Utilities Board, but I do see it operating fairly regularly, maybe once every couple of months, I guess. It is very difficult for me to forecast, really, because it depends on when the community plans come up for review, and all of this kind of thing, to ensure that they are given the proper hearings.

So, I do not see any major land expansions, I guess, except for the community already cited as a possibility.

<sup>96</sup> A lot is going to depend with respect to the incorporation of — as in some municipal status some time down the road — perhaps, such communities as Pelly Crossing, and that type of thing, which will have to be considered. That may be a couple of years off, too. It is very difficult for me to forecast. You can rest assured that it is in my capable hands and they will not have to be meeting any more than they really have to.

**Mr. Penikett:** I have a question about (2).

Having heard the minister respond to my enquiry about the role and the attendance of alternates at regular meetings, and I think he gave the right and intelligent answer that it would be appropriate for alternates to attend when the regular delegates are there, I now feel bound to ask about the expenses and transportation costs of alternates should they do that.

Would it be the minister's view that alternates, who are attending regular meetings in order to keep themselves informed, would be eligible for transportation, accommodation and living expenses incurred in connection with performance of their duties?

**Hon. Mr. Lang:** No. I cannot see that. I might as well just make it a seven-man board. What I am saying is that access to those particular meetings would be made available in the community that the particular person lived in. I do not think that I am going to ask the taxpayer to take on more of a burden with respect to this. These boards are very expensive, too. People have to take that into consideration, so I think we are being fair at all times. The member opposite has, more than once, given me credit for being fair-minded.

**Mr. Penikett:** I think it was twice in eight years.

I take the member's point. It may defeat the purpose of his previous generosity, but if he really wanted to save money, of course, he could have had a four-member board, not a five-member board. However, I will leave it at that.

<sup>97</sup> **Mr. Penikett:** On '(3)', it says, "A quorum shall consist of the majority of the members of the board.", which in this case would be three. Therefore, the board could function with just the three government members there, and neither the AYC or the CYI representative there. The clause goes on to say, "...but a vacancy shall not impair the right of the members to act".

Can we assume that if there is a vacancy, that the alternates who are named would automatically have the capacity to act as full members?

**Hon. Mr. Lang:** I do not think there is any question about that. The quasi-judicial sense might come into question. It is a legal question more than anything else. I would have to seek legal opinion under the *Inquiries Act* as to whether somebody could come in in the interim if you were in the middle of an inquiry. Representation at that time might be questionable, but I am assuming that if a member could not make it to a meeting that he, being appointed by, say, the AYC, would contact their alternate and say, "Look, Tony, I cannot make it; can you make it?"

I would have to check the legalities in the quasi-judicial sense.

**Mr. Penikett:** While the minister is checking the legalities in the quasi-judicial sense, let me deal with a non-legality. My concern about the clause — and I do not want to delay it in any way — is that it says two things in the one sentence, "A quorum shall consist of the majority of the members of the board...". That is quite is clear. That could be the three government members, the minister's members acting alone. If there were two vacancies in terms of the minister's appointees, it could mean that the AYC and the CYI representatives and the one remaining representative could function. That would clearly defeat the minister's purpose in keeping a majority. I doubt if that would happen.

Then the clause goes on, "...but a vacancy shall not impair the right of the members to act." That is a bit peculiar to me, tied the way it is with the rest of it, because, clearly, vacancies, in a situation where you have alternates, should presumably be an extremely unusual situation, where you had neither a member or an alternate.

**Hon. Mr. Lang:** We are talking about a hypothetical situation. First of all, the chairman has to call the meeting, by law, so that is very clear. Secondly, the board may make rules regulating the conduct of its proceedings. Obviously, they are going to say, "Look, we are going to have give three days notice," as part of their procedures. A catch-all phrase "if something immediately has to be taken care of", which I cannot foresee in any case. You are looking at a board that is dealing with very technical information at times. Homework is going to have to be done by the members, so I just cannot see that situation arising, but they still have to be able to act, just like any other board. If there is a quorum, there is a quorum. If the question has to be answered, it has to be answered at that time. You cannot continue to wait, because in some cases they are locked into a timeframe.

**Mr. Penikett:** I appreciate that, and I am not trying to drive the minister crazy, but we clearly could have a situation where you have the chairman and the AYC and the CYI representatives clearly functioning as the board. I take his point about establishing their own procedures. I think that is perfectly appropriate, except we have laid down a quorum rule here, which is all right, which is normally part of the procedures. I am just saying that the minister should be aware that there are quorum rules around established by bodies — I can think of a couple entities in this territory — I can think of one Indian band where the quorum rule is that unless the chief is there, they cannot have a quorum, which is an interesting quorum rule.

<sup>98</sup> The minister finds that an agreeable kind of quorum. All I am doing, in asking the question, is trying to establish, for the record, how the minister sees it operating.

*Clause 140 agreed to*

*On Clause 141*

**Mr. Penikett:** I am not as well-acquainted with the *Public Inquiries Act* as people who were members of this legislature from 1974-78, but I assume the minister is. I understand that that *Public Inquiries Act* includes the capacity to inquire into the activities of members of the Cabinet and various senior officials of the government. So, I am assuming, in the words of the Padraig O'Donoghue, this clause does not necessarily mean what it says, that the board does not necessarily have all the powers under the *Public Inquiries Act* in the sense that they might have opened the inquiries referred to, that are described elsewhere in this bill, I would assume?

