



The Yukon Legislative Assembly

Number 9

4th Session

24th Legislature

HANSARD

Tuesday, April 7, 1981 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

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

CABINET MINISTERS

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

Government Members

(Progressive Conservative)

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

Opposition Members

(Liberal)

Ron Veale	Whitehorse Riverdale South
Alice P. McGuire	Kluane

(New Democratic Party)

Tony Penikett	Whitehorse West
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(Independent)

Maurice J. Byblow	Faro
Robert Fleming	Campbell

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

Whitehorse, Yukon
Tuesday, April 7, 1981

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

DAILY ROUTINE

Mr. Speaker: Are there any Returns or Documents for Tabling?
Reports of Standing or Special Committees?

REPORTS OF COMMITTEES

Mr. Graham: Mr. Speaker, I have for tabling the 7th Report of the Standing Committee on Rules, Elections and Privileges.

Mr. Speaker: Petitions?
Reading and Receiving of Petitions?
Are there any Bills for Introduction?
Notices of Motion for the Production of Papers?
Notices of Motion?
Are there any Statements by Ministers?

MINISTERIAL STATEMENTS

Hon. Mr. Lattin: Mr. Speaker, it is my pleasure to announce that the Government of Yukon has amended its contracting regulations in order to help small local contractors in their efforts to secure government construction contracts, through competitive bidding.

The new policy is aimed at helping small contractors who have now attained performance bonding, and assisting them during these times of high interest rates.

With the extremely high interest rates now charged by the banks, small contractors who are not bonded have had to pay premium rates for bank loans, to cover their tender security during contract bidding. The cost of these loans is then included in the bid price, and this could make the small contractors non-competitive.

Cabinet has decided to amend the contract regulations to allow the use of bearer bonds issued by the Government of Canada or a provincial government, as a means of covering the requirement for a bid, and then contact bonds.

This new move will also include bearer bonds, guaranteed unconditionally in principal and interest by the Government of Canada or a provincial government. The bearer bonds will be accepted as security at market value, and that market value will be 110 per cent of the required security. This is to allow for a fluctuation in value.

Mr. Speaker, your Government has continued to bring in new methods that will foster the growth and development of the Yukon economy, and this is just one more small example of how apparently insignificant decisions go far in promoting and encouraging our Yukon economy.

Your Government remains committed to fostering the growth of our industries, and this new move is timely, in view of the construction season upon us and the need to assemble our capital works program and eventually bring home pay cheques for our residents, and much needed improvement in our lifestyle.

Mr. Veale: Mr. Speaker, I am pleased to see that this unnecessary impediment has now been removed.

Mr. Speaker: We will now proceed to the Question Period. Have you any questions?

QUESTION PERIOD

Question re: Cabinet Conflict of Interest Guidelines

Mr. Veale: Mr. Speaker, I have a question for the Government Leader. Yesterday he announced that there were more relaxed and loosened conflict of interest guidelines. Considering that the stricter guidelines had been in effect since 1976, would the Government Leader explain why he was so long in introducing the new, looser guidelines?

Hon. Mr. Pearson: Well, Mr. Speaker, if the Honourable Member was really interested, and had done any research at all into exactly what has happened with respect to guidelines in this House, he would have been made aware of the fact that this House, at its last sitting, changed the guidelines and the conflict of interest rules with respect to Members.

Mr. Speaker, at that time, I undertook, with the Honourable Leader of the Opposition of the day, to table at this Session the guidelines with respect to conflict of interest for Ministers.

Mr. Veale: Well, would the Government Leader tell the House if the 1976 guidelines, which operated for four years, were providing an impediment to recruiting Members to the Cabinet?

Hon. Mr. Pearson: Yes, Mr. Speaker.

Mr. Veale: Would the Government Leader indicate in how many cases that impediment occurred?

Hon. Mr. Pearson: Well, Mr. Speaker, I really cannot say how many cases, but I am aware of a number of people who did not run in the last Territorial election, because of these artificially stringent guidelines. I am also aware, as he should be, Mr. Speaker, that one of the Members of this Government's Cabinet had to resign because of those same guidelines.

Question re: White Pass & Yukon Route/Financial Assistance

Mr. Penikett: I have a question too, for the Government Leader and I hope he will not be too loose in his answer. Mr. Speaker, the Government, some time ago, accepted a Motion by myself — in fact it was more than two years ago — regarding full public disclosure before any investment or loan of Government money to the White Pass. Could the Government Leader indicate to us when this House will have a chance to examine the company's books?

Hon. Mr. Pearson: Mr. Speaker, I believe I have already answered that question for the Honourable Member, pointing out to him that all of the possible public information that can be allowed to be made public, with respect to White Pass, has been done so in the CTC report. Mr. Speaker, I might also point out to him that although there will not be full public disclosure, this Government will have access, again on a confidential basis, because, Mr. Speaker, we are not creating some kind of a Crown Corporation. It is a private company and they must be able to do business. In fairness, they cannot be expected to disclose all of their financial situation and still be expected to do business; we are operating in a free-market situation, Mr. Speaker.

Mr. Penikett: It used to be a public company, but let us at least agree that it is a little less private than it once was.

The Government Leader indicated in his previous answers, which have lead me to these questions, that legislation prevented him from abiding by the unanimous resolution of this House. Could the Government Leader indicate precisely what legislation this is, and when he became aware of this legislative restriction, following the motion which was passed on March 14, 1979?

Hon. Mr. Pearson: Mr. Speaker, I am not sure that there is legislation, specifically. If I used the term legislation — I may have done, I was thinking, Mr. Speaker, specifically of the CTC and its legislative authority to inspect and make certain things public. I know for certain that the CTC was not able to make public all of the financial data that they were allowed to see by Federal Industries and White Pass. I know that for certain; they say so in their report.

What they also say, Mr. Speaker, is that they have made public all of the financial information that they are allowed to make public.

Mr. Penikett: Mr. Speaker, with respect, the CTC also said that if we did not give them money within days, the company would go under. They also said that this Government Leader had promised the corporation \$6 million. The CTC report, in a couple of respects at least, was misinformed. Can the Government Leader explain — given that we have now had some considerable time since that report came down, committed

ourselves to a million dollar loan to this company — what financial information will be available to this Government, and to what extent will that information, or the conclusions drawn from it, be reported to this House?

Hon. Mr. Pearson: Mr. Speaker, I do not know to what extent the information might be reported to this House, but it is a condition of the loan, as the Honourable Minister of Tourism and Economic Development stated yesterday, that the company will provide this Government with this financial information every year.

Also, Mr. Speaker, it should be pointed out that during the lifetime of the loan, this Government will have an appointee on the board of directors. Those appointees, I am quite confident, are privy to all of the financial information as well.

Mr. Byblow: Mr. Speaker, in a supplementary to that topic, I note in reviewing the agreement tabled in the House yesterday, that the references surrounding the profit dividend declaration are in terms of "no capital shall be declared on capital stock". My question to the Government Leader is whether or not that reference includes or excludes dividend declaration on any other operation of the company.

Hon. Mr. Lang: Mr. Speaker, the agreement relates directly to the three companies that are involved with the railway. Any other companies that the White Pass and Yukon Railway is involved with are separate and apart.

Question re: Energy Subsidization

Mr. Fleming: I have a question for the Minister of Economic Development. In announcements in the news of the three energy programs, the residential, the fuel, and the business rebates, there seems to be some confusion as to just how and by what method they are going to be carried out. I wonder if the Minister could say if they are new programs, or are they carry-ons from existing programs?

Hon. Mr. Pearson: Mr. Speaker, with your permission, I will attempt to answer the Honourable Member's question. The fuel oil rebate program for residential consumers is in fact a program that is in place at the present time; it is now in place and operating. The two new programs, and they are brand new, are the electrical cost rebate for the first 1,000 kilowatts of electricity each month used by small businesses — small businesses being those that gross something less than \$2 million a year. The other new program is one that will bring the cost of fuel oil in outlying communities to the same cost as in Whitehorse, for the first 1,500 gallons that are used in the year.

Mr. Fleming: I wonder if the Government Leader could tell this House, in the case of the fuel program where I believe in the past the rebate was paid by the Territorial Government, due to the fact that the Federal Government has said the program is retroactive to 1980-81, is the Federal Government willing then to repay the Territorial Government back to 1980, and is this also a factor in the residential energy costs?

Hon. Mr. Pearson: Yes, Mr. Speaker, all three programs are retroactive to April 1, 1980.

Now, we do not know exactly what is going to happen, and that is causing part of the delay at the present time in trying to get this resolved. Our fuel oil program, Mr. Speaker, was a bit different than the Federal plan, in that what we did was subsidize transportation costs. It was not subsidized to the selling cost, but rather we subsidized transportation costs to the outlying areas.

There are comparisons being made now, as will be evident when we get to the next vote in the Supplementary Estimate Budget, Mr. Speaker, which is Finance. We are seeking a supplementary of a considerable amount of money — if my memory serves me correctly, about \$130,000 — for this past year to offset increased subsidy costs that we have paid.

Mr. Fleming: I do not think my question was completely answered; I will just make it a very simple question: is the Federal Government going to give you the monies, retroactive back to 1980, that the Territorial Government has paid out to the people for fuel?

Hon. Mr. Pearson: Mr. Speaker, I do not know how many

times I have to say it: I honestly do not know. If I knew that, I would be telling the House, and then we would be announcing that the program is in place. The problem is that we cannot put the program in place until we have that answer.

I am also saying, Mr. Speaker, that I sincerely hope the Federal Government is going to do this, because it would help.

Question re: Cabinet Conflict of Interest Guidelines (Continued)

Mrs. McGuire: I have a question for the Government Leader, in reference to the proposed Executive Council Code of Conduct regarding conflict of interest. I would ask the Government Leader why this particular proposal was not referred to the Committee on Rules, Elections and Privileges before it was tabled in this House?

Hon. Mr. Pearson: Because, Mr. Speaker, it is strictly my prerogative.

Mr. Speaker, I might say that has absolutely nothing to do with this House. I submitted those for information to this House, because I was asked to do so. I do not have to seek the permission of this House to do so, and it is strictly my prerogative.

Mrs. McGuire: Will the Government Leader agree that it is a misconduct of any code of ethics to set one's own rules or regulations, without consultation or debate with the Committee, who are set up purposely to deal with such matters?

Hon. Mr. Pearson: No, Mr. Speaker, maybe the Honourable Member knows something about codes of ethics that I do not, but no, I disagree entirely.

Mrs. McGuire: In view of the fact that the proposal is in direct contradiction with what the Government Leader has said, but the rules have not changed or will not change — they are Cabinet Ministers 24 hours a day, seven days a week — I will ask the Government Leader what sort of monitoring system or reviewing will be set up for the Ministers owning businesses other than public disclosure.

Hon. Mr. Pearson: Mr. Speaker, the same monitoring system that I have now. The fact of the matter is that I work at this job 24 hours a day, and so does everybody that sits on this front bench.

Mr. Veale: I am glad to hear the Government Leader's reason for the loosening up of these in readiness for the next election. The code of ethics that the Government Leader has released is changed in one major point from the 1976 code of ethics, and that is Paragraph 5, which indicated that a Member shall not appear before a board, agency, or committee of the Government of the Yukon Territory unless under subpoena. That paragraph of the code of ethics of 1976 is omitted from the code of ethics of 1981. Would the Government Leader tell the House why?

Hon. Mr. Pearson: Yes, Mr. Speaker, that is still in the conflict of interest guidelines. That is a regulation of this House under the *Yukon Act*.

Mr. Veale: Does the Government Leader then mean that there will be no appearances by any front bench Minister for any public board in this Territory, except under subpoena?

Hon. Mr. Pearson: Yes, Mr. Speaker.

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

Mr. Penikett: Mr. Speaker, I have an easy question for the Minister of Economic Development. In his announcement regarding the White Pass Railway decision yesterday, the Minister stated that a Yukon Government representative would be seated on the board of the railway company. Could the Minister indicate why the Government accepted a seat only for the railway company, not for White Pass overall or Federal Industries, so that it could obtain direct knowledge of all the activities affecting White Pass?

Hon. Mr. Lang: Mr. Speaker, it is for the White Pass and Yukon Railway Company.

Mr. Penikett: Supplementary, Mr. Speaker: one provision in the agreement is that as long as there is the outstanding debt to Yukoners, no dividends will be paid by the railway division.

Could the Minister tell the House if the railway company has ever paid dividends in recent history, if at all?

