



# The Yukon Legislative Assembly

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Number 2

3rd Session

25th Legislature

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## **HANSARD**

**Wednesday, March 23, 1983 — 1:30 p.m.**

Speaker: The Honourable Donald Taylor

# Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake  
DEPUTY SPEAKER — Andy Philipsen, MLA, Whitehorse Porter Creek West

## CABINET MINISTERS

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

## GOVERNMENT MEMBERS

### (Progressive Conservative)

Bill Brewster	Kluane
Al Falle	Hootalinqua
Kathie Nukon	Old Crow
Andy Philipsen	Whitehorse Porter Creek West

## OPPOSITION MEMBERS

### (New Democratic Party)

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

### (Independent)

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

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

at Whitehorse, Yukon  
 Wednesday, March 23, 1983 — 1:30 p.m.

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

#### Prayers

**Mr. Penikett:** I rise on this occasion because I think it is fitting that this House should note the passing of J.J. Macdonell, the former Auditor General of Canada, who died yesterday. Mr. Macdonell was, perhaps, best known to the general public for an observation he made in his 1976 report: "I am deeply concerned that Parliament and, indeed, government, has lost, or is close to losing, effective control of the public purse".

That quote made Mr. Macdonell's name a household word, but, in a more substantial way, he was instrumental in the development of the comprehensive audit techniques in Canada, as well as the creation of new public administration management systems in this country. His influence was even felt in Yukon; he encouraged and supported the creation of an effective Public Accounts Committee in this territory, most notably by his willingness to dispatch top officials of his office to Yukon to act as expert advisors for our committee. He personally endorsed the project which devised a new form of estimates for this government; he was also an inspiration for the Canadian Council for Public Accounts Committees and, following his retirement as Auditor General, he founded the Canadian Comprehensive Audit Foundation, which has become a major influence in this field. He will be missed by all who knew him.

**Mr. Speaker:** We will proceed at this time to the order paper.

#### ROUTINE PROCEEDINGS

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

#### TABLING OF DOCUMENTS

**Hon. Mr. Lang:** I have a number of legislative returns to be tabled in respect to questions asked last session.

**Hon. Mr. Pearson:** I have for tabling the answer to written question number 13, dated November 24, 1982, from the member for Whitehorse North.

I also have for tabling the answers to written questions number 9, 15 and 25, dated November 24th, 1982, from the leader of the official opposition.

**Mr. Speaker:** The Chair has for tabling two items: one is a piece of correspondence from the Solicitor General of Canada respecting legislative privileges and immunities. I also have for tabling today a further report from the Auditor General of Canada.

Are there any reports of committees?

Are there any petitions?

Reading or receiving of petitions?

Introduction of Bills?

#### INTRODUCTION OF BILLS

**Hon. Mr. Pearson:** I move, seconded by the hon. Minister of Municipal and Community Affairs, that Bill Number 2, *Interim Supply Appropriation Act, 1983-84*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the hon. Government Leader, seconded by the hon. Minister of Municipal and Community Affairs, that a bill entitled *Interim Supply Appropriation Act, 1983-84*, be now introduced and read a first time.

*Motion agreed to*

**Hon. Mr. Pearson:** I move, seconded by the hon. Minister of Education, that Bill Number 3, *Fourth Appropriation Act, 1982-83*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the hon. Government Leader, seconded by the hon. Minister of Education, that a bill entitled *Fourth Appropriation Act, 1982-83*, be now introduced and read a first time.

*Motion agreed to*

**Hon. Mr. Ashley:** I move, seconded by the hon. Minister of Health and Human Resources, that Bill Number 4, an *Act to Amend the Territorial Court Act*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the hon. Minister of Justice, seconded by the hon. Minister of Health and Human Resources, that Bill Number 4, *An Act to Amend the Territorial Court Act*, be now introduced and read for a first time.

*Motion agreed to*

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

Notices of motion?

Are there any statements by ministers?

#### MINISTERIAL STATEMENTS

**Hon. Mr. Pearson:** I wish to outline to the members of the Legislature our government's efforts to assist the Cyprus Anvil Mining Corporation.

Over the past few weeks, we have come under attack by members of the federal government and the local opposition over the commitment of this government to the Cyprus Anvil Mine. I indicated then, and I reiterate now, that this government is fully committed to doing everything reasonably possible to help bring the mine back into production. Indeed, our government was the first party to commit itself to assist the mine prior to union negotiations, prior to any discussion of the matter by the federal Cabinet and prior to the all-Party accord; our government committed itself to assisting the mine to re-open. To this end, we presented a five-point action plan which included a commitment of \$1,600,000 of assistance from Yukon. As well, I have lobbied as many federal Cabinet ministers as possible and have ensured that either myself or members of my staff were at every significant meeting on the Cyprus Anvil situation.

Furthermore, only three weeks ago, I was in the office of the federal finance minister in an attempt to obtain Finance department assistance in the recovery program. During my discussions with the minister, I clearly pointed out the need for all parties, including the banks, to become involved in assisting the mine.

The banking community appears to be protected by the Dome bail-out insofar as their Cyprus Anvil debts are concerned and have no desire to assist this vital component of our economy. I am gratified to see that the hon. Marc Lalonde has heard our requests and is making an effort to involve the banks in a recovery program for the mine.

Yukon remains committed, both morally and financially, to the Cyprus Anvil Mine. Our government continues to be prepared to honour our original \$1,600,000 offer to purchase assets and cost-share some operations and maintenance expenditures. Our only caveat is that there must be assurances that the mine will go into full production before we provide the funding. It would not be in the best interests of Yukon for this government to spend \$1,600,000 for assets that could become worthless.

<sup>02</sup> Furthermore, the Government of Yukon has been working closely with the Department of Employment and Immigration in providing funding for Yukoners under Section 38 and the NEED Program. As was indicated yesterday in the Throne Speech, we have committed over \$720,000 to these programs to date. We are prepared to continue to work with the federal government in this regard and to extend top-up money to the Cyprus Anvil workers remaining in the community under the recovery plan.

I am pleased to announce today that if this plan proceeds, we would make available up to \$1,000,000 additional dollars in 1983-1984 in order to assist the mine to reopen — a contribution that demonstrates our commitment. This total will be in addition to the job creation funding provided by the Department of Employment and Immigration to the mine under the plan.

Our government feels that the contributions we have offered are significant and generous in relation to those of the other parties, given the extent of our financial resources. I will be going to Ottawa on Monday next, at the request of the Minister of Indian Affairs and Northern Development, to meet with a number of his Cabinet colleagues to try and convince them of the importance to

the whole territory of federal assistance. The fact that I will be absent from the House to do this will be a clear indication to the legislators in Ottawa of our firm commitment to getting Cyprus Anvil back to work.

In conclusion, the Government of Yukon believes that Cyprus Anvil is viable in the long run and that it is a vital component of our economy. We firmly believe that we have done everything in our power to assist the mine. We are hopeful that the federal cabinet will recognize the unique importance of the mine to our economy and will agree, after ten months, to assist the mine in preparing itself for the eventual recovery of world metal markets.

Thank you, Mr. Speaker.

**Mr. Byblow:** I first want to say that I, too, am pleased to hear that some attempt in this government is being made to clarify the conflicting signals that we have been listening to over the past few weeks. It becomes a matter of very serious concern to me and a matter of tragic proportion to my constituents who are left. Indeed, it is a matter of grave consequence to the people of Yukon to hear that this government did not deliver a clear message about the priority of reopening that mine to the Minister of Finance approximately a month ago.

I was with the Ottawa delegation about three weeks ago and I listened, in shock and embarrassment, to what we all heard to be a complete abrogation of this government's stated commitment to the reopening of that mine — a priority that was repeatedly committed in the House last fall as number one. I suppose that it would be fair to say that the Ottawa delegation, in addition to taking a Yukon consensus on the subject of Cyprus Anvil to Ottawa, perhaps also serves to clarify a confusion in communication between the two governments. Therefore, I am certainly glad that any misunderstanding appears to have been cleared up and any threats to a cooperative effort to reopen that mine appears to be back on track.

I also want to say that I do not think that this government has made an adequate commitment, or is doing enough. I witness the lobbying, advertising and expenditure by this government to justify its sabotage of the land claims but its effort to the Cyprus Anvil reopening has been under question at best.

It is a matter of record that the \$1,200,000 proposed to purchase houses following a reopening is a meagre substitution for the \$1,500,000 pulled out of the budget intended for housing in the first place. Further, research has shown that this government will lose over \$6,000,000 in income tax alone this year, should that mine not reopen. To hear the commitment of \$1,600,000 down the road, I suggest, is not very much, but I am encouraged by the initiative announced by the government leader to see a top-up of \$1,000,000 in the reopening exercise. That exercise, for an interim development plan to put that mine in a more viable, economic position when markets do restore, to me is a guarantee for reopening. To say anything else to qualify committed assistance, I submit, is merely a cop-out.

I would say, as well, that it is not enough, but encouraging, to see a Johnny-come-lately on the scene and a firmed-up commitment on the reopening of the mine. I believe that should have been a continual exercise. It should have been a front-line issue and it should have been a clear and committed initiative since that mine closed. Perhaps, in such case, the Ottawa delegation would not have been necessary and we might be entertaining an announcement for a reopening today instead.

In closing, I leave the government leader with a simple annoyance at never having been consulted at the previous meetings on the Cyprus matter, either in Ottawa or elsewhere, in which he appears to have so clearly communicated with his federal counterparts. Nevertheless, I want to wish the government leader success and good luck in his lobbying efforts next week, and in all sincerity I offer to him my lobbying expertise, and my knowledge of the Cyprus scenario, should he wish to take me along, or not.

**Hon. Mr. Pearson:** Mr. Speaker, this is a great way to start off the Session. I am going to have to reply to the member. He had better wish me luck because I am telling you there is an awful lot riding on this little trip.

The facts, and the facts as the member well knows them, are that Mr. Lalonde, either for political reasons or for some other reasons,

chose that morning to misrepresent what I had said. He did it knowingly and it was obvious to everyone in the delegation except the hon. Member for Faro. Other members of that delegation from Faro actually defended me, my integrity and the integrity of this government in front of the Minister of Finance while the member for Faro sat mute, came back to Whitehorse, and could not wait to get it to the media. Now that is a fact of life.

He also, that morning, saw me before he went to the media and I explained to him exactly what happened. I explained to him exactly what I had told Mr. Lalonde and those statements have since been borne out by Mr. Lalonde's statements. It was I who suggested to Mr. Lalonde that he should be going after the banks, it was not the member for Faro and it was not anyone else, and that is what he is doing now — I hope, he has undertaken to do that. Now the fact of the matter is that the member for Faro got the idea of going to Ottawa. I encouraged him to do so. I regret very much that I could not be part of that delegation, but it is physically impossible for me to be in two places at one time. There were definite reasons why I had to be back here in Whitehorse. We cooperated in every way we could and then as far as I was concerned, for straight crass political reasons, the member for Faro raised this issue of what happened in Mr. Lalonde's office, and I want to reiterate once again that members of the delegation from the town of Faro defended me, my integrity and the integrity of this government in that meeting, while he sat mute.

**Mr. Penikett:** Mr. Speaker, on a Question of Privilege.

**Mr. Speaker:** Proceed.

**Mr. Penikett:** Mr. Speaker we have just heard an accusation from the government leader that a member of Federal Parliament, no less a person than the Federal Minister of Finance did, and I use the government leader's words, knowingly misrepresent the government leader here in the Yukon. It is a very serious charge, a very important charge, and therefore Mr. Speaker, I would move, seconded by the member for Faro, that the Federal Minister of Finance, Mr. Marc Lalonde, be called to the bar of this House to defend himself against the charge of knowingly misrepresenting the government leader of Yukon.

**Hon. Mr. Lang:** Mr. Speaker I find the point of privilege totally and absolutely ludicrous. First of all, the member opposite, in my view, is totally grandstanding from the point of view that he knows that that would never happen in the first place. We have a tough enough time — maybe the member of the opposition has not noticed — the Minister of Indian Affairs does not come here that often himself, let alone the Minister of Finance. Now, there is no question that the leader of the government has pointed out exactly what took place and he has stated the situation unequivocally, the way it developed and exactly what was said. We cannot support the motion that has been put forward by the leader of the opposition.

**Mr. Speaker:** Order Please. I think, as all members ought to know, that there could not be found a *bona fide* case of privilege in the matter raised by the hon. leader of the opposition, inasmuch as there appears to be no evidence that his privileges have indeed been breached nor the privileges of any other member of this Assembly. Consequently, I must rule that the hon. member, of course, has not made a *bona fide* point of privilege.

We will now proceed to the question period.