**Hon. Mr. Lang:** That is correct. It strictly has to do with this act. We definitely did not put it here to inquire into the activities of the member for Whitehorse West, for an example. Mind you, it might be very interesting, but it could be very boring. It might be a very interesting inquiry, come to think about it. No, that is not the purpose. The purpose is for the *Municipal Act*.

I should point out that in the kind of inquiry that would have to be undergone under the *Inquiries Act*, there would have to be tacit approval by the executive member, in any event, because of the financial costs that could well be incurred. So, there has to be a working relationship in saying, "look, here is a problem and we really want to have a look at this". I just assure the members opposite that it is good hands and it will be handled reasonably.

*Clause 141 agreed to*

*On Clause 142*

**Mr. Penikett:** I was just going to ask about this "seal bearing", but I guess I can deal with that another time.

*Clause 142 agreed to*

*On Clause 143*

*Clause 143 agreed to*

*On Clause 144*

**Mr. Penikett:** I understand that there was some discussion among the officialdom of the organizations that were discussing this measure about the capacity of the smaller communities to undertake the responsibilities described in the original bill, for emergency measures and so forth. I would be interested to hear the minister's thoughts on that question.

**Hon. Mr. Lang:** It was not brought to my attention that there was any major concern with respect to the smaller communities. On the comments that the member has just made, with respect to that, it is the only identity that we have to go to them directly and say, "Look, for the purpose of civil emergency measures that may be necessary — hopefully never necessary, but could well be necessary — you have to work with an official body of some kind that would seem to have some authority". This, of course, is the one within the communities that has the authority, so, it would seem to me to be the body to work with.

If a community does not have that much of an administration in place, this type of thing, the territorial government will be giving them extra help in any event. I cannot see a problem in that respect. It is a question of working with the personalities and the authorities in trying to work out a game plan, just in case a disaster does hit.

*Clause 144 agreed to*

*On Clause 145*

**Mr. Penikett:** With regard to Clause 144(1), '386(1)(a), on the same general point, was there any discussion that the minister was aware of, as to whether such a provision was within the capacity of all the municipalities or whether this was something that was more likely only to be evoked by the largest of them?

**Hon. Mr. Lang:** I think commonsense dictates it is going to be the largest one. It is a very expensive endeavour, something one does not walk into with their eyes closed. Obviously, the other levels of government have to be involved, in any event.

*Clause 145 agreed to*

*On Clause 146*

**Mr. Penikett:** With respect to Clause 146, on '387', it is proposed in the bill that 'Clause 387' is to be repealed. As I understood it, originally, it was agreed that 'Clause 387(1) and 387(2)' would be deleted, but that 'Clause 387(3)' would be retained, at least on the principle that YTG would be rewriting that section. Could the minister explain the final decision on that question?

**Hon. Mr. Lang:** We decided to get rid of that particular section. If you refer back to the municipal board, we do have the ability, if necessary, to request the board to perform such duties as the Commissioner in Executive Council delegates to it on page 284, Clause '142(1)(1)(a)', so that would take care of it in any event. It was just felt by the Association and the CYI that this section was actually redundant and I have to really wonder whether or not we will ever request a board of examiners or anything of that kind. We have our LIDs now working well. If it ever had to happen, I would assume it would be under that section.

**Clause 146 agreed to**

*On Clause 147*

**Mr. Penikett:** Again, here, I had understood that what was being discussed with the interested parties was some minor rewording of this section but, instead, it again is being deleted. Could the minister explain that?

**Hon. Mr. Lang:** The amendment deletes what is termed irrelevant reference to 'Section 329', which spells out zoning authority of council, while 'subsection 388' and 'subsection 1' deals with the planning board.

*Clause 147 agreed to*

*On Clause 148*

**Mr. Penikett:** I guess that is just deleting these words "with the approval of the Commissioner". I guess that was done with everybody's consent.

*Clause 148 agreed to*

*On Clause 149*

**Mr. Penikett:** Again, I would appreciate an explanation from the minister here. I had understood that there was some kind of consensus between the AYC, the CYI and the YTG earlier on, that the whole of '393(1)' was going to be deleted. What we have here is a substitution. Could the minister explain that?

**Hon. Mr. Lang:** There was some debate on this particular section. The present 'subsection 393(1)' prohibits granting assistance. In this particular section, we are saying, yes, you can grant assistance but only with the approval of the executive council member. That is where the debate came; whether or not it should require approval of the executive council member. It was my position, and I think there was common agreement after we had a discussion on it, that our communities are small enough, our government is small enough, and we are talking on a regular basis. If this type of thing is going to happen, it could have some effect on the territorial government and we should know what is going on. That is why the executive council member's approval is required. I think it makes common sense.

As I have risen on other occasions, and gone a couple of inches to the left, I would like to request that the members opposite go about an inch to the right with 149(2), just for the format of the bill. So, perhaps that could be seen as a typographical error. I recognize that the member for Whitehorse West might have some objections with me going a little bit to the right, this time, in view of the fact that I was just back in my home riding, I am sure he can understand it.

**Mr. Penikett:** On the basis of the debate today, I still would think that we are about eight inches ahead.

*(Laughter)*

**Mr. Penikett:** Before we clear the clause completely, in looking over this sequence of clauses in this section of the bill, I had believed that '394(1)' would also be amended, but that is not to be done; is that the case?