Hon. Mr. Lang: Mr. Speaker, I do not have that information with me. I would point out that with the agreement we are going into with the company, as well as with the Government of Canada, with respect to the longevity of the railway company, the point that has to be made is that there is a long-term commitment by all parties for the continuation of the railway in question, and we believe that is in the long-term interest of the Yukon. I believe — and I may stand to be corrected — that Members opposite also agreed while we debated this point a number of times.

Mr. Penikett: Mr. Speaker, in view of the \$1 million of taxpayers' money, which is going toward the purchase of four locomotives, among other equipment, could the Minister indicate — since this Government is party to a complete agreement involving money from a number of other sources — what assurances he has that none of this Government's nor any other government's money will be going to White Pass for the purchase of things other than railroad equipment, such as trucks for the highway division, now that a number of lease operators have been laid off? I ask him that question particularly because he has just indicated that we have only asked for representation on the railroad board, and it is quite clear that the activities of the railway are already impacting in a number of ways on other branches of the same company in which we have an interest.

Hon. Mr. Lang: Mr. Speaker, that is incorrect. My understanding is that the White Pass Corporation, over the past number of years, have been turning to purchasing their own trucks, for reasons that I do not have here with me. They spent, I understand, a million dollars in 1979, as well as 1980, for the purchase of new trucks and trailers. With respect to the monies that we are putting forward as a loan to the Corporation, that money is being made available to be spent for certain items, as per the agreement.

Mr. Fleming: I have a supplementary to the Minister. In most cases where there is money involved, the first one to loan the money is the one who has the right to collect the money. Now that White Pass is getting a million dollars from the Territorial Government, and we have been assured in this House that this is a guaranteed situation, I would ask the Minister what would happen if White Pass did go broke, and who would have the first claim on what was left?

Hon. Mr. Lang: Mr. Speaker, it is quite clear in the agreement that we would have first claim with respect to the assets of that part of the division that we are investing in.

Question re: Museums and Historical Artifacts/Report On

Mr. Byblow: Mr. Speaker, I will direct my question to the Minister responsible for Parks and Historical Resources. Recently a Kyte Report on Museums and Historical Artifacts came out, and it indicated a number of areas and recommendations for assistance by government, particularly fiscal aid. My question to the Minister would be: has the Minister met with the Museums Association to discuss any review of policy and acceptance of the recommendations of that Report?

Hon. Mr. Lang: Mr. Speaker, the Report that the Member is referring to was presented to myself and my colleague, the Minister of Education. It is in the process of being reviewed internally within the Government, and I am confident that we can come up with a reply to various aspects of that report and also overall Government policy, as it refers to historical sites throughout the Territory.

Mr. Byblow: Can the Minister, at this time, indicate when he will be coming forth with a policy statement on museums and historical artifacts?

Hon. Mr. Lang: Mr. Speaker, I am optimistic that we can come forward with something some time in May. I have been requested to go to a meeting on May 15, and I feel we should have something together. It may not be totally complete but, as I have indicated to the Historical Association, we are looking

for their views as well as our own, to try to develop a long-term policy as far as the Territory is concerned, within the financial limitations of the taxpayers of the Territory.

Question re: Human Resources/Aid for Battered Women

Mrs. McGuire: I have a question for the Minister of Health and Human Resources. A recent report prepared by Probation Service, on the plight of battered women in the Yukon, concluded that battering was indeed a problem and that no time should be wasted in dealing with it. Would the Minister tell this House what specific steps her department is taking, to move towards addressing this problem more directly?

Hon. Mrs. McCall: Mr. Speaker, there are no particular steps that we can take to protect women in private houses from being battered, but we certainly support the Transition House, which has been a great thing in the Yukon and a much needed facility. It has been very well used since it opened.

Mrs. McGuire: The Minister's support of the Women's Transition Home was and is an important and commendable one. However, Mr. Speaker, in this article, the director, and until recently the sole counsellor of the Yukon Family Service Association, said that the most important thing was prevention through education. It is an old story; Mr. Shaw was quoted as saying, "We need more money to go out and work in the communities." Will the Minister respond to that statement?

Hon. Mrs. McCall: Yes, Mr. Speaker, this Government cannot be omnipresent and omniscient. I think that our social workers in the communities work towards helping families that are in trouble. I think awareness is raised that way. I think the police do as well. There are limits to what Government can do.

Question re: Food Prices

Mr. Veale: Mr. Speaker, I have a question for the Minister of Consumer and Corporate Affairs and food prices. In the report of the Economic Research and Planning Unit, statistics indicate that there was a 13.4 percent increase in the Whitehorse nutritional food basket last year, but Agriculture Canada showed an 18.5 percent increase. Could the Minister explain this wide discrepancy in statistics?

Hon. Mr. Lang: Mr. Speaker, it is the same thing with statistics; it depends on the methodology that one uses, with respect to getting the statistical information.

Mr. Veale: Is the Minister going to enquire into the methodology that Agriculture Canada uses, so we can determine whether or not these statistics are being properly collated, by both Agriculture Canada and the Economic Research and Planning Unit?

Hon. Mr. Lang: Mr. Speaker, I would be more than happy to provide the Member with the information. I do not have it right with me; if he will give me a couple of hours I will see what I can do.

Mr. Veale: Would the Minister also agree that the food prices in the Territory increased at a faster rate in the fourth quarter of 1980 than the third quarter, in the areas outside of Whitehorse, and, if he agrees, would he explain why?

Hon. Mr. Lang: Mr. Speaker, I do not have the report right in front of me. I recognize that it is a statistical document that has been prepared through the department. I agree that the food prices have gone up, not only here, but throughout Canada for that matter. There are a number of reasons for that, and if one wants to get into it, I am sure we can get into a debate at a later time.

Question re: Workers' Compensation Board

Mr. Penikett: I, too, have a question for the Minister of Corporate Affairs. Yesterday, Mr. Speaker, I asked the Minister a question about Workers' Compensation and he could not answer part of the question; perhaps he can now. Could the Minister say why the Yukon Federation of Labour, which represents a majority of workers, was not consulted about filling the vacancy of the worker representative on that Board?

Hon. Mr. Lang: Mr. Speaker, I am sorry if the Member misinterpreted me yesterday. I did get a letter from the organization in question, recommending a certain individual to the

Board, at which time we changed the composition of the Board. I wrote back and said it would be given due consideration.

Mr. Penikett: I thank the Minister for his answer. Perhaps, while we are on the subject, he could indicate to the House what criteria he is seeking for nominations or for appointments to this position on the Board?

Hon. Mr. Lang: Mr. Speaker, we are looking for somebody who would be competent, and who would be prepared to work with the Board and put the views of labour forward with the various policies and subjective decisions that have to be made by that all-important Board.

Mr. Penikett: He does not sound like Trudeau; he sounds more like J.W. Pickersgill.

Since the Workers' Compensation Board was established to benefit injured workers, is the Minister now willing to consider restructuring the Board to include more worker representatives?

Hon. Mr. Lang: Mr. Speaker, I think that the Board, at the present time, is being well represented and it is not my intention, at least at this time, to expand the number of people on that particular Board.

I know that the Member opposite seems to have a lot of problems even with putting up a board and, on the other hand, he has the audacity to stand up in this House the following day and say, "Look, are you going to expand the number of seats on a particular board?" So, I think he had better get his priorities straight.

Mr. Speaker: Order, please. I believe the Honourable Member for Whitehorse West has a point of order.

Mr. Penikett: Point of order, Mr. Speaker. The word is pronounced "audacity".

Question re: Hunting Licences for Non-residents

Mr. Fleming: Mr. Speaker, I have a very easy question for the Minister of Economic Development. In Commissioner's Order 81/72, I notice that a non-resident of Alberta coming to hunt small game and gamebirds in the Yukon is charged a fee of \$20. I just wonder if the Minister could give me any idea at this time, when taxes are being raised on gas, medicare is going up and so on and so forth; why should a resident of Alberta and British Columbia with a valid and subsisting gamebird licence be able to get a licence for \$5.00 to do the same thing?

Hon. Mr. Lang: Mr. Speaker, that was consistent with the year before, I believe.

Mr. Fleming: Mr. Speaker, it may have been consistent with the year before. I am asking the Minister what the reason is for this. Is there a reason for this?

Hon. Mr. Lang: Mr. Speaker, the whole area of fees presently being paid for the right to hunt game is under review. I expect that decisions will be made on that question in the near future, as well as others.

Mr. Fleming: In this case, where we are actually giving a person from Alberta or British Columbia with a valid gamebird licence a difference of \$15, I would ask the Minister if he knows whether the price for that gamebird licence in Alberta or British Columbia is not less than \$15, and therefore they should buy one before they come over here, so that they can get them both cheaper?

Hon. Mr. Lang: Mr. Speaker, I guess it is a question of opinion as to whether the resident he is talking about is of Scottish ancestry or otherwise.

Question re: Vocational School Students/Tax Deductions

Mr. Veale: Mr. Speaker, I have a question for the Minister of Education regarding the Vocational Institute. Under the *Income Tax Act* students are permitted to deduct \$50 per month as an educational deduction. Could the Minister explain why the Vocational School is not a designated institution that can issue certificates that will be useful for tax deduction purposes?

Hon. Mrs. McCall: No, Mr. Speaker, I cannot explain it just

now. I will have that information for the Member.

Mr. Veale: Would the Minister, in obtaining that information, determine if an application has been made to the Minister of Manpower and Immigration, and when the application was made; if it was turned down, what the reasons are.

Hon. Mrs. McCall: I can obtain that information as well.

Question re: Trappers/Compensation re Pipeline

Mr. Penikett: I have a question for the Government Leader. Some time ago, I filed a number of Order Paper questions concerning the compensation for trappers who were impacted on by the pipeline development. I wonder if the Government Leader could indicate at this time when answers may be forthcoming on these difficult questions.

Hon. Mr. Pearson: Mr. Speaker, I am hopeful that I will be able to get some of these questions off the Order Paper quite quickly now. I did have a problem: the people who are doing the actual answering of the questions were away at that time.

Mr. Penikett: Could the Government Leader also indicate if the delay in adoption of the terms and conditions has in any way caused the delay in his answering of these questions.

Hon. Mr. Pearson: No, Mr. Speaker, not to my knowledge.

Mr. Speaker: There being no further questions we will proceed on the Order Paper to Orders of the Day and Government Motions.

ORDERS OF THE DAY

GOVERNMENT MOTIONS

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

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

Hon. Mr. Lang: Yes, Mr. Speaker.

Motion Number 4

Mr. Speaker: It has been moved by the Honourable Minister of Tourism and Economic Development, seconded by the Honourable Member for Mayo, that the Yukon Legislative Assembly is opposed to the COPE Agreement in Principle signed by the Government of Canada and COPE, with respect to its effect on Yukon, and endorses and supports the position taken by the Government of Yukon as outlined in the position paper "North Yukon Resource Management Model".

Hon. Mr. Lang: Mr. Speaker, I think you find a very important resolution before you today for discussion by Members of the Legislature. The resolution deals with a very important area of Yukon, which we believe is going to be of great benefit to the people who live relatively close to the area in question, and also to the people of the Territory in the long term.

I think it is important, Mr. Speaker, that one looks at the COPE Agreement in Principle that was signed by the then-Minister of Indian Affairs and Northern Development, Minister Hugh Faulkner, who has since, God bless his soul, left us and found other work to do. From our perspective, there were some very basic principles in the agreement which we are totally opposed to. If you recall when it was signed, there was no question but that there was a political motive in the signing of that document. It was just prior to the 1978 election, and it was felt, I am sure, by the Government of the day that it would be of benefit politically, in view of the fact that they were looking at an election.

If one reads that agreement through, you can see that the settlement has been designed in such a manner that the jobs of the bureaucracy in Ottawa were not only secured for today, but would undoubtedly expand in the future. In other words, what I am saying, Mr. Speaker, is that if one reads that COPE Agreement through, from an administrative point of view, the Department of Indian Affairs would have to get larger, rather than smaller, just in order to administer the settlement as outlined.

Further to that, Mr. Speaker, there is no question in my mind but that the settlement was designed to ensure that the Government of Canada had ultimate control over the sub-surface

rights in that particular area, and also that the settlement had to be designed in such a manner that it was to be divisive to the people of the North, so that there would never be a concerted effort by all people in Yukon, no matter what their racial origin, to strive towards more responsibility for all people in the Territory; and, ultimately, provincial status.

As you know, Mr. Speaker, the Conservative Party, the Members on this side of the House, have taken a very strong stand with respect to the present COPE Agreement in Principle. When the Conservative Government was elected, primarily because of the position that this Government took and how it affected Yukon, they took it upon themselves to hold back the timeframe that was supposed to come into effect for that agreement, so that they could review it and look at the implications as it affected the Territory.

