



The Yukon Legislative Assembly

Number 30

2nd Session

24th Legislature

HANSARD

Monday, October 29, 1979 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake
DEPUTY SPEAKER — Geoffrey Lattin, MLA, Whitehorse North Centre

CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government House Leader — responsible for Executive, Council office, Public Service Commission, Finance and Pipeline.
Hon. Doug Graham	Whitehorse Porter Creek West	Minister responsible for Education, Justice, Information Resources, Government Services
Hon. Dan Lang	Whitehorse Porter Creek East	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 and Workers' Compensation Board.
Hon. Peter Hanson	Mayo	Minister responsible for Renewable Resources, Consumer & Corporate Affairs, Tourism & Economic Development.

Government Members

(Progressive Conservative)

Al Falle	Hootalinqua
Jack Hibberd	Whitehorse South Centre
Geoffrey Lattin	Whitehorse North Centre
Grafton Njootli	Old Crow
Donald Taylor	Watson Lake
Howard Tracey	Tatchun

Opposition Members

(Liberal)

Iain MacKay	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
Clerk Assistant (Legislative)
Clerk Assistant (Administrative)
Sergeant-at-Arms
Editor of Hansard

Patrick L. Michael
Missy Parnell
Jane Steele
G.I. Cameron
Lois Cameron

Whitehorse, Yukon**Monday, October 29, 1979****Mr. Speaker:** I will now call the House to order.

We will proceed at this time with Prayers.

Prayers

Mr. Speaker: Before proceeding with the Order Paper, this afternoon, I would like to draw the attention of all Honourable Members to the presence in the Speaker's Gallery of a very distinguished group of Parliamentarians visiting us from the great Province of British Columbia.

This delegation is led by the Honourable Harvey Schroeder, Speaker of the Legislative Assembly of British Columbia, and includes Mr. Allan Passarell, MLA from Atlin; Mr. Gordon Hanson, MLA from Victoria; and Tony Brummet, MLA from the North Peace River constituency.

Regional visitations between branches of the Commonwealth Parliamentary Association have always proved of great value and it is perhaps significant that because of the close and friendly historical ties which have existed between British Columbia and Yukon, that we should take this opportunity to further this important inter-parliamentary relationship at this time.

I am sure all Honourable Members would join me in extending to our visitors our warmest welcome and our sincere trust that all their deliberations and activities may be informative and rewarding in every way.

Applause

Mr. MacKay: Mr. Speaker, just prior to moving from Introduction of Visitors, I would like to also bring the attention of the House to another well-known Parliamentarian from British Columbia now and a former Territorial Councillor and the first man to hold a post in the Executive Committee, while being an elected Member.

I would like to draw attention to Mr. Norman Chamberlist.

Applause

DAILY ROUTINE**Mr. Speaker:** Are there any Documents or Returns for Tabling?**TABLING OF DOCUMENTS**

Hon. Mr. Lang: Mr. Speaker, I have for tabling a copy of a letter which was sent to the Prime Minister, the Right Honourable Joe Clark, and also the Right Honourable Mr. Pierre Trudeau, Mr. Ed Broadbent, the Honourable Eric Nielsen, the Honourable Jake Epp, concerning the wishes of this House, with respect to the privatization of NCP.

Mr. Speaker: Are there any further Documents or Returns for tabling?

Are there any reports of Standing or Special Committees?

Presentation of Petitions?

Reading or Receiving of Petitions?

Introduction of Bills?

INTRODUCTION OF BILLS

Hon. Mrs. McCall: Mr. Speaker, I move seconded by the Honourable Member from Porter Creek East, that a Bill entitled, Day Care Ordinance now be introduced for the first time.

Mr. Speaker: It has been moved by the Honourable Minister of Health and Human Resources, seconded by the Honourable Member from Porter Creek East, that a Bill entitled, Day Care Ordinance be now introduced and read for the first time.

Motion agreed to

Mr. Speaker: Are there any further Bills for Introduction at this time?

Hon. Mr. Hanson: Mr. Speaker, I move, seconded by the Honourable Member from Tatchun, that a Bill entitled An Ordinance to Amend the Game Ordinance be now introduced and read for the first time.

Mr. Speaker: It has been moved by the Honourable Member of Economic Development, seconded by the Honourable Member from Tatchun, that a Bill entitled An Ordinance to Amend the Game

Ordinance be now introduced and read for the first time.

Motion agreed to

Mr. Speaker: Are there any other further Bills for Introduction?

Any Notices of Motion for the Production of Papers?

Any Notices of Motion?

Any Statements by Ministers?

MINISTERIAL STATEMENTS

Hon. Mr. Hanson: Mr. Speaker, today the labour statistics were published and show that the unemployment rate has risen from 5.3 per cent to 12.1 per cent.

The report also shows that the labour force and the employment for the Territory are both below the totals of a year ago. This is an indication of the reduction in the size of the Yukon's economy; however, the labour force has tended to stabilize at around eleven thousand in this year's third quarter. This stabilization may indicate that the economy has adjusted itself to a lower level of economic activity following the closure of the Clinton Creek Mine last year. The report also shows that the economy was assisted this past summer by the large increase in mineral exploration which resulted in mining employment increasing by 24 per cent.

The future for the Yukon mining industry looks encouraging, particularly with the increasing world metal prices for gold and silver. A decision on the reopening of the Venus Mine on the Skagway Road and the construction of a molybdenum mine on the Adinak property near Atlin are expected early in the new year. Favourable decisions on these mines should also stimulate the economy.

A great deal of concern, however, must be expressed over reported discovery of a dramatic decline in the construction industry. This sector has lost almost three hundred jobs in the past year and the decline is attributed to the greatly reduced demand for housing construction in the Territory. As many are aware, declines in the construction industry are conclusive signs of decreased economic activity.

The recent decisions by the Bank of Canada to increase the Bank's rate of prime loan accounts to 14 per cent will be a further deterrent to the Territory's housing industry and the industry can be expected to face a difficult winter.

This Government is very concerned about this loss of employment and discussions are proceeding at the present time to consider alternatives open to this Government to overcome the problem. The positive impact on the economy caused by the relocation of Northwestel's head office is well documented in the report. This effect has convinced this Government that further stimulus to the economy can be added through the relocation of other groups whose main interest is serving the north. This could include the Northern Canada Power Commission and the Federal Northern Affairs Branch.

This Government therefore will be placing increased pressure on these groups to move their head offices into the Yukon.

This Government recognized the problems incurred in the economy and we are planning new initiatives in our renewable resource field in the mineral policy and in tourism and business development. These programs are being directed towards improving the climate for economic growth in the Territory and all are expected to come to fruition in the new year. We must recognize, however, that the task will be difficult since our economy is highly dependent on the economic events presently taking place outside the Territory.

Thank you Mr. Speaker.

Mr. MacKay: In reply to the Minister's statement, I would suggest that the concern expressed by this Government is laudable, but long overdue.

We have been told of the great economic initiatives that this Government is going to take for so long now that it is beginning to become a standard line. We certainly hope that the appointment of a new Minister to this portfolio will, indeed, produce some action for the serious problems facing Yukon.

I think that we should be realistic, though, and recognize that, in the construction industry we have had a process of really overbuilding in the last couple of years, in anticipation of the pipeline.

So, I would like to see the Government address itself to pursuing all the options it can to make sure that this pipeline does occur and that the gas pipeline is built.

As far as the move of the head office of NCPCC is concerned, again that is an old chestnut. I would dearly like to see it happen, but I would caution the Government to ensure that, for the sake of this move, the consumers in Yukon will not have to pay a great deal more for their electrical rates.

So, I would hope that a cost benefit study would be made of this move before the Government promoted it too heavily.

I suggest that the Government should also be looking at the poor state of the White Pass and Yukon Route and be very concerned, Mr. Speaker, about the possibility of that route closing and causing further unemployment.

Finally, the Federal Northern Affairs transfer would also be of assistance, but I would suggest that that is a rather unlikely option at the present time.

In closing, Mr. Speaker, I would say that the Government's concern is well-founded and somewhat belated, but we hope that the new Minister will see how to implement new policies quickly.

Mr. Penikett: Thank you, Mr. Speaker.

I, too, would like to thank the Minister for his statement, even though it contains little cheery news. The unemployment rate is back up again. It is now fifty per cent above the national rate again.

We have heard in the previous figures produced this summer some discussion of the reduced size of the Yukon labour force and I am still concerned as to how those figures are generated and whether, in fact, the Medicare statistics are being used and how that relates, in fact, to the Government's advertisement, which appeared recently in a number of newspapers, asking people to register who might not be registered.

The mention of the Clinton Creek shut-down is, again, alluded to. That is something we have heard about before. We still have not heard the Government's response to the terrible employment situation which resulted there by, in fact, the company not living up to its production agreement there, so we did not have a 25-year mine, we have a 10-year mine instead.

He mentioned that mining employment is up. I think the construction sector and the decline there is obviously a cause for concern, but I hope the Government will be, in this period of economic down-turn, very aggressively seeking capital funds from the Federal Government, so that we can see some public sector spending in this area, in some construction, so that we can, in fact, we can keep some kind of stimulus going in the economy in that area.

Again we are hearing reference to discussions about alternatives. As yet we still have no definite plans. It is now a year since the Government was elected on a platform of doing something about the unemployment in the Territory, I look forward, in eager anticipation, to the Minister's definite plans which he alludes to that will be coming in the new year.

Thank you, Mr. Speaker.

Hon. Mr. Pearson: Mr. Speaker, just a few words in respect to the statement made by the Honourable Minister: I think it should be pointed out and emphasized, Mr. Speaker, that this report also makes it very, very clear that, in fact, the unemployment rate today is fifty per cent of what it was at this time last year. So, Mr. Speaker, I respectfully suggest that we have been partially successful in helping to create employment in the Territory. We will continue to do this. We are not by any means satisfied with where we are today. It will always remain an objective of ours to at least get down to the national level of unemployment in Yukon.

Mr. Speaker: Are there any further statements by Ministers? This then brings us to the Question Period. Have you any questions?

QUESTION PERIOD

Question re: Land Claims

Mr. MacKay: Yes, Mr. Speaker, my question is to the Government Leader with respect to announcements out of Ottawa today about Land Claims and what I would term a breathtaking one hundred and eighty degree turn on policy by the Federal Government. I wonder if the Government Leader can tell us what consultation with the Yukon preceded these announcements?

Hon. Mr. Pearson: Mr. Speaker, the Minister of Indian Affairs and Northern Development whose responsibility it is to act on behalf of the Federal Government with respect to Land Claims asked the Council for Yukon Indians and the Government of the Yukon Ter-

ritory to come to Ottawa last week, to sit down with him to try and get Land Claims negotiations started again.

As every Member of this House will recall, a couple of months ago the Minister stated that he was declaring a moratorium on Land Claims until such time as the Federal Government reassessed the whole process and came up with what they thought might be workable alternatives. During the course of the week the Minister met a number of times with the Government of the Yukon Territories representatives that were there, and a number of times with the CYI. During the course of the week a forum for Land Claims was agreed upon by all of the parties.

Mr. MacKay: Will the Government Leader then confirm that his Government is in full support of the new approach to Land Claims?

Hon. Mr. Pearson: Yes, Mr. Speaker. We indicated to the Minister that we were very, very anxious for Land Claims to be settled, that we were prepared to cooperate in every way that we could to ensure that these negotiations did get started again and, hopefully, that they will be fruitful.

So, yes, we support what the Minister is now doing.

Question re: Land Claims/Role of YTG

Mr. Penikett: Thank you very much, Mr. Speaker. I, too, have a question to the Government Leader.

This morning, CBC reported the Federal Government had given its Land Claims negotiator a mandate to settle Yukon Indian Land Claims within six months.

I wonder if the Government Leader can tell the House if, as a result of the discussions in Ottawa, this Government's role at the bargaining table has been changed in any way.

Hon. Mr. Pearson: No, Mr. Speaker, our role has not been changed in any way.

Mr. Penikett: Thank you, Mr. Speaker.

As a result of the meetings in Ottawa, can the Government Leader say if the earlier Memorandum of an Understanding between the Federal and the Territorial Governments will continue to apply?

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

Mr. Penikett: Mr. Speaker, to the Government Leader again, can I then take it that the Yukon Government will be a signing party to any agreement in principle on the final agreement, with CYI, and, if so, does the Government have any new views as to the import of that signature?

In other words, is there anything in its view that now gives it the opinion that it may have, in effect, a veto power over the final settlement?

Hon. Mr. Pearson: Mr. Speaker, nothing has changed. Everything is exactly the same as it was before. The Memorandum of Understanding is clear and it is still in effect.

We have said, on repeated occasions, that that Memorandum of Understanding does not carry with it any veto power. It did not before, nor does it now.

In respect to this Government signing any agreement between Canada and CYI, Mr. Speaker, that will be a decision that will be taken at the time that an agreement is reached. That option has always been open to us.

Question re: Resource Policy

Mr. Byblow: I have a question, Mr. Speaker, for the Minister of Economic Development.

In his address a moment ago, he referred to the planning of mining policy.

Mr. Speaker, in recognition that the final outcome of any resource control negotiations would be fundamental to any implementation of policy, I am simply concerned that there does not appear to be anything taking place in the formulation of policy.

I would therefore ask the Minister when and how he is planning to formulate some resource or mining policy and if he will be asking Yukoners, specifically industry, for input?

Hon. Mr. Hanson: Mr. Speaker, I think it is well known through the House, we have not talked so far about taking over our resources. We have thought about it but I think the industry could be assured that should we get control of our resources, the mineral resources or the non-renewable resources industry will be asked to participate in the controlling of the industry.

All their good ideas will be used, I hope. I might not be here at that time because I am fairly old now and it might be a long time before we get those resources. If you want, at this time, I will put out a plan

for somebody in the future to handle, but he might not like it. Thank you.

Mr. Byblow: Mr. Speaker, I will perhaps direct this to the Government Leader for a more specific answer. Could I inquire of the Government Leader whether there were any discussions of an encouraging nature in Ottawa with respect to the management of resources?

Hon. Mr. Pearson: Mr. Speaker, there were many discussions of an encouraging nature, but those discussions centered on Land Claims and Land Claims negotiations.