**Hon. Mr. Lang:** Is the member referring specifically to approval by the Commissioner?

**Mr. Penikett:** I was referring that I thought it had been agreed, in '394(1)', to delete all the words following "any powers conferred by this ordinance".

**Hon. Mr. Lang:** No, I do not believe that is correct, let me think.

In 'Clause 394.1' we read that we would change the terminology of Commissioner to Executive Council member and that is included in Clause 160. In an overall attempt to try to clear where the term "Commissioner" we have inserted the term "Executive Council member".

**Mr. Penikett:** I apologise, I guess my sources of information are imperfect.

*Clause 149 agreed to*

*On Clause 150*

*Clause 150 agreed to*

*On Clause 151*

**Mr. Penikett:** Was the minister not considering deleting the whole of '397(2)', instead of just the words "approved by the Commissioner"?

**Hon. Mr. Lang:** No, because we had to leave that authority for the council or the municipality. If there was outstanding arrears in

debt, it was felt that if the arrears were there the council should have the ability to write them off. There was no need for the Commissioner or the Executive Council member to become involved.

*Clause 151 agreed to*

*On Clause 152*

**Mr. Penikett:** I want to get an explanation of '400.1(1)', because I did not know that this had been the subject of very much discussion.

**Hon. Mr. Lang:** This particular section is really a transition section and allows the present local improvement district to work towards municipal status without need to concern themselves, in the first year, with the various actions required of municipalities by the assessment and taxation rolls, like tax rolls and tax notices. It is basically a transition period.

Clause '400.0(2)' formalizes the practice that has been incorporated over the past number of years of asking LID boards to recommend the tax rate to be levied within their communities. The date of April 1st is set to allow Cabinet to set the rates by Order-in-Council or before April 15th, as required by the *Assessment and Taxation Act*, so, it is strictly a transition one.

I would expect, as far as the local improvement districts and smaller municipalities are concerned, we will continue to do a lot of the computer work and whatever is necessary, if we are requested to do so.

*Clause 152 agreed to*

*On Clause 153*

**Mr. Penikett:** Again, here, I would like to ask the minister for an explanation since, in checking my files I was not aware that this clause was the cause of any controversy or that there was any great discussion. I am curious about the change.

**Hon. Mr. Lang:** This is one that was omitted from the 1980 act. It is deemed to be essential because it allows the transfer of arrears of utility charges to the tax account of the property serviced. This has always been a regular practice under the present act that is in force. This section will eliminate the need to continue services when charges are not paid.

It could cause major problems requiring certified, and this type of thing, so it is legal authority for the administration to ensure that things will be done properly.

**Mr. Penikett:** I take the point about charges to the property, and the other point about the potential seriousness of disconnecting services, but did the minister say that this was not taken account of in the 1980 ordinance, but is in the one that we are presently operating under and so we are resurrecting a provision of the 1972 act, because it was not in the 1980.

**Hon. Mr. Lang:** That is correct, Mr. Chairman.

*Clause 153 agreed to*

*On Clause 154*

*Clause 154 agreed to*

*On Clause 155*

**Mr. Penikett:** As I understand it, in '425(1)(c)' which we are repealing here, the AYC had some problem with the power and authority that was assigned to the Commissioner in that subsection, and initially, YTG did not want to see it removed from the Commissioner. I had also thought that there had been some problem in the same section with (b) that would have had a bearing on (c). I wonder if the minister could indicate something of his thinking on that subject?

**Hon. Mr. Lang:** I did agree that (c) could come out of the unproclaimed ordinance. We checked a number of the provincial jurisdictions and came to the conclusion that, in all probability, in any cases we could foresee, section (a) or (b) would apply in any case. I have to say this: to dissolve the council and take democracy away from the people and appoint an administrator is a very distasteful thing to have to do. I had to do that one time, and I can say that it was not much fun.

No, from my understanding, it does not really affect (b). Why? Is the member interested in putting (c) back in?

**Mr. Penikett:** No, but if Mr. Chairman will permit me, I might have a go at (b).

*Clause 155 agreed to*

*On Clause 156*

*Clause 156 agreed to*

*On Clause 157*

**Mr. Penikett:** I understand that in this clause, along with the deletions of '436' and '437', the changes we are contemplating here were done as a result of a review of the technical and legal provisions here. I wonder if the minister could expand on that?

**Hon. Mr. Lang:** In the section that we are dealing with, we are just substituting more appropriate and descriptive division headings, as far as this part of the act is concerned. In repealing '436' and '437', they provide for certification of borrowing from commercial sources by the inspector. This process has never been required in the past, it was considered, and we cannot see it being utilized in the future. Between ourselves, the association and the representative from the CYI, the recommendation was that it be removed.

*Clause 157 agreed to*

*On Clause 158*

**Mr. Penikett:** On '438(1)', I understand that the minister and his officials had occasion to review this section. Could he indicate something to us about the reasons for that and the consequence of that review?

**Hon. Mr. Lang:** The new section '438' makes similar special provisions for the Town of Faro with respect to borrowing and expenditures as found in section 170 to 173 in the 1972 act. They were not originally included in the 1972 act, on the assumption that they would be included in the incorporation orders which, at the time, were intended to be issued with respect to both existing and new municipalities. With the dropping of that particular section, of course, we had to reinclude it in these amendments.