Since that time, Mr. Speaker, we have always recognized that there were certain things that should be done with respect to the people of the Northwest Territories: allowing them the right to carry on their traditional hunting, as has been going on in past years. You will recall from last Session that we amended the *Game Ordinance* so that this could be permitted. This was discussed with Senator Steuart. He agreed that it would be a gesture of good will on our part that we allow, under certain terms and conditions, those people in the Northwest Territories the right to hunt in Yukon and continue the traditional lifestyle that they have had in the past.

At the same time, Mr. Speaker, as you know, we developed an alternative to the COPE Agreement, attempting to be cooperative and to bring forward what we felt was a position that was a good one on behalf of the people of Yukon, and which also, at the same time, brought into account the various concerns of the people, primarily the native people, who lived on the border and who had certain traditional rights in relation to Yukon.

That particular document, Mr. Speaker, is the "North Yukon Resource Management Model". It was tabled here last Session for Members' information and we felt that this document, being so important, should be discussed by Members of the House; this is why you have the resolution before you today.

The major objectives by our Government were to provide for protection of the wildlife population and habitat for that area. We have done this effectively with this management model; we have brought forward the concept of a park in the northwest corner of Yukon, in order to preserve that area that is so critical to the Porcupine Caribou Herd.

We are also prepared to allow those people who currently use the area to hunt and trap, to continue to do so, under the laws of general application. That, Mr. Speaker, has successfully been done, as well.

We wanted to provide an opportunity for the people of that area to continue the traditional use of the area, and to participate in a management regime. One of our primary concerns was the participation of the people of Old Crow.

Also, Mr. Speaker, we felt that it was essential that a management plan, a resource plan for that area, should provide access to the Beaufort Sea and the reservation of important potential harbour sites along the Yukon coast, if the day were to come to pass when it was inevitable that oil and gas exploration in the Beaufort Sea would ever dictate a certain amount of development under controlled circumstances.

At the same time, Mr. Speaker, if one reads through the management report that I have referred to, it provides for the protection of sites of historic significance — primarily Herschel Island, which has a very very long history in the Territory.

This has been presented to the Government of Canada at the negotiating table. We have yet to receive a formal response to this particular document. As the Government Leader has indicated, we believe that, in a compromise situation with the Government of Canada, this is as far as we can go with the members of the Committee of Original Peoples' Entitlement Society, to attempt to meet their needs, as well as those of the people of the Yukon.

I personally believe, Mr. Speaker, that we should not look at this issue from a partisan point of view, because if we allow our present legislative authority to be eroded, and allow various things to be done by Federal legislation that will prevent further responsibilities evolving to this Government, every Member of this House would be shirking his responsibility.

This management plan ensures that the direct responsibility lies with this Legislature, in the areas where we have direct responsibilities; it looks to the day when further responsibility will be transferred to the Government of Yukon.

With that in mind, I would like to hear what the Members opposite have to say, with respect to the management model. As I indicated, this particular document was tabled approximately four or five months ago. They have had an opportunity to read it. Our side of the House feels that it is a very important document and is in the best interest of both the Territory and the people who are directly involved in that particular area — primarily the people of Old Crow as well as the other people who have traditionally used that area.

Thank you, Mr. Speaker.

Mr. Penikett: To those of us who remember the heyday of the infamous Society of Northern Research, it is interesting to see how the Minister is going to cope with this issue. The COPE Agreement is one that I think has been of interest and concern to all the citizens of Yukon. Some people a few months ago were quick to jump to instant positions, because of the emotional issue surrounding the apparent grabbing of the land within our borders by certain bad guys.

To my mind, Mr. Speaker, I think it is important to state from the beginning that there is a legitimate aboriginal claim, based on traditional use and occupancy of the Yukon's north coastal area.

At this time, I do not feel that it is my place to remark on the contents of the Agreement in Principle, as they affect only Inuvialuit and their lands and what they freely agreed with the Federal Government and the Government of the Northwest Territories. That, as I say, is not my department, Mr. Speaker. It is probably not even the immediate business of this House; it is out of our jurisdiction.

Where we do not lack jurisdiction, however, is in two parts of the Agreement in Principle. The obvious one is northern Yukon lands, and the exclusive right to hunting there that is granted to the Inuvialuit by the agreement in principle.

The other is Section 3 of the Agreement, which completely eliminates any other claims by other native people to use lands claimed and ceded to the Inuvialuit. To this I cannot agree. The only thing other peoples could get from the agreement is hunting rights in exchange for greater Inuvialuit hunting rights. It seems to me that for an agreement to be truly an agreement of all parties, the Dene and the people of Old Crow should have had some say about this section.

Of the northern Yukon claim by COPE, Mr. Speaker, I cannot say truthfully that I or anyone else is convinced that only Inuvialuit have rights in that area; I have seen no proof of that. Once again, it seems to me that the people of Old Crow should have had more say in this agreement.

Beyond that, there is a still greater question. You cannot blame COPE for trying to get the best deal possible. The greater question lies with the role of the Federal Government in this matter. I would support, and did support, any and all objections concerning the denial of consultation of the Yukon Government in the negotiations of this Agreement in Principle.

It is good to see that we are represented in talks towards a final agreement; however, one is left with the feeling it is probably too little, too late. I am sure that a lot of problems that we now face could have been avoided, if several years ago the Federal Government had respected the rights of Yukoners and given us a seat at the table. For this omission I blame Ottawa, and I feel I do so with justification. It is not everyday, thank goodness, that we wake up to find out that a large part of the Yukon has been negotiated out from under us. It was a terrible blow to Yukon and Yukoners, and it was a day that everybody

will remember — the day that that deal went down.

As I said, the Inuvialuit have a legitimate claim to the north Yukon coast. But what of the other claims? The Members opposite have referred to their claims in the area: the claims of the people in Yukon. It is true that Ottawa ignored those, and for that, I, like most Yukoners, am offended.

But let me say, Mr. Speaker, that the Capital Grits are not the only bad guys in this game. As for the Government of Yukon's position, I doubt that it could be supported entirely or enthusiastically, after any kind of examination of the facts.

The simple fact, from my information, is that the document entitled "Northern Yukon Resource Management Model" is factually incorrect. It also claims to say some good things, but when you look at the fine print, Mr. Speaker, you see something completely different, or else, when you come right down to it, you see nothing very much at all — either that or it is just not clear where the Government stands. For example: the model states a National Park in the northwestern portion of the area under discussion would "receive maximum protection against all activity, including economic development".

Now, Mr. Speaker, given the history of parks and the *Parks Act*, this is simply not credible. Mr. Speaker, from what we know about National Parks, it cannot be the case. National Parks usually have roads, buildings, hotels, ski resorts, utility corridors, all kinds of things that simply prove to be incompatible with the primary goal of all these proposals dealing with the area, including the YTG paper — and that is conservation: conservation of both the wildlife and the wilderness values of the area. The question has to be asked, "How can you have wilderness, if you have a landing strip for planes full of tourists; a park headquarters; a visitor information centre; a caribou spotting range; and a hotdog stand?" That may be some people's idea of wilderness, Mr. Speaker, but it certainly is not a prime example of Yukon wilderness.

Certainly the establishment of a park in the area would, by the stroke of a pen, destroy the wilderness characteristics of the region, which the Yukon Government, to its credit, says it recognizes.

To say that a national park provides "maximum protection against economic development", Mr. Speaker, is simply misleading.

In discussing the so-called special resource management area, Zone C, the Government says the area has less significance and importance in terms of wildlife. That again, I submit, Mr. Speaker, is simply not true. A large portion of the caribou calving grounds is included in this area, and, in addition, there is an area near the Barn Mountains where the caribou aggregate every year in huge numbers. They have done this in several recent years, yet here we find the Government that says it is responsible for the well-being of Yukon wildlife recommending a transportation corridor right through the sensitive area. An area, I would point out, Mr. Speaker, no less sensitive than the calving grounds themselves, because are not areas vital to the survival of the herd equally important to the calving grounds?

One area where the paper contradicts itself is on the subject of native hunting. On Page 3 of Appendix A it says "the national park would also receive maximum protection against all activity, including economic development and native hunting". However, Part D, of the discussion in the first text, under National Parks, says, "No uses other than controlled scientific and resource management should be permitted during the caribou calving period. Resource and wildlife harvesting and trapping should be restricted at all times."

So what is it going to be, Mr. Speaker? No native hunting or restricted native hunting? We can only conclude that, once again, the Government is taking both sides of a difficult issue. No wonder they are having trouble getting an agreement on some of these things. I submit they have not thought clearly enough about these questions to know what they are talking about or what they really want, or, if they do know what they are talking about, they have not yet told us or anyone else.

Another serious deficiency, Mr. Speaker, is the make-up of the proposed management committee. What do we see? We see the Government proposing there be a member from Environment Canada and a member from Renewable Resources.

It could easily turn out, Mr. Speaker, that we get someone from Parks Canada and someone from Resource Planning, when instead, if we are serious about wildlife conservation, we could have someone from Canadian Wildlife Service and someone from the Game Branch. You will recall, the Canadian Wildlife Service, is, I think, the favourite department of the Member for Mayo, Mr. Speaker.

Nor is there any provision for the public. Now, beneficiaries of COPE and residents of Old Crow could be construed I would argue, as members of the public. It would also seem to me a good idea that some representative of a bona fide conservation organization concerned about northern Yukon should be there to provide an objective opinion in the overall management of the area.

Mr. Speaker, if conservation of the wilderness and the wildlife is the primary goal of the Government with respect to northern Yukon, then why did the paper not state it, and state it boldly? What we find instead is the Government saying that it can have development and conservation go hand in hand.

I do not think this Government really thought that statement out. I do not think they really understand that in the northern Yukon, the two objectives may be completely incompatible. We have to remind ourselves that not only the Berger Inquiry, of which the Members opposite are so fond, but even the National Energy Board, a well known left-wing organization, recommended against industrial development in northern Yukon, on environmental grounds.

The Government, Mr. Speaker, has not made that choice. It has not been straight with the public that it is supposed to be representing on this issue. It has not said, if it comes down to a choice between a harbour and a road to King Point and the continued existence of the thriving caribou population, which way it would go. If it comes to a final choice, what would this Government's choice be? To avoid a statement on this question, Mr. Speaker, is a cop-out. It is a serious deficiency in the report and, for that reason I cannot enthusiastically endorse this motion.

If the Government really believes, on the best advice it has from its wildlife managers, that the development and the caribou can go hand in hand, like the Owl and the Pussycat, in this very special region of the Territory, then the least it could have done was recommend a stringent series of environmental tests for development applications. If the Applicant passes the test and the development can go ahead and we could all know that this sensitive area is being protected, but, instead, Mr. Speaker, the document talks about planning the resource development of the region without even knowing what is there, without even requiring its proposed management committee to have available to it sufficient baseline data to make decisions; thus the implications on wildlife and wilderness of the various development proposals.

Mr. Speaker, the Government did not state its position about development versus the environment. Maybe it will argue that it does not have the information on which to base a position; that could well be the case, but if that is so, then why does it suggest that this committee be given the power to make the decision for it when there is simply no requirement, no guarantee that the committee have before it the information it needs to make sane decisions? Mr. Speaker, this is not only a cop-out; it is a sham.

I could talk at length about the national and regional implications of the Dome development, but I will spare you that, Mr. Speaker. Let me just say that Canada may never need Beaufort Sea oil, should it be there. And there is talk that, if the requirements were surplus to Canadian needs, it would all go to Japan anyway. But presuming Dome goes ahead, what does the Yukon get? From recent experience, Dome will not hire local lease truck operators. They are talking about 20,000

population permanently in the Beaufort Sea within 20 years. It is an ambitious idea, but will they be Yukoners? Hardly.

What does the Yukon get out of Dome? We already have equipment going up the Dempster, so we get a few road taxes, but Dome does not use Yukon truckers. They talk about hiring Northerners, and they probably have some working for them. Let us not kid ourselves about how much benefit Yukoners will get in the end. What about local business? I understand Dome was in town not too long ago talking to businessmen about opportunities and about how Dome could use them — and use them might be the right expression, Mr. Speaker. I understand they said we could supply them with paper clips and toilet paper, and they also offered to have us do their laundry. Mr. Speaker, I do not know how enthusiastic the members of the Chamber of Commerce could get about these offers, but they certainly do not turn me on.

What about money? What about the royalties, Mr. Speaker? The Yukon has no offshore resources, the way the map is presently drawn, and with the problems we have been having in gaining control of Yukon land, it may be many, many years away, no doubt some time after Dome has long since disappeared from the Arctic. The Yukon will then perhaps get control of the offshore waters.