#### QUESTION PERIOD

##### Question re: Land Claims Information Package

**Mr. Penikett:** I have a question to the same person.

Several times during recent weeks, including yesterday's Throne Speech, we have heard announcements about a land claims information package being made available to the public. I would like to ask the government leader if this package contains the kind of information which has been denied the legislature during the last four years or is it similar in content to the propaganda contained in recent conservative newspaper ads; and further, why is this package still not available as promised?

**Hon. Mr. Pearson:** Mr. Speaker I was not listening to the first part of the question because it was addressed "to the same person" and I really did not know who the hon. member was talking to.

I have been assured that the information package will be available by Friday. I regret very much the delays that have come about in getting it together but we did want it to be as comprehensive as we could possibly make it. We did want to make it factual, and we have gone to great care to make sure that has been done, and it has taken extra time to make sure that it has been done. As to the contents, I will leave that entirely up to the leader of the opposition to judge, after he has seen the package. I am rather encouraged that he is taking the caution this time in waiting to express his opinions until after he has seen the package. That is rather refreshing.

**Mr. Penikett:** It would be refreshing, too, to see some facts on this subject.

On November 8 last year in this house, the Government Leader answered a question of mine with these words, "The worst thing that can happen to land claims negotiations is if we do start negotiating them in public". Does the government leader stand by his word of November 8th, or has he changed his position on this question?

**Hon. Mr. Pearson:** There must be no doubt about it. This has nothing to do with land claim negotiations. We are not at the table because we are having a problem with the government of Canada, not with the Council for Yukon Indians. Nor are the Council for Yukon Indians having a problem with us and any stands that we have taken at the table. That is not what the question is at all. Our problems are six identifiable issues and they are all directly related to the government of Canada; they have nothing to do with the Council for Yukon Indians at all. They do not affect negotiations in any way, shape or form.

**Mr. Penikett:** I am not sure I can believe what I just heard. But anyway, let me ask the next question. As well, last Fall, the Minister of Renewable Resources said, "There will never be, from this side of the floor, any mention of what is taking place during negotiations". Never. I would ask the Government Leader: was the Minister from Tatchun stating Government Policy when he said that, and if he was, how does he explain the recent public addresses of the Minister of Municipal Affairs and the Tory land claims negotiator?

**Hon. Mr. Pearson:** Number one, Mr. Phelps is not the Tory land claims negotiator. Mr. Phelps is under contract to the Government of Yukon as the land claims negotiator, Mr. Speaker. I made that fact very, very clear. Number two, the statement by the Minister of Renewable Resources was correct and it is government policy. We are bound to maintain confidentiality. Now, Mr. Speaker, there has in fact been a breach of that confidentiality in the last two or three months. It has not been by this Government.

#### Question re: Cyprus Anvil Mine

**Mr. Byblow:** I have a question I will direct to the Government Leader. Moments earlier the Government Leader challenged statements made by the federal Minister of Finance to the Ottawa delegation. I would like to ask the Government Leader, did he tell the Minister of Finance that his Government did not want to see the use of public funds to reopen that mine, and that the reopening was not a priority of this government; rather, public works and tourism would be.

**Hon. Mr. Pearson:** No, Mr. Speaker, I deny it categorically. Mr. Speaker, I anticipate being in the Minister of Finance's office next Tuesday morning, when I will be denying it categorically to his face, if in fact, Mr. Speaker, he is prepared to say to me that that is what he thought I said. Mr. Speaker, the statement in its totality was that this Government is opposed to federal financing of the Cyprus Anvil Mine should it require the Federal Government taking an equity position in the mine.

Mr. Speaker, we have been on the side of that all the way down the line. We are quite prepared to see the Federal Government, and we have been encouraging the Federal Government, to take some sort of action to assist in the starting-up of that mine, even if it is only the stripping operation.

The point that we keep making over and over again is that, philosophically, we must be opposed if the Federal Government can only see the protection of their input into that mine as being an equity position. Because, Mr. Speaker, there are too many feds in this Territory already and I do not want them owning the largest

mine in the country. And that is just a fact of life. I do not think it will be good for us; I do not think it will be good for them, and I do not think it will ever be good for the Territory.

**Mr. Byblow:** The Government Leader told the House last fall that it was not opposed to equity participation, and should that be the measure required to restore production of that mine, has the Government Leader changed his position?

**Hon. Mr. Pearson:** Mr. Speaker, I deny that categorically. We have not ever said that. Our position has been exactly the opposite. Now if he heard me say that, then I can understand how he heard Mr. Lalonde say something that he did not say, because our stand has always been categorical in respect to an equity position, and the member knows it.

**Mr. Byblow:** I will produce the documentation tomorrow, Mr. Speaker.

Could I then ask the Government Leader if he has stated in writing to the Minister of Indian Affairs and Northern Development his government's position, clearly outlining what aid it proposes to the mine, and when, as well as its priority consideration towards that reopening?

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

#### Question re: Yukon Opportunities Plan

**Mr. Kimmerly:** Mr. Speaker, a question to the Minister responsible for the Yukon Opportunities Plan: the Plan was announced as a Plan on April 7, 1982. On November 2, I asked for a job description of the Coordinator. On December 9, after question period, I received it. The job description indicates that 70 percent of the job is developing and establishing the program and advisory group and a review mechanism. Is the program now an established ongoing program?

**Hon. Mr. Tracey:** It is, indeed, an established on-going program. I would hope that we do not have to continue it many years in the future, but as of this time and because of the number of people we have requiring Social Assistance at this time, we are continuing that. It has worked very effectively. We have put about six or eight people out to work. We have counselled a great number of people. I think, in fact, we have about 20 resumes of people that are on file now. We have handled a great many of these people. We have been very successful with this program to date and I hope that it will continue to be successful.

**Mr. Kimmerly:** As the job description indicates that 70 percent of the job is establishing a program, is there now a new job description or is the old one merely obsolete?

**Hon. Mr. Tracey:** Mr. Speaker, I think perhaps the Member across the floor is somewhat confused about the job description. Part of his job description was to set this whole program up as well as administrate it. That is what he is doing presently.

**Mr. Kimmerly:** As the Minister indicated that six or eight people are at work, are these full-time permanent jobs?

**Hon. Mr. Tracey:** To the best of my knowledge, Mr. Speaker, yes, they are full-time permanent jobs. We have managed to get those people off welfare, and on top of that we have counselled others. We have not had to find jobs for them.

#### Question re: Land Claims Negotiator

**Mr. Porter:** Mr. Speaker, my question is for the Government Leader. Over the last few months, the Tory land claims negotiator has addressed several public meetings and groups of YTG employees on the subject of land claims negotiations. Has this individual been paid by the government or by the Conservative Party for these appearances? And, if he has, how much?

**Hon. Mr. Pearson:** Mr. Speaker, the land claims negotiator, Mr. Phelps, is on contract to this government. I have made a copy of his contract available to one of the members opposite, Mr. Speaker, and, should this member like to have that information, I am sure his colleague would be happy to give it to him. Now, Mr. Speaker, Mr. Phelps is, in fact, at public meetings at the request of the public and, if he is there, and they ask him questions, he is going to answer them. That is what his job is.

**Mr. Porter:** Could the Government Leader inform this House if the Tory negotiator, supposedly representing all Yukoners at the land claims table, was paid by this Government while he campaigned on behalf of the Conservative Party during last spring's

election? And if he was, how much?

**Hon. Mr. Pearson:** If I answer the question I do not want it being misconstrued that I am conceding that Mr. Phelps campaigned for, or on behalf of, anyone on this side, or even anyone who did not make it. I can tell you, unequivocally, that he did not get paid for doing it, there is no doubt about that.

**Mr. Porter:** This is going to be an interesting Session. Could the government leader tell this House if the government's recent strategy on land claims and its subsequent "bad deal" propaganda campaign was devised by the Cabinet, by its press secretary or by its land claims negotiator whom, I understand, is a devoted poker player?

**Hon. Mr. Pearson:** The hon. member is reverting back to his old style. I would respectfully suggest to him that that is not the way to go because he will get burnt in this House if he does.

Mr. Phelps is the land claims negotiator for this government. That is where it begins and that is where it ends. In respect to policies, the policies of this government are made by this Cabinet and we are prepared to stand up and be answerable for them.

#### Question re: Land Claims Negotiator

**Mrs. Joe:** A question for the Minister of Municipal and Community Affairs: it is my understanding that a meeting was held recently in Burwash Landing for the purpose of discussing municipal affairs. Could the minister explain to this House why Mr. Willard Phelps was invited to attend this meeting without the prior knowledge of the Kluane Tribal Brotherhood?

**Hon. Mr. Lang:** If the member opposite had been listening to the radio, I was interviewed on the subject yesterday. I did go up the highway at the request of the MLA for Kluane, Mr. Bill Brewster, who, for the record, is working very hard on behalf of Kluane. He has put on 30,000 miles in the past four to five months on behalf of his constituents. He asked me to come to the north highway to visit those communities. As it happened, I found out prior to being able to make any public announcements that Mr. Phelps was going to be made available. Since it was a pressing issue in the territory, and rightly so it is, Mr. Phelps agreed to come with us, and he made himself available for questions.

**Mrs. Joe:** I am not sure whether I got a straight answer to that. If it was the intention of the meeting to discuss land claims, for what other reasons was Mr. Phelps invited?

**Hon. Mr. Lang:** I was there firstly to discuss community problems, which was done in all communities, not just the one particular community in question. Mr. Brewster was there to answer on behalf of the Kluane constituency. Mr. Phelps was there in case people had questions with respect to the land claims and to state exactly what the situation was.

I did not know that it was a question of freedom of speech — of whether it be Mr. Phelps, Mr. Brewster or myself, unless I went to CBC and advertised it.

**Mrs. Joe:** Could the minister tell us what the cost was to the taxpayers? Did Mr. Phelps receive his usual \$800-a-day fee?

**Hon. Mr. Lang:** I am sure he was paid similar to any other lawyer. Perhaps the member for Whitehorse South Centre could answer that.

#### Question re: Select Committee on Labour Standards

**Mr. McDonald:** I have a perennial question for the minister responsible for labour services.

In the last two years the now defunct Select Committee on Labour Standards received many submissions from the public urging changes to the *Labour Standards Ordinance*. Has the minister read the submissions and has he established a timetable for changing the existing ordinance?

**Mr. Ashley:** Our labour standards person is seconded to the Department of Education to look after manpower for all of the NEED programs so the schedule that we have laid out is behind, and will remain behind, until he is either back or we can replace him.

**Mr. McDonald:** Has the minister read the submissions produced by the Select Committee on Labour Standards and has he established a timetable for changing the existing ordinance?

**Hon. Mr. Pearson:** I am going to have to answer that because the fact of the matter was that the Select Committee on Labour Standards did not make a submission at all. Immediately after I was elected, I wrote a personal letter to each one of the people on that committee. As it happened, none of them were re-elected to this House, except for Mr. Lang. I wrote to them and asked them to make submissions as a result of the hearings that they had held. I never heard from any of them.

**Mr. McDonald:** In light of the fact that the Select Committee handed down its submission in the last Session of the 24th Legislature and in light of the fact that they received some 35-odd submissions over the past six years, I am simply asking: has the current minister responsible for labour services read any of these submissions and has he established a timetable for changing the existing legislation?

**Mr. Ashley:** I have seen a few of these submissions and read a couple.

#### Question re: Borrowing Policy

**Mr. Penikett:** I have a question for the Minister of Finance. The Government of Yukon has announced that on March 31st a new borrowing policy for land development and municipal loans takes effect. Because this policy permits the Department of Finance to negotiate bank loans, bonds and debenture issues, can I ask the Minister of Finance what credit rating, if any, the Government of Yukon has received from the New York bond market?

**Hon. Mr. Pearson:** The Deputy Minister of Finance, who is the person, of course, directly affected and working on this is on his way to Vancouver tomorrow for some further meetings. I understand, preliminarily, that we are going to have the benefit, if it is a benefit, of the Government of Canada's borrowing expertise while we get our own into place. We will also have the benefit of their ratings. They evidently have to establish some sort of a experience with us, as a new government, before they can actually set a rating.

**Mr. Penikett:** They will be lucky if they can keep Canada's ratings since, amazingly, it is better than all the provinces'.

The government announcement also mentioned seeking access to Canada Pension Plan funds and the Alberta Heritage Funds money. Can the minister tell the House what progress has been achieved in negotiations to allow Yukon access to these pools of capital?

**Hon. Mr. Pearson:** With respect the Canada Pension Plan funds, we have now received the acquiescence of all of the provinces to Yukon being allowed access to those funds. It is going to require an amendment to the act, an amendment that is going to have to be put forward by the federal Minister of Finance. It was a topic of discussion when we last met. He is cognizant of the fact that none of the provincial Ministers of Finance are opposed to this amendment going forwarded and being passed. I would anticipate that when it does get on the calendar in the House of Commons, it would receive speedy passage because there is unanimity.