The provisions are necessary to provide some protection to Cyprus Anvil for the corporation which owns over 90 percent of all taxable real property in the municipality. Under the provisions of this act, the borrowing expenditure limits applicable to the requirement for taxpayers' approval are the same for Faro as for other municipalities although there is the further opportunity for one or more taxpayers, who represent not less than 50 percent of the current assessed value of the real property in the town subject to taxes, to file a written objection to the proposed major capital expenditure; in which case, it would not proceed.

The provision further requires, as in the 1972 act, that all tax levy bylaws and borrowing bylaws, except for interim borrowing to meet current expenditures, be approved by the minister.

**Mr. Byblow:** Just a question for the minister. Is he aware of whether or not this new section has received any review from the current municipal council?

**Hon. Mr. Lang:** I know that the administration was talking to their administration. One concern was raised and that was the question of going to the taxpayers for borrowing. It was brought to my attention, through the department. I did not talk to the City Council of Faro, but I made it very clear — and I am assuming that the message got back — that there are 40 or 50 other taxpayers in that community and, if you are going to go for borrowing over the amount that you are allowed to — and as any other municipality is allowed to — those taxpayers have a right to be heard. That was the only objection that I heard. I think we have to be consistent throughout the territory.

*Clause 158 agreed to*

*On Clause 159*

*Clause 159 agreed to*

*Clause 159 agreed to*

*On Clause 160*

**Mr. Penikett:** It is clear that both 159 and 160 were done with a bow to the east, were they?

**Hon. Mr. Lang:** They what?

**Mr. Penikett:** I am just asking if these two amendments were done while genuflecting to the east.

**Hon. Mr. Lang:** Yes, it shows the cooperation that we have with the nation.

*Clause 160 agreed to*

*On Clause 161*

*Clause 161 agreed to*

*On Clause 162*

*Amendment proposed*

**Hon. Mr. Lang:** Members will be very pleased to know that I do not have to go either to the left or right on this one. I would like to move an amendment that Bill Number 30, entitled *An Act to Amend the Municipal Act*, be amended in Clause 162, at page 38, by deleting '230(2)'.

**Mr. Penikett:** What power, in '230(2)', is it that the inspector had and the minister was going to take away, and that he does not want?

**Hon. Mr. Lang:** If the member could bear with me, as I indicated, reference to 'Clause 230(2)', is a reference to inspector removed by amendment in 'Clause 61(1)'.

Now, if the member opposite has his original copy of the bill, he can refer to Clause '230(2)'. 'Clause 230(2)' states "notwithstanding subsection (1), the council may contract for the supply of materials, equipments, services professional or otherwise required for the operation, maintenance and administration in a municipality of a municipal property when the duration of the contract is for five years or less or without the assent of taxpayers or the approval of the inspector; or when the duration of the contract exceeds five years with the approval of the inspector who may direct when the assent of the taxpayers also be obtained".

If you turn from there and go to Clause 61(1) — are you following me, Mr. Chairman? — "The chairman of the Board of Revision shall deliver a copy of the revised list of electors to the Clerk and to the Returning Officer within nine days after the board commences sitting".

Now, if you made any sense of that, I am sure that you are probably ahead of me. For some technical reason they requested this. It was not a grab for power by the minister, I can assure you. If the member wants me to bring in a clearer explanation of this section, I would be more than happy to do it, if it is a cause for consternation.

**Mr. Penikett:** Whatever it is that the minister read out that he was going to have to do if this amendment did not happen, I do not think I would want to do it, either, so we have no objection to the amendment.

*Amendment agreed to*

**Mr. Penikett:** Before you clear that, I want to find out what these other things are that the minister is going to do, that the inspector was going to do, that the minister has now agreed to take on.

**Hon. Mr. Lang:** I should just point out that the amendment substitutes for the word "minister" for the word "inspector" in all the subsections indicated. The remaining references to "inspector" in the bill are largely in relation to strictly administrative matters. As the member opposite knows, I, being a good parliamentarian like he, believe in political accountability, and this section permits that.

**Mr. Penikett:** I should warn the minister that there are some things that he is going to be responsible here for now that will provide great scope for questions during daily Question Period.

**Hon. Mr. Lang:** I will handle them the way I always do.

**Mr. Penikett:** That was our greatest fear, Mr. Chairman. We rather hoped that we might be able to get some answers for a change.

*Clause 162 agreed to as amended**On Clause 163*

**Mr. Penikett:** This talks about sections of the bill that will come into force only when the repeal of the *Local Improvement District Act* becomes effective. As I understood it, there was a discussion about the repeal of the *Local Improvement District Act*, and that it was going to be repealed one year following the proclamation of the *Municipal Act* and that that understanding was going to be enshrined in law by way of an amendment to, not 440, but 441(1).

I am curious as to what the minister's intentions are now with respect to the repeal of the *Local Improvement District Act* referred to in section 440?

**Hon. Mr. Lang:** Look at what is being repealed here: subsections (3),(4),(6),(7),(8) and (9). We are deleting references to local improvement districts in the *Motor Vehicles Act*, the

*Recreational Development Act* and the *Assessment and Taxation Act*. With respect to the overall question of when will the *Local Improvement District Act* be repealed, it will have to be done over the course of this coming year. What we are suggesting is that the amended 1980 *Municipal Act* being proclaimed would be effective Monday, January 16, which is just after the final deadline of January 14 for new councils to be elected in December of 1983. They will have been sworn into office and have held their first meeting under section 25(2) of the present act that is in force.