There will be no royalties from Dome for Yukoners. Let us not kid ourselves. My Party, nationally, supports the right of provinces to have offshore resources, and locally we aspired to the same kind of thing for this Territory, but what is the reality? We all know what it is. The Minister across the floor has big plans and big dreams, and in some respects I share his vision. But the Minister must be careful, Mr. Speaker, when he is gazing at the forest in the distance, to try and keep his eye on the trees that are a little closer.

It is all right to talk big, and to want to control the land and the fish and the forests and the offshore, but when we as yet do not even have a good idea of how many moose there are in the Territory, and the Government does not yet have the resources to manage resources it is now responsible for, it seems to me that we are getting maybe a little bit too big for our boots on this question.

As I have said before, Mr. Speaker, I doubt very much, if we were given control of the offshore in Yukon tomorrow, that there are within this whole Government the resources, the expertise, the talent, the specialists, the engineers and the technicians that we would need to do a responsible job of managing development of that resource.

Mr. Speaker, it is good to dream, it is good to be optimistic, but I think it is a much greater value in government and in Government Ministers to be realistic, and to be dealing with the real immediate problems of today, rather than dreaming about the giant problems we may not have an opportunity to deal with in our life time. Thank you, Mr. Speaker.

Mr. Byblow: I have listened to the two previous speakers, and attempted to refine the arguments and the principles surrounding why the motion is before us today. It seems that one of the objectionable points raised by the Minister is that the Inuvialuit are granted extensive rights in the Yukon. It seems there is objection to the fact that the Federal Government extends certain decision-making into land, game, resource management.

It seems that it is objectionable that, by the creation of the wilderness park, development will be restricted or curtailed. There seems to be tremendous objection to the lack of consultation with the Yukon in the preparation of this agreement.

If you can take all of those objections and group them into a single objection, Mr. Speaker, it seems to me that it can be fairly said that the COPE Agreement in Principle undermines Yukon's power to legislate matters within its own jurisdiction, and in future considerations of jurisdiction.

When I listened to the speakers talking about the processes surrounding the negotiations involving the agreement, it appears that again a number of factors enter into the picture. However, one thing, Mr. Speaker, that I am concerned about,

is the effect that this motion will have on the present negotiations of the Yukon's land claim. It has been said by the Government Leader in the past, and it has been repeated numerous times, that this Government ought to support, and does support, a position of one land claims process for the entire Yukon. I am not sure, in the discussion to this point, that I have been convinced that this motion encourages that position.

I believe that in an issue as serious as this, as grave as this, to Yukon, and particularly an issue that should be striving in its objective towards common good for all involved — and when I refer to "common good" I mean the reference to Indian people of Yukon, the Government and people of Yukon, the Inuvialuit and the Government of Canada — is the common good being represented in this particular motion as it reads?

I see in the motion a very hard-line position by Government, and I am certainly not opposed, in principle, to this Government taking a position, because I think we all concur that a position was required, and that, in essence, opposition to the Agreement in Principle as it affects Yukon is valid.

I would question what effect a strong position would have in forcing the Federal Government position; its effect on the COPE people. I raise whether or not this may not be provocative, and whether this might jeopardize some conciliatory final agreement. I think that the present negotiations, which have broken down, are testimony that some review of the agreement is necessary. I believe this House, in passing its *Game Ordinance* amendments last fall, recognizes that, and there was precipitated action towards countering the effect.

I do not think we disagree in principle over the COPE agreement, but I would seriously ask this Government, in raising this motion, specifically what is being achieved besides the provocation of hard-lining? What effect is this meant to achieve? What effect on the present negotiations? As pointed out by the previous speaker, how flexible is the management model; given its weaknesses, and given that we are faced with imminent settlement?

I invite some answers. Until I hear some, I will reserve judgment on my vote on this motion.

Mr. Njootli: Mr. Speaker, I have been listening to the last speaker on this motion, and he seems to be concerned regarding this motion, and how it is going to affect the present land claims process between the Yukon Indians and the Federal Government.

Maybe I could fill the Honourable Member in on the historical factors in relation to the land claims process, before this Government was elected in 1978. I think it was on the eve of Hallowe'en night at a mukluk party in Sachs Harbour where the Agreement in Principle was signed, and the Federal Government of the day was using a divide and conquer tactic. This is one of the main reasons why our Government is now putting forth a motion to tell the Government — and I was hoping that the Opposition Members could support the motion — that we are advocating one land claim process in Yukon.

At the same time, I would like to put on record that it should be the Federal Government who should be conducting the land claims process in Canada. At the same time, however, it is also my opinion that all parties involved in these land claim processes should have full and equal signatorial status when the claims are settled. I know that, up until to now, the only person who could sign on behalf of the Yukon Government, by virtue of the *Yukon Act*, is the Commissioner, but, at the same time, I say, too, Mr. Speaker, that the Commissioner should be bound by the advice of the Government Leader when this particular signing takes place, because, of course, in this motion Yukon's North Slope is involved in the land claims settlement.

I recognize the fact, too, that this Legislature must represent territorial interests to the utmost, because it is elected by Yukoners, not by Eskimos. In this case, Mr. Speaker, the North Slope of Yukon should remain in Yukon's jurisdiction; however, insofar as the North Yukon Resource Management Model is concerned, I think it is a fairly good model. It should not, in my opinion, be implemented until the Old Crow people have com-

pleted their claims with the Federal Government. I believe that the Resource Management Advisory Committee should be appointed immediately thereafter.

An effective management plan must be developed in a fair and justified manner; mandates for this advisory committee must be clear and concise so that all parties understand the ramifications of that advisory committee.

I want to put on record, also, Mr. Speaker, that this Government has put forward a certain amount of monies for doing research work on the subject at hand. I want the Opposition Members to understand that and that they must share the views of the majority of the Yukon population on this matter.

Yesterday, Mr. Speaker, the Committee of the Whole was considering the justification of having a wildlife enforcement officer in my riding. I say, Mr. Speaker, that in the COPE Agreement the definition for subsistence usage includes the taking of wildlife for the purpose of trade, barter, and sale among the Indians. I say, Mr. Speaker, also, that the harvesting of big game and game birds for sale is also contrary to Yukon law.

One example I want to use when presenting my case here now is that question which I always ask myself: why has the Alaskan caribou herd diminished from 270,000 to 40,000 in a couple of years? I would assume that there was a poor wildlife resource management plan in place there.

Mr. Speaker, I want to tell the Legislature that I totally disagree with the harvesting of wildlife from Yukon by NWT natives for the purpose of commercial sale. This, Mr. Speaker, is stipulated in Clauses 12(3)(a), 14(2)(a)(iv), 14(4)(a), and 14(4)(e) and 14(5) in the COPE Agreement in Principle.

Also, that is going to increase the number of hunters, which is not going to help sustain the population of the only caribou herd that we have here in Yukon.

Mr. Speaker, even the prominent Supreme Court Justice of British Columbia has been saying the same thing I have been telling you just now. Furthermore, Mr. Speaker, by examining the whole Agreement in Principle, I found that Clauses 12(3)(a) grants COPE exclusive rights to hunt, trap, and fish in the part of the Old Crow group trapping area, which is also put forth by law. Further in Clause 12(4)(a) and 12(4)(b) establish a steering committee comprising nine members, to determine the future of the North Slope. Three out of that nine, Mr. Speaker, are Yukoners, and these are the determining factors that we have to deal with to maintain our Yukon northern resources, according to the Agreement in Principle. It is not looking too good for us, Mr. Speaker.

I could go on and on, Mr. Speaker, in making justifications for my concern, and justify my reasons to support this motion that is on the Order Paper today. I might just give you one more reason, Mr. Speaker: under clause 12(5) of the COPE Agreement in Principle, the Inuvialuit can establish settlements in calving grounds of the Porcupine Caribou Herd. Mr. Speaker, that is almost like putting a wild tiger in the Maternity Ward of the Whitehorse General Hospital.

Clause 12(8) of the Agreement in Principle allows the Inuvialuit to select up to 1,000 square miles of northern Yukon in fee simple, absolute title. Mr. Speaker, that is a large chunk of my electoral riding.

I would like to refer to Volume 1 of the Consolidated Ordinances of the Yukon Territory, Mr. Speaker, on Page 544, under the heading of *Electoral District Boundaries Ordinance, 1978*; it states that the electoral district of Old Crow consists of that part of the Yukon Territory bounded by a line commencing at the point of intersection of Latitude 66 degrees north and the west boundary of the Yukon Territory, thence northwardly eastwardly and southwardly along the west, north and east boundaries of the said Territory to Latitude 66 degrees north, thence due west to the point of commencement, and that is including Herschel Island, Mr. Speaker.

Now, I would like to ask you a question. How would you like to have a bunch of Eskimos going to Watson Lake and taking half of your riding?

In concluding my part of the debate, Mr. Speaker, on this important motion, I would like you to know that I feel good, and that I love my country. I know my people well, and I am sure they feel the same way. As their representative in this Legislature, I feel I must express my views for them. So, with that, Mr. Speaker, I am going to fully support the motion, and I hope that some of the Opposition Members do the same thing.

Thank you

Applause

Mr. Fleming: Mr. Speaker, I have no political grounds whatsoever on which to vote yes or no for a motion such as this, but I do have a problem with it. Before I state that problem, I would like to say that the Honourable Member may know his people and so on and so forth, but I would suggest that he be very careful. I may, some day, have a chance to explain to him that he does not know governments that well.

When they say that "the Yukon Legislative Assembly is opposed to the COPE Agreement in principle with respect to its effect on Yukon ..." I am thinking that this takes in quite a large area of the COPE Agreement, rather than taking in the area that the Minister may actually be worrying about, or that the Government may be worrying about. The COPE Agreement in Principle is many, many things. I know you are saying "with respect to its effect on the Yukon" but I think that the Honourable Member in front of me has explained all the reasons why we should not support this motion now, and he has done it very, very well too.

There are also a few additional things that should be thought about. One is that the COPE Agreement has nothing to do with the Territorial Government or us, in the sense of aboriginal rights. Absolutely nothing.

Some Member: How about me?

Mr. Fleming: I will come to you. I will come to the Honourable Member later on.

In aboriginal rights, that line between the Yukon and the Northwest Territories, or any other line that has been put through by human beings and governments and so forth, has absolutely nothing to do with aboriginal rights, and should not even be considered. In the COPE Agreement, they are probably asking for exactly what they should have, if there is such a thing in existence as aboriginal rights.

I do agree with this Government: we should fight for what we really feel is ours.

Somewhere along the line, I have to agree with the Member on my right, again, we let things go a little too far sometimes.

I might mention the fact that the native land claims in the Yukon Territory is in more or less the same position. It has been going on for many years, and there was not enough involvement to begin with, or maybe that ground would not be under dispute today. Somewhere along the line, I do not think the Government is putting forth a motion to support only the peoples in the Yukon Territory; there is a little more behind it than that. All the economics are there, of which the Honourable Member in front of me spoke.

If this motion gave protection to the Old Crow peoples, to the native land claims in this Territory until such time as they were settled, I might have an entirely different view of it, other than its being a motion by the Government in support of their North Yukon Resource Management Model, which the Member has spoken of very well and very truthfully. I might even say that when I see the Government Members shaking their heads and sitting back and laughing, and when I see them a little embarrassed once in a while and they will not admit it, I think maybe the Member did hit it on the head a few times.

Somewhere along the line the native peoples in Old Crow and maybe all of the Yukon native organizations did not get into the act quickly enough in this case. I also agree with the Government in this respect, that they should have been communicated with. I agree with that, but they did not. I realize that. However, they also had a responsibility to come forth and see that nothing like that happened, so the whole motion is the type of thing that I think myself, I really believe, that the Government

is doing something so that they can have some control. If it was a question period here, I would be asking today — it might be very hypothetical — what would this Government do if the Native Land Claims had immediately asked for that area? It would be snipped away by the Yukon Territorial Government — not this Government maybe — I am not accusing this Government of anything, but there have been governments before this one, and the Honourable Member was on that government. I wonder what sort of reaction there would have been that day? I am going to say this: it would have been a motion almost exactly the same against those people — just another government gimmick.

Thank you, Mr. Speaker, I will be voting against it.

Mr. Falle: Mr. Speaker, one morning you get up, 15,000 square miles of Yukon — poof! Gone.

I sit here and I wonder, and I am really trying to get it through my head whom the Members on the opposite side represent: the people of Yukon or the Eskimos? I mean, if 15,000 square miles of, we will say, hypothetically, Quebec, were bang! gone!, I would wonder what was going on.

I have some suggestions. I mean, they nearly separated once, that would be, bye-bye, they are gone.