Question re: Land Claims (Continued)

Mr. MacKay: Yes, Mr. Speaker, my question is to the Government Leader with respect to the recent events in Ottawa.

Mention has been made in the press releases of a referral of certain political and constitutional issues to the process of negotiation. Can the Government Leader tell us in what area these issues are situated, for example, education or whatever?

Hon. Mr. Pearson: Mr. Speaker, I am going to have to be, of necessity, very, very careful in how I answer this question. I do not want to seem to be obtuse or trying to avoid the question, because I realize that it is one on everyone's mind.

The CYI have publicly indicated an interest in education, in health care and in local government and I would assume that those topics, among others, will be subjects of negotiations.

Mr. MacKay: Has the Government Leader had time to formulate his Government's position with respect to those matters which appear to be now involved in negotiations which have been within the jurisdiction of this Government as to whether or not he will seek prior agreement with the Federal Government before negotiating with the CYI? Or he will leave the option open to publicly disagree with the negotiations as they proceed?

Hon. Mr. Pearson: Mr. Speaker, our Memorandum of Understanding requires that we seek prior agreement with the Federal Government.

Mr. MacKay: In the event that no such agreement is forthcoming, then, the Government Leader has a choice of vetoing or appearing to veto it or to disagree publicly. Will he be doing either one of these things.

Hon. Mr. Pearson: Obviously, Mr. Speaker, I would have to do one of the two.

I cannot veto it, so we would obviously, at some point in time, have to disagree, if it came to that point.

Question re: Land Transfer with B.C.

Mrs. McGuire: Thank you, Mr. Speaker. I will address this question to the Government Leader.

Has the Government Leader given consideration to approaching the Province of British Columbia to negotiate for transfer of lands contained within the scope of east, west, Bennett Pass to the Chilkoot Pass, north-south, from the B.C. border to the Haines, Alaska border?

Hon. Mr. Pearson: No, Mr. Speaker, I have not given that consideration; however, it might be an opportune time, with our distinguished guests in the Territory, to talk about it.

Question re: Land Transfer Freeze

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Government Leader.

CBC announced at noon that there will be a six-month freeze on transfers of land from the Federal to the Territorial Government.

I would like to ask the Government Leader if, to his knowledge, this freeze will affect such things as leases, placer claims or any other kind of land developments on Federal land?

Hon. Mr. Pearson: Mr. Speaker, this is one of those times when you are very happy to get a question, so that you can give an answer.

Mr. Speaker, there is no land freeze. During the course of the discussions with the Minister, we, in the interest of encouraging Land Claims to get underway as quickly as possible, agreed that we would not seek the transfer of recreational land until May 1st, 1980.

Now, Mr. Speaker, that was a position that we took, trying to encourage the Federal Government and the CYI to get on with Land Claims. There is no freeze. There is no suggestion of a freeze at all.

We have said that we are prepared to forego the transfer of recreational lots until the first of May, 1980, if this would help get Land Claims started.

Obviously, it must have been a factor that did help, because it is very encouraging and we are confident now that Land Claims are going to get started.

Mr. Penikett: Thank you, Mr. Speaker. There may be no freeze, but there does appear to be a cooling off period.

I would like to ask the Government Leader if, in the light of this development, the Government will also be holding off on its request for the transfer of health, for example, during the same period to which he has alluded?

Hon. Mr. Pearson: Mr. Speaker, we did not give any other concessions or were there any concessions sought from us.

The transfer of health was not a subject of discussion at these meetings.

Question re: Alcohol Programs Study

Mr. Byblow: Mr. Speaker, I will ask a question of a Minister, other than the Government Leader.

The Minister of Health and Human Resources, in reply to a question from this side of the House, respecting research and studies of alcohol programs by her Department, indicated that a review was in process and on-going. The Minister implied that no studies have been completed to date.

I would ask the Minister if, in fact, this is correct?

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

Perhaps I can bring the Honourable Member up to date a little further. A study and an inventory of all alcohol programs in the Territory was undertaken by a coordinator employed by the Liquor Control Board, I think at the beginning of May, and he has indicated his results will not be available until after January, 1980.

So, that answers, I think also a question put to me by the Honourable Member from Whitehorse West on October 25th, perhaps.

I think I possibly misunderstood the question, if I may just answer them both at the same time, since they are all about the question of alcohol review.

For the past three years, Health and Welfare Canada, through its Non-Medical Use of Drugs Directorate, has made funds available to the University of British Columbia to sponsor the British Columbia-Yukon Treatment Research Development Program.

The work is carried out by staff of the University of British Columbia, Department of Community and Clinical Psychology. This program is without cost to the Yukon Government and has provided staff for a client documentation and a monitoring system.

This system provides monitoring of all clients' use of treatment resources and changes in profile and characteristics of client population. Monthly, six monthly, and yearly summary reports are produced, which provide information for program adjustment.

You will find, in the monthly newsletter, the Yukon Government Monthly Newsletter, pages 11 to 14, the latest one, a summary.

Yukon was one of five jurisdictions participating in this program and the purpose of the program was to help alcohol treatment organizations develop the method of documenting their treatment activities.

Crossroads is reviewing their own. They have a new Board. They are reviewing their own program and, I would say, that the entire alcohol program is being reviewed by the Minister of Health and Human Resources.

Mr. Byblow: Very specifically, Mr. Speaker, can the Minister advise whether the Committee for Social Planning and Community Development is directly involved with the reassessment surrounding Crossroads?

Hon. Mrs. McCall: No, Mr. Speaker. The Social Planning Economic Development Committee is not directly involved.

Mr. Byblow: I would like to inquire of the Minister a follow up to a series of answers she gave the House last week respecting the coordination of alcohol and drug abuse programs. The Minister indicated that there were programs ongoing by various departments and I would like to specifically inquire whether or not there is any coordinating agency in preparing this research material.

Hon. Mrs. McCall: Mr. Speaker, could I ask the Honourable Member to repeat that.

Mr. Byblow: Mr. Speaker, I will rephrase it. Is the Minister's Department addressing the coordination of programming in alcohol and drug abuse, or is it presently a random review by all departments?

Hon. Mrs. McCall: Mr. Speaker, the Minister of Health and Human Resources is coordinating the program all together.

Question re: Teacher Training Program

Mr. Penikett: Thank you, Mr. Speaker. A change of pace, I have a question for the Opposition's favourite Minister, the Minister of Education.

This March, in answer to a question about Native oriented content in the school system, the answer included a reference to the Yukon Teacher Education Program. Since the Government stated that this quarter of a million dollar plus program is geared to natives, can the Minister tell the House whether in its three years of operation this program has trained any Native teachers?

Hon. Mr. Graham: Mr. Speaker, I am not sure if any have graduated or not yet. But yes, there are presently native students in the program.

Mr. Penikett: Thank you, Mr. Speaker. To the same Minister: can the Minister say if the program now has or will it soon develop courses which will contain material specifically relevant to teaching in the north or teaching Native students within the broader course descriptions?

Hon. Mr. Graham: Mr. Speaker, as I am sure the Honourable Member opposite realizes, the expense incurred in developing original programs in any area of education is considerable. Up until this year, we have not had the necessary funds to develop relevant Yukon curriculum material.

I am happy to inform the Member opposite that the Department of Education is requesting additional funds in this area to develop relevant Yukon courses, courses that can be taught not only to Indian pupils within the Territory, but also the white pupils. I am happy to see them supporting such a program because I am sure that there will be little debate on this item during budget debates in the Spring.

Mr. Penikett: The answer that I referred to earlier this year also said that there would be more efforts to fully meet the objective of placing more local people in the school system, and it alluded to problems it was having in meeting this objective. Can the Minister say if the program is still experiencing some problem in attracting native students to the program?

Hon. Mr. Graham: Mr. Speaker, I am sorry, I am not certain if we have had any problems this September. I will have to check and bring an answer back.

Question re: Oil Prices

Mr. MacKay: My question is to the Government Leader, Mr. Speaker. Since he has just returned from Ottawa, the Government of Canada has publicly stated that it wants to move rapidly to the world price for oil in Canada. The Minister of Indian Affairs has indicated that he is formulating an energy policy for the North. Has the Government Leader made any representations to the Federal Government to restrain high oil prices in the North due to the already very high costs?

Hon. Mr. Pearson: Mr. Speaker, as I am sure every Member of this House is aware, at the present time there is a subsidy plan in effect in respect to oil used for electrical generation in the Territory. Every user of oil-fired electric generation does receive a Federal subsidy at the present time.

In respect to the world prices of oil, it does seem inevitable that Canada is going to reach them and that we, as Yukoners, are going to be expected to pay our own share of that.

Mr. MacKay: Thank you, Mr. Speaker. I am pleased to hear the Government Leader give reference to a Liberal policy that was introduced. I would ask that he would address the question to the Federal Government as to whether the Yukon should not be involved in the equalization scheme across the country for energy prices similar perhaps to the equalization scheme that electrical rates may face within the Territory.

Hon. Mr. Pearson: Mr. Speaker, I am confident that if there is any kind of an equalization scheme that is proposed by the Federal Government, we would be in a position to take advantage of such a scheme. At the present time I am not aware of one yet.

Mr. MacKay: Can the Government Leader tell the House if his Government has developed any policy on this issue of energy?

Hon. Mr. Pearson: Mr. Speaker, we are working, at the present time, and hopefully within the next day or two, we will be able to advise the House of an energy conservation policy that we have been actively working on.

The question of energy, per se, is a very, very difficult one, primarily because we have so very little control over those forces that dictate energy policies.

Question re: Game/No Hunting Corridor Near Mayo

Mr. Penikett: Thank you, Mr. Speaker. I have a question to the

Minister of Economic Development, in his area of responsibility for Renewable Resources.

I would like to ask the Minister if he has had any representation from the people in his area concerning the establishment of a no hunting corridor below Mayo on the Stewart River?

Hon. Mr. Hanson: Mr. Speaker, I was getting kind of lonely for the Honourable Member to ask a question. I feel much better right now.

No, I have not had anything from the people in Mayo. I was up there a little while ago, myself, to see how it was working out and it is just the native people hunting in that area.

It is regrettable, the amount of animals that are being taken in that area, knowing that there is ban on hunting because there are not too many left.

However, I have not heard of any charges being laid against anybody for hunting in that zone.

Mr. Penikett: Yes, Mr. Speaker, just to pursue the question with the same Minister, can the Minister then tell the House that the advice of his officials is that there is, in fact, a serious problem with the game populations there that would warrant some kind of closure or ban in that area until the population is revived?

Is that the case?

Hon. Mr. Hanson: Mr. Speaker, that is already in effect. There is a ban on hunting for non-status Indians and whites. The native people still have their full rights to hunt in there and so that is the way it stands. We cannot do anything about it. We cannot go any further.

We are hoping to do a further survey next spring on the moose count in that area and I am sure the Honourable Member on the side opposite will be in favour of the Renewable Resources' budget, when it comes before the House and I count one vote from that side of the floor.

Question re: Game Harvesting Agreement

Mr. Penikett: Thank you, Mr. Speaker. The Minister did not really answer my question, but since I am feeling lovable, I will not pursue it.

I would like to ask the Minister, instead, if he is aware of any game harvesting agreement concluded between the Council of Yukon Indians and the Federal Government?

Hon. Mr. Hanson: Mr. Speaker, no, I am not aware of any.

Question re: Tourism Marketing Program

Mr. Byblow: I have a question, too, for the Minister, who would like a greater sense of belonging.

In light of the advance, Mr. Speaker, made by the Yukon Visitors' Association last week with respect to the encouragement of cooperative marketing, can the Minister of Economic Affairs and Tourism advise whether or not his Government is now reassessing their position and policy with respect to financial assistance of the cooperative marketing program?

Hon. Mr. Hanson: Mr. Speaker, I am not going to answer that question, at this time.

Mr. Byblow: I have a supplementary for the Minister.

It is my understanding, Mr. Speaker, that this Government signed a joint funding agreement with the Yukon Visitors' Association this past June towards a feasibility study on convention centres or facilities.

Can the Minister advise as to the amount of that commitment and when the study is to be completed?

Hon. Mr. Hanson: At this time I do not have any information on it.

Eventually, probably within this week, I will be making an announcement on what happened at the Advisory Board meeting last week and I will see that the question is answered at that time.

Mr. Byblow: On a more local issue for the Minister, in light of the new information presented to the Minister over the Campbell Highway and Faro representation on the Board, is the Minister now prepared to accept from me a non-partisan appointee to the Board?

Hon. Mr. Hanson: No.

Question re: Crossroads

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister of Health and Human Resources. In the 1976 agreement between the Yukon Government and Crossroads, there was a provision that an external evaluation of Crossroads would take place yearly by a team appointed by the Minister. I would like to ask the Minister if there have been, in fact, yearly evaluations of Crossroads, and, if not, why not?

Hon. Mrs. McCall: Mr. Speaker, the Honourable Member is correct in his information. There have not, to my knowledge, been any evaluations done since 1976. I cannot tell him why. I do not know. I was not here.

Mr. Penikett: Thank you, Mr. Speaker. In view of the fact that such evaluations might have helped to prevent some of the problems encountered by Crossroads this summer, will the present Minister assure us that the evaluations will take place in the future when they are supposed to take place?

Hon. Mrs. McCall: Mr. Speaker, I can give that assurance.

Mr. Penikett: Thank you, Mr. Speaker. Last month there was some concern that in reaction to budgetary pressures funding from the Government to Crossroads would be cut back. Can the Minister now assure the House that this funding will continue at least until the review alluded to earlier is completed and an opportunity for implementation of its recommendations occurs?

Hon. Mrs. McCall: Mr. Speaker, I can give that assurance as well.

Question re: Education/Yukon College

Mr. MacKay: Mr. Speaker, my question is directed to the Minister of Education. I regret not being able to ask the Minister of Public Works any questions today. I hope he will overlook that omission. Last week a report was tabled Towards a Yukon College. I am wondering if the Government can say at this point if they are committed in principle to the establishment of such a college?

Hon. Mr. Graham: Mr. Speaker, that report was brought forward for our information as well as the information of Members opposite. The report will be discussed fully, in public as well as in our caucus before we make any commitments.