Orders-in-Council, to establish the boundaries of three existing municipalities, will be issued effectively the same date, which will be January 16, and the order for Dawson will include the boundary expansion approved by the electors of a year or a year and a half ago, which is the area in close proximity to town.

The repeal of the *Local Improvement District Act* after this act comes into force will allow us time for the five LIDs to become incorporated and it will be done on a schedule. We will be working very closely with the LID boards, so I would suggest that Watson Lake will likely be the first LID approached for the purposes of attaining municipal status.

I trust that answers the question.

**Mr. Penikett:** Not completely. Perhaps I am not reading the bill clearly at this late stage, but I understand what the proposed amendment to '442(2)' says in respect to repeals not becoming effective until the day that is 12 months after the day this act is proclaimed, so we are talking about January 16, 1985, in essence.

I do not understand; could the minister direct me to the clause which says that the *Local Improvement District Act* will be repealed. This says that the repeal shall not become effective, but are we still dealing with the old clause in the old act which talks about the repeal of the *Local Improvement District Act*. Is that still the one that is in force?

<sup>18</sup> If this was written by a lawyer, it could have fooled me. I believe that it was written by a lawyer, and I believe that it did fool me.

*Clause 163 agreed to**On Clause 164*

**Mr. Penikett:** The minister, a moment ago, was quite specific about his expected date of proclamation for this act. Is there any reason that the minister could foresee that that prediction will not be fulfilled?

**Hon. Mr. Lang:** No. I expect to be shooting for January 16, 1984. There is no question in my mind that we will meet that. I am very wary about putting it in the legislation in case I am off by a day or something, but I just wanted to indicate to the House when we intended to bring this into force. It will be January 16, 1984.

**Mr. Penikett:** Just a final question on this repeal of the *Local Improvement District Act*: we are locked into a year here. Are there any impediments that the minister can foresee, legal, financial or otherwise, that could cause some delays in winding up corporations that exist under that act?

**Hon. Mr. Lang:** No, we are basically dealing with five. I cannot see a problem there. Already, their administrations are in place. They are all working very well. I cannot see a problem with that. Our administration is geared up to assist them and I think we can handle it within the year. One of the things I was asking the approbation of the House for is a deadline to say, "Look, you have a year, and within that year, your transition to municipal status will take place".

I think that was one of the major problems that we got into with the previous legislation; having hearings and incorporation and the various other things that were being requested to be done, and I think the whole objective got lost in the various exercises that we had to undergo under the old legislation. I think it is very clear here; municipal status is on its way and you will fit into one of those three categories.

**Mr. Penikett:** I have one last general question. It has a bearing, particularly, on the LIDs and the smaller municipalities. I recall meeting and talking to a number of municipal politicians after the first go arounds in 1980 about this law we have just been amending. There was considerable doubt or uncertainty on the part of any of those people about the new act and about how confident they were about how well they understood it, and the time they had to grapple

with it.

I guess that the kinds of discussions that have gone on for the last couple of years have probably been a useful education for the incumbent municipal politicians. A lot of them have learned a lot about the law in that time; perhaps even more than they wanted to know. There was, however, when we first debated it, some concern for some people that it was not clearly enough written or that the legalese and the cross-referencing made things difficult for people. I would like to ask the minister if he intends to provide, as a companion to this legislation, in time, some kind of handbooks or guidebooks, or reference books, or whatever, to this act, its interpretation, meanings and so forth, for the advice, particularly, of municipal politicians who are part time politicians who are volunteer citizens, and, for the most part, not lawyers and do not have the kind of expertise that perhaps even the minister has.

**Hon. Mr. Lang:** I do know, at least in part, that task has been undertaken, if not completed, by the Association of Yukon Communities. If we find there is a need for it, we would definitely consider it. I am not going to make a *carte blanche* commitment here, but if there was a request by the LIDs or the Association of Yukon Communities, I would definitely, seriously consider it.

**Mr. Penikett:** I am very pleased to hear that and I am very pleased to hear the minister make positive reference to the AYC's "Municipal Councils' Handbook", because I think it is an excellent document. I might say it is better than the one I had when I was an alderman, which was a great big, fat thing that, I think, came from Municipal Affairs. It was in a very big binder and I do not know how many of my colleagues ever got around to reading it. The AYC publication is quite useful.

It is conceivable to me that some changes might be warranted in such a publication, as a result of these amendments to the bill. As the minister has praised the publication of AYC, I would be curious now as to how willing he might be to undertake the cost of upgrading that handbook?

**Hon. Mr. Lang:** That is why I did not make a commitment. I said I would seriously consider it, and I would have to know what the costs are. He would not want me to change my *modus operandi* here, all of a sudden, in front of you, I am sure. If the request came, we would be prepared to consider it.

*Clause 164 agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. Lang:** I would move Bill Number 30, *An Act to Amend the Municipal Act*, out of Committee with amendments.

*Motion agreed to*

*Bill Number 30 agreed to with amendments*

**Mr. Chairman:** *An Act to Amend the Municipal Act* has now passed out of the Committee of the Whole.

The next act will be Bill Number 32, *An Act to Amend the Elections Act*; however, we will take a short break before we work on it.

*Recess*

**Bill No. 32: An Act to Amend the Elections Act**

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

We will now go on to *An Act to Amend the Elections Act*. We will open this up with Clause 1 for general debate.