But, you know, we are talking about Yukoners, we are talking about our resources here. If you listen to the NDP, we need more studies on the Porcupine Caribou. My God! I do not know how many studies we have had; I do know they are studied to death, but we need more studies.

I wonder, really, why we do not want to stand up and be counted. It really bothers me. Anyway, I have to stand up and be counted on this one. I agree with the motion and I support it, and I ask you people to just remember that you represent Yukoners.

Mr. Penikett: Would the Member permit a question, Mr. Speaker?

Mr. Falle: I would like, to conclude, to say that I support this motion one hundred percent.

Thank you, Mr. Speaker.

Mrs. McGuire: I cannot support this motion, simply because I cannot identify the reasoning behind the motion.

Your Government, Mr. Speaker, has made their position clear in the past, that this Government is opposed to the COPE Agreement. Okay, fine.

Furthermore, the Minister of Northern Affairs has stated that the COPE Agreement in Principle is now open to negotiations. An agreement in principle is not an open and shut case. I can see no reason in this motion to further aggravate the situation, because it simply provokes all parties involved into a long, drawn-out fight, a fight we cannot afford. It is totally unnecessary.

This Government is in an excellent position to negotiate, having recognized and legislated the rights to hunt, fish, and whatever on Yukon lands for the native people of NWT. In my view, this Government has compromised in that way, and I view this motion as a vehicle to antagonize and incite a battle with the people of the NWT. This Government has the upper hand now, so, I say, leave well enough alone and negotiate.

I want to add another little thing here. Another thing about this motion is that it is asking us to approve YTG's Northern Yukon Resource Management Model. Now, this might lend some confusion to some people around here, and the way they want to vote. I will use myself as an example; I may agree to the top portion where it says "...the Yukon Legislative Assembly is opposed to the COPE Agreement in Principle..." and I may disagree with the latter part. To me, this in itself should be a separate motion; it should be a separate debate. Now a lot of people will find that confusing. I would like to have someone tell me: how do you go about voting? If you agree with the first part of that motion, you disagree with the second. How do you vote? So, this is another reason why I am not voting for the motion.

Mr. Hanson: Mr. Speaker, I did not want to say too much on this particular motion. I did not hear the new boy from River-

dale South — or the Honourable Member for Riverdale South speak on it, but I am quite sure —

Mr. Veale: Hold on, you will.

Mr. Hanson: You have not spoken yet? Oh.

Mr. Speaker: Order, please.

Mr. Hanson: I would have liked to have heard him, I presume he has spoken.

I have heard the Member for Kluane and I can understand, you either support a motion or you do not support it, but come out and say that instead of thinking of all the excuses of what is wrong with the motion, what is wrong with the Government side of the House, and that it is all politics, when this is a political arena and we are all in here because of politics. Anything else — to use an expression that is commonly known throughout Yukon, — I cannot because I am in the House, but I am sure all Members here know what the expression is.

Some Member: Explain what the expression is.

Mr. Hanson: I listened to the Honourable Member for Whitehorse West. He sounds like his leader in Ottawa. He is half in bed, half out, but he is working on it.

Mr. Penikett: At least I have one foot out of it.

Mr. Speaker: Order, please.

Mr. Hanson: But it is off the floor.

Then I listen to my good but elderly friend for Campbell and he does not know where the hell he is. One day he is one way and one day he is the other way — and that happens in one speech. So, Mr. Speaker, it is a waste of time.

But I will be supporting the motion, and I will ask that there be a division, so that people out in the street can see what the Members on the side opposite want for Yukon.

I thank you, Mr. Speaker.

Mr. Veale: Just for the Member for Mayo, Mr. Speaker, the motion is ill-conceived and ill-timed, and, in case he does not understand that, that means that I oppose the motion.

Mr. Speaker, there is no question that mistakes have been made, particularly by the Federal Government in their negotiations on the COPE Agreement. They should never have proceeded without this Territory's being involved in those negotiations, from day one. But let us put that behind us now. The Territory is now party to the negotiations, and they have, in fact, put forward their Northern Yukon Resource Management Model, which has been received and, presumably, will be discussed at some time.

But, Mr. Speaker, this is where this Government really misses the boat. Now is the time, they are part of the negotiations; now is the time for sensitivity, not for bulling ahead, as this Government in its usual fashion does, but rather to put forth a tactful approach, based on goodwill, to get negotiations going again.

This motion, Mr. Speaker, is black and white. It is a categorization of a sensitive land claims negotiation issue that does not in any way enhance the process of accommodation that must take place.

That process, Mr. Speaker, is in the interest of all Yukoners. It is clearly a partisan motion, that they can wave around and say, "Look what we have got."

The motion, in its wording, Mr. Speaker, is so broad that it could be interpreted as saying, "This Government does not believe in the concept of aboriginal rights on the North Slope of the Yukon Territory." That is clearly not the position of the Government; clearly not the position of this Government which went to Ottawa and asked that aboriginal rights should be entrenched in the constitution of Canada. That is how that motion, presently worded, could be interpreted.

Mr. Speaker, I was pleased to hear the Member for Old Crow state that his condition, and I assume it is a condition of all Government Members, is that the Old Crow Land Claims process must be put into place first. That is a very interesting position for the Government to take, because in fact it means that perhaps the Northern Yukon Resource Management Model can be beefed up a bit, and really put into place and mean something for this Territory.

The major problem with the Northern Yukon Resource Management Model is that it forgets the major species that we are really concerned about in the Northern Yukon: the people and the caribou. The caribou, as this Government should know, migrate as far as the Dempster Highway in the south, and yet they have presented a Management Model which barely extends to the Porcupine River. They have missed one half the ground that those caribou travel over.

What about the models it presents? Well, instead of a comprehensive model, to deal with the caribou herd and the people of Old Crow in all the ramifications, the model has a little hodge-podge; a National Park here, Zone C here, Zone B there, and then a possible extension here.

But I think even the Member for Old Crow would agree that the people of Old Crow are the most important thing, and the caribou that they live off, and that requires a comprehensive management model which everyone in this House can support.

Hon. Mr. Pearson: Mr. Speaker, talk about cop-outs, I am flabbergasted. Here is the Member for Whitehorse West going to oppose this motion, because we claim, in the model, that a National Park is a good way, a legal way, a realistic way to control development.

The Member for Faro is going to oppose this motion because he wants to hear more debate on it.

The Member for Campbell is going to oppose it because the Member for Whitehorse West is right in what he says.

The Member for Kluane is going to oppose the motion, Mr. Speaker, because it should be in two parts.

The Member for Riverdale South is going to oppose the motion because it is ill-timed, and it does not deal with caribou, and it does not deal with people.

Now, Mr. Speaker, really! If the Member for Riverdale South had taken some time to read the COPE Agreement in Principle, and then read our management model, and then maybe even talk to some of the people who have been involved in negotiations, he might understand why it only takes in certain areas of the Yukon Territory. He might also understand why it only deals with specific issues.

Mr. Speaker, that package was put together for one reason only, and that was to try to reach some accord with the Government of Canada and COPE, and to try to meet as many of their aspirations as we possibly could. Now, Mr. Speaker, we went an awful long way. I heard the Member for Kluane speak of goodwill, and the Member for Riverdale South say that this was ill-timed. Maybe they are not aware of the fact that after we put this model on the table, in the best of faith, it was rejected out of hand by COPE. They have broken off negotiations. They, no one else; they refuse to meet with anyone now, because this is in their way. Mr. Speaker, ill-timed? Not so at all. The people of COPE must be told and must be told emphatically, that this is where Yukon stands with respect to this Agreement in Principle.

Applause

Hon. Mr. Lang: Well, Mr. Speaker, I have heard it all. I have to go along with the Member for Mayo and the Member for Hootalinqua; one has to ask just exactly what constituencies the Members opposite ran in. Or perhaps they have aspirations, and they are moving elsewhere. Maybe that could be the positions of the Members opposite.

The Member from the NDP comes out and says it is too little, too late. People in Yukon never had the advantage of speaking up with respect to the COPE Agreement and how it affected the Yukon, and now we are going to just lay over and die.

Mr. Penikett: On a question of privilege, Mr. Speaker, the Member is misquoting me. If he wishes to quote me, and I realize there are a lot of excellent things that I have said that are worthy of quoting, he must do it accurately, Mr. Speaker. He is not saying what I said.

Mr. Speaker: I cannot find that the Member has a question of privilege. I believe this is a matter of conflict between two Members as to an allegation of fact.

Hon. Mr. Lang: Mr. Speaker, the Member who is very

proud that his party is so closely aligned — in fact they are one and only one party, the NDP party which is Territorial and Federal — and that the NDP party which he represents in this House never had the opportunity or the knowledge to be able to put forward a case to the Government of Canada that the COPE Agreement, when it was signed in 1978, was not in the best interest of Yukon, as it affected the Yukon and as it is designated in this resolution.

Mr. Penikett: Would the Member permit a question, Mr. Speaker?

Hon. Mr. Lang: No, Mr. Speaker, but I will later on if I decide that it is necessary.

Mr. Penikett: On a question of privilege, with respect, I must ask the Member to quit misrepresenting my position. He is not saying what I said, and he is misleading the House by misquoting me. Misleading the House, Mr. Speaker, with respect, is the most serious offence that a Member can make in this House. If he is going to quote me, quote me accurately.

Hon. Mr. Lang: Mr. Speaker, I am not quoting him, I am referring to him and the Party that he represents. I want to table in this House a letter that I sent to the Federal New Democratic Party, which, incidentally I never even got a reply to. When the COPE Agreement came forward, I felt that it should be a non-partisan issue; all political parties in Yukon should be putting a united front forward with respect to the COPE Agreement as it affected the Yukon Territory.

Now here is this particular document I will file with the Clerk — in fact, I have copies run off. A lot of work was done in it, and I did not get a reply from the party that he claims he represents. I sent it to the Federal Liberal Party, asking for a reply, to take a position with respect to the COPE land claim as it affected the Yukon Territory. I never got a reply then.

"It is too little, too late, Mr. Speaker. We did not have time to put our point of view forward." Well, this side of the House has, and I as a Yukoner am proud of the fact that we are prepared to stand and be counted. We are not looking for an excuse, Mr. Speaker, such as the park will be formed and they might put a road in it. He only has to drive 100 miles and see Kluane National Park, in which nothing has effectively happened in the last seven years.

If anything, following that —

Mr. Speaker: Order, please.

Mr. Penikett: If you will permit a question of privilege, Mr. Speaker, the Member is asking if I am prepared to take a stand. Would he take a stand? When the question finally comes, if he has to choose between development or the survival of that caribou herd, which is it going to be? That is the question that he will not take a stand on, Mr. Speaker.

Mr. Speaker: Order, please, order, please, order, please. I am wondering if we could allow the Honourable Members to speak in turn. There appear to be no valid questions of privilege here.

Hon. Mr. Lang: Mr. Speaker, I recognize I have the ability of getting to the Member opposite. I did not quite realize he was so thin-skinned.

Anyway, getting back to it, he is worried that if a national park is put in there, a road might go in through it. Well, Mr. Speaker, he knows and I know that is the furthest thing from anybody's mind in this House and, I am sure, even at the Federal level: a park in the northwest corner of the Yukon Territory.

Mr. Speaker, the Government of Canada has other priorities. If it is a National Park, there is no doubt in my mind that it is going to protect the calving ground of those caribou that are so important to the northern Yukon and for Yukon in totality.

Following that, Mr. Speaker, I take a look at the arguments put forward by the Member opposite. He obviously has not read the document thoroughly. I recognize that he has to rely on hired help in some cases, but, Mr. Speaker, this particular document does recognize the environment. We are proposing a model where there is going to be stiff resource controls, in that particular area of the Yukon Territory.

Now, Mr. Speaker, he does not stand up and say — and he probably is not prepared to stand up and say “As a Party we believe a 1,000 square miles of fee simple...” — incidently, 700 square miles more than the Government of the Yukon Territory has to put out on behalf of the citizens of Yukon, but 1,000 square miles to be given to the people from the NWT. He does not take a stand on that, Mr. Speaker, because, I am sure — and I would not want to insinuate this, because he might ask a question and perhaps I should be asking the question — that perhaps there are maybe some national objectives involved, concerning the position he is taking, as opposed to from a strictly Yukon point of view.

But he could speak to that better than I can, and I can make my own suppositions about the position he has taken.

Mr. Speaker: Order, please. Order, please.