Mr. MacKay: While the Government is seeking public response as indicated by the Minister, is he prepared to perhaps set out a schedule of decision points and dates as to come to some conclusion about this principle?

Hon. Mr. Graham: Mr. Speaker, I find it extremely difficult to give dates projecting when a decision has to be made for a period of time when this Government might not even be in office, heaven forbid. It is difficult to even conceive of such an idea.

Certainly, Mr. Speaker, I would be only too willing to discuss with any Member interested, the things that the Department of Education would like to see happen in the next five or ten years, as we would like to see.

Mr. MacKay: The Minister of Education has a great lack of imagination, Mr. Speaker.

There is one step which he is committed to and that is to seek public response to this document. Would he perhaps indicate at what point he would suggest to what point the public has to make this response and beyond which point he will then take it to this caucus and discuss it?

Mr. Speaker: The question would appear to be somewhat vague and is perhaps, ranging into the area of hypothetical.

Hon. Mr. Graham: Mr. Speaker, difficult as it may be to understand whatever the Honourable Member opposite says, I will attempt to answer the question as I perceive it.

The Education Department is committed to construction of new facilities sometime in the future. We are not committed, at any point in the future, to the establishment of a Yukon College. We are still looking for input into that specific recommendation. I would imagine at this point in time I do not see anything happening in the area of policy of establishing a Yukon college for a minimum of one year.

Mr. Penikett: Mr. Speaker, can the Minister then give his absolute assurance that the rumours currently circulating in the watering places of Whitehorse to the effect that this Government is planning an Honourable Danny Lang Memorial Community College in Porter Creek are not true?

Question re: Land Freeze

Mrs. McGuire: Thank you, Mr. Speaker. Back on the subject of land, the Government Leader assured this House a while ago that no Yukon lands were frozen. Is the Government Leader not aware that land described as agricultural land in the pipeline corridor are frozen in the Yukon?

Hon. Mr. Pearson: Mr. Speaker, I did not say at all that there were no Yukon lands frozen. I said that there was no land freeze.

Mr. Speaker: There being no further questions, we will now proceed to the Order Paper under Government Motions.

GOVERNMENT BILLS AND ORDERS

Bill Number 16: Second Reading

Mr. Clerk: Second Reading. Bill Number 16, adjourned debate. Mr. McKay.

Mr. MacKay: Mr. Speaker, a Parks Ordinance has been put before the House and at second reading, I wish to address the principle of it and will suggest that there are a number of principles involved in this which seem to have been omitted.

I think at the outset it is proper to say that this Parks Ordinance is well intentioned. The principle of establishing parks is not in dispute, neither is motherhood. However a number of preconditions that I would have liked to hear of from the Government Leader when he brought in this Bill, I would like to have heard whether he had met some preconditions. The particular preconditions I have in mind were that in the process of drafting this Ordinance he had, in fact, consulted with a number of special interest groups in advance as to what the purpose of this Ordinance and the way it would operate would be. I refer particularly to the mining industry, to the tourist industry, and of course to our old friends, the Council for Yukon Indians, each of whom, I would suggest, have a very particular and direct interest in the method in which the Yukon establishes its Parks Ordinance.

I did not hear from the Government Leader that these people had been consulted. Even if these groups had been consulted, Mr. Speaker, it is difficult to know how they could, or could not, approve of the proposed Ordinance, since I find it rather confused and somewhat vague in its drafting.

I have read it over and over again and I really find that there is no philosophy behind it. It seems merely an enabling Ordinance to transfer authority to the Executive arm of Government without any guidance on how to use that authority.

In addition, I think the proposed Ordinance does not clearly distinguish between general principles and regulatory parts. They are constantly intermingled, leaving the reader, or this reader, somewhat disoriented and wondering what the Bill is really trying to do.

I suppose that our Minister of Education will no doubt put this down to a lack of astuteness on my part, but I have found that, in referring to number of people who are involved in this, that they all have exactly the same problem. So, perhaps, my mind does not follow the labyrinth technique of the Minister of Education's.

There are some examples of confusion at the words "park reserve", Mr. Speaker, in Section 2.

Mr. Speaker: Order, please. I believe the Honourable Member is ranging into specifics of the Bill, which cannot, of course, be discussed at Second Reading.

Perhaps Honourable Members will stay to the principle of the Bill.

Mr. MacKay: Thank you, Mr. Speaker. I had, perhaps, expected, as soon as I mentioned a section number, that you might not agree with it. I will try and avoid mentioning section numbers in future.

However, the principle I was trying to establish was, in fact, this Bill is very confusing, Mr. Speaker, and that, even at Second Reading, it should be considered.

The words "park reserves" are used throughout the Ordinance, as are a number of other words. In each case, a park reserve seems to do different things, Mr. Speaker. In one case it is to set aside land for a future park. In another case it talks about developing a park reserve.

I do not see how you can develop a park reserve, when it is merely land to be set aside for a future park.

There are some confusions in the mind of the drafter, I suspect, as to the meaning of the word "ecological", as opposed to "geographical", because he talks about an "ecological unit", in respect to a mountain range. My understanding of "ecological" is that it is a branch of biology dealing with living organisms, not with rocks.

I think that there are a number of very obscure sections, which talk about the Commissioner giving and taking. It sounds a bit like Biblical quotations, "The Lord giveth and the Lord taketh away". I suspect that is exactly how the Government views its role in the development of parks.

There are also some sections that refer to a "master plan". Suddenly a master plan is drawn up by the Director. There is no provision in the Ordinance as to how that master plan is to be approved. There is nowhere that is says that there is a decision point in accepting this master plan.

I think that is a sad lack in this Ordinance, because further on through the Bill, we find that a master plan then dictates how this

Ordinance will be implemented. I think that if that is going to be the manner in which parks are to be developed and implemented, that the decision of accepting a master plan should be clearly outlined in the Ordinance.

There are a number technical areas, which I will not get into, for fear of incurring the Speaker's wrath again.

However, I would state at this point that I wonder what a "market analysis" has to do with setting up a park reserve. That is something that I am sure the Government Leader will be addressing, as we go along.

It also talks about "environmental impact statements for a park". Now, to me, I envision a park not having a lot of environmental impact. It seems to me that maybe we are talking about industrial parks, Mr. Speaker.

This is something that I wonder a little bit about.

The whole Bill, though, seems to just allow for very, very wide unilateral action to be taken on the part of the Government.

I think that it would be incumbent on this Government to express, Mr. Speaker, in their Bill, as to what their philosophy is. I mean, are they really trying to set aside parks of a wilderness nature or are they setting aside industrial parks, to the other extreme?

I really feel that, before we go into Committee, that this Bill needs some very serious consideration by the House and that perhaps the events of the last day or two would indicate that the transfer of land for parks is of somewhat academic interest for the next six months and that, therefore, we do have time to consider this Ordinance more carefully, before proceeding.

I shall leave my comments at that, because I think my colleague to the rear has some more to say.

Mr. Byblow: Mr. Speaker, I appreciate the opportunity to complement the debate. I believe I can support this Bill in principle, because it seems to me that the ability to create and manage parks should be a local responsibility.

It also seems to me that, as Yukon develops its resource base, as it acquires greater numbers of people that come along with development, principally in mining and tourism, it is only wise to establish guidelines that would preserve and help us to control the natural environment that is so generously granted to us who choose to live here.

I think the experience of southern jurisdictions indicates that, over the years, natural land must be preserved. In the more congested areas of the country, as anywhere in the world, the price of development over preservation has always been a bitter and an emotional struggle.

It may be hard for us to visualize that sort of thing taking place here in Yukon, but, I am afraid, we have already got some evidence reflecting this struggle.

On the strength of this, that the mechanics set into place by this Bill are of long-range benefit, I can support that. I can support that principle, but, as the previous speaker has alluded to and specifically stated, there are some reservations that must be mentioned.

Any legislation that subscribes to the acquisition of power, of control, of responsibility, can always be abused and I think that is something I would like to make a specific reference and address myself to.

I would never suggest that this Government would abuse the power that is granted under this Ordinance, but I would like, just for a second, to review a few of the possibilities that could happen.

I would be opposed to this Bill, Mr. Speaker, if the creation of parks would jeopardize Land Claims settlement. We seem to be assured that no parks will be created before the settlement, and certainly events of the last few days indicate that at least for a six month period we will not have any jeopardy through something like this. I suppose this argument begs the question: why are we passing the Bill now to create this as a threat? That is the question.

I would be opposed to the Bill, Mr. Speaker, if I felt that the creation of parks would interfere with the orderly development of resource corridors. There is in the Bill provision to permit mining in the designated zoning, but the possibility for interference exists and it is paramount in the very wording of the Bill.

Mr. Speaker, the September issue of the magazine, B. C. Business carried an in-depth article, a feature story on the Yukon. It revealed some rather informative data and critical analysis. I would recommend to anyone to try and get an issue of it and read it.

In provincial jurisdictions, parks that are set aside are measured in acres. In Yukon as we have them to date, they are measured in square miles. Mr. Speaker, we have reason to repeat the mining fraternity's concern. We have 8,000 square miles set aside for the Kluane Park. We have 37,000 square miles set aside in the COPE

agreement. We have 15,000 square miles of park reserve in the Northern Yukon. You combine this with the potential of the Bill, and you have easily got the Yukon under the control of a stroke of a pen.

I would then simply question, and all I am doing is questioning, the wisdom of the Bill at this time when we are not even certain, by any means, what portion of the Yukon will even be available to us following Land Claims. Why are we planning to tie up more land over what we have already tied up against a land claims settlement that is in the works.

I suppose what I am questioning, Mr. Speaker, is whether we are creating, and I am very serious about this, a tool for manipulating our outstanding issues, mainly Land Claims and resource control, or whether we are in good faith looking after the public interest, that is of preserving our environment and protecting the wanton resource exploitation.

I have to mention another concern, Mr. Speaker. Throughout the Bill, which I agree has a reasonable process of public input, the actual degree of relying on the public input is really a very discretionary thing. The wording of the Bill, in every case, is that the mythical Commissioner can do this, authorize that and direct that. It appears that the characteristic is one of tremendous power in the hands of Government. Again, I do not suggest that it would be used, but it is a concern.

As noted, I have some reservations, as the previous speaker, about the extent of consultations with the affected groups, namely the mining, conservation and native representations.

Mr. Speaker, I am going to propose an amendment and perhaps when I finish up my comments, I could have the amendment put into circulation.

What I am really saying, Mr. Speaker, is that I am reserving judgment on the support of this Bill, until I hear some answers. The concerns I have raised I would like addressed.

I think what has happened in the last few days is of fairly significant import. To precipitate these answers that I have raised, and the previous speaker's, I propose an amendment that would provide us time to adequately examine the full import of the Bill.

At the same time, by passing the amendment, we may well have enough political development in the timeframe suggested, to view this Bill in a completely new light.

So therefore, Mr. Speaker, I would move that all the words following the word "that", be deleted and the following be substituted therefore:

"Bill Number 16, Parks Ordinance, be not now read a second time, but that it be read a second time this day, six months hence."

Thank you.

Mr. Speaker: It has been moved by the Honourable Member for Faro, seconded by the Honourable Member from Whitehorse Riverdale South, THAT all words following the word "that" be deleted, and that the following be substituted therefore:

Bill Number 16, Parks Ordinance, be not now read a second time, but that it be read a second time this day, six months hence."

Hon. Mr. Lang: Mr. Speaker, I have never heard such drivel in my life. I was not even going to stand up and speak today, but after what I have heard from the opposite side, I sit here and shake my head.

Every time, Mr. Speaker, there is a Bill presented in this House, the Members opposite have a reason, either yesterday or tomorrow, why they have to delay making a decision.

Mr. Speaker, the Bill before this House, that this resolution is designed to give a six month hoist, has a very specific reason to get the legislative framework in place so that the Government of the Yukon Territory can go into that particular area when the time becomes appropriate.

The Honourable Members sit across this way and they know nothing about Government. You have the International Biological Program. Does the Leader of the Official Opposition know who they are? No. But they sure would like to come to Yukon, yes, that is okay. We have national parks.

Then we go, we have the Canadian Wildlife Service, then we have all the various task forces at the federal level and the Honourable Member for Faro says, well, this appears that at a stroke of the pen we could tie up the Yukon.

Right now, Mr. Speaker, you could tie up Yukon with the stroke of a pen, with no multi-purpose utilization of land in Yukon for our citizens.

We recognize, from this side of the floor, a balance must be found. A balance between the history, the future of parks in Yukon, and, at the same time, for the people who elect us to attempt to find

employment and this type of thing, so that they can carry on their every day living.

Just a little bit earlier, the Member from Whitehorse West and the Leader of the Official Opposition, attacked the Minister of Economic Development, telling him, "Oh, the unemployment rate is too high." Yet, at the same time, Mr. Speaker, they are prepared to leave the future of the Yukon Territory to the mandarins in Ottawa to make the decisions.

Mr. Speaker, if I have never seen anything so irresponsible in my life as I have seen in the two previous speakers.

Thank you, Mr. Speaker.

I will not support the resolution.

Mr. Njootli: Mr. Speaker, I do not speak too often in this House, but I would like to make an attempt to say a few words on this particular Bill.

It does not matter to me, Mr. Speaker, who makes the parks in this country, as long as they do it well and in the best interests of the people who live here in Yukon.

Here before me, I see Bill Number 16 saying that the Government of the Yukon Territory is prepared to establish parks in Yukon and, inside the Bill, it gives the authority, Mr. Speaker, for this Government to consult with native people and with interested groups in Yukon.

That, to me, Mr. Speaker, does not make any difference between what the Federal Government and the Yukon Territory are doing with regard to the Bill here.

We all know that there are certain areas in Yukon that have to be developed to various extents so that the people can survive, from an economic point of view.

At the same time, Mr. Speaker, other parts of Yukon have to be protected in some way or the other. This Bill, Mr. Speaker, gives us that authority, to establish eight or more different types of parks for the best interest of the people and the animals and the ecology of Yukon.

I hear the Opposition also stating that there is no need for a master plan. Mr. Speaker, a master plan must dictate what are the best areas to be designated for a specific reason.