**Mr. Penikett:** I take it from the government leader's answer that there is no formal response from Alberta yet. The release also states that municipalities will be required to obtain third-party loans from the Government of Yukon. Since the existing municipal acts of this territory give Yukon no such power over the municipalities, is this statement merely a factual error by the author of the release or does it indicate a change of policy?

**Hon. Mr. Pearson:** It is a policy now. The municipalities borrow their money in respect to land development, et cetera, through us.

**Hon. Mr. Lang:** Not land development.

**Hon. Mr. Pearson:** I am sorry, in respect to land amortization, they borrow their money through us. It is anticipated that we are going to be able to get the money cheaper than anybody else can in the territory and we would be lending it to them at those rates. As far as I am aware, we are not changing our policy in any way at all. We are, though, making it clear that the municipalities should be able to benefit from our borrowing ability.

#### Question re: Teachers negotiations

**Mr. Byblow:** I have a question for the Minister of Education. The minister's government is under severe criticism for a breach of faith with the Yukon teachers for not only having rolled back a

negotiated settlement through "six and five" legislation, but having secretly planned that measure while asking for and receiving voluntary concessions last October amounting to \$250,000.

What is the minister proposing to undo this erosion of the teachers' confidence in her government.

**Hon. Mrs. Firth:** I am glad I finally got asked a question. It is spring outside and I am very happy to be going through my second Session of the Legislative Assembly and seeing the smiling faces of the opposition, and now I will answer the question for the hon. member for Faro.

There was no breach of faith on behalf of the Government of Yukon. The executive the Yukon Teachers Association, after meeting with us, led us to believe that he was under some assumption that, along with the concessions that the Yukon teachers were giving to the Government of Yukon, that there was some guarantee that there would be no ceiling imposed on the teachers' wages for the next year; he admitted to us that he was under that assumption.

That, in fact, was not the government's position and that had been made very clear at the beginning of the negotiations for the \$250,000 concession.

**Mr. Byblow:** I believe in all that rhetoric the minister told me she is not going to do anything.

However, considering that much frustration and a serious morale problem does exist in the school staffs around the territory as a result of this government's actions, is the minister prepared to convince her government to return the voluntary concessions or, perhaps, have the "six and five" legislation rescinded?

**Hon. Mrs. Firth:** The member opposite is accusing the teachers around Yukon of having a terrible morale, and a very low morale; I do not agree with him. I think the teachers in the territory, in fact, have a good morale and that they are aware of the government's position and they have indicated to us by their willingness to contribute the \$250,000 that they are prepared to cooperate with us.

**Mr. Byblow:** The minister has not heard a word I have said. The concession was made before the "six and five" roll-back. She has not answered one question.

**Mr. Speaker:** Order please. The hon. member is now making a statement.

**Mr. Byblow:** Just as an example of how serious the matter is, the territory is now in dispute as a result of her government's actions.

**Mr. Speaker:** Order, please. The hon. member is now debating.

**Mr. Byblow:** Could I ask the minister what she proposes to do, in view of an impending crisis in recruitment?

**Hon. Mrs. Firth:** We do not have an impending crisis in recruitment.

Just to clarify the comment that the member for Faro made about the restraint legislation being passed before the YTA signed the agreement for the concessions, that is absolutely incorrect. The *Public Service Restraint Act* was introduced into the Legislative Assembly on the 6th of December. The Act was passed on the 9th, and the YTA and the Yukon Territorial Government signed the official agreement for the transfer of these concessions on December 21st.

#### Question re: *Child Welfare Act*

**Mr. Kimmerly:** I have a question about the *Child Welfare Act* and a previous question I asked.

On the 24th of November, 1982, approximately four months ago, I asked a written question about complaints under the child welfare legislation. Is the minister intending to answer it before the debate on the new legislation?

**Hon. Mr. Tracey:** I think I probably will be answering it, yes. In fact, I intend to answer it; I believe I have the answer on my desk and it will be tabled in the House tomorrow.

**Mr. Kimmerly:** Concerning the information asked for, it is relatively simple information; I asked are these statistics normally kept and, if so, what is the reason for the four month delay?

**Hon. Mr. Tracey:** I cannot answer the question because I do not know what statistics he is talking about; it has been four months

since the question was asked. It is required that I table the answer in the House; that is the reason it has waited until this time.

**Mr. Kimmerly:** Would the minister explain why it took four months to gather this very simple information?

**Hon. Mr. Tracey:** It did not take four months to gather the information. If the member had listened, I said it is a requirement that I table it in the House so I waited until this Session.

#### Question re: *Coroner's Report re Swift River accident*

**Mr. Porter:** My question is for the Minister of Community Affairs. Following the tragic deaths of two young men in the community of Swift River, the Coroner's Report strongly recommended that the community's fire protection services be substantially upgraded. My question to the minister is: when is this government going to act on the Coroner's Report and install adequate fire protection services in the community of Swift River?

**Hon. Mr. Lang:** For the member's edification, and I recognize he is relatively new, since he is the critic of the portfolio of Municipal and Community Affairs, my title is the Minister of Municipal and Community Affairs.

That has been a question that has come up. I am presently speaking to the Yukon Housing Corporation to see what could be incorporated in the housing down there since it is the responsibility of the Housing Corporation, which is also my direct responsibility. I hope to bring something forward over the course of the next three weeks and inform the member opposite exactly what is taking place.

**Mr. Porter:** Has the minister received a list of recommendations from the fire marshall's department on the issue of fire protection services for Swift River?

**Hon. Mr. Lang:** There were a number of reports that were done and the Housing Corporation, in conjunction with Highways, will be evaluating just exactly what could be done.

**Mr. Porter:** Can the minister give a commitment to this House that, upon evaluation, his government and the departments that he is responsible for will definitely act upon the question of fire protection services for the community of Swift River?

**Hon. Mr. Lang:** I have assured the member opposite that something will be done. I share his concern, perhaps even more so, that there be adequate alarm systems so that no one is imperiled in respect to the consequences of a fire, if it were to happen once again.

I am sure the member opposite will take my word that I will bring the necessary information forward.

#### Question re: *Women's Transition Home*

**Mrs. Joe:** I have a question for the Minister of Human Resources. Since this government supports the concept of the Women's Transition Home, known as Kaushee's Place, could he tell this House if it is the intention of this government to once again give financial assistance to this home for women in need of its services?

**Hon. Mr. Tracey:** Yes, in fact, I signed an agreement yesterday to give Kaushee's Place some financial assistance.

**Mrs. Joe:** Could the minister tell us if his government has considered block funding, as requested by the board of directors of the transition home?

**Hon. Mr. Tracey:** Yes, we have considered block funding.

#### Question re: *Beaufort Sea Training and Skills Survey*

**Mr. McDonald:** I have a question for the government leader. Recently a training interest and skills survey for the Beaufort Sea has been distributed by the Department of Economic Development and Intergovernmental Relations. Can the government leader tell the House why this survey, ostensibly to identify training skills and training requirements, requires persons surveyed to produce union affiliation?

**Hon. Mr. Pearson:** No, I am sorry, I cannot. I will get the answer for the hon. member.

I want to say that we are doing this under the auspices of the Government of Canada and, in fact, the funding has been received from the federal government. We very much appreciate them getting it to us as quickly as they did to allow us to get started before the end of the fiscal year. Under normal circumstances, they would have held this off until the new year; we were able to get

started, though, in the winter months, and we do appreciate that.

I will get the answer for the hon. member.

**Mr. Porter:** Given the hesitancy of Beaufort employers to hire union members, will these answered questionnaires be provided to prospective employers or any person or group other than people inside the Department of Economic Development?

**Hon. Mr. Pearson:** This will be public knowledge and will be available to anyone who wants it. At the same time as this questionnaire is going out, we are also doing a survey of businesses in the territory that could benefit by being used by those companies that are working in the Beaufort. I understand that, to date, that list is some 700-strong, in itself.

**Mr. McDonald:** Will the tabulated results of these questionnaires be made public before this Legislature?

**Hon. Mr. Pearson:** As I said, they will be public. I am confident they will be public knowledge to anyone who wants to avail himself of that information.

**Question re: Kopper King Trailer Court**

**Mr. Penikett:** I have a question for the Minister of Consumer and Corporate Affairs. In a letter the minister wrote in response to an enquiry I made concerning service charge rent increases at the Kopper King Trailer Court, the minister stated, "The investigation of a complaint will only be commenced at the request of at least one of the parties directly involved".

Is it the minister's policy that he is refusing to investigate legitimate concerns or complaints raised by elected representatives of this territory; in other words, members of this House? Is that his policy?

**Mr. Speaker:** The question would seem to be argumentative, however, I will permit an answer.

**Hon. Mr. Ashley:** I do not investigate the complaints, as the member opposite would seem to suggest I would. If there is a complaint, it is to go to the rentalsman by the people involved, not by anybody else. The legislation states that it is to be made by the people involved and, at that point, the rentalsman will investigate.

**Mr. Penikett:** I think the minister is in contempt. He is refusing to deal with a complaint raised by a member of this House.

Will the minister give the House, at least, his assurance that the service charge based rent increases at the Kopper King Trailer Court, which is almost twice the actual increase to the landlord, will be investigated by his department, not as a tenant complaint but as a matter of policy?

**Hon. Mr. Ashley:** It sounds as if the member opposite is trying to imply that we have rent controls and we do not.

**Mr. Penikett:** What they have is a great big hole in the legislation. During debate on the *Landlord and Tenant Act* last Session, the opposition pointed out that there was a loophole in the section of the legislation dealing with increased service costs. Will the minister undertake to plug this loophole in the legislation during this session?

**Hon. Mr. Ashley:** I answered that during the legislation: we were not going to imply or impute rent controls into this legislation; and that is what it is, rent controls.

**Question re: Faro Access Road**

**Mr. Byblow:** I have a question for the government leader on a constituency matter. The second stage of work planned for the Faro access road was cut from the last YTG Capital Budget. In view of the continued depressed state of Faro and its regional economy, is the government prepared to resume work on that access road as an economic stimulus to the community and, if not, why not?

**Hon. Mr. Lang:** That would come under my responsibilities, under highways. It is not our intention over the forthcoming year to carry on completion of that particular access road until we see exactly what is going to happen with respect to the long term future of the Cyprus Anvil mine. I think it is safe to say that the member opposite had the opportunity to scrutinize the capital budget that was put before him during the Fall Session and, if I remember correctly, I believe he voted for it.

**Mr. Byblow:** I will just check the record, as I cannot recall voting for too much that this government put forward. I will direct my supplementary to the government leader, extending from that

subject matter.

Does the government have any contingency plans for the economic survival of Faro; that is, any type of economic stimulus for development should the mine not reopen immediately?

**Hon. Mr. Pearson:** I do not think the hon. member listened to my ministerial statement, and I wrote it with him in mind. I am quite disappointed that he did not listen.

It has to be obvious, from the ministerial statement, that we do not anticipate that Cyprus Anvil is going to go back into full production immediately. It must be obvious that we anticipate that the federal government and Cyprus Anvil are going to come to some sort of an agreement whereby there will be a limited workforce there, possibly working on a stripping operation. I have no way of knowing or guessing when that mine might go back into full production. I would respectfully suggest that with the plan that is now before the Minister of Indian Affairs and Northern Development — and that, hopefully, he is going to be able to put to his cabinet fairly soon — it is possible that half the people in Faro will have jobs once again.

Beyond that, it is very difficult for this government, with its limited finances, to participate more, or to do more, than we actually have undertaken at this point.

**Mr. Byblow:** Both the Minister of Municipal Affairs and now the government leader have indicated some skepticism and hesitancy about confirming faith in the future of Faro. Could I have a statement of position about this government's plans in the long term respecting Faro?

**Hon. Mr. Pearson:** It does not matter how much faith we have, we are not going to make the mine operate. It is going to be base metal prices that increase that is going to make that mine operate and it is going to be a company with the will to make it operate that makes it operate.

With respect to the town of Faro, I do not know whether it will exist without a mine operation at Cyprus Anvil. I do not honestly know whether it can. That will be up to the people who live there. We cannot say that we are going to maintain a townsite if there is no one going to be living there. If there is no work, there will be no one living there. We have said that from day one.

**Mr. Speaker:** That concludes the time set for Question Period. We will now proceed with Orders of the day.

**ORDERS OF THE DAY**

**ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE**

**Mr. Brewster:** I move, seconded by the member for Hootalinqua, that the following address be presented to the Commissioner of the Yukon: "May it please the Commissioner, we, the members of the Yukon Legislative Assembly, beg leave to offer our humble thanks for the gracious speech which you addressed to the House".