Mr. Penikett: On a Question of Privilege, Mr. Speaker: I do not believe it is competent for a Member to impute motives to another Member of this House, especially if those motives are false and not founded on fact. Therefore, I would move, seconded by the Member for Faro, if he will agree, that the matter of my privileges and the Member's false imputation of motives to them be referred immediately to the Committee on Rules, Elections and Privileges, if you find I have a *prima facie* case of privilege, Mr. Speaker.

Mr. Speaker: I will take the matter under consideration. The Honourable Member —

Hon. Mr. Lang: May I continue, Mr. Speaker? The Member wants to speak a second time.

Mr. Speaker: Order, please. Order, please. I wonder if the Honourable Minister would not speak before being recognized.

Hon. Mr. Lang: Well, perhaps, Mr. Speaker, the Member has changed his mind and wants to speak a second time. He seems to be on his feet more than I am, and I am supposed to be speaking last.

Well, following that through, Mr. Speaker, there is another important element with respect to the COPE Agreement as it affects the Yukon Territory. The Member for Old Crow hit it right on the head, regarding the wildlife legislation and the laws that are passed by this House. That present agreement, if it were to come in, would allow people who do not even live in the Territory to sell commercially game which has been harvested in the Yukon Territory, which nobody else in the Territory can do and, from my perspective, no-one should be able to do.

I want to follow that through, Mr. Speaker. I have dealt with the Member from the NDP, and I apologize if I have irritated him. Perhaps I am putting forward the position that he should maybe have been putting forward a little bit earlier, and possibly he is jealous. I find it very difficult to understand how he would support the Canadian Wildlife Service. “Well, we will have the Canadian Wildlife Service coming in and everything else, and we are going to ...”, in other words, from my perspective — and perhaps he can clarify it — it would appear to me that perhaps he is saying that the Government of Canada should be taking on the responsibility for management of wildlife in the Territory. If he is saying that, stand up and say it.

Following on that, Mr. Speaker, I recognize that the Member for Campbell has a problem and he cannot make up his mind — and perhaps he has changed his mind because we have not voted yet. The Member for Kluane is not too sure whether she agrees with the first part and she is not too sure of the second part either, so it will be interesting to see how she votes when the Honourable Member for Mayo calls for Division.

The one that gets to me, Mr. Speaker, is the Leader of the Official Opposition who stands up here and says, “The reason I cannot vote for this: it's timing”. Now nobody wants to take a position; nobody wants to make a decision until somebody else has made the decision, and then we can sit there and attack the final decision that has been made.

This model was presented in good faith, as the Government's position on the matter. As indicated, the Committee for Original People's Entitlement has not come back to the table, be-

cause of the management model that we have put forward.

The Government of Canada, and rightfully so, has said, “Look, we are prepared to consider this”, and I have to give them credit. But the local Liberal Party that is represented across the way, representing other parts of the Yukon — from my perspective he forgets that it was back on May 10, 1980 when there was a resolution passed by the Liberal Party, endorsing the COPE Agreement as it stands, with “perhaps a little consultation with the Government of the Yukon Territory”. So I would submit, Mr. Speaker, that the Member opposite is not prepared to take a position in this House, on the COPE Agreement as it affects the Yukon Territory. “Well, a thousand square miles of real estate; that's okay, we will just shove that out the door; we won't tell anybody it happened. You have a look and we will allow them to sell wildlife up there, because that doesn't really matter, so far away from my municipality”. It just goes on and on and I find it just beyond comprehension, Mr. Speaker, that the Members opposite can stand there and not support a motion which effectively says, “Look, the COPE Agreement in its present form is not applicable to the Yukon Territory”; we have a model here on which a lot of work has been done to say, “Look, this is what could happen in the northern part of the Yukon Territory”.

I have not heard another alternative; all I have heard is the Member from the NDP worrying about a road. The Member for Riverdale South, the Leader of the “Liberal Party” in the Yukon talks about timing. Well I just find it totally and absolutely ludicrous, Mr. Speaker, that the Members opposite find an excuse not to take a look at the model, not to take a look at the principle of the resolution, but to find excuses why they cannot deal with the issue.

All I can say, Mr. Speaker, is I hope they go back to their constituencies and explain why they voted the way they did. I am sure the Member for the NDP who does not get to speak last — I do, but I am sure he is going to stand up — will go back and say, “They haven't protected the caribou”. Well, Mr. Speaker, for his information, the Government of the Yukon Territory, in cooperation with a number of other agencies, has spent, over the last four or five years, over half a million dollars on various studies dealing with that particular herd. It is just as much a concern to this side of the House — probably more so than to the Member opposite.

So I say to you, Mr. Speaker, when I take a look at the Members opposite, all I can say is that I have never seen anything so irresponsible in my life.

Mr. Speaker: Order, please, Order, please.

Mr. Penikett: Would the Member permit a question, please, Mr. Speaker?

Hon. Mr. Lang: Mr. Speaker, it is hypothetical, because he is not prepared to take a position.

Mr. Penikett: On a Point of Order, Mr. Speaker. I have a very serious point of order dealing with the substance of the question that is about to be put before you.

Mr. Speaker: Would the Honourable Member state the —

Mr. Penikett: Yes, Mr. Speaker, I will come directly to my Point of Order. There are, in this motion before us, two principles. The first principle, which may be desirable from some people's points of view and not from others'; and the second, one which is a more dubious proposition. Mr. Speaker, I would ask to make a submission to you on a Point of Order, such has been done in the House of Commons on a number of occasions; that is the only precedent I can cite: That the question be split on the two questions in the motion, and that you permit a vote on the first part and a vote on the second part — to be recorded separately.

Mr. Speaker: On the point of order, the Honourable Government Leader.

Hon. Mr. Pearson: Mr. Speaker, the Motion is very, very clear. The intent of the motion is clear. There is only one principle involved here: either Yukoners are supporting this motion or they are not supporting it.

Mr. Speaker: I find the motion is quite in order.

Division has been called.

Hon. Mr. Pearson: Agreed.

Hon. Mr. Lang: Agreed.

Hon. Mrs. McCall: Agreed.

Hon. Mr. Lattin: Agreed.

Mr. Njootli: Agreed.

Mr. Hanson: Agreed.

Mr. Graham: Agreed.

Mr. Falle: Agreed.

Mr. Tracey: Agreed.

Mr. Veale: Disagreed.

Mrs. McGuire: Disagreed.

Mr. Penikett: Disagreed.

Mr. Fleming: Disagreed.

Mr. Byblow: Agreed.

Mr. Clerk: Mr. Speaker, the results are 10 yea, 4 nay.

Motion agreed to

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

GOVERNMENT BILLS AND ORDERS

Mr. Clerk: Third Reading, Bill Number 5, standing in the name of the Honourable Mr. Pearson.

Bill Number 5: Third Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Minister of Health and Human Resources, that Bill Number 5, *Second Appropriation Ordinance, 1981-82* be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Health and Human Resources, that Bill Number 5 be now read a third time.

Motion agreed to

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

Hon. Mr. Pearson: Yes, Mr. Speaker, I move, seconded by the Honourable Minister of Health and Human Resources, that Bill Number 5 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Health and Human Resources, that Bill Number 5 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 5 has passed this House.

Mr. Clerk: Third Reading, Bill Number 6, standing in the name of the Honourable Mr. Pearson.

Bill Number 6: Third Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 6, *Loan Agreement Ordinance 1981 (No. 1)* be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Hootalinqua, that Bill Number 6 be now read a third time.

Motion agreed to

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

Hon. Mr. Pearson: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 6 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Hootalinqua, that Bill Number 6 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 6 has passed this House.

Mr. Clerk: Third Reading, Bill Number 7, standing in the name of the Honourable Mr. Pearson.

Bill Number 7: Third Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the

Honourable Member for Mayo, that Bill Number 7, *Financial Agreement Ordinance, 1981* be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Mayo, that Bill Number 7 be now read a third time.

Motion agreed to

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

Hon. Mr. Pearson: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Mayo, that Bill Number 7 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Mayo, that Bill Number 7 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 7 has passed this House.

Mr. Clerk: Third Reading, Bill Number 10, standing in the name of the Honourable Mr. Pearson.

Bill Number 10: Third Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 10, *Municipal General Purposes Loan Ordinance, 1981* be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Hootalinqua, that Bill Number 10, be now read a third time.

Motion agreed to

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

Hon. Mr. Pearson: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Hootalinqua, that Bill Number 10 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Hootalinqua, that Bill Number 10 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 10 has passed this House.

Mr. Clerk: Third Reading, Bill Number 11, standing in the name of the Honourable Mr. Pearson.

Bill Number 11: Third Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 11, *An Ordinance to Amend the Tobacco Tax Ordinance* be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Tatchun, that Bill Number 11 be now read a third time.

Motion agreed to

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

Hon. Mr. Pearson: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 11 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Tatchun, that Bill Number 11 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 11 has passed this House.

Mr. Clerk: Third reading, Bill Number 12, standing in the name of the Honourable Mr. Pearson.

Bill Number 12: Third Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Old Crow, that Bill Number 12, *An Ordinance to Amend the Home Owners' Grant Ordinance*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Old Crow, that Bill Number 12 be now read a third time.

Mr. Fleming: Due to conditions beyond my control last

night, I was not here when the bill was at second reading and, therefore, I did not have the opportunity to get into questioning on it. After reading *Hansard*, I found one specific question that was not answered, and I am not sure, now, as to how I should vote on a bill of this type.

Of course, I think it is well known that I do not really agree with many of the grant situations. I feel that somewhere along the line all we are doing is giving out money, and then we are going to have to tax somebody to get the money back. I cannot quite see that. I can see the tax situation being entirely changed someday; there will be no home owner grant, but let us lessen the taxes to the people in the country so that we do not have all that paperwork and foolishness to go through. I still say that, and I have said it each time that this homeowner grant comes through.

To vote for this, of course — if I was sure that the \$50 that has been added on is just more grant to the people in the lower tax bracket, I possibly might be quite willing to vote for this. If, on the other hand, the basic taxes that this is giving back on have been raised from, say, \$600 to \$700, I might be opposed to this bill.

So, as I say, it is not anything that I am really too concerned about, but I certainly would be speaking on it some day in the future, if that were the case, because I feel that if anybody has a \$600 tax and he can get \$300 back, he is not really that poor, someone who has this type of land where there is going to be a \$600 or \$700 tax bill on. Therefore, I do not really see any good in adding more to his pocketbook.

But in the case where it was \$350 taken on the same basis as it was before, I could understand that possibly they are just trying to help the poor people a little bit.

However, I will vote for the motion. As I say, I was not here and did not get right into it. I will try and find out the particulars on it later. Thank you, Mr. Speaker.

Motion agreed to

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

Hon. Mr. Pearson: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Old Crow, that Bill Number 12 do now pass and that the title be as on the order paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Old Crow, that Bill Number 12 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 12 has passed this House.

Mr. Clerk: Third reading, Bill Number 13, standing in the name of the Honourable Mr. Pearson.

Bill Number 13: Third Reading

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 13, *An Ordinance to Amend the Fuel Oil Tax Ordinance*, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 13 be now read a third time.

Mr. Veale: Mr. Speaker, for the record, we stand opposed to this taxation bill for the support of the Ottawa office and the expansion of the Executive Council Office.

Some Member: Question.

Mr. Speaker: Question has been called. Are you agreed?

Some Members: Agreed.

Some Members: Disagreed.

Mr. Speaker: Do I hear division?

I must say from the Chair that if any Member ever wishes Division, please call Division. Disagreed is not sufficient to cause a Division.

I will now call Division.

Mr. Clerk, will you poll the House?

Hon. Mr. Pearson: Agreed.

Hon. Mr. Lang: Agreed.

Hon. Mrs. McCall: Agreed.

Hon. Mr. Lattin: Agreed.

Mr. Njootli: Agreed.

Mr. Hanson: Agreed.

Mr. Graham: Agreed.

Mr. Falle: Agreed.

Mr. Tracey: Agreed.

Mr. Veale: Disagree.

Mrs. McGuire: Disagree.

Mr. Penkett: Disagree.

Mr. Fleming: Disagree.

Mr. Byblow: Disagree.

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

Motion agreed to

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

Hon. Mr. Pearson: Yes, Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 13 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 13 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill Number 13 has passed this House.

May I have your further pleasure?

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

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse Porter Creek West, seconded by the Honourable Member for Mayo, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Mr. Speaker leaves Chair

COMMITTEE OF THE WHOLE

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

We will be considering the following bills in the following order: Bill Number 8, Bill Number 2, Bill Number 3, Bill Number 4, and Bill Number 14.

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

Recess

Mr. Chairman: I would like to call the Committee of the Whole to order at this time. I would like to refer Committee to Bill Number 8. We are now dealing with Schedule A on page 2 of Bill Number 8 and also page 27 of your Yellow Book, called Supplementary Estimates Number 1, 1980-81. Department of Finance.