There also must be an environmental impact, some sort of a study to show our people who are in charge of parks, so that they can do a good job and to have the authority to designate a specific area of some sort, so that these rules will be established.

I also hear arguments that this Government may not have had any consultation with the native groups. If my memory serves me correctly, Mr. Speaker, CYI has had a mandate to negotiate a park for the Old Crow people since 1975.

If that was not done so, or not working for the best wishes of my constituents, and if we cannot go that route, Mr. Speaker, Bill Number 16 will do it for me.

But one thing that I am concerned about is that when we do give Third Reading to the Bill and Assent to it, Mr. Speaker, what I do not want to see is the BC situation, where there is a park fighting Greenpeace. Old Crow has the same interest with regards to caribou, because we both have caribou, and, if this Bill ever passes, Mr. Speaker, I would like to see full protection for the Porcupine Caribou Herd.

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

Mr. MacKay: Thank you, Mr. Speaker, I rise to correct a couple of statements by the previous speaker. This side of the House did not say that we were not in favour of a master plan. We questioned how a master plan would be implemented. I was interested and amused by the Minister of Community Affairs' little outburst. It is a lesson to us all that we should ask him more questions in the Question Period to allow some of his steam to be dissipated.

Having heard now the true reasons for this Bill which escaped us in the past, it is a Bill to fend off all of the other outside interests which apparently are crowding in on the Yukon. It would have been helpful to this side of the House had this position been clearly stated at the outset by the Government Leader as to why he felt this Parks Ordinance was necessary.

Nonetheless, even though these groups are descending upon the Yukon, there are a number of superseding issues which will give us some protection from them. Probably the most significant one in that course is the six months' deadline proposed for reaching agreements in principle in the Land Claims. In the meantime, I would have difficulty in seeing Greenpeace or the Canadian Wildlife Federation making any great inroads into the Yukon.

It is for that reason that I feel, along with the other ones that the Minister from Faro enunciated, that I am supporting this amend-

ment and I think that a six months' hoist would be very beneficial to all.

Some Members: Division, Mr. Speaker.

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

Hon. Mr. Pearson: Disagreed.

Hon. Mr. Lang: Disagreed.

Hon. Mrs. McCall: Disagreed.

Hon. Mr. Hanson: Disagreed.

Hon. Mr. Graham: Disagreed.

Mr. Lattin: Disagreed.

Mr. Njootli: Disagreed.

Mr. Falle: Disagreed.

Mr. Tracey: Disagreed.

Mr. MacKay: Agreed.

Mrs. McGuire: Agreed.

Mr. Penikett: Agreed.

Mr. Fleming: Agreed.

Mr. Byblow: Agreed.

Mr. Clerk: The results, Mr. Speaker, are five Yea, nine Nay.

Amendment negatived

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

Mr. Fleming: Yes, Mr. Speaker, I, myself, am slightly concerned with the principle of the Bill; however, I am very glad to see the Bill here, but as some of the Members have said, now that we do have the area of six months, I would have preferred that the Motion that was defeated had gone into effect.

I think it would have given Government a chance to maybe come forward with an Ordinance sometime that says in the Ordinance what is to be and what is not to be.

I find the principle of this Ordinance is to establish a Park and to establish also a park whereas you can do other things such as mining or developing something or other in our parks. I find that commendable, very much so, because I think that the day has come when we no longer can say we have a park here and we have mining here and we cannot intermingle the two or work on this property because it is park and so forth and so on. I think the day has come and we must, because of the amount of people in our Territory and the rest of Canada who have to be taken care of, use everything the way we can to get all of our resources. The only way to do that would be to do all of the things that really this Bill was meant to do.

However, and I am going to be very blunt, and say that I still as many times before in this House, have seen Ordinances that I do not appreciate reading. I find that the Government comes forth with an Ordinance and about the only thing that you find in it is the definitions and a page or two that says we are going to develop something such as this one does, a park, to do something.

There is absolutely nothing in the Ordinance except the powers given to the Commissioner, and those powers are to do anything. I, myself, would have like to have seen this Ordinance come forth and I would have liked to have seen some of the things that you were going to do in the park in that Ordinance and all of the laws that would be established for that park in the Ordinance. We are making too many Ordinances with no pages in them and no laws, that say nothing, but are Ordinances for certain things and then we are accumulating regulation, upon regulation, upon regulation, upon regulation, to operate them afterwards.

Other than that, Mr. Speaker, I will be supporting the Bill but I would really appreciate that if the Government would, in their Ordinances, put the very facts in there and not leave it all to regulation.

Mr. Falle: Mr. Speaker, I have a few objections with the Parks Ordinance. There are just a few minor changes that I would like to see in it and I serve notice that from this side of the House there are going to be some, or at least I am going to try, to have some amendments brought to the Bill. No doubt it is going to be a hot session.

Mr. Tracey: Mr. Speaker, I would like to rise in support of the Bill. I would like to speak about some of the things that were raised from across the floor.

I will take the last one first. Mr. Fleming's accusation that the Ordinance is not specific, Mr. Speaker, it cannot be specific. All we are doing is enabling the Territorial Government to declare multi-use parks. We are not picking any one area and saying this is where we want the park. So how can we be specific?

All we are doing, Mr. Speaker, is enabling this Government to have its own system of parks for the recreation of the people that live here.

I think we have all seen what has happened in the area such as Kluane where the National Park Board comes in and they form a National Park, and there is nothing allowed to happen in that park. In fact, at this time right now, we are having the conservationist people objecting the fact that there is any access into the park at all. Mr. Speaker, that is not what I would consider a Territorial Park or a Provincial Park, and I do not think anybody else does either.

We need this Legislation so that we can have multi-use parks, so that we can have mining, so that we can have recreation or camping or whatever we desire in a park. That is the reason for the multi-use designation.

We keep hearing accusations every time we bring a Bill into this House that we do not consult with the special interest groups. Mr. Speaker, we were elected to represent the people of the Yukon Territory. If we have to go to every special interest group every time we bring a Bill into the House, then we are not the Government of the Yukon Territory. We consult with them to the best of our abilities, but to go and get an "aye" or a "nay" for everything that we do, I do not think we would be the legislators that we propose that we are.

We have the Leader of the Opposition raising such a thing as mountain ranges not being an ecological unit. What is it, Mr. Speaker, but an ecological unit? If it has a special ecological feature in it, then it is an ecological unit.

One of the other Members of the Opposition raised the fact that we have 60,000 square miles set aside by the National Parks Board right now. That is true. What is going to happen if they do form National Parks? We will not have any multi-use in there at all.

There are other areas in the Yukon Territory that the National Parks are looking at right now to form parks, and they take the whole of the centre of the Yukon Territory without even a corridor through them. If we do not enable this Legislative Assembly to form Territorial Parks, we are going to be stuck with National Parks throughout the Yukon Territory that we are not going to have any control over in the future.

Thank you, Mr. Speaker.

Motion agreed to

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

Motion agreed to

COMMITTEE OF THE WHOLE

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

Recess

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

This afternoon, we are discussing two Bills. We will start with Bill Number 20, An Ordinance Respecting Income Tax. Last day, when we finished, we had not passed the preamble and the title.

Considering Bill Number 20, shall the Preamble and Title carry?

Preamble and Title agreed to

Hon. Mr. Pearson: Mr. Chairman, I move that Bill Number 20 be reported to the House, with amendments.

Mr. Chairman: It has been moved by Mr. Pearson that Bill Number 20 be reported to the House, with amendments.

Motion agreed to

Mr. Chairman: At this time, I refer you back to Bill Number 16, Parks Ordinance.

On Clause 1

Mr. Penikett: Yes, Mr. Chairman, since my Second Reading speech some days ago, there has obviously been some discussion in this House, as evidenced by the debate on Second Reading today, about the impact of this legislation on the Land Claims negotiation.

We heard a fairly inflammatory piece of rhetoric from the Minister of Municipal Affairs about the necessity for this Ordinance and, for a horrible moment there, I thought I was going to have to change my vote, because it sounded very much like he was saying to me that the reason we needed a Parks Ordinance was so we could prevent other people from creating parks here.

There had to be a slightly different principle to the legislation than the one I really heard enunciated from the Government

Leader a while back.

In my Second Reading speech, while in expressing support for the general intent of the Bill, I expressed the concern about the impact on Land Claims negotiations and expressed the hope, which the Government Leader, I think, personally satisfied to this extent, they did not immediately intend to go around creating parks all over the place and I think that kind of assurance needed to be given.

I feel bound to say one thing at this point in response to the Member from Tatchun talking about consultation. I think he should be very careful when he interjects that kind of remark into the Bill because I am sure he would not want the impression created that this Government consults with groups when it suits them and does not consult them when they feel they may have some problems with legislation.

Clearly, in something like the Property Taxation Ordinance which was one we recently dealt with, there was some excellent ongoing and some very useful consultation with the municipalities. I think the Government, as a result of those consultations, had much better legislation as a result of that and clearly it was something, not just of special interest, it was a special interest to those people, but it something of profound interest.

I think some of my friends on this side of the House have argued that the same may be true of the Parks Ordinance and for that reason there should have been some consultation with that group of people in the Territory who, in fact, have a large part of the land in this area under claim.

So what I would like to do, Mr. Chairman, if I may, is throw out some particulars on this concern if I can while we are on general debate because I do not expect the Government Leader to have answers instantly now, but I would like to throw them out now in the hope that he might have time to respond when we get to the particular clauses as we are moving through discussion on this Bill.

In the explanatory note attached to the Legislation it states that under the Ordinance the Government may acquire and develop lands for the purpose of establishing a park or park reserve.

Now the obvious question raised by this statement in the sections in the Bill where it is manifest are as follows:

1. Would the Government attempt to acquire or develop lands for parks prior to the resolution of the land-related aspects of the Yukon Indian Land Claims negotiations?

2. If the Government, for any reason, was unable to acquire park lands prior to the resolution of land-related aspects of claims, would the Government attempt to create park reserves through the use of map notations or map reserves, a technical matter which I think the officials in the Minister's Department will know about. Something of a similar process has gone on with the Land Claims negotiations, where areas on maps have been identified even though there is, I think, no legal change in the status of that land. They have simply been identified as sites.

I think the third question that arises out of that is if the Government used map notations, map reserves, or other such devices to set apart lands for the future creation of park reserves, would the land so designated be considered a constraint from this Government's point of view on the selection process of the Indian people under their land claims negotiations?

This then leads me then inevitably to a fourth question. Have any lands to date been identified under this Ordinance as potential park sites? The Government Leader will understand when I raise these questions that I do so even having heard his assurances at Second Reading about the Government's intentions in this Bill. I want to say that I think this House has an obligation, in a six month period which has been now identified and during which everybody hopes we can come to an agreement in principle in Land Claims, that we can say very clearly that we have no intention of doing or appearing to do anything which could upset that apple cart.

One other thing about the Bill that I must say now, and I did not say anything at Second Reading, is this question of multi-use concept. I am afraid having heard some of the echoes from the back bench on the other side that even though the Preamble to the Bill makes mention to the multi-use concept, I have some trouble at section 9, which we will get into, of seeing exactly where that is entailed in the Bill. I want to say that I have some concerns about this because even though we may be expecting some amendments from the back bench opposite, and it is not clear to me whether these are Government amendments or whether these are private Members' amendments, we have got to be very careful about this multi-use concept. I can understand, given the history of the Territory, why people are concerned that there is hydro-potential locked up in Kluane, or mineral-rich deposits that may be locked away forever, but to be realistic, we have to understand, especially as such a concept may apply to small parks, there is no practical

way that you can have certain types of parks or certain types of industries or certain types of mineral extraction activities, for example, going on within parks, especially if they are very small. They just are incompatible. They are incompatible land uses and they cannot be maintained.

If you do any reading on this subject, it would become very clear to you that in the United States there are several parks that have been destroyed simply because they were, in fact, changed to multi-use concepts. The uses opened up all sorts of activities and very quickly they were not parks anymore.

So, I think that when we are talking about this whole business of parks, we should think through the subject very carefully, because there are as many types of parks as there probably are industries operating in Yukon.

I think some of the things the Government would wish to do by employing this multi-use concept could be done, perhaps, under other legislation which already exists on our books, such as the infamous Area Development Ordinance, a piece of legislation I have been fascinated by ever since it came past this House, because I have speculated long into the night about some of the marvelous and wondrous uses to which that could be put if this Government really got into a scrap with the Federal Government about lands.

I think what is interesting about that legislation is, of course, the whole concept of zoning. It seems to me that this Territory, it is not beyond the realm of possibility, that even this Government might consider the very sensible recommendation of the Yukon New Democratic Party, that, in fact, we establish not just a Parks Commission, but perhaps a Lands Commission at some point, perhaps following settlement. We really do get into a notion of saying, doing not municipal type zoning, but in the same way as municipalities zoning, doing zoning for the whole Territory, that people come and have hearings and they make application for uses of land, whether they own it or not, they can have a variety of land uses. We really do make sure there are not conflicting uses in the same area. All the same things that now go on in zoning at the municipal level, it seems to me, are possible for us to do on a larger area.

It seems to me that, and we will get into more discussion about this when the backbencher Tory Members come with amendments, we should not get too hung up about this. It seems to me this is an Ordinance to create parks and I do not want anybody to be deluded by thinking that if they really water it down so that we have parks, well, they are not really parks because you can do anything there, that somehow this will provide some kind of magic stimulus to the mining industry. It will not.

Just because you create a park and then say, well, it is a park, but you can do anything there, you can have a resort hotel or a sulfur mine or a coal mine. The fact of the matter, if there ain't a nice beach there, there ain't no sulfur there and any coal there, you are not going to get any mine there.

So, it seems to me there is no point in destroying the best potential of parks simply by drawing the parameters and the restrictions and the regulations of the Bill so tight that you cannot do that.

Another area that I am going to be asking the Government Leader about as we move through the Bill is the whole question of regulations.

It is a subject which is close to the heart of the Member from Campbell and other Members I think.