**Mr. Speaker:** It has been moved by the hon. member for Kluane, seconded by the hon. member for Hootalinqua, that the following address be presented to the Commissioner of the Yukon, "May it please the Commissioner, we, the members of the Yukon Legislative Assembly, beg leave to offer our humble thanks for the gracious speech which you have addressed to the House".

**Mr. Brewster:** Having been a member for Kluane for eight months, I now realize more than ever how difficult it is to run a government. Given the organization of modern bureaucracy, I have often seen how it appears impossible to get some things done in a hurry or even to speed them along through the bureaucratic process. It seems that everything a government does must go through so many committees and departments that I am sometimes surprised that anything gets done at all. I have learned that this is the way that governments work and there are usually valid reasons for doing things this way. Things are getting done and I am glad to say that I have been a part of the process.

In my first reply to the Speech from the Throne last fall, I spoke of the challenge ahead for the tourism industry and the potential for the beautiful Kluane area. In that speech, I urged the government to assist the area to develop its tourism potential in its effort to become the tourist area of northern Canada. As tourism is the bright spot in Yukon's economy, I suggested that the Kluane area be

included in the successful Klondike Gold Rush tourism promotion. I am encouraged to hear that the Minister of Tourism has increased our commitment to tourism promotion in the Throne Speech. The extra expenditures in this area will be repaid many times over. I am very pleased to hear that the Kluane Region Tourism Plan will soon be finalized and I look forward to seeing this plan presented to the people of the area. It is my hope that this plan will represent an organized approach to the development of Kluane's tourism potential and an approach that is a result of ongoing consultation and input from the people of the area who will be most affected by it. This is a major step in the right direction and I know the people of Kluane anxiously await it.

I have also been impressed by the cooperative spirit that continues to grow between the Yukon government and the Kluane National Park staff. Both groups are working towards the same goal of making the beauty of Kluane more accessible to the people who travel the area. The work now being considered for the Slims River and Kluane area is a good example of how the Governments of Canada and Yukon can cooperate for the benefit of all Yukoners.

The next vital step in the promotion of tourism in Kluane is the rescue of the historic site of Silver City. This community played an important role in the early days of Yukon but it is falling into ruins in the hands of an absentee owner and will soon be beyond restoration. At present, Silver City is a very popular attraction, with more tour buses and tours stopping there every day during the summer. If measures are not taken soon we will lose this heritage resource forever and our sons and daughters will be denied one more glimpse at our proud past. We must move soon to make sure that this does not come to pass.

I would like to speak on a matter that is indirectly related to the tourism industry. During the last sitting of the House I was able to get a unanimous motion through the Assembly urging the Department of Indian Affairs and Northern Development to include highway lodges and businesses in the federal Power Rate Relief Program. It is my understanding that this proposal is crawling through the bureaucratic system in that place 4,000 miles away called Ottawa. I believe it is still moving forward, though, and I am still optimistic that it will eventually find its way back to the Yukon in the form of a rate relief program which includes highway businesses.

As I came into politics with very little patience. I am quickly realizing that patience is one thing that a politician needs. If patience is a virtue, I must be getting virtuous, and I probably will be more so by the time this rate relief program for highway businesses becomes reality.

One of the most important goals that I have worked towards is the act of bringing government to the people. I believe this is something that has to be constantly emphasized in the government today. I am committed to seeing this through during my term of office.

With the consent of my government, a Transport Utility Board hearing was held in Destruction Bay. There has been a number of Yukon government officials in Kluane this past winter to discuss many issues that affect people in the area. Two cabinet ministers have travelled the area and talked to the people. All this is invaluable to the process of good government. The government is going to the people more so now than ever, and I will work to encourage this effort for the future.

One of the issues that I hope these officials and ministers did understand in their travels was the pressing need for a nurse at Beaver Creek. Beaver Creek is the only community of any size in the Yukon that is without a nurse. There has been a great deal of discussion over the issue, but to date Beaver Creek still remains without a nurse. I think that it is very appropriate to thank the Minister of Health and Human Resources for his positive efforts in this area. It appears that we finally got the bureaucrats in the federal medical service to sit down and discuss the nurse issue with the Yukon government officials. I hope that something will come of this in the next few months for I am resolved to pursue it to the end, until the people of Beaver Creek are provided with the same basic medical services as other Yukon communities.

Before closing, I would like to introduce a proposal to the House

that I believe few members have considered. In my speech last fall, I made it very clear that I was unnerved by the effects of the labour dispute in Haines, Alaska, on the people of the Yukon. In that case, the people of another country were holding Yukoners' food supplies to ransom and there was nothing we could do about it. I would like to introduce a proposal that would put an end to a problem such as this.

I would like to introduce you to the possibilities of a Canadian harbour at Tarr Inlet. This is a potential harbour, and is located approximately 80 miles off the Haines Road in British Columbia. I believe that we should investigate the possibilities here. This is not something that would happen overnight, but as a government, we must be looking ahead, not just one or two years, but ten to twenty years in the future. This is a matter that should be looked at seriously by the governments of Canada, British Columbia and the Yukon. The idea to investigate this area is not as far-fetched as you might think. At present, there's a world-class mine being explored not 30 miles from Tarr Inlet. They are already hauling fuel by the planeload for this summer's exploration. Exploration to date has discovered very promising and rich mineral reserves. For a world-class mine of this magnitude, Tarr Inlet would be the logical choice for a port.

This proposal may cause some controversy and concern, but it is a fact of life that a country must have its own access to the ocean for its own economic security. It will not happen in the lifetime of this present House, but the sooner we investigate it, the closer we will be to having our Canadian port for Yukoners.

On the whole, I feel that my government has been working hard in the Kluane area. With the continued support of the Yukon government, Kluane will soon earn the respect and recognition of Yukon that I have always believed it deserved.

In conclusion, I would like to remind members of this House that, in my time in the Yukon, Mr. John Diefenbaker saw fit to build the present Dempster Highway. At the time he made the promise, he was ridiculed and laughed at. But his far-sighted vision is now paying off, both for freight to the north and in a new beautiful scenic road. Visions pay off and long-range plans are required.

Thank you, Mr. Speaker.

**Mrs. Joe:** Thank you once again for this opportunity to reply to the Speech from the Throne. I, like many other Yukoners, was not too impressed with the speech. To anyone living in a dream world, it certainly would have been easy listening. Out of 23 pages, it devotes one page to our tough economic times. I think that the majority of Yukoners could write a book on the personal experiences of these tough economic times. The speech goes on and talks about federal government funded employment programs, which is great for the people who are able to take advantage of them; but what about those who have been refused these jobs? I meet at least a half a dozen people every day. They are fast losing hope that things will ever get better. Almost every week, I read about a federal or territorial contract going to outside businesses, whose only contact with the Yukon is an empty office with a Yukon address. We have unemployed truckers, heavy equipment operators, labourers, and many more who do not understand why this is happening. I believe that this government owes them an explanation.

I question the objects of the Yukon Opportunities Program that was set up to deal with social assistance recipients. If there is little opportunity for employment, what can one do? Too many people are being refused assistance because of the high standards set up by this program. Whether we like it or not, we actually have starving people in the Yukon, because the government is trying to save money through this program.

I welcome any changes in the *Territorial Court Act* that will improve the most outdated court system in Canada. I might add here that the Minister of Justice has still not taken me up on my offer to spend three hours in the courtroom on docket day. The offer is still open to him and to any other government members. It is a real eye opener.

The interdepartmental committee that has been established to review all legislation policies and regulations is something that all women of the Yukon will be pleased with. We can only hope that it

is not left on a back burner again, as has been done in the past.

When we talk about discrimination based on sex or race or political beliefs, it brings to mind the denial of two applications for J.P. appointments by the legislative council. Why were these women denied? They had already received training; they are excellent people; fair-minded and good citizens. Was it because they were women? Or because one was an Indian? Or because one was a member of another political party? I do not like to think that they would have been denied appointments for these reasons, but I have my doubts.

When we consider *The Children's Act* during this Session, I hope that there will be some evidence that the Indian people have had some input into it. I believe that that is necessary because, if it has not been done, then it will be useless. There are too many Yukon Indian children whose futures depend on it.

Last but not least, I mention the Yukon Indian land claims settlement. We all believe that a Yukon Indian land claim should be fair to all Yukoners, but why does this government keep forgetting that it is the Yukon Indian land claim to be negotiated for Indians only. The actions of this government in the last few months brings me back to the days years ago when racial misunderstanding was out of control in the Yukon — the days of the Society for Northern Land Research, the days when territorial councillors were holding anti-Indian land claims meetings that got so controversial that one reporter once said to me at the end of a meeting that the only thing missing was the burning cross. This government has no choice but to return to the table. If it does not, the lives of all Yukoners will be in jeopardy.

Therefore, I move, seconded by the leader of the official opposition, that this motion be amended by adding, after the word House, the following words, "but regret that the government has failed to commit itself to return to the negotiating table for Yukon Indian land claims, that the government has failed to commit itself to a leadership role in getting the Cyprus Anvil mine operating again, and that the government has not acted with a proper respect to the rights and needs of all segments of Yukon society".

Thank you, Mr. Speaker.

**Mr. Speaker:** It has been moved by the honourable member for Whitehorse North Centre, seconded by the honourable leader of the official opposition, that this motion be amended by adding after the word House the following words, "but regret that the government has failed to commit itself to return to the negotiating table for Yukon Indian land claims, that the government has failed to commit itself to a leadership role in getting the Cyprus Anvil mine operating again, and that the government has not acted with a proper respect for the rights and needs of all segments of Yukon society".

Is there any further debate on the amendment?

**Mr. Falle:** I find it awful funny that, all of a sudden, this government has taken up a cause that sort-of burns the opposition; that we can, as a government, represent the native people and the white population as well. It is a sad day that we have backed out of land claims, but there are some issues that have to be answered, in my opinion. What makes me more regretful than this kind of a motion is that C.Y.I. itself fails to accept our stand as a government; that we represent them as well as us. And I am sorry, Mr. Speaker, there is absolutely no way I can back this motion. Thank you.

**Mr. Penikett:** There is, as you will know, an old Chinese curse which goes, "May you live in interesting times". Yukoners are clearly living in interesting times. Our major mines are closed, our railway is down, land claim talks are imperiled, the morale of the employees has been soured, public confidence has evaporated, and our community is divided.

o Last year, at the onset of our most recent troubles, the Conservative Government of Yukon said, in effect, "It is not our fault; there is nothing we can do; Ottawa is to blame. It is the rest of the world that is creating these difficulties".

Well, it is now a year, almost, since the election campaign. We have had, now, a year to observe the performance of the party which was elected to govern last spring. As has been observed many times, perhaps one of the most useful ways of judging the performance of a political party in government is to compare its

performance against its promises.

A year ago, the leader of this government was frequently heard to say "the settlement of Yukon Indian land claims was the number one priority of this government". In the run-up to the election and during the election campaign, we heard the leader of that party promise, over and over again, that the Yukon Indian land claims would be settled within one year. That was the promise. What is the reality? What is the performance?

One year later, these talks have been sabotaged; one year later, in the midst of the worst economic depression in this territory, the Yukon government walked out of the land claims talks. One year later, on the eve of a land claims settlement, for which Yukoners have waited for ten years, the Yukon government skulked away from the table. After 40-some particular agreements, which it helped create, the Government of Yukon is now distancing itself from the claims process. Last year, the Yukon government was claiming most of the credit for the fact that so much progress had been made in the Indian land claims talks. This year, they are denying any responsibility for the break-down of the tripartite process.

Since the Conservatives claimed credit when things were going well, it is logical and inevitable in the public's mind, that the Conservative party and its government in Yukon will have to take the blame for the failure of those talks and all the consequences of that failure. I say that because the government leader intervenes and says that they are not tripartite talks, but when the very process is imperiled by their non-participation, as it is at this late stage, it is nothing less than accurate to describe them that way, even though the role of the government has only been, in the formal sense, that of a minor partner of the feds in this process.

It was shortly after the Minister of Indian Affairs and Northern Development spoke to the members of this Assembly on November 27th, that the Government of Yukon began its retreat from the land claims process. At that time, this government began to back away from its obligations. It claimed that John Munro and the Government of Canada had changed their minds on the issue of the post-settlement transfer of land to the non-Indian people of the territory. This charge, that the federal government had changed its mind, has been repeated time and time again. Time and time again, the members of the opposition in this House have demanded documentation of the charge. These demands have not been met.

**Hon. Mr. Lang:** You got the package; read it.

**Mr. Penikett:** The member opposite said I got the package. I have not got any package, anything, to read except some rather trashy ads.