*On Clause 1*

**Hon. Mr. Pearson:** As I said at second reading, the major amendments proposed to the *Elections Act* will remove the elections board from the act and place its responsibilities on the newly-created position of Chief Electoral Officer. We are proposing the shortening of the election period from 45 days to 31 days; we are proposing an advanced poll; we are proposing to establish institution polls within nursing homes and retirement homes and that kind of place. We are proposing the possibility of the use of mail-in ballots, primarily at the discretion of the Chief Electoral Officer. They could also be used for patients in hospitals, and so on. We are proposing that prisoners being held in remand be allowed to vote, pursuant to the *Constitution*, and it is possible and

highly likely that, given our circumstances in this territory, that that would be another use of the mail-in ballot. We do not know for sure. It would be something that we would anticipate the electoral officer would determine.

<sup>18</sup> We are proposing abolishing the swearing-in of electors at the poll on polling day and some changes to the proxy voting procedures, in effect, going back to what were the proxy procedures in the 1978 election with one more restriction; that people have to be out of the territory because, I am sure for members who were here in 1978, as well, they recall the difficulties that we had with the proxies then. We seemed to compound them this time and there is a very strong recommendation from the Election Board with respect to this.

In general, those are the principles of what we are proposing in the bill and I am sure that there will be questions. Hopefully, I will be in some sort of a position to answer a majority of those questions during the discussion of the bill in clause-by-clause.

**Mr. Kimmerly:** It is interesting, in the list of the seven major changes, the most controversial one is conveniently ignored or left out and that is the ordering of names on the ballot.

**Some hon. Member:** What is so controversial about that?

**Hon. Mr. Pearson:** That is not controversial on this side.

**Mr. Kimmerly:** The government leader says it is not a major change; it is not controversial, therefore, they will have no trouble at all removing it.

I am going to spend a little time at the beginning on two major areas.

**Hon. Mr. Tracey:** Oh, here we go again.

**Mr. Kimmerly:** I am not going to give a speech.

**Hon. Mr. Pearson:** I worry when you say that.

**Mr. Kimmerly:** I know government members love my speeches and I do not wish to disappoint them, but I am going to ask questions for the most part. The two areas are, firstly, what is not in the bill and what could be, or should be, and secondly, about the process. I will refer specifically to the past process of the Rules, Elections and Privileges Committee looking at this bill, as I understand it.

**Some hon. Member:** When?

**Hon. Mr. Pearson:** Oh, I see. You had better look up your references. You are wrong.

**Mr. Kimmerly:** Why is that not proposed here?

**Hon. Mr. Pearson:** He is going to talk for 20 minutes about rules, elections and privileges.

**Mr. Kimmerly:** I am going to be asking why the recommendations of the Elections Board were followed in some cases and there are some changes put in by the Cabinet.

First of all, about what is not in the bill; I am aware that the federal voting age in Yukon is 18, as it is everywhere in the country. The provincial voting ages, across the country, are also, I am informed, 18, except for BC, Yukon and Northwest Territories. Was there any consideration to changing the age from 19 to 18? If there was, what consideration did that question receive and, if there was not, in view of the Charter, why not?

<sup>19</sup> **Hon. Mr. Pearson:** Just so I am aware of what is going to happen, the member is going to ask a series of questions rather than give a statement in general debate? Is that the idea?

**Mr. Kimmerly:** Yes, Mr. Chairman.

**Hon. Mr. Pearson:** There are rules of debate with respect to what is in the bill and what is not in the bill, and what can be discussed when a bill is in the House for amendment and what cannot be discussed, so I think we should make sure that the member opposite is quite cognizant of those rules.

In respect to age, yes, we considered changing the age. After getting a considerable amount of advice, we determined that we should not change the age and that we should leave it at 19. I recognize that the member is a lawyer; I recognize that he has read the *Charter of Rights*. I must tell him that, coming back on the airplane today, I read of a case in Toronto where a man has just unsuccessfully fought a divorce case on the basis that his wife did not have the right to divorce him because he had, under the *Charter of Rights*, the right to remain married to her until death do them part. He lost the case.



I just want to make the point that I anticipate that every single thing that happens in this country from now on is going to be subject of the *Charter of Rights*. It is going to be something that is raised. The *Charter of Rights* does not cover voting ages in provincial or territorial elections and I do not want the member implying that we are contrary to the *Charter of Rights* in this case, because we are not.

**Mr. Kimmerly:** Ignoring, for a moment, the *Charter of Rights*, the government leader states that a considerable consideration was given to this question. I would ask for a statement of the reasons why it was felt that 19 is more appropriate than 18.

**Hon. Mr. Pearson:** We have been advised that a number of jurisdictions are seriously considering increasing the voting age once again, and that 18 has been determined as being too low. I do not know to what age that increase would be, but certainly the indications we got were that a number of jurisdictions are considering the change.

**Mr. Kimmerly:** I am interested in any of the reasons that were given for considering the changes. Is there any evidence of abuse, or irresponsibility? I wonder if, briefly, there could be an expansion of the reasons for other jurisdictions considering a change?

**Hon. Mr. Pearson:** One of the reasons that we have not changed it is because I honestly do not believe that we should be changing things like this just for the sake of changing them. I do not think there was any suggestion by anyone that there was abuse, nor do I think that there was any suggestion by anyone of perceived irresponsibility. The member asked me why we have not put this amendment in: I am telling him that that is the reason and that is the best advice that we got.

**Mr. Kimmerly:** It strikes me that it is desirable that the federal age is the same as the territorial age and the municipal age, as well. It is an obvious anomaly if a person who is 18 but not 19 is able to vote federally but not territorially.