I think in this House so far, the legislation we have had has been pretty good in a sense that it has not left a whole lot of stuff to regulations. This Bill tends to be a bit of an exception, there is a hell of a lot left in here for "Commissioner may, Commissioner may do this, may do that". I want, in discussion in Committee, to get from the Government Leader some kind of understanding about why it is necessary to have it that loose at this point. Perhaps it is because we do not have many park sites identified and we do not have the rules and the designations and the types of zones defined well enough to do that more clearly in the Bill. I think it is a pity and I think it is something we should avoid.

In closing my general remarks, I just want to say something to the Minister of Municipal and Community Affairs. Since he gave his enraptured piece of oratory before we broke for coffee and that is in connection with the method by which we are proceeding with Bills, and I do not know if I could reconstruct his argument he was making at the time, and probably given the way I think, I would have some difficulty in doing it. There seemed to be a suggestion that to set aside for six months something like this was not only heretical but profoundly damaging to Yukon's interest, that while we were sitting and waiting throughout the winter months, the next six months, there would be all sorts of horrible people running in here creating parks and doing all sorts of things.

I do not think that was the point being made by my friends to my right here, at least I hope it was not the point. I think implied in their comment though was a useful idea and I would just recommend this idea to the Minister of Municipal Affairs, because I do know he loves ideas, from the books that I have been lending him to read I have actually some hope that he may move measurably some number of degrees politically towards the centre ensuring his time in this House.

What I want to say to him is that we have got to be realistic about this Legislature when we are dealing with Bills like this. There is not a lot of meat in the Bill. A lot of it is left to regulations so it seems to me that we have to be very careful when we are going through it, that not only we understand it, but we understand it well enough that we can intelligently debate or argue our differences about it and perhaps hopefully, as a product of that debate, that there will be some public understanding about what it is really going in here, because of the way the press reports.

I hope also, that throughout that debate we could, by the time we have finished Third Reading, really, all of us, or each of us, be able to then go out to our constituents and explain exactly what is in the Bill, and explain why we like and why we do not.

We are a small House though. In Second Reading not many Members spoke, I think maybe half a dozen Members. The total time we spent on Second Reading was probably less than an hour. We go into Committee, we are dealing with particulars rather than the big ideas of the Committee. We could well go through the Bill in Committee in an hour or two. We then would have a Third Reading debate. None of our Third Reading debates have lasted more than fifteen minutes in this House. What I am saying is that for all that, no matter what you may have done in caucus, we do not know about that, we have really only spent, sixteen people here, or fifteen people, less than three hours talking about a pretty important piece of legislation.

Now, once in a while, that three hour discussion might be at a very high level and those of us on this side have a hard time maintaining that level, but we do our best. It is harder when the discussion has to be maintained over a sequence of days one, two, three. And that seems to me very difficult.

I think, whether it is six months or not, it is not a bad idea to have a gap in time between the time we get into Second Reading and the time we go into Committee and the time we go into Third Reading, unless there is some urgency about it as there was in the Property Taxation Ordinance.

I support this legislation. I have some reservations about it. I have asked some questions which I hope the Government Leader will get back to me about. Some of his answers, I submit, even as recently intelligent as I am, I might want some time to think about. I do not think it will be a bad idea if Government Members opposite think about it. I just want to say that to the Minister. It is not a question of rushing through bills, and I do not think we worry about that, but I think we ought to be careful that we do not make mistakes here. It is awfully hard to correct mistakes three or four months down the road when we are suddenly reading it some night and we discover that there is something in here that we really did not understand the ramifications of.

Thank you, Mr. Chairman.

Mr. Fleming: Just a quick comment, Mr. Chairman: I was just going to say that it should be very, very interesting in the Regulation Committee, as Mr. Tracey and myself are on the Committee, and Mr. Tracey more or less put me down a little bit when I was speaking of more regulations, too many regulations having to be in this Bill. I assure you and the Government over there and all of us on this side of the House that we will be very careful when we are looking into the regulations that come up in this Bill.

Mr. Byblow: Mr. Chairman, I am wondering if for the benefit of the Honourable Member from Porter Creek East I could introduce an amendment under Clause 1.

Mr. Chairman: At this time we are on general discussion.

Mr. Byblow: In general terms I appreciate the comments of the Honourable Member from Whitehorse West as to the full intent behind the reservations I had with respect to the full import of the Bill. When I proposed the amendment, I said very clearly that I hoped this precipitates a discussion of the concerns I have raised. That amendment precipitated the endorsement of the Government position that this Bill is in fact a manipulative tool. That is a question that I was asking. I think at the same time they have tried to make the point that it is in the public interest. I can accept that compromise.

There are a number of points throughout the courses of the Bill that we will be debating in specifics, but I would simply advise that the full import of this Bill is still not fully understood by me. I do not

think that I have heard enough answers. I would leave it there, and perhaps we could have some other comments.

Hon. Mr. Lang: Mr. Chairman, I think there are a couple of points that have to be made. One of the variables that I expressed at the Second Reading was the fact that this House and the Government of the Yukon Territory should have the legislative framework in place to plan for parks for the people of the Yukon.

As I indicated in my remarks, there are a number of interest groups, a number of Federal Government agencies and you could almost get international if you like, that would love to see the Yukon a park and preserved forever. I do not think anyone in this House, as the Leader of the Opposition stated, is against parks but it is the utilization of parks and what we want on behalf of the people we represent. I think that is very important. I think the legislative framework has to be in place so that we can go about and do the proper planning and put into place those parks that we feel are necessary for the people of Yukon.

I think there is an honest concern being expressed by the Member from Campbell and by the Member from Whitehorse West, in respect to the regulation-making power but I would refer you to the problem that has been confronted by the Government of the Yukon Territory, the people of Haines Junction and the Federal Government in respect to the National Park that we have now.

We have a situation there where we are looking at probably a major installation for the sewage lagoon, which I know is really, you do not want to discuss in the Legislative Chambers, but, in the final analysis, you have to vote for it.

The point is, now whether it was good, bad or indifferent, there was a site that could well have been utilized within the boundaries of the park. Now, that is by legislation and once it is in legislation it is very difficult, as the Member from Whitehorse West just said, to change.

So the point that I think has to be made, whether we like it or not, the various concepts of parks are such that each one is going to have to be structured with a management plan that is structured in such a manner that the difference and the uniqueness of the area is going to be protected.

The reason I use the situation of Haines Junction is that we are in a situation where the Government of the Yukon Territory, the Federal Government and, just as importantly, the people of Haines Junction, are going to be faced with not just a major capital expenditure, but a major on-going operation and maintenance cost, because we were locked out of one or two options that would have been available, if the park had not been gazetted in such a manner.

Now, it could well have been the decision would have been to take plan number five, which is the one it appears we are going to have to go to, but what I am saying is that our options were curtailed. The sewage is going to the same place, it is just a case of the infrastructure that the Honourable Member from Whitehorse West knows so well, it is so expensive, initially, expensive on the long term, probably more expensive on the long term on the O&M side. That is why you have got to be in the situation to be able to look at each one in its uniqueness and by itself in order to accommodate, if there has to be some infrastructure, at the same time, do it in a manner that the economics could be weighed and the options could be looked at and that flexibility exists. I think that is awfully important.

The other point I think that has to be made, and I go back from the experience I have had within Government. I have been here for five years, some people would suggest too long. I might not even argue that point today. But the point that I wanted to make is that, once again, as I stressed in the beginning of my remarks, was the number of people that would like to have their own little preserve in Yukon, under their own little rules, whether it be a federal agency, like I say, or the Sierra Nevada or the IVP, they have all got initials and there are lots of them. My basic point is that we have to have that legislative framework in place so that we, the people of Yukon, if the Government of Canada tomorrow said you need a national park, you can say, well, look, we do have the legislative framework and we will plan our own park. We are interested in that area.

But at least that option does exist. Right now it does not and you are in a situation where, whether we like it or not, the civil servants at the Federal level, all have vested interests, let us be honest, they all have a job they have to justify. Let us face it, a person in the Federal Parks Department has to have a park in order to justify his or her existence and what an easier place to go to than the Territories, whether it be the NWT or the Yukon Territory because you have got the battle three-quarters won.

Number one, you do not have a problem with the land. As the Honourable Member from Faro said, with the stroke of a pen, it is gone. So, you know, that is the only blessing you need.

I think this is the major point in respect to this and, as the Member from Old Crow has said, you know, the people of Yukon will be involved. There is a whole section that deals with it that will allow that public input and, at the same time, hopefully come up with something that is going to accommodate and find that fine balance between a person earning a living and, at the same time, preserving what we would like to see for our children, when we are finished with the vale of tears.

Mr. Penikett: I would just like to ask a question of the Minister who just spoke. Does he really, honestly, truly believe, deep down in the bottom of his heart, that the existence of this Ordinance would actually prevent the Federal Government from creating a park in Yukon if they really decided they were going to?

Hon. Mr. Lang: Mr. Chairman, I would be the last one to say no, if they were actually determined to. But it is a tool.

The Member opposite always talks about tools, the ability to negotiate, leverage, all these other things, which I will draw back to his attention, like he has the tendency to bring my words back to haunt me.

The point is that at least it is something that is in place, something that we have and something that we can, through our Renewable Resources branch, have available when that time comes.

Now, how quickly it comes, that is another question, but I think we can all think of areas that we would like to see protected and through this and through the House and through the Members here, it can be discussed and raised and, perhaps, decisions made at a later date.

But the point is, it is a tool that is there, I am not saying it is going to prevent the Federal Government, but I would suggest that it is a negotiating point. I do not think you would argue that.

Mrs. McGuire: Thank you, Mr. Chairman.

I just want to stress that, on Mr. Lang's argument there, that this side of the House does not want this Ordinance.

Now, this is not the case. I have been listening to the speakers here and they are not against putting this Ordinance in place. What we are saying or what they are saying is that it needs a terrific amount of work and we need a timeframe on it. This was the reason of Mr. Byblow's amendment.

I think, you know, you really are arguing on the wrong thing if you are saying that we do not want this Ordinance. We do want this Ordinance, we are all for it, but we need a lot of work and I do not see how we are going to do this in the next few days. It is impossible.

Also, contrary to what the Member from Tatchun said about Kluane Park being closed, completely closed, that is not true. It is open for anybody that wants to go in there. In fact, you can even drive in there if you can find a road and there are several roads in there.

Also, you brought up the subject of the lagoon in Haines Junction. Okay, there was no reason why that lagoon could not have gone in on that first site or the original site that it is in, if somebody had sat down with the Federal Government and talked about it, but nobody ever bothered doing that, because during the last five years, the boundaries have changed three times. Nobody even knows where the true boundaries are.

So, when this Ordinance is in order, I will be voting on it.

Mr. Tracey: Mr. Chairman, I have to stand up to defend myself here. I would like to stress one point and that is not that I am against consultation as the Member opposite suggested I am. I am very much in favour of consultation.

What I am against is the suggestion that every time a Bill comes into this House, that we have to go out and get somebody to okay it for us, like we do not know what we are doing here and we have to have it approved all the time before we can settle on it.

The Member just said that we have open access into Kluane Park and I would like to disagree with her very much. You are not allowed to drive in that park, unless you are in a Park vehicle. You are not even allowed to land a helicopter in that Park. If that is open access, I would like to know what closed access is.

You can fly into that Park, you can fly over it, but you cannot land in it.

In the past five or six years, I have been involved in the tourism industry and Territorial Parks has been something that has been brought up many times. There have been papers drawn up on areas that they would like to see in Territorial parks.

I mentioned earlier that one reason why we need this legislation is to prepare ourselves for Territorial parks. I think we can look at National Parks and they outline some area in Yukon that they feel should be a National Park and we do not have any capability of

saying, look, we are looking at that as a park and we want to have a Territorial park.

We do not even have the legislation to have a Territorial park. What argument have we got to refute them?

I think that this Ordinance is very necessary. Certainly, we have to have a lot of extra regulations. The reason for the regulations is because we do not have any area outlined for a park and we cannot get down to specifics, so, naturally, it is going to follow that it has to be in regulations.

Mr. MacKay: Thank you, Mr. Chairman.

I would like to recap a couple of things that have been said, to agree with some things and disagree with others.

I think that Mr. Penikett's point with respect to the speech, we should, perhaps, modify it by saying that we did have Second Reading postponed for a sufficient length of time to enable the Members on this side to consider it at some length.

But, nevertheless, once we are into Committee of the Whole now, there may be some answers come up that do require further thought. I would hope, by the time we are finished going through Committee, if there are major areas of concern, that these clauses will be set aside and that we can deliberate further on them.

One of the reasons I asked for the delay, Mr. Chairman, of Second Reading was to give me time to look at the Ordinance and also to talk to some of the interest groups that I thought would be interested in it. I did talk to representatives from the mining industry, the tourist industry and the CYI.

I understand that the mining industry has been reassured by the fact that the multi-use concept would permit mining. I do not know if I am that reassured and am wondering if the lack of the philosophy in the Bill leaves this thing wide open.

I think the Government should be aware that, in not stating, I think, more clearly what their philosophy is, should there ever be a change of government, I should not say "should there ever be", when there is a change of government, that the people who assume the reins of power are going to also assume these very wide powers that are in this Ordinance. By appropriating all these powers, through the regulations, that you may well wind up ten years from now with a completely different result than what you have in mind at the present time, so I think there is a danger to all of us in not putting enough meat in the Bill.

I would like to hear some reassurances from the Government Leader with respect to the speed at which he will be proceeding, should this Bill pass, to set up parks. I would imagine that the process would involve the quest for transfer of land from the Federal Government, and I would presume the land freeze, or the frozen land—we are not sure what terminology is suitable to the Government Leader—but may I put the proposition to him that it was precisely this kind of transfer that was being considered by the Federal Government and the CYI and the Territorial Government in the process of setting up a moratorium on transfers of certain lands.

I presume that a public reassurance from the Government Leader would be in order at this point to satisfy any doubts in anybody's mind that, having agreed to something in Ottawa on Friday, there is not a change in Whitehorse on Monday.

I do believe that the caucus has some amendments. I would hope to hear about them also at the first in case there is anything of significance.

I raise again the question of the master plan and ask the Government Leader to address that issue. There is no question that you have to have a master plan if you are going to develop a park. My concern was at what point and who approves that master plan. I do not think that the Ordinance specifically states that. It just says that the Director will prepare a master plan. Does that mean that the Director has the complete power to decide what that master plan should include? I would like him to address that issue.