We have had, as yet, no proof whatsoever from the Government of Yukon of their charge that the federal government changed its position.

Governments change their positions all the time. That, in itself, is not surprising. But what is amazing, in this case, is that on the very issue which the Government of Yukon is charging the federal government with changing its mind, the Government of Yukon has itself changed its position almost as regularly as they have changed their shorts.

On November 27th, at the press conference that followed the federal minister's statement — a press conference, I might mention, that most members of this House attended and at which I felt we were made most welcome — the government leader insisted that all non-settlement land should be transferred to the Government of Yukon after a settlement. Subsequently, in an interesting speech to the Association of Yukon Communities, the Minister of Municipal Affairs said, "Not all, but most of the balance of the land should be transferred to the Government of Yukon following a settlement".

Then, on January 10th of this year, we had the most recent position of the Government of Yukon — perhaps I should not say the most recent, perhaps, at that time, the most modest — that they were looking to obtain control of 15 to 20 percent of the land as a pre-condition to signing a land claims settlement.

Now, all this was news to us. It was news to us, not only as citizens, but as members of the Legislature. All the various Tory positions had, presumably, been secret up until then. Every time, in the last few years, we had asked a question about this government's

position on land claims, we were told it was secret. Every time we asked about the Tory philosophy or the Tory policy on land claims or about its bargaining position or its negotiating position, this government told us they were secret.

We were also told, in the last Session, by the Minister of Renewable Resources, that this government would never betray the secret of land claims, never. He said, "There will never be, from this side of the floor, any mention of what is taking place during negotiations". I have to say the word "never" has taken on a miraculous new meaning. The minister's assertion, I guess, is what my mother used to call "cutting off your nose to spite your face".

The fact is that these matters about which members on this side of the Legislature have been unable to obtain any information, have in recent weeks been the subject of press conferences, the \$800-a-day man in the employ of this government was able to whisper in people's ears about this subject during the election campaign, and the same \$800-a-day man has been going around giving speeches to groups of public servants and private citizens. The fact that this same \$800-a-day man could chose to let out little scraps of information about the land claims process and about this government's bargaining position, information which has been denied this House every time it has been requested, showed nothing less — and I use this word advisedly, than a contemptuous attitude towards the members of this House, a contemptuous attitude towards the rights of the elected members of this Legislature and for the people who elected those members to their offices.

From time to time, the government leader has claimed that he and his \$800-a-day man represent all Yukoners in this process. Well, the \$800-a-day man has no more claim to represent my view or the views of any members on this side of the House than the Yukon Liberal leader. He can no more claim to represent the views of all Yukoners than the hon. John Munro.

In all seriousness, by what right does this man gamble with Yukon's future? Who elected him to play God with our lives? Which civil service examination did he pass to qualify him to put this community through such misery?

We have had contempt of the House and we have had self-serving secrecy on this issue. The secrecy, I think, was not to protect the government from revelations about the Tories' strategic position. No, I have come to conclude that it was to protect the biggest secret of all, namely, that this government had no such position at all, or did not have any particular position on this subject until December.

What has become increasingly clear, as a result of the verbal slips of various ministers, as well as the recent politicking of the Tories, is that the Cabinet, particularly some members of the Cabinet, knew nothing about its own positions on this situation until the \$800-a-day man told them what they were.

We have had four years of secrecy. We have had four years of promises. We have had four years of phoney statements of priorities and then, all of a sudden, the Tories try to scuttle the Indian land claims. We do not get a session of the House called to have an explanation of this. We do not get a briefing for the members of the Legislature. We do not get consultation with members of this House. We do not have an opportunity to be advised by the government. What we get is advertisements in the newspaper, advertisements that insult the intelligence of the public. Tory advertisements, at taxpayers' expense, is what we get. Tory political propaganda at the taxpayers' expense is what we get.

Well, the colourful ads, with their disgracefully selected little scraps of information, this propaganda full of half-truths and slogans like "Yukoners deserve a fair deal" and "Yukoners have shared the burden", this sick attempt to justify the Government of Yukon's skuttling of the land claims is obvious political advertising, no matter what the Cabinet says, and there is not an intelligent person in the territory who does not believe that it is political advertising.

<sup>10</sup> I wrote to the government leader on February 17 on this subject and told him that, in my view, the administration had no mandate for its recent actions on this issue. They do not have a mandate from the people and they do not have a mandate from the legislature. Their current position is not part of their election platform and their actions are in direct violation of not only their

election promises but the commitments they have made in this House.

Furthermore, the self-destructive step they have taken has never received the consideration, much less the approval, of the Legislature. I also told the Conservative leader that I believe the Conservative Party, not the people of Yukon, should have to pay for these ads. In time, the government leader replied telling me that, as leader of the opposition, my duty was to represent the interest of my constituents and all the people of Yukon. He told me that the Government of Yukon had raised six fundamental issues with the Minister of Indian Affairs and Northern Development which he wanted resolved prior to returning to the land claims negotiations. "I am now going to address these same questions to you and your party", he said. "Yukoners deserve answers", he said. "They have a right to know where the NDP stands on these issues", he said.

You are right. Yukoners deserve answers. The representatives of the people of Yukon deserve answers. The opposition has deserved answers for the last four years and for four years the public has had a right to know where the Tories stood on these issues but the Tories would not tell them. Perhaps the Tories could not tell them because their negotiator had not told them what their position was.

The government leader, or his propagandist, does not even seem to know that it is my job to ask the questions and his job to answer them. The government leader said, "Knowing your penchant for avoiding questions of obfuscating issues". Coming from the greatest obfuscator of them all, I should take that as a compliment.

The truth is, this letter, like the Tory ads, is clearly garbage. Like the ads, just trash — tacky trash. It was no surprise to me that I received a letter from the Tory leader demanding my answers to questions which the Tory leader had refused to answer for four years but — get this — the day after I received this letter it was published in the media with demands to know why I had not yet replied. What amazing gall. This, from the minister of a government who sometimes takes weeks and months to reply to the most ordinary kind of inquiries.

Four years after I start asking land claims questions in the House, four years after waiting for him to answer the first questions I put to him on the subject, he comes to me and asks me for help in answering them. Shortly after the letter, it was no surprise at all to see the same six phony questions published, once again at taxpayers' expense, in the local newspapers.

I will read the six questions for the record. History shall judge how low a Tory can go. I want also to read to you a reply from a constituent of mine who answered the Tory ad. This constituent of mine has taken the government's questions and added a few questions of her own. They are very good questions, at least as worthwhile as the Tory questions. In fact, they are probably more precise and more pertinent than the Conservative Party questions and they are questions that I intend, once again, to try and have answered in this Session.

The Tories' ad says, "Yukoners, your views on these critical questions are important. We would like to know what they are". What nonsense. We know the Conservatives do not give a damn what the public's views were on these issues since the \$800-a-day man had already made up their mind for them by the time the ads appeared, and they were not going to tell the public that until it was too late.

The first question is, "Do you believe a land claims settlement should be final"? Well, what an incredible question: "Do you think a land claims should be final"? Does that mean final, like the final contract settlement that the Yukon government reached with its teachers recently? It was final, until the Tories decided to change it a short while later. By legislation, the Tories decided to change a contract which they had arrived at honestly and fairly and substituted something else arbitrarily, unilaterally, dictatorially. Not only does "never" have a new meaning, but "final" with the Tories has a new meaning.

My constituent replied, suggesting another question, "Do you believe the Government of Yukon should boycott the Indian land claims negotiations?" Well, sir, that would be a very good question to ask the citizens of Yukon in a scientific survey and I know my

answer to that question.

The next question the Tories ask is: "Do you believe the one government system on which the land claims settlement is based should be fair to all Yukoners"? Another incredible question, in view of the fact that the steps taken by the Government of Yukon are exactly those which would bring about the destruction of the one-government system in this territory. I will explain more about that later. My constituent replied with her own question, "Do you want the Government of Yukon to continue to negotiate with the federal government through the media instead of at the table?" Another excellent question which we would like the Conservative Government of Yukon to answer.

In *Hansard*, November 9, page 80, we have a statement by the government leader, "The worst thing that could happen to these land claims negotiations is if we do start negotiating them in public." The Tories have done their worst. We have seen that.

The next amazing Conservative question is: "Do you believe it is fair to Yukon Indians if that one-government system only has jurisdiction over Indian lands"? It would be a wonderful day when we see the Conservative Government of Yukon worry about what is fair to the Yukon Indians. I am going to have more to say about that later. My constituent responded, "Do you think that the questions in the black print in this questionnaire are unbiased and sincerely seek the views of Yukoners"? I think we all know the answer to that question.

The next question from the Conservatives is, "Do you believe it is fair if after a settlement 20 percent of Yukon's population has access to thousands of square miles of land while the remaining 80 percent has access to virtually none?" I know that if I asked that question in the House, you would rule it out of order. I believe in the law courts they call it a leading question; a question that suggests its own answer. My constituent has been helpful and substituted her own question which asks, "Do you believe the present Government of Yukon is seriously committed to settling Yukon Indian land claims"? In answer to my constituent, let me, for the moment, say that there appears to be great doubt about that.

The next Conservative question is, "Do you believe that Yukoners should pay the cost of implementing a land claims settlement"? CYI says no. Ottawa says no. We all say no. But the Tories keep asking the question; why? Perhaps, for their own reasons, they want to keep asking it and asking and asking until they get someone to say yes, and then they can make an issue of it. My constituent has her own question, though, "Do you believe the Yukon Indian land claims should be threatened if the transfer of land to the territory is not linked"? Another very good question.

The next Tory question is: "Do you believe that non-resident native groups should have more rights to Yukon land and more economic and job opportunities than Yukoners"? I believe that kind of question is called a red herring. My constituent has a question, "Do you, as Yukon taxpayers, want to continue to pay for such items as this ad and "bad deal" flyers"? Well, I know my answers to that question.

The next Tory question is: "Given that these are important issues, would you sign an agreement on land claims with the federal government without having the answers"? My constituent's question is, "Do you think that the Government of Yukon will seriously consider the opinions expressed in these answers to the blue printed questions"? My answer to my constituent was, no, not unless the Cabinet filled out lots of these questionnaires themselves.

The Tory questionnaire closes with these words, "Please return this questionnaire and send your answers to: the Government of Yukon". My constituent concludes by asking, "Are you, as a Yukoner, proud of the role the Government of Yukon is playing with regard to Yukon Indian Land Claims"? Well, I know the answer to that and I know my constituent's answer to that.

The Government Leader, the leader of the Conservative Party in Yukon, has said time and time again that it is his position that a land claims settlement must be fair to all Yukoners. Let me ask what does this slogan, "A fair settlement of Indian Claims for all Yukoners" mean? Obviously, a boycott of a land claims is unfair to Yukon Indians, so who is this "all" that the Government Leader is

talking about? Does he mean "all white Yukoners"? Is that who he means by "all"? What about all the whites who are waiting for land? The boycott is unfair to them because there is no way in the world that we are going to have any significant transfers of land to this government until Indian land claims are settled. Everybody in their right mind knows that — or, perhaps I should say left mind. Obviously the Tory boycott is unfair to those people who are waiting for land, so I ask again who is this "all" the Government Leader is talking about? To whom is this government going to hand out two hundred thousand square miles of land? Where is the demand coming from? Where is the government's plan for the disposition of all this land? They do not know.

Of course Yukoners want land. Of course Yukoners have legitimate demands for land. I think we all in this House recognize that demand but we have serious disagreements about how you achieve that goal. It is an argument about the means, not the end.

Some people have said to me that the Conservatives would use any means to get what they want. I have never said that, until recently. For ten years we have been dealing with Yukon Indian land claims not Yukon Tory land claims, — Yukon Indian land claims — and the tactics that have been adopted by this government and its negotiator in this process are not very nice. Their argument, their fundamental argument — not about six issues, because we are really talking about one issue here — is a con-game, an attempt to convince the gullible that the claim of a resident of Yukon — even a resident who may have got off the plane last night and come down this morning and bought his medicare card — is equal to the claims of Yukon Indians who have been here and held this land for generations and generations, not ten years or twenty years or a hundred years, but generations. It is moral, political, constitutional and legal nonsense to suggest that the claims of Indian people here are identical in character and legitimacy to the demands of the non-native population, even the people who got off the plane last night.

It is a false equation, it is a deceitful device, it is morally repugnant. The truth is that if and when this issue is resolved, those of us in the non-native community will still have to buy land from the crown. We shall still have to pay good money for the very land which Indian people have sold or surrendered to the crown as a result of the settlement of their claims. The Indian claim is for a settlement of land that has been stolen. Now I know that some governments argue that it is finders keepers, but other governments argue that the land was stolen fair and square, but stolen, nonetheless.