Bill Number 8: Third Appropriation Ordinance, 1980-81

Hon. Mr. Pearson: Mr. Chairman, I wonder if I could prevail upon you to let me answer two of the questions that were raised during the discussion of this department's Main Estimates. They were both questions asked by the Honourable Member for Riverdale South. If I could just answer them.

One question was with respect to the amounts of payments to the Public Service Association and the Teachers' Association. Mr. Chairman, these were not payments, but rather they are the costs associated with dealing with arbitration, grievance procedures, and negotiators fees. So that was the answer to that question.

With respect to the loans to municipalities, the City of Dawson has indicated the necessity for \$1.8 million in loans: \$1.5 million for frontage, and \$300,000 for Centennial Hall repairs. The Town of Faro has indicated a requirement for \$1.2 million worth of loans for water and sewer projects, and the City of Whitehorse \$1.5 million for sundry projects. So that is the breakdown of that \$4.5 million.

Mr. Chairman, I should say, with respect to the item under consideration, that the \$289,200 is primarily made up of an over-expenditure of \$180,000, for general insurance which we

expanded. We bought more than we had anticipated. That was \$110,000, and also there was \$70,000 of workers' compensation supplementary pensions that we did not anticipate at the beginning of the year. As well, Mr. Chairman, as I indicated in the House, we have a deficit of \$115,000 with respect to our equalization payments for electricity and fuel oil.

With some under-expenditures in things such as professional and special services, as a result of positions that can cease and so on, the net result is a requirement for \$298,200.

Mr. Chairman: Are there any questions on the Finance Department? There being no questions, shall the increase of \$298,200 clear?

Some Members: Agreed.

Mr. Chairman: I declare the figure carried.

I would like to refer Committee to page 29 now, in your letter Supplementary Estimates books. We will be now discussing the \$44,300 in Library and Information Resources.

Hon. Mrs. McCall: Mr. Chairman, 75 per cent is for salary adjustments: reclassification of the deputy head. The other 25 per cent is made up of numerous items of a minor nature, the balance of various programs.

Mr. Chairman: There being no questions on the Department, shall the increase of \$44,300 clear?

Some Members: Agreed.

Mr. Chairman: I declare that figure carried.

I shall now refer Committee to page 31 in your yellow Supplementary books and address the Renewable Resources with an increase of \$959,500.

Hon. Mr. Lang: Mr. Chairman, this was largely due to the O&M side of \$326,000. There was \$50,000 for a caribou study, which will be recovered from the Department of Indian Affairs. There was also a caribou study conducted in conjunction with Pan Ocean in the Bonnet Plume, for \$15,600. There was also a sheep study recovered from the Foundation for Northern American Wild Sheep, which was \$11,900; the live capture of falcons for \$9,000; purchase of furs for \$2,000; the purchase of an outfitting area for \$76,000; the Dempster Highway management plan, which is partially recoverable through the Department of Indian Affairs, for \$30,000; \$21,000 in data and lab analysis and storage from the Department of Indian Affairs; and, also, increased accommodation space rental of \$110,600 for the Department, which we consolidated into one unit as opposed to what it was previously, split up into various aspects in Yukon.

On the Capital side, there is \$495,000 for campground development; \$126,000 for the Yukon River Attractions under a tourist development sub-agreement; and also a purchase of land in the Haines Junction industrial area, going along with the philosophy of the Government of regionalizing the various conservation and management responsibilities of the Department.

Mrs. McGuire: Did you say 76,000 for outfitters?

Hon. Mr. Lang: That is correct, Mr. Chairman, that was cost-shared under the Tourist Subsidiary Agreement. As you know, there was one area that was being over-hunted, and in the middle of a certification of one outfitter — namely Mr. Dennis Callison. We purchased the area on the basis that residents would have the harvesting privileges first, but also, and just as importantly, we were looking for an area where we could set up as a wilderness guiding area, which I mentioned during the course of the discussion of the main estimates. We hope that will be implemented, or at least the program will be developed, fairly early this year so that we can get something under way.

Mr. Byblow: I did not understand how the acquisition of industrial land qualified under subsidiary agreement criteria.

Hon. Mr. Lang: That was strictly under the capital portion of the Budget, which is \$11,700 to purchase land for Haines Junction; actually a lapsed sum in 1979-80, which subsequently shows up in this particular Budget.

Mr. Byblow: That portion of the expenditure does not relate directly to a subsidiary agreement?

Hon. Mr. Lang: Correct, Mr. Chairman, it is strictly a capital item with respect to the capital side of the Budget. We did this in a number of other areas, you will recall; I believe in Mayo and Watson Lake as well.

Mr. Byblow: Could the Minister refine the \$126,000 under the Yukon River Attraction program?

Hon. Mr. Lang: Mr. Chairman, this was money that was spent in stabilizing, I believe. I am going from memory as I do not have notes in front of me; it was to stabilize a number of the older buildings along the Yukon River, under the Tourist Development Sub-Agreement. I believe some work was done at Selkirk, some at Brantford, and I am not too sure if there was another place as well.

Mr. Byblow: Does that application of the subsidiary agreement apply to any other rivers than the Yukon River?

Hon. Mr. Lang: Not at this time, Mr. Chairman.

Mr. Chairman: Is there further discussion?

There being no further discussion, shall the increase of \$959,500 carry?

Some Members: Agreed.

Mr. Chairman: I declare the figure has carried.

We shall now turn to page 33 in your yellow supplementary books, under the Department of Government Services. The increase is \$609,700.

Hon. Mr. Lang: Mr. Chairman, as indicated in the explanation, this was largely due to the increase of computer and associated costs, and the installation, as well as the cartage and write-off of items that would not go to the Board of Survey, but had subsequently to be defined for appropriation.

There were monies made available for new computer equipment for the department. It is a modernization that is going on within the department for more efficiency, with respect to the data and whatever has to be processed throughout the total Government.

And also there was a transfer of responsibility for Government vehicles, and as you know, we instituted a transportation policy within the Government which appears to be working very well, and we are saving a fair amount of money with respect to trying to coordinate Government employees going to certain destinations throughout the Territory.

Mr. Chairman: Is there any further discussion on this department? There being no discussion, shall the figure \$609,700 clear?

Some Members: Agreed.

Mr. Chairman: I declare that figure carried. I refer the Committee to page 35 in your yellow Supplementary Books and we will now be discussing Yukon Housing Corporation, an increase of \$566,500.

Hon. Mr. Lattin: You will notice that \$20,400 is for extra maintenance. On the capital side we have \$546,100, for extra funds for the Employee Buy Back Plan, and miscellaneous other capital expenditures.

Mr. Veale: Mr. Chairman, would the Minister advise if the \$546,000 over-run indicates that the Employee Buy Back Plan operates at a substantial loss?

Hon. Mr. Lattin: Not necessarily, Mr. Chairman; we have so much in that pot and if we have a large influx of houses, we would have to bring up more capital to dispose of them. But we do not operate the Buy Back Scheme at a loss.

Mr. Fleming: I am just a little confused as to this Rental-Purchase Housing. I know it is a minimal figure of \$20,000, but I wonder why, if you are speaking of rental-purchase, if they have already purchased and the payments or the rental is going onto the purchase, would you still be paying the repair costs in any case at all? Or, is this before the houses are actually sold and just being rented?

Hon. Mr. Lattin: Yes, Mr. Chairman, I would assume that if we were selling a rental house to a particular person, there would be probably some things that we would do before he took possession of the house. In other words, what I am saying is, the person would buy the particular house if such and such were done. The things that we would do are things that we

would feel are fair things. Also, on the Low Rental Housing, I have not got the breakdown of the \$20,000, but between the two, that is the way it would work.

Mr. Fleming: Yes, that is fine. I appreciate that answer too.

However, I would still like to be sure as to whether we are actually paying any maintenance costs after the rental-purchase agreement is signed?

Hon. Mr. Lattin: Mr. Chairman, no, I would say that, on a rental-purchase agreement, what repairs would be done would be done before the deal was concluded.

Mr. Veale: The Minister indicated that the Employee Buy-Back Plan does not operate at a loss. Would he explain, then, why additional funds were required to keep the plan going? Is he indicating that perhaps, over time, there will be a recovery of those funds?

Hon. Mr. Lattin: Yes, Mr. Chairman, we had a backlog because of a slow market. There were more houses that we had to buy back than we had money allotted for; therefore we had to ask for extra funds to buy these houses. But, as time goes on and we dispose of those houses, we should recover this money.

Mr. Chairman, the way the legislation is set up, we are required to buy the house. There is no way we can refuse to buy a house. We have to buy it, it is set down in legislation. So, naturally, if we get more houses at a particular time than we have money allotted for, we have to go for extra funds. I submit, as those houses are sold, the money will be recovered.

Mr. Fleming: Then I would ask the Minister just how many houses we have on hand now that have been bought back and that have not been sold?

Hon. Mr. Lattin: Mr. Chairman, I am sorry, I cannot answer that. I will bring the answer back, but I have not got it at my fingertips.

Mr. Veale: During the real estate slump that took place over the last two years, could the Minister confirm that there has never been a point in time where the Government has been buying houses back at a value which has decreased before they have been able to turn them over, you have not made a loss at any time during that program?

Hon. Mr. Lattin: Mr. Chairman, not that I am aware of. I would have to check to be absolutely positive, but the way it is set up we have a maximum in what we will pay for a house. The procedure is that the employee who wishes to dispose of the house has to fulfill certain qualifications first. He has to try to sell it privately, and we will not pay more than a percentage of the appraised value. Also, we have a maximum of what we will pay on a house.

Mr. Chairman, in the case of the houses that the staff are disposing of, it would be better financially, in most cases, for them to sell it on the private market to us.

I will certainly check with my department and, if we have any losses, I will notify the Member as to how many there were.

Mr. Fleming: I might ask the Minister, in the case of the Government having five or ten houses that have been bought back, what procedure do you go through? You must put them up for sale, I presume, but is there such a thing as renting them and getting some recovery in the meantime, or are they just left empty?

Hon. Mr. Lattin: Mr. Chairman, no, if we had bought them back — well, it could be in some cases, but most of the time we advertise them for sale. If you will notice in the local newspaper, we have these houses advertised quite regularly for sale.

Mr. Chairman: There being no further discussion on Yukon Housing Corporation, shall the increase of \$566,500 clear?

Some Members: Agreed.

Mr. Chairman: I declare the figure carried.

Before we carry the total amount, are there any questions in the further information you find in your Supplementary Estimates? It is just for information only.

Mrs. McGuire: Can we question any portion of it?

Mr. Chairman: Any portion.

Please identify your page if you have any questions.

Mrs. McGuire: Yes, I have a question on Health and Human

Resources. I would like to ask the Minister how often reviews are carried out on recipients, the receivers of social welfare assistance.

Hon. Mrs. McCall: They are carried out on a constant basis. They are monitored very closely.

Mrs. McGuire: There has been a noticeable increase in the Social Welfare Assistance funds. Can the Minister perhaps tell us the reason for this over last year? Is it population-wise?

Hon. Mrs. McCall: Mr. Chairman, no, it is not to do with population. It is to do with need. As the cost of living goes up, more people need assistance, so those costs include food costs — which we know are high — clothing, utilities, everything. The number of people on social assistance is increasing.

Mrs. McGuire: I want to ask the Minister: who does the reviews and the monitoring of the people who are receiving it? Does the head office of the department in town do that?

Hon. Mrs. McCall: Yes, Mr. Chairman, my department here in Whitehorse monitors it very closely. Unemployment is another reason that there are more people on social assistance.

Mr. Chairman: Is there further discussion on the information?

Mrs. McGuire: Well, I am not so sure I am satisfied with how the reviews are done regarding recipients who are on social welfare. For instance, the families who are on for years and years and years, I wonder what type of monitoring is done on them? Are they backsliding and is there a time when they can come off it? I have knowledge of at least three families who are on it, a man and his wife and children.

Hon. Mrs. McCall: Mr. Chairman, perhaps the Honourable Member knows whether these people are on Federal social assistance or on Yukon Territorial assistance. If it is on Territorial, it is monitored constantly and also looked at with a view to rehabilitating these people in some way and getting them back into society through education or some sort of rehabilitation.

So, they are looked at very closely, but if the Member would like to bring something in particular to my attention, it could be that something has escaped notice. It is something that is reviewed every time they get money or anything to given them. It is looked at carefully, so I would expect there is probably a very good reason, but, if there were individual cases that she would like me to look at, then I would be happy to do that.