One issue that has not got any exposure so far, and perhaps I omitted it in my speech earlier, was the business of whether the Commissioner will or will not call for public hearings and meetings on the Ordinance. There is presently a permissive section, 14(1), where it says that the Commissioner may arrange to hold public meetings or hearings. I can understand the reason for making it permissive because if you are trying to acquire an acre of land alongside a roadway to set up some particular picnic site or some such thing that you do not think that that would necessitate a public hearing. I can agree with that. I do not think it should.

On the other hand, I fear the "may" instead of "shall" clause here that might permit the Government, through the use of this regulatory power in this thing, to be able to set up a large park without a public hearing process, which I think would be most

useful if you are talking about the people of Old Crow to be able to have some input into that process.

One suggestion that I will throw out is that that Clause could contain the rider whereby if five residents of the Yukon requested, in writing, a public hearing, that it would then trigger off the process so that there is some way in which people can express their feelings other than by going through the news media or talking to their local representatives.

The other problem that we should address ourselves to is the means by which Commissioner may acquire the land. The Commissioner may accept, acquire, set apart, appropriate and develop and so forth. These are very wide ranging words.

We should not always assume that the land in question is presently Federal Crown land. It may well be that somebody may have a lease of that land. It might be a lease on the river somewhere and someone has been using it for business purposes and so forth. I am wondering if the Government Leader will address that problem of how there possibly could be redress or somewhere for a party to be able to appeal the appropriation of their land. This would indeed extend itself to trappers as well, whether or not trapping would be allowed to continue. This is also a moot point and again it is left to regulation. I suppose you have to leave some of these things.

I think these are issues that need to be addressed early on in the debate now, so that as we proceed through the Bill we can understand the philosophy that pertains on the Government side to the rather sweeping powers that are being appropriated by it.

Hon. Mr. Pearson: Mr. Chairman, I want to sincerely thank the Honourable Members opposite for what I consider to be very, very constructive concerns that they have raised. I have been making notes, and hopefully I can answer most of them.

Mr. Chairman, I would like to start with the concerns raised by the Member from Whitehorse West in respect to Land Claims and reiterate once again, as I did in the House and now in Committee, that we are committed to Land Claims. We will do nothing to hinder or hold back or delay, in any way, Land Claims. We have absolutely no intention of even making application, at this point in time, for land for Territorial parks, particularly now at this point of time as a result of meetings last week.

The question of map notations was raised by the Honourable Member. Mr. Chairman, we have a number of proposed Territorial Parks that are on map notations, but like the Honourable Member opposite, I do not think that they really mean anything other than that. They are not encumbrances. I do not think that there are any legal ramifications to them being map notations.

All that has happened is that the Federal Government, who is the owner of the land, has got a series of maps and over the course of the years, and I would submit that some of these are now getting quite old, the Government of the Yukon Territory has indicated to them that we think that this is a logical site for a Territorial Park at some point in time, when we have the legislation and when land claims are settled and so on and so forth, when everything else is out of the way, because, Mr. Chairman, it seems inevitable, as wrong as it might be, in respect to land-use in this Territory, parks are very, very, low on the totem pole, but we feel very strongly now that we must raise their status in the Territory, that parks must become something that we are concerned with.

The timing of this particular legislation in this House right now, Mr. Chairman, is partly circumstantial. It has been worked on by the Government of the Yukon Territory for a number of years. It is quite a comprehensive piece of legislation. I will get to the regulations part of it in a moment.

Map notations, I do not think are a constraint of any kind. We do have some map notations now that are on maps in the Department of Indian Affairs and Northern Development. Exactly what their meaning is, I do not know.

Mr. Chairman, the whole concept of our parks policy is multi-use, but in preparing the Legislation and in laying the groundwork or the basis for this Territorial park system, the concept of integrated use has been a major factor. Our philosophy has been just a little different from what has been expected from across the way. We have put the legislation together not encouraging multi-use or integrated use of the parks from the outset, but to make provision for a later date if it is in the best interests of the Territory.

In other words, we do not have any intention of creating a park in a known mineralized zone. We do not want to create that conflict right off the bat. The concept is that we will create a park that we hope sincerely will remain a park as we conceive and know parks. However, Mr. Chairman, if ten years down the line, it is deemed in the public's interest in the Territory that a portion of that park be used for something else then we want to be able to have—whoever

the Government of the day is—that latitude to be able to use it for the benefit of the people of the Territory. We have tried to make the thing as permissive as possible. That is where we get to the Regulation Section.

Mr. Chairman, I think we all have to do a little bit of soul searching in respect to regulations. I became associated with this Legislature quite a number of years ago and it has always been the "in" thing to do in this House, to stand up and berate the regulation-making section of every piece of legislation and, Mr. Chairman, I am very much one who is guilty of that concept as well; however, I really think that at this point in time, we must begin to change our thinking.

We, as a Government, Mr. Chairman, have no intention of putting forward any legislation that puts powers in regulations that, in fact, we think can substantially be held in the Ordinance itself. I do not agree with government by regulation.

However, I want everyone to understand, Mr. Chairman, that things are now different, because the power to make regulations, prior to a week ago, was given to a Federal civil servant and that was a fact.

The change is that the Government, the people representing the people of the Territory, now have the authority to make those regulations, to pass them, to rescind them and we are answerable to the people in the Territory and to this House on regulations.

So the question of regulation-making, Mr. Chairman, I do not think is as great a question as it was before. There will be Ordinances, I am sure, in the future, that will be of this kind, where it is deemed most advantageous, if we leave as much flexibility to the Government of the day to create the law of the moment. That is the only way you can do it, really, by regulation when it comes to that point.

Now, from a law-making point of view, it is not good. I concede that; however, I do submit that, in some cases, it is necessary.

I submit that in the case of this legislation, it is necessary because we are going into a brand new field, Mr. Chairman. We have some excellent people working for this Government in the administration, who are very much involved and committed to a territorial park system, who have done an awful lot of work and an awful lot of study on it.

However, they are the first, Mr. Chairman, to tell you that they do not know what all of the problems are going to be and they are going to have to have the flexibility, or they are going to have to require the flexibility to be able to roll with the problems as they come up. They are going to have to be able to deal with them.

Mr. Chairman, once these things are in legislation, they are very hidebound and we would not have that flexibility at that point.

I sympathize with the Honourable Member from Campbell who raised the spectre of regulations. I recognize that as being a problem and I recognize it as being a weakness in this legislation.

However, I respectfully submit that it is absolutely necessary, I think, in this case.

We could write everything in, not have the regulation-making power, but, Mr. Chairman, I guarantee you, we would forget something at that point and it is something that would really be detrimental to all the people in the Territory.

Now, the implication made by the Honourable Member from Faro that our refusal of the six month hoist, was some kind of manipulative tool. Mr. Chairman, we feel that, as a responsible Government, we should have a Territorial parks policy and this is it, that this Government should have the opportunity to establish Territorial parks for the people of the Territory.

That is what we are doing here. There is nothing manipulative about it. It is a piece of legislation that has been some three years in the making. It is now ready. It is, we think, a good piece of legislation and we are prepared to defend it before the House.

It is important that all Members understand all of the ramifications and all people understand all of the ramifications of the legislation.

Mr. Chairman, the Honourable Member suggested that he did not really understand what the legislation was all about and I hope, as we go through the Bill, we are able to make it clear exactly what we intend to do with this legislation, what the object of the whole exercise is.

I do not know how to answer the Honourable Member from Kluane in respect to the time element. Again, Mr. Chairman, we get into this problem of Government and trying to, in some orderly fashion, run a government, we establish a legislative program. It becomes very, very disruptive to our departments if we have them concentrate on putting together a series of legislation, and then we do not deal with it when we should deal with it, because it then is

something that is held over for another time. Again, as I said, very, very disruptive to the ordinary flow of business of the House.

Now, we have tried, in all instances, to get bills, as quickly as they are ready, to Members opposite and we shall continue to do that. I do not have any problem at all with tabling bills at First or Second Reading and letting them sit there for a week or two. That is, if we can possibly do that, we are certainly do that and do that every chance that we get.

There will be times, however, as with the Taxation Ordinance, when we must move quickly. I agree that this is not a time when we must move quickly; however, I do not think that it is that complicated that we cannot make it clear to everyone during the course of discussion of the Bill.

Mr. Chairman, I want the Honourable Member from Kluane to well understand that the Kluane National Park is not a multi-use park. It is very, very much closed. I have read the files, Mr. Chairman, and this Government has been in constant consultation with the Government of Canada and particularly the National Parks Branch, in respect to a sewage lagoon in Haines Junction for four years.

The file is monstrous and there still is not a sewage lagoon in Haines Junction, Mr. Chairman, and for the simple reason that we cannot get any access to any portion of that Park at the present time. These talks have gone on and they have been very, very active.

Mr. Chairman, the Leader of the Opposition brought up the question of consultation. Now, I think this is something that we really have to understand. Consultation is great; however, every one of us in this House was elected to come here and do a job. The job is to represent the people who elected us. Mr. Chairman, that is consultation.

If it is deemed advisable to go to a special interest group and talk to them, fine and dandy. Sometimes it is very advisable, not only advisable but necessary, because Government does gain from that process. But not in every instance, Mr. Chairman. It is not necessary, nor is it advisable in some instances because in a lot of those instances, I submit, Mr. Chairman, what you are talking to is a minority group. If you only listen to them, then the majority does not any longer rule. You have to look at consultation in a realistic light.

This legislation very carefully provides for a tremendous amount of consultation. The reasons for the consultation to be permissive rather than mandatory are exactly as stated by the Leader of the Opposition. It is foreseen that there are many times when it would not be a necessary thing. But in this day and age of consultation no Government is going to arbitrarily establish a park where it is not wanted by a majority of people. It just will not happen and any Government that did so is in jeopardy of severe criticism at that point.

Mr. Chairman, we are not the owners of the land in the Territory. The Honourable Opposition Leader indicated that we might be looking at establishing great Territorial parks in the magnitude of the Kluane Park, I assume. We will never be in a position, I do not think, to do that for an awfully long time, primarily because the Federal Government is the owner of the land and we have to get the land from them.

We can establish all the parks we want, but as long as the Government of Canada will not transfer that land to us that is the end of it. It is game over. Nothing can happen.

I agree with the Honourable Member that serious consideration has to be given in the establishment of parks to encumbered or alienated land. The legislation for that kind of thing is already in place in this Government. I would suggest that what would happen would be if it was found necessary to include alienated land in a Territorial park, then the laws of general application would apply and the Expropriation Ordinance would come into being at that point in time. As far as compensation for owners of land that may be taken into a park, that is well looked after.

Hopefully, Mr. Chairman, I have answered some of the concerns. Maybe I have raised a few more for the Honourable Members, but I think that it is a good piece of legislation that will work in this Territory that is different from anywhere else in Canada at the present time in respect to trying to establish this kind of legislation.

Mr. Penikett: Mr. Chairman, I wonder if, while we are in general debate, we may know for our education what kind of amendments we can expect from the Honourable Member from Hootalinqua and his colleagues and Government backbenchers.

Mr. Falle: The main amendment that I am going to try to push for, the whole concept which the Honourable Leader just mentioned to us was multi-use purpose and it really does not spell it out and I am going to try and push for that amendment.

Mr. Penikett: Mr. Chairman, would you permit me another question to the Member?

I would be interested, Mr. Chairman, if the Honourable Member can say, following the Government Leader's speech, which was a fairly clear statement on the Government's intentions in this regard, if it is the view of the Member that, in fact, the multi-use concept is not now enshrined in the draft of the Ordinance as it is presently before us.

Hon. Mr. Lang: Mr. Chairman, on a Point of Order, I am just wondering, and maybe we could have clarification and perhaps you consult with the Speaker, I am just wondering about the exchange between backbenchers and other Members, it is almost a cross examination. I am not trying to stop the proceedings, it is just unfamiliar to me, I have never seen it before.

Mr. Penikett: I know the Honourable Minister was doing his crossword puzzle when I asked the question but I did have the Chairman's consent to ask the question and that is why I did it.

Mr. Falle: I will give you my definition of multi-use park. To me, a multi-use park means any park designed in whole or in part to be used to the best interest of the Territory while serving the prime purpose of being a recreational land reserve. Now that is my conception of a multi-use park. It says it here, there and everywhere in here but it does not spell it out. I want it spelled out. We went through Legislation last week in the Boiler thing and we have had expert witnesses in here saying to us; it does not really mean what it says. Well, I want it to mean what it says and this is what I am pushing for.

Mr. Penikett: Mr. Chairman, I just want to say that given that, as the Member submitted, it is in here, but if it is not in here, I look forward with eager anticipation for the amendment.

Mr. Chairman: Is there any further general debate?

As it appears that there is no further general debate I declare that General Debate over and we will consider now a clause by clause study of Bill 16.

Clause 1(1) agreed to

On Clause 2(1)

Mr. Chairman: Clause 2(1) is a series of definitions. We will consider each definition separately.

In "historic park", I would draw your attention to line three, the first word, re-enactment. It is a typographical error.

Mr. Penikett: I would just appreciate from the Government Leader, if he could, just in terms of the definition, I know what it says there and I understand what the words say, but if he could give me an example of how such an historic park might differ from an historic site or an archaeological site, under other Ordinances of the Territory, if he had an example in mind so that I could properly envision it, when we get into that section?

Hon. Mr. Pearson: Mr. Chairman, the purpose of an historic park would be to preserve areas of historic significance in which the visitor may actively participate in the re-enactment of an historic event.

They would be managed, primarily, to allow visitors to participate in and enjoy the park's historical and/or cultural attributes.

Mr. Penikett: Mr. Chairman, just so I can pursue that, it is an interesting idea. Might that include something like if Whitehorse were to pursue its waterfront thing, at some point, that there might be some buildings there which would be restored to their original use, like the Heritage villages, I can understand that.

Could we, if we were being, if I may use the word, "liberal" about the interpretation, use such a thing to describe if we were able to resurrect one of the riverboats and put it on the River, perhaps park it somewhere overnight?