The boycott of the claims on the eve of the settlement is a self-destructive act. The price that we could pay for the incredible madness of this government's action is that of a one-government system. These people over here could end up creating a reserve system in Yukon, and force everybody to go back to square one on land claims. The price we will pay in terms of economic reconstruction is potentially enormous. The price we could pay in terms of social decay in this community is tragic, and as a result of this government's action there could be internal divisions in our community for a long long time to come.

The Indian people will obviously not forget for a long time this government's betrayal of their interests. Neither will the descendants of the non-Indian people who must now face the prospect of living with the social chaos this government's lunacy could produce.

The government's decision could produce other awful consequences. To paraphrase the words of my colleague from Campbell, should the land claims talks proceed bi-laterally — and in all likelihood they will if the Territorial Government refuses to return to the table — Yukon Indian people may be forced to negotiate towards the establishment of reserves and reserve governments throughout Yukon.

The implications of that are enormous. Where there currently exist one community, two would be created, each with its own distinct, completely autonomous form of government, each with its own land base, one under Territorial laws and the other under Federal laws; one would be subject to Territorial Game laws the other would not; one would be subject to taxation the other would

not. Each would be responsible for their own separate municipal services and utilities as well as social programs. The presence and power of the Department of Indian and Northern Affairs in Yukon would be increased and perpetuated, in perpetuity.

After all these years, after all the efforts on my part and others in this House to attempt to expose the truth of the Tory position on Yukon Indian land claims, it has at last become painfully clear. It is sad to relate — remarkably similar to the position of that infamous group known as the society of Northern Land Research — it is a position of fundamental opposition to the legitimate aspirations of Indian people in Yukon.

And perhaps the fact the Tories are now trying to sabotage the land claims is recognition of their basic indifference to the Indian community in this territory. For some time now I have listened to members opposite when they have talked about land claims. I must say that of all the members in the front bench, the government leader has been the most positive of all when it came to this question. Not very positive, I admit, but all things are relevant. He, of all that group, has been the most positive, but even when he has talked about a settlement, even when he has talked about the settlement of Indian land claims, he has said things like: "a land claims settlement would be good for business; a land claims settlement would stimulate the economy", or "a land claims settlement would free up land".

I have listened hard but I have not heard from members on the front bench opposite about the poverty, the suffering, the alcoholism, the sorrowful deprivation of Indian people in Yukon. The member for Porter Creek East laughs; it is not a funny matter. I have never heard them say that Indian land claims are a just solution to the racism, the poverty and the oppression of the Indian people in Yukon. I have never heard Tories in this House suggest that Indian land claims are an appropriate remedy to the terrible health and living standards that Indian people have experienced. What is becoming clear is that the Conservative Party of Yukon does not give a damn about the poorest people in Yukon. The Conservative Party of Yukon does not care about the Indian population of this territory and I think it is time that they admitted it. If they never knew it before, the people of Old Crow, the people of Pelly Crossing, the people in Burwash Landing now know that the Tories, in their heart of hearts, are opposed to their Indian land claims.

Speaking as one who views the land claims process, in part, as a means to end the poverty, to achieve social justice and as a move towards genuine equality, I am angered by what has taken place in the last few months and I am sad. From time to time, I have heard members opposite talk about equality. Well, I do not believe Tories want equality in Yukon. It grieves me to say it, but I have come to the awful conclusion that what they want is nothing more than the status quo in the social relations between groups in this community.

I have said enough about land claims, but for me, in the last few weeks, it has not been the only example of this government's attitude towards its less fortunate citizens. Earlier today, we had a ministerial statement from the government leader on the Cyprus Anvil Mine. I was pleased to hear that statement because it is an inescapable fact that the brave people of the Town of Faro have been less than optimistic and less than assured about this government's attitude towards them and the other jobless Yukoners.

These people, who continue to tenuously cling to our communities in very tough circumstances, these people who are just surviving here, people who would be thankful today for \$800 a month — much less the \$800 a day — there are people in Yukon today who are barely managing on \$800 a month and regard with anger and bitterness this Conservative government's gift to one of its friends of \$800 a day, while, at the same time, the Conservatives in Ottawa attack the Liberals for giving a former federal minister of finance \$800 a day to chair a Royal Commission on the Canadian economy. That kind of double-talk has become part of our regular expectations of the Conservative Party.

As you know, in March, a delegation of citizens from this territory travelled to Ottawa. The delegation included representations from the Yukon Federation of Labour, the Municipality of Faro, the Faro Chamber of Commerce, the Whitehorse Chamber of

Commerce, the United Steelworkers, as well as the Cyprus Anvil Corporation. The delegation was led by the president of the Yukon Federation of Labour, Mr. David Power. This delegation's brief was organized and arranged by my colleague, the member for Faro.

I want to pay tribute to the earnest efforts of this delegation and note, with regret, that no member of the Cabinet saw fit to join this great effort to re-open the Cyprus Anvil Mine in Faro. I do note that the delegation was joined by an official of this government who resides in Ottawa, but it appeared there was no greater commitment, no greater sense of obligation, no more appreciation of the importance of this issue than that.

This delegation went to Ottawa to lobby the federal Cabinet to re-examine the question of federal aid that is probably necessary in order to re-open that mine. They went to do this not just in an effort to save the hundreds of jobs in Faro, or that community of 2,000 or more people that has grown up in the last few years, but also the more than 2,000 Yukon jobs that Faro generates and, as well, the very economic health of this territory.

The fact is that that mine is the cornerstone of the private sector in this Yukon. It has been the source of considerable revenue for the territorial and federal governments over the years, both directly and indirectly. It is the key to economic recovery in the short run.

So, what was this government's position? And I say this in all honesty to the government leader, I have been wondering about that these last few weeks. We had previously heard in the last Session their earlier offers of assistance, which we all know did not impress the company, but the delegations, with representatives from a wide cross section of the Yukon community, was shocked — and I have heard this from more than one source — at what they heard in a meeting with Mr. Marc Lalonde, the Minister of Finance. The Minister of Finance appeared well prepared for the meeting. He impressed everybody as being well briefed, and the delegation listened carefully when he said that he was concerned about the position of the Government of Yukon. When he indicated that he was concerned because a short time before, the leader of this government had advised, in Mr. Lalonde's words, "against the use of public funds to help reopen the mine", they were concerned.

When I heard that that had been the view expressed, or the impression left, I was concerned. Let me say, at the very least, the Government of Yukon had failed totally to make its position clear to the Government of Canada on this most important issue.

Later, I understand that the government leader explained that what he really meant by what he said to Mr. Lalonde was that they were opposed to any public equity in the property. I was concerned about why he took that position; was it a matter of principle? I was concerned about that because the Whitehorse Chamber of Commerce had recognized some months ago that public equity may be necessary, at least in the short run, in order to achieve the re-opening of that mine and the recovery of the Yukon economy.

**Mr. Speaker:** Order, please. I should advise the hon. member that the time allotted for his debate has now expired. If the hon. member would care to very briefly sum up, though, the Chair would permit it.

**Mr. Penikett:** Thank you, Mr. Speaker. I had so much more to say, but I will happily sum up.

I was concerned that the government leader, or somebody, had managed to leave the impression with the Minister of Finance of the Government of Canada that public funds ...

**Hon. Mr. Lang:** On a point of order.

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

**Hon. Mr. Lang:** It states specifically in the rules that you are allowed 40 minutes to respond to the Speech from the Throne. You have allowed him the courtesy of summing up, but he has continued to read the dissertation that, obviously, somebody else has written for him.

**Mr. Speaker:** Order, please. I do not find a point of order. The Chair has just allowed the member the latitude to just very quickly close his speech.

**Mr. Penikett:** I resent the inference opposite that I am illiterate. I can write my own speeches, unlike members opposite.

On these two important issues, it seems to me the government has failed to communicate, failed to negotiate in the public interest,

failed to represent the common good and I feel that the government, if it was showing real leadership, would be bringing us together now instead of tearing us apart, as they have been doing.

Thank you.

**Hon. Mr. Lang:** I have listened to the member opposite with a great deal of interest. I have heard him holler, and it reminded me of a quote from *Hansard* that was put forward by Mr. Broadbent, the leader of the NDP, to Mr. Trudeau, in the heat of debate, "When you are unsure of what you are raping, holler". Well, that is the case from the leader of the opposition.

<sup>13</sup> In his address he indicated, and he stated, specifically, "History will judge how low a Tory can go". I am here to tell you, history will judge how far the leader of the NDP can go. Next week it is going to be Portugal, and in view of the comments he has made I have to wonder if, perhaps, in the next month or two months, it may be Moscow.

**Mr. Penikett:** On a question of privilege.

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

**Mr. Penikett:** The member can cast aspersions on any other members of the House he wishes but if, by his last remark, he clearly inclined to suggest that my political stripe is something other than what it is — and I have already dealt with the government leader about this previously — it is unparliamentary to suggest that I am of a partisan colour that would then cause me to make any trip to Moscow. I ask him to withdraw the remark and to say the name of my party correctly, since he is so concerned with the facts.

**Mr. Speaker:** Order, please. The hon. member, as he knows, has not raised a point of privilege.

**Mr. Penikett:** I have not?

**Hon. Mr. Lang:** I am very sad when I hear the comments put forward by the leader of the opposition, who is not only an articulate member of the legislature, but I also thought he would bring forward good judgment on issues that in good part should be above political partisanship. I refer specifically to the land claim and his castigation, and his obvious attempt and effort to split the people of the territory because of their ethnic background.

He effectively said to the people in this Legislature and the people of the territory and to these two young men sitting here as pages that because one person happens to be of an ethnic background as opposed to another, he or she should have more rights to this area of Canada. That is wrong. The philosophy is wrong. The principle is wrong and in my opinion this is one of the reasons Canada is in trouble today.

I happen to be not of the native community. I happen to be a member of the non-native community, but I intend to live here and I intend to work with all people of the territory, and that means that I have a responsibility, not as a member of this government, but as a member of a constituency to represent all people of that constituency, even if it happens to be the member of the political party whom I happened to have defeated. At the same time, if he or she has a question of me, I have a responsibility to answer it. Not because of race. Not because of colour. Not because of creed, but because I have a responsibility to all those people. That is what the leader of the opposition is forgetting.

He stands up here pompously castigating this government. Let us go through the issues that are very fundamental to a successful land claims settlement that would be good for the native people of the territory and the non-native people of the territory; for all Yukoners. In other words, the benefits will outweigh the burdens. Is it too much to ask of the Government of Canada that we be given a financial commitment with respect to whatever programs are going to be put into place, whatever major fundamental changes are going to be made to government; is that too much to ask? But no, Mr. Penikett says he would continue to negotiate and we will worry about the bills later. We are playing hardball. We need answers.

Does the opposition think the taxpayers, native and non-native alike, should pay through their tax dollars for the responsibilities that this government and this Legislature will represent when the responsibilities for all people, and this means native people, will come to the government of the Yukon Territory to administer? Is that their position? We did it as carefully as we could. We wrote out

the questions as simply as we could. We put little square blocks so that he did not even have to write his answer; he could put an "x" or a check. Well, he has not done that.

Does the leader of the opposition say that we should continue to negotiate a land claim without a firm agreement with the Government of Canada as far as extra-territorial claims in this territory? To date we have six organizations claiming land and various other rights in the territory and we should continue to blithely negotiate without anybody in the Yukon, native and non-native alike, knowing what the outcome is going to be, then sign a settlement; and then the Taltans from B.C. can come in and claim land? We feel we need an answer for all people of the territory. That is a protection for the native people as well as the non-native people.

Perhaps the members opposite do not agree with that. We are not playing fairytales. This is not Alice in Wonderland. We are talking about the fundamental principles that are going to affect this country that we know as Yukon, that we live in and that we are all going to raise our families in. The leader of the opposition who, finally, after four years — because he could not make up his mind — decided that he would support us on the COPE land claim and the position that we had taken, when he had sorted out in his mind what his national party's philosophy and position was, as opposed to his position as the leader of the NDP regionally, with some caveat, supported us in our position on the COPE land claim.

That particular agreement calls for 1,000 square miles of Yukon land, which should belong to you and me, to go to the people of the Northwest Territories. They do not pay a fuel bill here. They do not pay a tax bill here. They do not contribute to the general wellbeing of the people of the territory, and I have nothing against them, but should they have a right to 1,000 square miles of Yukon land, fee simple, which could, in the long term — and probably the members opposite will laugh — prove to be the most valuable real estate in the totality of Yukon, if one takes a look at Alaska and Prudhoe Bay. Do we deserve an answer on that? Are the members opposite saying, no, we really do not need to know that answer either? I say that we do deserve an answer because we are all Canadians. We are Yukoners and we live here and are going to raise our children here.