I am not going to debate the point *ad nauseum*, but it is an anomaly and it would appear fairer and, in fact, be fairer, if the age were uniform. There is no suggestion or consideration that I know of to change the federal age and it is a shame that we are not consistent, in my view.

I am going to go on to residency. This is clearly a controversial issue and, in my view, the considerations of the *Charter* are far more important here than in other areas. I am aware of considerable public discussion about negotiations in land claims concerning increasing the residency requirement. I am aware, of course, of the provisions of the *Charter*, which, in my opinion, clearly establish a right for anybody who lives in a certain place to vote. A person with four or five months' residency, in my view, is entitled to vote, according to the *Charter*.

I would ask if that was a serious consideration and is it the view of the government to simply wait and see if it is challenged in the future?

**Hon. Mr. Pearson:** It was very seriously considered. Let us deal with the two issues that the member has raised because I think they are two separate issues. We have signed an agreement with the Council for Yukon Indians. It is in respect to residency in this territory with respect of voting. We have made an undertaking; we intend to live up to that undertaking.

It is something that we have timed to do after the agreement-in-principle is signed. That is one of the reasons that there is nothing reflected here. There is a procedure that is going to have to be followed, and if that procedure reflects a change, we would then have to amend the legislation. We have undertaken to do that.

In respect to the *Constitution* and the residency requirement, we have received legal advice that we are on solid ground with our residency requirements as any jurisdiction in Canada is. It may be that as a result of clarifications, at some point in time, of a decision of a court, the residency clause would have to be amended. I am not saying that that might not happen, but we have to have legislation, and this is the major problem, particularly in this jurisdiction, in respect to the people we have who are only here for a portion of each year because of the particular kind of work that they do.

We have to make sure that those people who have the right to vote are given that right. We do not want to disenfranchise anyone.

**Mr. Kimmerly:** I appreciate that it is a difficult issue and I appreciate that there will obviously be legal uncertainty about this issue in the future. I would say that any legal opinion, I am absolutely positive, would express the view that there is a doubt on the issue. It is not absolutely clear either way. It puts us in a ticklish position, of course, because we must do something and the parameters are not fully known to us.

I am extremely interested in the information about the land claims agreement. This is news to me. I am wondering what is the agreement and what is the procedure that the government leader spoke about?

**Hon. Mr. Pearson:** I am sorry, it is my recollection that it is not outlined in the paper that we have tabled, with respect to the agreements-in-principle. We still have our undertaking, with respect to confidentiality, with the Council for Yukon Indians. I would have to ask their permission to reveal that specific agreement.

I think, though, the member should be satisfied with me saying that there is a procedure that has been agreed to by all three parties at the table. It is one that all three parties think is workable and it is one that will, hopefully, solve what is considered to be a major problem.

**Mr. Kimmerly:** It is an intriguing answer, of course. I will not repeat the question, as I will only get a repetition of the same answer or...

**Hon. Mr. Pearson:** ... a variation thereof.

**Mr. Kimmerly:** ... or no answer. It is obvious it is not going to be made public, but it puts us, of course, in a difficult position. I will explain it this way: this is obviously an important question and the government leader acknowledges that and, indeed, clearly states that. We are to consider elections and amendments to election legislation and we could well propose an amendment on these issues. We are unaware of an agreement that the government considers itself bound by and so we are operating in the dark here.

**Hon. Mr. Lang:** The minister just told you to trust him.

**Mr. Kimmerly:** Of course, it is our duty, as individual members, to consider all of these questions independently and make up our own mind about the propriety and the policy of things. It is unfortunate that that is absolutely impossible. In any event, I will look forward to eventually reading this agreement and, undoubtedly, commenting further at that time.

I would like to briefly make a comment before the issue is dropped. This issue will, undoubtedly, cause considerable uncertainty in Yukon elections because, in very close elections, which will occur in the next general election...

**Some hon. Member:** Don't count on it, Roger.

**Mr. Kimmerly:** There will probably be three or four close elections and the possibility of a controvert is very, very high. It could come from either side, of course, and it easily could be a factor that swings the government either way. There would be considerable uncertainty for a long period of time, which is simply unworkable in the greater scheme of government and it is a most serious issue.

**Mr. Kimmerly:** I would ask another question about mental patients. Was the question of mental patients considered in any way.

**Hon. Mr. Pearson:** It was considered and the results of that consideration are obvious in the amendments that we have proposed.

I want to get back to the issue of residency and controverted elections. I do not know whether the member opposite is aware of the fact, but there have been elections controverted in this territory in the past because of residency. It is a major problem. It does not create any more of a problem than any other reason for controverting an election. There is a procedure in place. It does not cause uncertainty; it, in fact, creates another election and that is it.

I cannot accept the member stating that we are doing something dark and secret and nasty here; it is not so. We are coming up front, recognizing what is, in fact, the major problem and trying to deal with it, and, trying to deal with it, so that it is fair for everyone. If it means controverted elections, then we have probably done the right thing.

**Mr. Kimmerly:** At no time did I suggest anything dark, secretive and nasty was going on. I simply raised an important issue which should be addressed in some way. I did not even express a view on the matter.

**Hon. Mr. Pearson:** We will have to rename *Hansar* Roger.

**Mr. Kimmerly:** Today I have not expressed a political view, I have clearly expressed a legal view, which I hold. The political considerations, of course, are fairly major and I leave them open for the time being.