Hon. Mr. Pearson: I do not know, Mr. Chairman. I think that might be going a little too far.

Mr. Tracey: Mr. Chairman, my interpretation of this would be that, say we took some place like Silver City and we restored it, turned it into an historic park and maybe even operated old activities that were going on there, re-enacted them, this would be my interpretation of an historic park, whereas an historic site might take Silver City and just call it an historic site and just stabilize it or maintain it.

Mr. MacKay: This is one of the sections that I was getting a little confused with because, when you say that a definition of an historic park, I can understand it all as far as it goes down where it says "restored for public viewing, education or enjoyment..."

I am wondering why we would then need to go and say that it is not really a park, it could be a site or a site which the Member opposite has just said would be something different from a park.

Why are we including in the definition of a park, also a site, also a reserve or a structure? Is it not just a park?

Mr. Tracey: Mr. Chairman, we do not have anywhere in these definitions the "historic site". I think the definition of an historic site is what the Federal Government uses, that term, it is not in our definitions.

Mr. Penikett: I should remind the former Minister that he has legislation coming on that subject very shortly.

Hon. Mr. Pearson: Well, Mr. Chairman, I am waiting to hear what the real problem with the Honourable Leader of the Opposition has.

We want this legislation for the benefit of the people of the Territory to be as broad as we can possibly make it. We are, frankly, tired of seeing all of the history of this Territory going out of it just as fast as it can go out, by any means.

You will be hearing from me in respect to that, Mr. Chairman, with future legislation, but, once again, we are trying to preserve the history of this Territory and this is one of the methods that we would like to be able to use.

Mr. MacKay: I think I am not making my point. I certainly was not questioning the value of trying to preserve historical parks. I am questioning the logic in this particular section which states what an historic park is, but then it goes on to say it includes historical sites and reserves.

The drafter of the Bill must have had a reason for that and it seems to me that the definition was very adequate right up to that point, and then it says "without limiting any of the foregoing, includes parks..."

Perhaps it is a grammatical exchange we want to get into. I am not saying we should not try and preserve historical sites, but what I am saying is that an historic park, once you designate that as a historical park, it does not matter what it was before, it is now an historic park. Is that not correct?

Hon. Mr. Pearson: That is actually correct, Mr. Chairman. What I want to know is, what is wrong with that?

Mr. MacKay: If I have not managed to explain my concerns at this point, I do not think there is much point in pursuing it.

Hon. Mr. Pearson: Mr. Chairman, if I may, I would like to get it in in its proper place.

Mr. Chairman, we are going to consider, seriously, a definition of the term "multi-use park" and will ask that this section be brought back at an appropriate time, for that purpose.

Mr. MacKay: I would like to respond to that. Would that mean that sections 7(3) and perhaps 8(1) and any other ones would also be amended to include the words "multi-use parks"?

Hon. Mr. Pearson: Mr. Chairman, I would like to have the alternative of seriously considering this. Clause 7(3) would be one where this would show up.

Mr. Penikett: Mr. Chairman, as I said in Second Reading I really love this definition, "parkway". I thought it was beautiful. I am sure that the Government Leader has looked at the question in depth since I first raised the matter. I want to ask him now whether we are talking about the kind of parkways that they have in New York State or whether we are just talking about a little strip around some areas that may be sensitive.

If we are talking about the kind of parkways they have in New York State, are we really going to get into the debate now about some of the implications of that? I think that is a great idea. It is really worth discussing. I say this in all seriousness to the Minister of Municipal Affairs, I have talked to a lot of people who came here from Europe this summer to see the wilderness of the Yukon and to see game here, and who drove hundreds of miles and did not see a single species. That was a concern. Given that we have got Land Claims and a lot of other difficult things, and again I will have some amendments coming tomorrow, I do not know how we could discuss that issue just in the context of this Bill, but I would appreciate hearing from the Government Leader. And when we are in the definitions, it may not be the ideal time but he can defer the questions until later, how far he sees us using this, where we might be using it, and what is the philosophy within the Government. Have they thought about really banning hunting on all our major highways within a certain strip which is what we might be talking about here.

I am fully sensitive to the kind of reactions we are going to get. I know there are some Conservative supporters in my constituency who are fond of hunting, and to be perfectly frank, who are not terribly physically fit anymore, and find hunting a much more enjoyable sport when they can do it within close proximity to their pickup truck than they do if they have to go wandering very far off the road.

I can just fancy some of the reaction we are going to get if we were to slip this through and suddenly, by regulation, we are to have all of the highways in the Territory turned into parkways and some poor gentleman from Riverdale or Hillcrest or whatever who had been used to driving up and down until he saw a moose all of a sudden finding that he had to go further afield than that to stock their freezers.

I think, as I said on Thursday, I do want to have the Government out on this, and rather than having to hear about it at election time, I think it is probably better to hear it from someone nice and gentle and outspoken like me. I would like to talk about this at some length, either now in the definition or when we get into the appropriate section of the Bill.

Hon. Mr. Pearson: The word "parkway" is exactly as is implied there.

I think probably I should emphasize that the creation of a Territorial park, or a parkway, or a park reserve, or any of these things, does not necessarily mean that there will be no hunting. The Honourable Member's comments seem to imply that whatever area was involved in respect to this Ordinance, that there would be no more hunting. That does not follow at all.

Mr. Chairman, it may well be that we would want to declare an area on each side of the Yukon River, from Whitehorse to Dawson City, as a parkway for development purposes, in respect to cost-shared agreements, that we get with the Government of Canada, to make it something that not only the people of the Territory can enjoy, but our friends, the tourists, can also enjoy.

It may well be that we would want to declare an area along a given road as a parkway. It is conceivable at the present time, by the much maligned Area Development Ordinance, we have got a parkway on the Dempster Highway. It can mean the New York type of parkways as well, although I have a little bit of trouble, at the present time, conjuring up such a thing in the Territory.

Mr. Fleming: Thank you for clarifying it for me; however, I had a question marked along side of the section and I am very concerned, and, in fact, although I agree with the Ordinance, that one Section may bring a vote which says "no" to the whole Ordinance, if it is left the way it is.

There is no way that I can see a Government that is in the position that ours is in now, making a corridor along the Alaska Highway, or along the Yukon River, and the possibility of saying that along that corridor, "no, you cannot hunt there because it is a parkway."

If this Section means within that park, I can see that. If it means any area in the Yukon Territory you might make into a parkway, and leave some room to come up with something like this, I have to disagree.

I can give you an example. If they did the same thing in the Game Ordinance, it would be the same principle that I would fight against. If you did lay a corridor, which I think, in fact, the Government has already done on the Dempster Highway, whereas you cannot hunt within five miles of that highway. However, you must remember that there are two segments of society in Yukon. The native people can hunt within that area; therefore, it would be the same principle here because in the Indian Act, you cannot stop that segment of society but you can stop this one. I find that our Government would be merely placing something on their own people and discriminating against them. Now, if it were they, it would not be allowed and yet another segment of society would. This, I cannot go along with.

I do not know, maybe I have the wrong impression of the way it is here, but I will listen to the Honourable Leader.

Hon. Mr. Pearson: Mr. Chairman, obviously the Member did not listen to what I just said. There is nothing in this legislation that implies that because an area is designated as a parkway that there will be no hunting. That just does not follow. There may be, but then there may be hunting too. We have to get rid of the concept of the Kluane National Park. That is not what we are creating in the Yukon Territory with this Bill. We are creating parks for the benefit of the people of this Territory, not for the benefit of anyone else.

Mr. Tracey: Mr. Chairman, I would like to try to clear up one thing. This does not say that a parkway is a continuous corridor. There is nowhere here that says it is a continuous corridor down river. It says an area; the concept right now with the Goldrush River Park as far as the Territorial Government is concerned is to have areas along the corridor where it would be a park and would be controlled, whereas the rest of it would be left the same as it is now. This does not say continuous corridor.

Mr. Penikett: Mr. Chairman, this is all very useful, and I think it is really great having three past and present Ministers of Renewable Resources around for this Bill. It certainly helps the understanding of it.

I do not want the Government Leader to think I was being entirely facetious before. All I asked for was the definition because it does not spell out here whether the Territory's vision of a parkway is continuous or could be continuous. It does not spell out whether hunting would be allowed or not allowed. The two previous definitions, for example the "natural environment park", says a wide range of outdoor recreation activities. To me that clearly includes shooting and hunting and ski-doing and all of this kind of thing.

The next definition in contrast said it should be protected and preserved in an undisturbed state. That clearly implies something very different and suggests a lot of restrictions.

I also understand the Government Leader's point of view in saying that he wants to do things by regulation. What I am trying to do, with respect, Mr. Chairman, is understand in my own mind what the Government has in mind here. If we are talking about parkways such as those in New York which are fairly continuous out there because they might get a much more attractive highway from the point of view of tourists, they can see game, they can see lots of greenery. There is not the usual garbage and "Eat" and "Bar" signs and all of the crap that is associated with the big super highways and the freeways. It is a much more pleasant way of going.

I cannot, for the life of me right now, envision that we can do that the length of the Alaska Highway. I understand that. But, I do want to know about the hunting thing. I do want to know what the Government envisions doing by regulation and whether in some areas it might be hunting or not because I do think that does have a bearing on the tourist industry because there are clearly areas now where it is very hard for people to see game because it has been hunted out in those areas and the game is now very infrequent. There may be areas where by making a parkway you could draw the game and it increases the tourist potential and, I think, the recreation potential for non-hunting Yukoners too.

I want to pursue that from this point of view too because clearly the no hunting thing is a tough way of describing it.

My friend from Campbell talked about the no hunting on the Dempster. Well, of course, it is not no hunting; it is no shooting. Which is certainly a very, very different thing. If some of my shirt-tail relatives wanted to take me out with a bow and arrow, presumably I might escape the attention of the Government of the Yukon if I were to do that.

I would like to reassure you that it is not likely because I have other kinds of recreation I prefer. I just want to get clear from the Government Leader, if I could, some kind of an idea of how he would plan to employ this because I think the definition is not very long; it is not very specific; it does not say whether we are hunting or not; it does not indicate or mention in any detail how it can be used. Maybe the Government has not made up its mind yet.

Hon. Mr. Pearson: No, Mr. Chairman, this is one of the problems that we are facing on this. It is something brand new. We do not know what the demands of the public will be in respect to the creation of parkways, et cetera. I think it is an option that we should have in the legislation so we can make regulations.

Mr. Chairman, I think we should all understand, too, that the regulations that are passed by Government in the future will be vetted by this Legislature if it does its job. There is a committee established to do that, if that committee has the capability of bringing regulations to the attention of this House. The accountability thing is still there; albeit that it is not as direct as in the legislation.

Mr. Fleming: Mr. Chairman, I do not think that I understand the Government Leader when he says that I misunderstand because I did not misunderstand. What I was saying was that there is definitely a possibility that there could be corridors along our highway or anywhere else where hunting or shooting would be prohibited possibly by the definition of parkways here.

Hon. Mr. Pearson: May I interrupt for just one second, Mr. Chairman, to point out to the Honourable Member, because I honestly do not think he does understand, that we can do that right now. We do not need this legislation in order to do that. We are not creating something that we do not have. All we can do in this legislation, Mr. Chairman, is create parkways.

If we want to pass a piece of legislation to make a no hunting corridor from Whitehorse to Dawson a mile wide on each side of the Yukon River, we have the legislative competence to do that right now. We do not need anything else.

Mr. Fleming: Yes, Mr. Chairman, I understand that and I understand that this is just one more way of doing the same thing.

As I mentioned before, the Dempster Highway has done that and what I am saying too is that if you do these types of things through regulations, it is not going to do any good other than to possibly

beautify that section probably if it is left alone by everybody.

However, the Government tends to forget that we do have two societies; and, there is another one that is able to fire firearms and is able to hunt and so forth along these type of corridors; and, therefore, there is no protection for them really. You are trying to do something which you really do not do in the long run at all.

You have done it along the Dempster Highway, for instance, and you could do it along here. That is not all merely what I am saying. I understand what it means.

Mr. MacKay: On "park reserve", I would like to point out a couple of things about this section that, perhaps, should be looked at a little more closely by the Government.

A "park reserve", as I understand this definition, is to allow the Government to move fairly easily to set aside some area of particular interest to be created later into a park.

So, given that, I think perhaps the definition should be expanded to included the word "historical" there. The word "cultural" is introduced, but, perhaps, if we are looking back to the previous type of parks that we would like to create, an historic park is definitely one that we would want to move very quickly on and establish as a preserve.

So, an inclusion of the word "historical" in this definition, I think, would help.

My second point is a nit-picking one, but it is fairly worthwhile, that when you say "a park reserve means an area of unique" and then you proceed to talk in the plural, "which may be set aside for future parks", I think you grammar is lacking there, "which may be set aside as a future park", because I think you are talking about one area at a time in this one.

I would like to hear the from Honourable Government Leader.

Hon. Mr. Pearson: Mr. Chairman, I did not think I was going to have to give the Honourable Member grammar lessons, too.

No, Mr. Chairman, if the word is preceded with an "h", the word is "an", always. That is the rule in English. "An historic park" is the correct grammatical term.

I appreciate his concern in respect to "historic" and we shall take that under advisement, Mr. Chairman.

Mr. MacKay: I do not know if this is worthwhile, but I would have said, "means areas of unique natural", if I was going to proceed to say "which may be set aside for future parks". The word "an" is singular and it should not be used in the plural later on, when referring to the original statement.

Mr. Penikett: I could just only say that probably the person who should be consulted on this is the Minister of Municipal Affairs, who is not here, because I am sure it was George Bernard Shaw who said, "The finest English spoken in the British Commonwealth was in Porter Creek East".

Mr. Chairman: Do you agree that "park reserve" should be stood over?

Some Members: Agreed.

Mr. Chairman: On line three of "wilderness preserve", I draw your attention, after "wildlife range", there should be a comma. I consider this a typographical error.

Mr. Falle: Well, here we get a little park, a mountain range. It seems to me a mountain range can run from one end of this country to the other.

"Watershed", a little wee section of Yukon, this legislation does give us some pretty big areas, I should think, according to this. Just food for thought.