The member opposite, the leader of the opposition, has stated categorically in this House with respect to the presentation that he just gave, that the people of the territory should not have a right to know, once land claims have been settled, whether land is going to be transferred to the people of the territory. He is saying that, as a sequence of events, we should negotiate and hope on the goodwill of the bureaucracy that he loves so dearly in Ottawa — for, perhaps, other reasons — that we will go on goodwill, that we will not look for an agreement for land to be transferred to the people of the territory, or a process.

There are a number of reasons why we have to have this answered. Number one: for the stature of our government. That land, when transferred to the Government of the Yukon Territory, contrary to the implications that the member opposite indicated earlier, is available to all people of the territory, if it is developed into lots, industrial lots, commercial lots, recreational lots, residential homes, agricultural land, and would be available to native people as well. It is in their interests that there be more land for the people of the territory to administer on their own behalf.

<sup>14</sup> One of the most important aspects of it is that we can sell the land at development cost. Under the present federal-territorial *Lands Act*, it must go at market value. So — and I think we had better get our chips on the table — the member opposite says, "No, we will deal with the federal government, and because they happen to be of a different ethnic group, they can pay market value because they will have to go through the federal government". Is that right? On behalf of Porter Creek East, I say, no.

He talks about the land transfer and why it should not be subject to the land claim. For his information, land has been designated in the various communities to be transferred to the Government of the Yukon Territory once a settlement was to come into effect. But, at the same time, when it came to Whitehorse, the Department of Indian Affairs said no. Then, on top of that, Mr. Penikett's dear friend, the federal

government, came to this Legislature, which he accepted and applauded, and told us that the people of the territory would get no land, or, under one caveat we may get land if we can justify cause.

Well, the member opposite has a very short memory, but the people in Kluane, in Haines Junction, do not. It took them seven years to get 13 acres to supply trailer lots to the people of Haines Junction. When I take a look at that, I say to myself the member opposite ...

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

**Mr. Penikett:** The member has now twice used an unparliamentary expression by referring to me by name and I would appreciate having that error called to his attention.

**Mr. Speaker:** Order, please. I cannot agree with the hon. member.

**Mr. Penikett:** It is a point of order.

**Mr. Speaker:** These points of order and points of privilege are being raised, perhaps not frivolously, but unnecessarily. Questions of privilege and points of privilege are so intense and so important as to very rarely ever to be raised in the Legislature or a parliament such as this. In the thrust and parry of debate, members hurl accusations back and forth and perhaps what is in fact happening is that members are disagreeing with each other over allegations of fact. Allegations of fact do not, as all members know, constitute in any way, shape or form, any point of privilege.

I would ask members on both sides of the House that if you are going to dish it out, be able to take it, or perhaps do not engage in those things which may be objected to on either side of the House and, perhaps, we could get on with the business of the House in an expeditious manner.

**Mr. Penikett:** I accept your admonition. I appreciate it, but I am afraid you misheard me. I do not raise a question of privilege; I raised a point of order, something which is clearly, in our rules and in Beauchesne's; that I may not, by a member of this House, be referred to by name, except by yourself, in disciplining me. That has twice happened and I was sure you, for the sake of decorum of the House, would want that called to the attention of the member.

**Mr. Speaker:** The Chair had not heard the alleged fact; however, I am distressed in the Chair to know the member is so deeply grieved over such a possible statement. If it has been deemed to be of such importance to the hon. member, I would permit the hon. member to raise the question with the Chair the moment we have a transcript of these proceedings.

**Hon. Mr. Lang:** I trust you have taken it off the timeframe that is allotted to me. I just want to say to the member for Whitehorse West, who sometimes, I understand, goes under the name of Mr. Anthony Penikett, if it is too hot in the kitchen, do not hesitate to leave.

I was talking earlier in respect to the consequences of the land claims negotiations in the present situation, the way it stands, and the issues that are outstanding; fundamental principles, fundamental issues that we, as a government, on behalf of the people of the territory, feel must be answered.

If they are not answered, it is our opinion that we are not going to be able to come to a settlement which is in the best interest of all people of the territory. Unlike the leader of the opposition, who seems to think that the settlement should not take into account the people who will not be non-beneficiaries of the territory, we believe we have a responsibility to all — and I underline "all" people of the territory, in respect to this fundamental issue which is going to, in some degree, depending on the outcome, change the social, economical and, to some extent, political structure of Yukon.

I cannot see why the members opposite have taken the position that they have taken, and made this issue such a divisive, partisan, political issue at this time in our history in Yukon. I think it is safe to say that the member opposite, if he had not perhaps been coerced, pushed, or otherwise, by one faction within his Party, and if he were a lone member, would probably stand up and say, "Yes, what you are asking is reasonable. There is no reason that I, as a member of the general public or as an elected member, could not support these questions being answered".

For the life of me, I cannot understand why the Council for Yukon Indians is not supporting us either. The question of

extra-territorial claims, the question of hunting; should they not know prior to signing the final agreement who is going to have access to 50 percent of the harvest of moose and caribou? If I were a beneficiary, I would want to know, because the more people who are eligible to harvest that game, the less game there is going to be for the native people and, in time, for all Yukoners.

It is a basic fact. If, in the Watson Lake area, for example, you had 100 moose that were eligible to be harvested, and you have 200 people eligible to hunt them, that is one thing. But if, all of a sudden, across the border, you have approximately another 300 people who could and would come up to harvest those 100 moose, first of all it would mean some Yukoners would not get their moose — native and non-native alike. The success rate would be that much higher and, therefore, the next year, the Department of Wildlife would have to look very seriously at lowering the quotas.

The member opposite says that it does not really matter, we do not need to have an answer to that question. On behalf of the people that the Council for Yukon Indians claims they represent, I think they do need an answer, because it is a very, very serious question that is going to have very long term implications, as far as the territory is concerned.

If I was a beneficiary of the Council for Yukon Indians, or I was a member of the NDP, I would want to know who is going to pay for the settlement. I would want to know that.

**Mr. Penikett:** You already know.

**Hon. Mr. Lang:** The leader of the official opposition says he already knows. Well, I recognize he takes verbal comments from the government of Canada at face value. But also, the member opposite should know that we have had a financial agreement sent to the government of Canada two years ago, and they keep saying they will talk about that later. We have gone through five communities. There are major commitments that have been made by the government of the Yukon Territory for, just not tomorrow, but in the long term. And we feel it is time that we get a financial agreement so that we can continue to negotiate and, if we sign on the dotted line, we will know we have the financial capabilities of carrying out the obligations that we are taking on.

Now, Mr. Speaker, the members opposite say, no, we do not really need that. We do not need a financial commitment. We will fly around like Alice in Wonderland. Well, if the national president of the NDP takes a look at Manitoba and looks at the financial accounting that took place, and if that is his philosophy, Mr. Speaker, I have no objections to him moving to Manitoba. I am talking about a \$6,000 per man, woman and child deficit that now exists in the Province of Manitoba, which is represented in that government by your party.

Getting further into the question of land claims, I think it is important to look at the land transfer and the importance of it to the native people of the territory. If we get 20 percent of the land mass of the Yukon passed to the government of the Yukon Territory, the native people of the territory, along with all other Yukoners, will have access to those areas that will be designated for development. And the final voice in making those decisions will be in this House; not up the hill with the regional director, not with Mr. Neil Faulkner in the bureaucracy in Ottawa, and not with the Minister of Indian Affairs and Northern Development. And the other important principle, I think, that the Council for Yukon Indians and the party opposite should consider is a document I have here, which is Yukon's Environmentally Significant Areas, paid for, in part I understand, by the Government of Canada. It came through the University of Waterloo, and it is their plans for Yukon after a land claims settlement. This document states that, after land being transferred and identified to the native people of the Yukon Territory, 26 percent of Yukon should become park. Now, it is my contention that the Council for Yukon Indians have had bad advice in respect to the present position that they are taking of not becoming involved with our present impasse with the Government of Canada. They are under the impression that perhaps, after land claims is settled, they will get more land. Once the land claim is settled, the political clout of the Council for Yukon Indians in the rest of the country and with the Government of Canada is going to be lessened to a greater degree than it is now. The people of Canada

are going to say, "we have settled with you; you are not entitled to any more land".

If we do not get a commitment on behalf of all people of the territory that a certain amount of land will be transferred in an orderly process over a five-year period, who is going to get first crack at the land; the people from Toronto, or the people of the territory? It is a question of votes. Of course the people of Toronto are going to get first count. Is that what the opposition wants; the Yukon to turn into a park? So I ask you, and I am trying to ask you in a non-partisan manner, why can you not support that? Why can we not ensure that the young people here are going to have a future in this territory, or are we going to continue and say to big brother in Ottawa that we do not need any commitments, and if you really do not deal with the majority of the people of the Yukon, that is fine too.

Well, I say that is wrong, philosophically, in principle, and, more importantly, I think that if one were not to support the principles we put forward, I maintain you are not representing the majority of the people in your riding. And the leader of the official opposition remembers the count last time, when he came very close.

I want to take the opportunity of reading an editorial which I think should be in the record, and it states, from the Yukon News, February 18th, 1983: "Between the devil and deep blue sea. The negotiating table for Yukon Indian land claims continues to be the battlefield, only this time the participants are not fighting over sub-agreements, but the whole land claims process. After ten years around the table, the signing of some 40-odd sub-agreements and a time of general cohesiveness among all those involved, the talks have broken down. The breakdown is the subject of much controversy and speculation among news media and the public alike, as the issues are debated back and forth among the three parties involved. On December 10th, 1982, the Yukon government walked away from the table, stating that unless it received some clarification on six basic issues, it would not return. That clarification has not been forthcoming and the Yukon Government has not returned to the table. Their decision has wreaked havoc with the talks as they stand fast in their belief that the rules were being changed in midstream. Perhaps the government was a little hasty in its departure from the negotiating table, but the reasons for doing so are ones that should be upheld by all", and I underline here, "Yukoners. They are attempting to preserve a place for all Yukoners in the north and protect equal rights for the entire population as opposed to just a small fraction of it. Most agree there is a need for a settlement and the sooner the better, but not all agree with the way the government has handled its position. The Yukon Government is caught in the middle of the Council for Yukon Indians and the federal government. It is being squeezed from all sides in the hopes that it will give in, rejoin the talks, remain quiet about the things which will eventually, once an agreement is signed, affect all Yukoners. It is being made to look like a child — disobedient and willful. The federal government, with assistance from the Yukon's official opposition", and that is the party opposite, Mr. Speaker, "seems to be doing all in its power to discredit the Yukon government because of its actions, when in all actuality, because of its decision and the strength of its convictions, the Yukon government should be lauded for its efforts in not being railroaded into something which will change the Yukon as we know it today. The federal government is tearing us into a battle alright, but rather than try to solve the problems the federal government appears to be seeking something else: a general acceptance from all Yukoners that the federal government is right and the territorial government is wrong. Is the territorial government wrong to try to protect the rights of all Yukoners — whites as well as natives"?

I think that is the basic question that the members opposite have to ask themselves. They have a responsibility to all people in their constituencies and, as a political party, across Yukon.

We have done everything we can to try to stay at the land claim negotiating table. If you look at the sequence of events from November 27th, when the Minister of Indian Affairs came here and slapped the people of the territory in the face — until December 10th, we tried to renegotiate, tried to bring the Government of Canada back to the position that they had had and the mandate that

they had been given at the land claims table.

In other words, what I am saying is that the Minister of Indian Affairs, unintentionally, I believe, — because I believe he got poor advice from his advisors — changed the rules. In effect, he said that we will now take out the constitutional aspects, the guarantees that we would have to present to this Legislature, and we will start another process after the land claims are settled. Obviously, he had not been fully briefed on what the context of the land claims settlement entailed.

You have to ask yourself why is the Government of Canada — and I refer very specifically to the federal bureaucracy — not living up to the agreements that were signed in 1979, 1980, and up until 1982, when, verbally, the mandate was confirmed, I believe, in 1980. You have to ask yourself why? Well, you know why. We are going to cost a bunch of civil servants in Ottawa their jobs. What we are talking about; 7,000 civil servant jobs? So, I say to you, it is in the interest of the federal bureaucracy to do everything it possibly can to disrupt and force our government away from the table. The media is using the word "boycott". We are prepared to go back to the table today, if we can get an agreement on the six issues that I have outlined, and why not?