Going on to the process, or procedure, there are clearly some sections of the bill responding to the Elections Board's recommendations and some sections that were dreamed up or put in independently.

I would ask the government, especially, about the provisions independently put in. Why are they not allowing a committee process to study those particular sections?

**Hon. Mr. Pearson:** Number one, it has not been done before, and I want to make that clear. Elections bills are tabled in this House by the government side. They are government bills. They are an expression of government policy. That is what they are.

I want to make the point that the Elections Board makes recommendations; they do not set the policy; they make recommendations. It is this side that is responsible for the tabling of this legislation. As I said before, the board makes recommendations to us; we are very thankful for the recommendations they have made. We have considered them all very seriously. Some we have accepted; it is obvious that we have. Others we have rejected. We have reasons for rejecting them. I would be happy to give the reasons for rejecting them, but the bill is debated in the House. That is where the *Elections Act* is debated. It is not, I submit, similar to salaries. It is not similar to other privileges in this House.

**Mr. Penikett:** I disagree. In fact, what the government leader says was not the practice in the last legislature, where we had a report from the board, a report which was referred to the Rules, Elections and Privileges Committee before the draft of legislation. The Rules, Elections and Privileges Committee spent considerable time analyzing the board's recommendations, and the Committee, after considerable debate, presented a very bi-partisan — or it may have been a tri-partisan, I forget — report. The report came out of the committee; there was a lot of discussion; there was some consensus; there were some disagreements; there were some compromises. Then that report was substantially — not completely, but substantially — implemented by way of legislation.

When the government leader talks about it being the government's bill, he is making the point that if we have a Conservative government, we have to have a Conservative *Elections Act*. Let me say that this is one of those kinds of things where I do not think that should apply. The fact of the matter is that if you look at the procedure that operates in Ottawa, there is a great deal of care taken to make sure that the contests that you have between political parties are fair. There are elaborate rules governing the fairness of them. If you look at the tone and the character of debate on the bills such as the *Canada Elections Act*, there is a lot of discussion.

I know that prior to the amendments that are now coming before the House of Commons on the *Canada Elections Act* that there was extensive consultation with all the parties. The Liberals did not just bring in a bill. There was extensive consultation among the parties, not just the MPs in those parties, but the party apparatuses themselves.

If you have a contest where the rules are being made by one of the teams, and only one of the teams, you do not even start with the appearance of fairness. If you have made major changes to the rules that may have been previously adopted by all parties, or substantially agreed to by all parties, then you are going to have complaints about the fairness of those rules. The government leader talks about it somehow being the privilege of the majority to introduce the bill, and of course he is right. Most of the bills in the House come from the majority, but the process by which the content of the bill is arrived at is a very important one.

We have not, on this occasion, a bill that comes out as a result of the discussions of the Rules, Elections and Privileges Committee. In fact, the Rules, Elections and Privileges Committee should

probably change its name now, because when an election, part of its mandate, is implemented, it is traditionally in the period following an election when the report of the Elections Board was referred to it and extensive discussion went on in that committee about the recommendations to the board and the changes that were going to be made, and all the representatives of all parties in the House had an opportunity to have some input.

That had not happened on this occasion. The first opportunity is going to be in the House and it is clear, from the tone of the government leader's remarks that we are going to have some changes, some significant changes, to the election rules, which are going to be imposed on the territory by the majority, not as a result of any kind of discussion or any consensus. I think that is a pity. I think that actually is a pity because, in fact, it means that we are going to have rules for the contest, rules for the game, decided by only one of the two teams. I do not think that is proper.

**Hon. Mr. Pearson:** But, that is what happens.

**Mr. Penikett:** The government leader says that is what happens. I can tell him that it does not happen in other places. It does not happen in the nation. It is not happening in Ottawa right now. I can tell him that as a matter of fact all the amendments that are shortly going to come before the House...

**Some hon. Member:** Be careful of your facts.

**Mr. Penikett:** Mr. Chairman, I happen to have been party to more discussions about changes to the federal act than I have about discussions to this act here.

I can tell you — Mr. Chairman, if I still have the floor — that the changes that are going to be coming very soon with respect to the broadcasting provisions and the changes to the *Canada Elections Act* have been very consciously the product of an effort to achieve a consensus among the three parties in the House of Commons. I think that is the way to do such things.

**Hon. Mr. Lang:** I would move that you report progress on Bill Number 32.

*Motion agreed to*

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

*Motion agreed to*

*Mr. Speaker resumes the Chair*

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

May we have a report from the Chairman of Committees.

**Mr. Brewster:** The Committee of the Whole has considered Bill Number 30, *An Act to Amend the Municipal Act*, and directed me to report the same with amendments.

Further, the Committee has considered Bill Number 32, *An Act to Amend the Elections Act*, and directed me to report progress on same.

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

**Some hon. Members:** Agreed.

**Mr. Speaker:** May I have your further pleasure?

**Hon. Mr. Lang:** I move that we do now adjourn.

**Mr. Speaker:** It has been moved by the hon. Minister of Municipal and Community Affairs that the House do now adjourn.

*Motion agreed to*

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

*The House adjourned at 9:25 p.m.*

The following Sessional Paper was tabled November 16, 1983:

83-3-32

Socio-Economic Memorandum of Agreement between Peter Kiewit Sons Co. Ltd. and the Government of Yukon (Lang)