Mr. Penikett: I am sorry, was there a question there?

Mr. Falle: Yes, there was a question.

The question to this is that this legislation, with these boundaries, does give this Government very large sections of land if we take it as it is written.

That is what the question is. Is this not true?

Hon. Mr. Pearson: Mr. Chairman, I have a bit of a problem with the question, but I think the Member well understands that this legislation does not give us anything at all in respect to land of any size.

What it does do, this particular section allows us to declare a wilderness preserve that may be a mountain range or it may be a particular watershed.

If it is deemed beneficial to the people of the Territory to do this, yes, it gives us that authority to do that.

Mr. Penikett: Mr. Chairman, I would just like to echo the concern mentioned by the Leader of the Opposition in passing when we were in Second Reading of this Bill.

I really get a little nervous about the use of the word "ecological" as it is being used here, particularly since I hear such well-educated people as public servants talking about the ecology, because there ain't no such thing. Ecology is a science, as the Leader of the Opposition said, and I am not sure that the people really mean to say what they are saying there, in this clause. Well, either they do not mean what they say or they are not saying what they mean.

I am sure Mr. O'Donoghue could entertain us for hours on that question, but I think probably there is a better word that we can use there, which I would be prepared to accept without an amendment.

Mr. MacKay: I could suggest geographical, as a more general word.

Again, I am probably going to nit-pick a little bit here, but the words "wilderness preserves" in the definition, are not used when you come to the classification of parks. It is called a "wilderness area" when you get to the classification of parks.

I think if you mean "wilderness preserve" you should be consistent throughout the Ordinance.

Hon. Mr. Pearson: I have no trouble at all Mr. Chairman. I consider these not nitpicking at all, but valid observations. We will certainly take them all into consideration.

Mr. Penikett: Mr. Chairman, could I just have the Government Leader's understanding. Did we set aside the whole of the definition section, because we were waiting for an amendment form, in which case shall we set these two things aside to be dealt with as a whole, because there may be couple of minor amendments there, and then we could just proceed in order through the other sections.

Hon. Mr. Pearson: Yes, Mr. Chairman, we will have to come back to two sections, and some specific definitions in it.

Clause 2 stood over

On Clause 3(1)

Mr. Penikett: Mr. Chairman, I do not want the Government Leader leaping over the table at my throat, but I have been asked to ask this question, so I will.

In connection with Section 3(1), does this section, and the section that follows, encompass a situation in the future whereby this Government could expropriate land which had been land surrendered to Yukon Indians as part of a settlement?

Hon. Mr. Pearson: I do not think so, at all, Mr. Chairman, in that we would have a very difficult time expropriating any land. If my memory serves me correctly, I believe the Indian Act specifically prohibits any expropriation of Indian land, except in the case of the Federal Government for certain, specific reasons, and they are delineated in the Indian Act. Now, I would guess, Mr. Chairman, that Indian land, in a land claims settlement, would have the same kind of protection. I anticipated the question to be on the word "accept," Mr. Chairman. I do not see this being any kind of an enabling clause to enable us to expropriate, or give us any more power to expropriate, than we already have.

Mr. MacKay: I am questioning the logic of this Section somewhat in that this Section goes back to the previous definition of the park reserve, and as I understand the definition of park reserve, it means that something is going to be set aside to be developed into a future park. Therefore, I question the need for the words, "developed lands" in this section, if, in fact, all you are doing is setting it aside. I do not think, at this stage, you need to have the power to develop land in what has not been, at this point, designated a park. So, it seems to me the process that you would be going through is, first of all, to designate that it is a park reserve. That gives you time then to protect it from encroachment, or whatever it is that you had in mind. Then, you set about to do your master plan, and doing the planning. Then you get acceptance, either through public hearings, or whatever process you use, then you develop. So to have the words "develop lands" at this stage seems to me very premature.

Mr. Tracey: The definition of "development" also says, "making change in the use or intensity of use of any land, building or premises." So, that would be development.

Mr. MacKay: I guess I can see what the Honourable backbencher is getting at. In order to test that Section, you may wish to say, well, we are going to ban the public until we get it restored. I think that is fair enough, but the other side of the coin is that, in leaving the words, "developed lands", in there, you may, in fact, be able to bypass the rest of the Ordinance, with respect to safeguards that you are trying to build in towards public input of any development. There are two sides to that coin.

Hon. Mr. Pearson: This is still only a park reserve, and it is meant as the pre-emptory step in the whole thing. It is a vehicle for setting aside lands for future parks, really. And the future is dependent

upon the public input, et cetera.

Mr. MacKay: I wonder then, if the intention of that Section was to effectively regulate, or restrict, the use of this particular asset or land, why that was not the terminology used. "If developed" means, to me, not the narrow meaning that the Member just said, that it was to restrict the density. It means, to me, everything that that definition of "development" contains. I would have been quite happy if it had said, "set aside, appropriate, and restrict the use of", and designate such land as a park reserve.

Hon. Mr. Pearson: If the Honourable Member has real hangups with the thing, we will take a look at it, and we will come back and either have it changed or not have it changed.

Clause 3 stood aside

On Clause 4

Mr. Chairman: I draw your attention to the second line. The word "divise" is misspelled. It should be "devise". We will consider that a typographical error.

Mr. MacKay: I have a question. With respect to "personal property." We are talking about movable property, here. I take it then that a historic park may also include the legendary piano that came over the Chilkoot Pass, or some such thing. Is that contemplated in this legislation?

Hon. Mr. Pearson: No, Mr. Chairman, but it is contemplated in another piece of legislation.

Clause 4 agreed to

On Clause 5

Mrs. McGuire: Where it says, "enter into agreement with any person", would that mean associations, groups and that sort of thing, as well?

Hon. Mr. Pearson: Yes, Mr. Chairman, the word "person" is defined in the definition section of the Interpretation Ordinance, and it is a very, very wide definition.

Mr. Penikett: I would just like to get some clarification of what the Government has in mind here. What are we talking about here? Perhaps after the next Territorial election, they ought to have Mr. Lang run a campground, or something like that for the Government? That is what it is, is it just so you could contract out for the management of some facility that was not worth having public servants doing it?

Hon. Mr. Pearson: Mr. Chairman, I am not certain on this, but I think probably it could also be something that we do not own, and it is declared a territorial park, and is run by someone outside of Government.

Mr. MacKay: Just to continue on that thought, when you use the words "to establish", you are entering into an agreement with someone to establish a park. You may well be referring to the Federal Government or the CYI, or some such body, in which case, all of the terms of this Ordinance would then apply.

Clause 5 agreed to

On Clause 6

Mr. Fleming: "The Commissioner shall not grant, sell or otherwise dispose of lands or an interest in lands set apart and designated as a park or park reserve unless such designation is revoked". I take that, of course, to be by regulation, because the park, in the first place, would be designated by regulation. So, if, for instance, a portion of that park, or something to do with that park, or inside the park, were to be sold, or something, by the Commissioner or the Government, I would take it that the whole regulation designating it as a park would have to be revoked in its entirety, and done over again.

Hon. Mr. Pearson: Mr. Chairman, this is really an attempt at accountability by the Government to this House, once again, because what we are saying is if, in fact, a decision is taken to establish a park, and then, at some point down the road, someone changes his mind in respect to the establishment of that park, the accountability is there, because it would have to be reported back to this House, according to the regulations.

Mr. Fleming: That, I do not think, is quite correct, if it is regulations.

Hon. Mr. Pearson: Pardon.

Mr. Fleming: Well, if they were doing it by regulation, I might ask the Government Leader, if they are doing it by regulation, would it have to come back to this House, because regulations do not always come back to this House.

Hon. Mr. Pearson: Mr. Chairman, as I explained before, we have established a Regulations Committee and, if this House is doing its business, any regulation that they wish to have before this House will come before it.

Mr. Penikett: Mr. Chairman, I am sure this Government is going to be very shortly adopting the Saskatchewan principle of not allowing legislation to be proclaimed until, in fact, the regulations are cleared through the regulation committee.

Hon. Mr. Pearson: That is utopia. It does not exist because, in fact, then, why bother having regulations. That is a very, very desirable thing, Mr. Chairman, and we have, in fact, adopted a policy with our departments, now, that the regulations they know they require immediately, they must have, in draft form, for us to see before the legislation is presented to the House. But, in most cases, the establishment of regulations is to deal with matters as they arise. So, you might as well say that there will be no regulations. That is to say, that all of the regulations will be put in force on the day that the Ordinance is proclaimed. It is impracticable.

Mr. Penikett: I thank the Government Leader for his answer, but I must admit that it is the first time I have ever heard a Conservative call Saskatchewan Utopia.

Mr. MacKay: I, too, have some difficulty in respect to the accountability. I think the word "revoke" is the one that provokes me. This word is something that completely reverses everything else that is in this Ordinance, at the stroke of the pen. That is to say, if the Executive Council decides to revoke a park, they can do that simply by making a regulation.

My understanding about what a regulation should do is to facilitate the implementation of the legislation, and, as such, certain regulations could be drafted beforehand. In other words, you would not create a regulation just to revoke a specific park. Surely you draft regulations to enable you to carry out this Section in revoking any park because this is what this Section does. So, surely the regulations would do that. Given that, then, I can understand the regulations would then be following the spirit of the Ordinance.

Maybe I am not expressing myself clearly about it, but I think that when you get into revoking a park, it is a matter of substance. It should probably be dealt with in the Ordinance as to what procedure that would follow. Would it just be a regulation passed by the Executive Council, or should it not go through some of the steps it had to go through in order to become a park in the first place?

It seems to me that we can create parks only after we have gone through a lot of steps. But, suddenly, we can wipe them out again very quickly. Surely, if it is worthwhile going through all these steps to establish the park, the wiping out of a park should require a little more than the word "revokes" appearing in one section.

Hon. Mr. Pearson: We are trying to create a situation whereby a given piece of land can be designated as a park reserve, and then, hopefully, through a series of hearings, studies, public input, et cetera, a final decision is then made as to whether or not that reserve is going to become a park. If a decision is taken that it cannot, or it should not, for one reason or another, whatever the reason, become a park, then what does the Commissioner do with that piece of property at that point in time.

Mr. Chairman, what this legislation is saying, that until a regulation is passed stating that it is no longer a park, the Commissioner may not grant it to anyone, sell it, or otherwise dispose of it.

Mr. MacKay: I would have no problem if that is what this section was limited to was park reserves.

No, with all due respect, Mr. Chairman, the words "as a park" are also included in there. If you were just revoking a piece that was designated as a park reserve and you decided that having studied the situation there was no need to do that, I could easily see it being revoked just as easily as you would take it in.

But, the section also includes here lands set aside in the park designated as a park and I think this could be the key section to this Government's attitude towards it if, suddenly, a mineral deposit is spotted within what is already a park and has been through a great deal of development and has been set aside for future generations as a park, a mineral deposit or a flooding hazard, due to a potential hydro scheme, all these things, something came up and can be revoked just by regulation.

I suggest to you that there should be a little more of a safeguard or some process by which the same public who have been given the input into the creation of that park, may have the opportunity to say the same things about the revocation of a park.

Hon. Mr. Pearson: Mr. Chairman, when does the Honourable Member foresee the end to all of this input thing, the ultimate cost of all of the hearings that are held?

Mr. Chairman, the Kluane National Park was established by dictum of the Government of Canada. They are never going to ask us again whether we want a Kluane National Park. It is there, that is it. It is in place.

Now, Mr. Chairman, we have tried to build in a degree of Government accountability in this legislation, back to this House and I submit to you that I think this is the best way that we could do it.

If we make it any more, it becomes an impossible situation, I submit.

Mr. Falle: Might I suggest to Mr. MacKay that all the studies in the world are not going to tell you whether there are minerals or oil reserves or anything else under there, only extensive exploration or studies from somebody that once spent a lot of money can.

Mr. MacKay: Yes, I take the Member opposite's point, that there is no way of looking into the future and saying what is going to be in a park. I think that the process of revoking a park, though, merits a lot more consideration than just passing it in one section, because if it was thought valuable enough, and beautiful enough or scenic enough in order to create the park in the first place, obviously there is some value to that to maintain it.

Who is going to weigh the values of a particular potential development versus the value of that park? That is the question I am addressing. Who is going to do that?

The Government Leader is saying, well, this section will allow this to be reported back to the House. Presumably we are going to have to rely on them to produce a separate regulation to revoke that particular park, and not invoke a widely-written regulation, in the first place, which allows the revocation of the park, which would then not be reported back to the House.

If the regulation was written so that the Commissioner may revoke a park, any park, then that would be passed by the Committee, presumably, and then when the actual order was written, it would just come under that regulation.

I do not see how this House would ever have anything to say, directly, about that park.

Hon. Mr. Pearson: Mr. Chairman, I have just one more point, if I may. It is always inherent in legislation that whoever has the authority to do anything inherently has the authority to undo it. It does not have to be specified so it is automatic. If the Commissioner has the authority to create a park, the Commissioner has the authority to revoke or uncreate that park. That is unwritten, but it is there. It is inherent in legislation.

Hon. Mr. Lang: Mr. Chairman, the Honourable Member obviously needs a little more time to think about this, so I would move that you report progress on Bill Number 16 and beg leave to sit again.

Mr. Chairman: It has been moved that Mr. Chairman do now report progress on Bill Number 16, and beg leave to sit again.

Motion agreed to

Hon. Mr. Lang: Mr. Chairman, I move that Mr. Speaker do now resume the Chair, seconded by the Honourable Member from Whitehorse West

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

Motion agreed to

Mr. Speaker resumes the Chair

Mr. Speaker: I shall now call the House to Order. May we have a report from the Chairman of Committee.

Mr. Lattin: Mr. Speaker, the Committee of the Whole has considered Bill Number 20, An Ordinance Respecting the Income Tax and directed me to report the same with amendments.

Also, the Committee has considered Bill Number 16, Parks Ordinance, and directed me to report progress on same and ask leave to sit again.

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?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from 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 5:16 o'clock p.m.

The following Sessional Paper was tabled on October 29, 1979:

79-2-40

Letter of transmittal of Motion Number 29 and debate thereon to representatives in Ottawa.