Mrs. McGuire: Perhaps such cases are escaping the Minister's notice because of the lack of training of the social workers in the department, say, in the outer areas; they do not know how to handle such cases and they find it easier just to hand out a cheque and get rid of them. I have seen that happen, as well.

Hon. Mrs. McCall: Yes, the trained social workers are trained to do that. I imagine the Member, Mr. Chairman, is speaking of the social welfare workers who may be lay people working in the field, but they would not have the final say. It would still come back to the department.

But, there is room for mistakes, goodness knows, so if there is anything that we should be looking at, I would appreciate hearing about it.

Mr. Chairman: Are there further questions?

There being no further questions on the Supplementary information, shall the total amount of \$4,855,300 carry?

Some Members: Agreed.

Mr. Chairman: I declare the increase of the total amount carried.

On Clause 2

Clause 2 agreed to

On Clause 3

Mr. Chairman: Shall the title of the Bill carry?

Some Members: Agreed.

Mr. Chairman: I declare the title of the bill cleared.

Hon. Mr. Pearson: Mr. Chairman, I move that you report Bill No. 8, *Third Appropriation Ordinance, 1980-81*, without amendment.

Mr. Chairman: It has been moved by Mr. Pearson that Chairman do now report Bill No. 8, *Third Appropriation Ordinance*.

nance, 1980-81, without amendment.

Some Members: Agreed.

Bill No. 2: Interprovincial Subpoena Ordinance

Mr. Chairman: I declare the motion carried.

At this time I would like to refer Committee to Bill No. 2, *Interprovincial Subpoena Ordinance*.

Pursuant to Standing Order No. 48-1, a certificate is to be filed for a witness to attend. Such has been filed with the Committee of the Whole. The name of the witness is Jim Almstrom. Mr. Almstrom is the legal draftsman for the Government.

Bill No. 2 has been filed by Mr. Graham. Pursuant to the Standing Order, it is up to the Chairman to ask the Committee whether this witness may appear before the Committee.

Some Members: Agreed.

Mr. Chairman: Invite the witness in.

I would like to deal with the Bill in the following manner, by studying it clause by clause. On clause 1, general debate?

On Clause 1(1)

Hon. Mr. Pearson: Mr. Chairman, we have spoken of this at second reading, with respect to the principle of the Bill. The purpose of the *Interprovincial Subpoena Ordinance* is to enable Yukon to participate in the scheme adopted by some of the provinces to provide, in civil actions, for the compulsory attendance of witnesses from other jurisdictions.

Mr. Veale: Mr. Chairman, I have a question for the witness.

Mr. Chairman: Excuse me; the normal procedure, Mr. Veale, is to direct your questions to the Minister responsible, and if the Minister wants to refer to the witness, then that procedure is effective.

Would you direct your questions directly to the Minister then?

Mr. Veale: Would the Minister advise if this ordinance, and I think it is an appropriate time to consider this question because it is a definition question, will permit a public inquiry under the *Public Inquiries Ordinance of the Territory to effectively use this interprovincial subpoena legislation*?

Hon. Mr. Pearson: No, Mr. Chairman, nor is it intended to do so.

Mr. Veale: Well, being that this is one of the reasons that this Government has expressed its concern about holding a certain public inquiry, would the Government consider amending this legislation so at least it is in a position to include a public inquiry subpoena and therefore be able to effectively conduct public inquiries in this Territory.

Hon. Mr. Pearson: Mr. Chairman, the Honourable Member should know that if he wants to have the public inquiries legislation amended, then we must amend the public inquiries legislation. Mr. Chairman, this is a piece of legislation that is common to most provinces. Hopefully, if we adopt it, we will be able to get in line with other provinces. If we make these kinds of amendments to it, Mr. Chairman, we then lose the whole intent of the legislation.

Mr. Chairman: I would like to remind the Member that we are still on Clause 1 and general debate on the whole bill itself.

Mr. Veale: My concern, Mr. Chairman, is that any amendment to the *Public Inquiries Ordinance* has no extra-territorial or interprovincial effect whatsoever and that if the Territory is going to give itself that power, it has to take the initiative under this ordinance. That, of course, will require a further meeting. Perhaps when the uniformity commissioners meet in Whitehorse would be an appropriate time to take it up. The uniformity commissioners then might adopt the initiative taken by this Territory.

Mr. Almstrom: This legislation does depend upon reciprocity with the provinces. The legislation in the Territory is completely ineffective unless one of the other provinces has matching legislation there. So the expansion of this ordinance to include public inquiries would be completely ineffective until one of the provinces expands its legislation accordingly.

Mr. Veale: Is the Government going to take the initiative to start that ball rolling?

Hon. Mr. Pearson: No, Mr. Chairman.

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Mr. Veale: A typographical error, Mr. Chairman, in the word "attendance", I believe, in Clause 3.

Mr. Chairman: Which line, sir?

Mr. Veale: The second last line.

Mr. Chairman: Unanimous consent?

Some Members: Agreed.

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Schedule 1

Schedule 1 agreed to

On Schedule 2

Schedule 2 agreed to

Mr. Chairman: Shall the title carry?

Some Members: Agreed.

Mr. Chairman: I declare the title carried.

Hon. Mr. Pearson: Mr. Chairman, I move that you report Bill Number 2, *Interprovincial Subpoena Ordinance*, without amendment.

Mr. Chairman: It has been moved by Mr. Pearson that the Chairman do now report Bill Number 2, *Interprovincial Subpoena Ordinance*, without amendment.

Motion agreed to

Mr. Chairman: I would like to refer Committee to Bill Number 3.

Bill Number 3: Survival of Actions Ordinance

On Clause 1

Hon. Mr. Pearson: Mr. Chairman, in common law, personal actions for bodily injury ordinarily are extinguished by the death of the injured person. The purpose of this ordinance is to preserve these actions for the benefit of his estate to permit the recovery of expenses actually incurred as a result of the accident by the deceased before his death.

Clause 1 agreed to

Mr. Chairman: I would like to have a five minute recess at this time.

Recess

Mr. Chairman: I call the Committee of the Whole to order at this time.

Is there any further general debate on clause 1?

Shall clause 1 clear?

Clause 1(1) agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Mr. Veale: Would the Minister explain why the limitation period sets out a limitation for Section 3 and Section 5, and then proceeds on to establish another limitation period for Section 5.

Mr. Almstrom: Mr. Chairman, I do not know the answer to that question. I think there must be an error in the bill. The original draft that I have of the bill says Clause 2 it would refer to section 3 or 4, whereas in Clause 3 it would refer to section 5. So in Clause 2, the reference should be to section 3 or 4.

Mr. Chairman: Would you mind repeating yourself please?

Mr. Almstrom: Mr. Chairman, upon consulting an earlier draft of this ordinance, I see that a typographical error has appeared in the reference in subsection 2, Clause 10. The reference should be not to section 3 or 5, but to section 3 or 4.

Mr. Chairman: To get the Chair straightened out here, we are on Clause 10. What you are telling us now is that in subsection 2 of Clause 10, the bottom of Page 3, we have a typographical error which should read "section 3 or 4". Does that sound satisfactory to the Minister?

Hon. Mr. Pearson: Yes, Mr. Chairman, if it will be accepted as a typographical error by Committee. Failing that, we can make an amendment to it.

Mr. Chairman: A proper form of amendment bill, here. It has been moved by the Member for Porter Creek West, that Bill Number 3, entitled *Survival of Actions Ordinance*, be amended in Clause 10(2), at Page 3, by changing the number "5" in line 2 to number "4".

Shall the amendment carry?

Some Members: Agreed.

Mr. Chairman: I declare the amendment carried.

Clause 10 agreed to

On Clause 11

Clause 11 agreed to

On Clause 12

Clause 12 agreed to

Mr. Chairman: Shall the title to the bill carry?

Some Members: Agreed.

Mr. Chairman: I declare the title of the bill carried.

Hon. Mr. Pearson: Mr. Chairman, I move that you report Bill Number 3, *Survival of Actions Ordinance*, as amended.

Mr. Chairman: It has been moved by the Honourable Government Leader that the Chairman do now report Bill Number 3 as amended.

Motion agreed to

Bill Number 4: International Child Abduction (Hague Convention) Ordinance

Mr. Chairman: At this time I would like to refer Committee to Bill Number 4, *International Child Abduction (Hague Convention) Ordinance*. You have some explanatory notes on there.

On Clause 1

Hon. Mr. Pearson: Mr. Chairman, this is a uniform bill that we are being asked to consider and pass. As you state, the explanatory note is fairly explicit in respect to what the bill is going to do.

Mr. Veale: I was just wondering if the Minister could indicate the States likely to adopt the Convention?

Hon. Mr. Pearson: Mr. Chairman, I am sorry, I cannot indicate the States likely to adopt it.

Canada has indicated that if it can get the provinces and territories to agree, it will adopt it.

Mr. Chairman: It is my information, before we go to Clause 2, that the Schedule is appended to Clause 2. I would like the Members to bear this in mind as they discuss Clause 2: the Schedule is closely related to it.

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

Mr. Chairman: In the remainder of this bill you will find a number of "Articles" in relation to the bill. The Chairman would like to know just how we should deal with the "Articles". Do you have any suggestions?

Shall we deal with "Schedule" as it is?

On Schedule

Schedule agreed to

Mr. Chairman: Shall the title of the Bill clear?

Some Members: Agreed.

Mr. Chairman: I declare title to the bill carried.

Hon. Mr. Pearson: Mr. Chairman, I move that you report Bill Number 4, *International Child Abduction (Hague Convention) Ordinance*, without amendment.

Mr. Chairman: It has been moved by Mr. Pearson that Chairman do now report Bill Number 4, *International Child Abduction (Hague Convention) Ordinance*, without amendment.

Motion agreed to

Bill Number 14: Miscellaneous Statute Law Amendment Ordinance

Mr. Chairman: If refer Committee to Bill Number 14 at this time, *Miscellaneous Statute Law Amendment Ordinance 1981 (No.1)*, for general debate.

On Clause 1

Hon. Mr. Pearson: Mr. Chairman, this piece of legislation should not be changing any of our legislation in a substantive way, rather it is designed to correct enacted errors of a minor nature or typographical errors that have been made.

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Mr. Fleming: I am presuming that Clause 1 is just to bring it in line with the existing legislation in the *Elections Ordinance*, is it?

Hon. Mr. Almstrom: Mr. Chairman, all Clause 1 does is re-express. The existing ordinance is very poorly written in this one section; it just has been re-written.

Hon. Mr. Pearson: Mr. Chairman, I would like to point out that there is a typo at the bottom of 33(1)(c), the last line. The word should be "taken" instead of "take".

Mr. Chairman: Unanimous consent?

Some Members: Agreed.

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

Mr. Chairman: Shall the title to the bill carry?

Some Members: Agreed.

Mr. Chairman: I declare the title carried.

Hon. Mr. Pearson: Mr. Chairman, I move that you report Bill Number 14, *Miscellaneous Statute Law Amendment Ordinance, 1981, (No. 1)*.

Mr. Chairman: It has been moved by Mr. Pearson that the Chairman do now report Bill Number 14, *Miscellaneous Statute Law Amendment Ordinance, 1981, (No. 1)*.

Motion agreed to

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

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

Motion agreed to

Hon. Mr. Pearson: Mr. Chairman, I move, that you report progress on Bills and Orders before Committee and beg leave to sit again.

Mr. Chairman: It has been moved by the Honourable Mr. Pearson that the Chairman do now report progress on Bills and Orders and beg leave to sit again.

Motion agreed to

Mr. Chairman: At this time I would like to excuse the witness.

Mr. Speaker resumes the Chair

Mr. Speaker: I now call the House to order. May I have a report from the Chairman of Committees.

Mr. Njootli: Yes, Mr. Speaker, the Committee of the Whole has considered the following bills and directed me to report the same without amendment: Bill Number 8, *Third Appropriation Ordinance 1980-81*; Bill Number 2, *Interprovincial Subpoena Ordinance*; Bill Number 4, *International Child Abduction (Hague Convention) Ordinance*; Bill Number 14, *Miscellaneous Statute Law Amendment Ordinance, 1981 (No. 1)*.

Further, Committee has considered the following Bill and directed me to report the same with amendment and beg leave to sit again, Bill Number 3, *Survival of Actions Ordinance*.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted. May I have your further pleasure?

Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that we do now adjourn.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse Porter Creek West, seconded by the Honourable Member for Tatchun, that we do now adjourn.

Motion agreed to

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

The House adjourned at 5:13 p.m.

The following Sessional Paper was tabled Tuesday, April 7, 1981:

81-4-14

Seventh Report of the Standing Committee on Rules, Elections and Privileges