The member for Faro stands up and says, "What about letters? What about the letters in respect to the land claims and the commitments that were made? It is fully documented". The hon. Warren Allmand said, in 1977, in correspondence, "Council's motion concerning creation of a Department of Natural Resources raised the question of transferring to the territorial government substantial responsibilities regarding the administration of lands and forests. I must state that my first priority is the Yukon land claims. There will also continue to be important federal interests in the management of resources and maintenance of national environment standards. Nevertheless, delegation of land administration on behalf of the federal government to a territorial government in which all Yukoners participated effectively would clearly have certain advantages. It would place the planning and administrative decisions on land with the people most affected by those decisions.

"While I am, therefore, prepared to discuss this step, I would have to consult with my colleagues in Cabinet before any final decision would be taken and I would also want to pursue discussions of this subject with representatives of the native organizations".

If you take a look back further, on July 26th, 1976, in a letter to the Minister of Indian Affairs, the Commissioner of Yukon states, "This letter will confirm our discussions of Tuesday, July 20th, regarding your letter sent to me July 5th, 1976, conveying your sentiment with regards to the specific approach that I should take as Commissioner of the Yukon Territory. We agreed in principle with everything in the letter, with the exception that two items which we had previously discussed had been omitted from the text. The first was that reference to the change in the structure of the Executive Committee had not been included in the final version of the letter; the second item was that agreement-in-principle of the transfer of the administration of Renewable Resources to YTG had not been added to the final version of the letter".

I am probably the only member of this House that has the capability of going back that far. I can recall discussions in respect to land transfers and how they would come into effect after a land claims settlement. Verbally, they were committed, which the member opposite is prepared to take to the Government of Canada, and also, there were commitments, and it was implicit all the way through the negotiations that land would be committed to the Government of the Yukon Territory once land claims had been settled.

That is all we are asking for. We are not asking for all the land in the territory; we are asking for a process, of 15 to 20 percent. I think one of the most important reasons that I want to reiterate is the point in respect to this proposal that 26 percent of Yukon become parks. If we do not get that commitment, the members opposite will be rising in their places, saying, "What is the Government of Canada doing creating a park in Whitehorse West", or whatever the case may be?

Maybe you do not think that is important. I do, because I

recognize the national political scene and I recognize where the political clout is, and it is in Toronto, it is not in Whitehorse.

**Mr. Penikett:** Are you going to run there, too?

**Hon. Mr. Lang:** If the member opposite is prepared to be my campaign manager, I am prepared to come forward with the idea of running.

There is one item I think I should speak to, in respect to the implications of the land claims. The members opposite have compared the financial commitment that the Government of Canada has given in respect to the land claims settlement. The impression that is being left with the general public, at the present time, is that the money, \$183,000,000, if there was a settlement tomorrow, would come into Yukon tomorrow and save us economically.

I see the member for Whitehorse South Centre nodding his head in agreement. That is not true. It is very clear in the agreement that any money coming forthwith would not arrive in Yukon until 1985 and, possibly, as late as 1986, depending on an agreement being signed between the various parties at the land claim table.

I think it is important, when you take a look at the breakdown of the dollars that are involved, it is going to be of benefit to the native community but it is not going to be a major economic stimulus to the territory, as a whole.

If you take a look, in the first five year payment, 15 percent of that payment will have to be subtracted in order to repay the federal government the monies that the CYI borrowed for the purpose of negotiations. That is approximately \$18,000,000 to \$20,000,000, depending on who you speak to.

<sup>17</sup> If you take a look at the present cost of the organization of the CYI, which I imagine would change somewhat, but their cost would remain constant, you are looking at, presently being expended on an annual basis, approximately \$2,000,000 to \$3,000,000. I think it is in the neighbourhood of \$2,200,000 now. That is money already in the economy, so it is not new money, which is the point that I am making. It is helping the economy, I am not arguing that, but it is not new money.

The other point that people have to realize, and get the financial consequences of this down into some perspective, some of the money that will be coming out of that \$183,000,000 will be effectively a transfer from the Department of Indian Affairs to the CYI or whatever other corporate identity. In other words, that is money that is already been expended. The only difference is that it will be going directly to the native people which, incidentally, I concur with.

I think that there is another fallacy, in the way I understand it, to date, unless there is major change in the future. There is some impression that there is going to be money directly given to beneficiaries. In other words, some impression that it is something like in Fort Nelson where everybody can go out and buy a car or whatever; the money is given to each individual. My understanding is that there is not going to be any money directly given to beneficiaries; it is going to be managed through corporate structures.

The other point that I want to make is that the financial funds that they have to invest, in part, will be invested in the territory, probably, in most part, in existing businesses. At the same time, it is my understanding, and if I was an executive of the CYI, they are going to have financial advisors from outside; people who know the money markets, people who know financial risks, people who can look at investing this money which is put forward, in part, not only for the native people today but also for future generations. Of course, some of that money will be invested outside of the Yukon, similar to Alaska. They invested money in Seattle, took risks in some fishing industries; in Hawaii in condominiums. For example, in Africa in oil exploration. If I was the CYI I do not disagree with this — they are going to look at the best place to invest that money. The point I am making is that I think there is a fallacy politically being put across by some members, and some of the media, that this money is going to save us economically today.

First of all, it is two years down the road. Secondly, there are some other variables involved. If you analyze it, the actual new money that will hit the territory will be of some benefit but it definitely is not going to stimulate the total economy of the

territory.

**Mr. Speaker:** Order, please. I must advise the hon. member that the time allotted for his speech is now concluded, but I would permit the hon. member the opportunity of summing up and concluding his remarks.

**Hon. Mr. Lang:** In conclusion, with respect to the subject at hand, I am saying that I cannot support the amendment. I think that the issue that we are speaking of is that the members opposite should re-evaluate their position because I believe the fundamental principles and the questions we are asking are legitimate and the Government of Canada has a responsibility to give the people of the territory, native and non-native, those answers so that we can come to a conclusion in a successful land claims settlement that will be to everybody's advantage and the benefits will outweigh the burdens.

**Mr. Kimmerly:** I will speak first in rebuttal to the previous speaker, Mr. Lang, and I wish to state, first of all, that it is inappropriate to quote from some snippets of old letters; he ought to table the letters. Much more importantly, the previous speaker spoke about the responsibility of members of the Assembly and of the government, about the responsibility to all people, and although that is political rhetoric and so general it is virtually meaningless, I am going to speak about that and put my position very clearly about what I believe my responsibility is on these questions.

Also, through various remarks on the record and off the record from members opposite, they are asking what is our position, and especially about the six questions that appeared in the newspaper ad. Our position is that we support the transfer of federal lands to the Yukon. We support the orderly transfer of the jurisdiction over those lands; we support that process. Our position is that that process and that transfer is not sufficient reason to jeopardize the land claim settlement. I want to state that quite clearly.

The previous speaker made various remarks which I say are thinly veiled improper comments and they are comments which promote racial dissension in the territory. One must be blind, deaf, dumb and stupid to not realize that there is significant racial tension in the territory and there has been since the gold rush. It does us no credit to deny that it exists. Every part of the world, every country, every province and every region that has a racial diversity in its population, has some racial problems; some more than others.

<sup>18</sup> It is one of the great political challenges and one of the responsibilities of political leaders all over the world to deal with those and show some leadership to promote as much harmony as is possible.

The previous speaker spoke about the leader of the opposition and said he was "pushed by one faction within his party"; he meant pushed by the Indian members of this caucus. That was very thinly veiled. Mr. Speaker, I want to say that when I speak and when I am expressing my positions, I consider very, very seriously the positions of the Indian people in my riding and the positions of the Indian people in the territory, and they are entitled to very, very serious consideration; and all of us have the responsibility to speak for everyone and to speak according to our consciences as we see the issues develop.

The member for Hootalinqua stated that the Tories are criticized because "we cannot represent Whitehorse white and native people as well". My position is not that at all. They can. It is possible to find a common ground to negotiate and to lead in a conciliatory way. It is just that they do not. They can, but they do not. And he wonders why CYI fails to accept our stand; this is in the member's words.

In the Throne Speech, in the last Session, the government informed us that they were inviting CYI to take part in the Yukon delegation at the Constitutional Conference which occurred a week or so ago. Well, it is no wonder they did not accept that invitation. It was asked of the government leader in this House on the day after the Throne Speech, what was the position that the YTG was going to take. Was it going to be the aboriginal position or a position in support of the aboriginal position? I am absolutely confident that, if the position of this government was substantially similar to the CYI position, CYI would have taken part.

We are being accused of a political partisanship and, I would expect in the debate, both sides are going to accuse the other of a

political partisanship. The land claims issue ought to be above a political partisanship, but it obviously is not; it is obviously an extremely politically sensitive issue and it will remain so. It is squarely in the political arena and everyone in this House is partisan and we will express our views politically. It does absolutely no good to talk about a political partisanship. It is interesting to think of the question of partisanship in a slightly wider context, and I ask this question rhetorically: who do the various parties really represent? Who are they really speaking to? And many commentators on the Yukon political scene, as objective as they can be, have clearly identified who the various parties are speaking for. It is absolutely clear now, although it was not, that the Tory party is speaking for a group of citizens who are non-native, who have a substantial interest in maintaining the status quo, socially, economically and politically.

The previous speaker spoke about the sequence of events, and I think it is very important to look at the sequence of events. On November 27th, Mr. Munro came here and made a statement to us. On December 10th there was a boycott of the negotiations. The previous speaker implied, forcefully, that the two were related; after November 27th, "when we received a slap in the face", in the previous speaker's words, we retaliated by a boycott of the land claims.

Also, CYI agrees with that, or the chief negotiator for the Council for Yukon Indians, speaking recently at the 16th of March at a Chamber of Commerce meeting, was explaining why the resource question at the land claims talks was taken from the land claims negotiations and put into the constitutional forum to put it into the wider Canadian context. He goes on to say this, "Once that was done, it was at that juncture that I recall the Government of Yukon walked out of the talks".

The insiders in the negotiating process are saying the real issue is the constitutional talks — what Mr. Munro was talking about on the 27th of November — the land issue is the political line being fed to the Yukon public. The land issue has always been there in the context of land claims talks, not as a specific topic at the negotiations, but as an extremely important issue around the negotiations. We all will remember the political posturing around the land freeze that occurred at the request of CYI, in order to clearly put an importance on the land claims negotiations and in order to achieve their particular goals.

The previous speaker also talked about money issues and it is interesting that, in the press, the various Conservative members have also spoken about that. In the *Yukon News* on January 21st, 1983, the statement is made to the people of Yukon by a Conservative MLA that the money coming from the federal government to the Yukon Indians would "be of little benefit to our immediate economic situation".

Who are they speaking to when they say that? They show an almighty gall. The Yukon Indian land claims process is about aboriginal rights; it is about unfinished business about the theft of the Yukon Territory from its aboriginal peoples and it is about social programs which will serve to reduce and, eventually, eliminate the dependence of the Yukon Indian people on the federal government imposed by that federal government. That is the purpose of the land claims and these people talk about the economic benefit to other people.

They simply do not recognize that Indian land claims are different from the desire and the legitimacy of other Yukoners to obtain land. They simply deny the whole concept of aboriginal rights and the reason for land claims in the first place. It is an Indian land claim and I say that as a non-Indian person.

The trashy ads that appeared talk about land for all Yukoners and Yukoners have shared the burdens. They are a political attempt to put, side-by-side, Indian aboriginal rights and the transfer of land from federal jurisdiction to territorial jurisdiction. They are comparing oranges and cows; they are not comparable. They are entirely separate issues of an entirely different magnitude.

The ads are an attempt at feeding Yukoners a political line which I say is fundamentally dishonest. The real issue is the constitutional position of Indian people in the further talks which occur after land claims; that is the real issue. The Tories are trying to dishonestly

get non-Indian people, who are the majority, on their side on the land question.

The question of aboriginal rights is now an issue enshrined in the Constitution. Mr. Lang has put it on record this afternoon that he disagrees with that. I believe the quote was, "That is the problem with Canada today", a very silly thing to say. The aboriginal claim is enshrined in the Canadian Constitution. It is also a part of the larger process of aboriginal peoples all over the world in establishing their rights. The Canadian government, internationally, has recognized that in many, many documents, among them the 1969 Vienna Convention on the Law of Treaties, the United Nations itself and the International Covenants on Aboriginal Rights in 1969, the International Convention on the Elimination of All Forms of Racial Discrimination by its International Court of Justice Connection and in the 1975 Agreement on Security and Cooperation in Europe, among other international agreements, as well as the original British Guarantees of Aboriginal Rights.

Aboriginal Rights are clearly of a different order and of a different magnitude than the transfer of the jurisdiction over land between a federal government and a provincial or territorial government, a process governed by federal statute. It is an entirely separate question and it is dishonest to put them side by side, and more than that, and I say more seriously than that, it promotes racial disharmony when it is our responsibility, as leaders of the community, to promote racial harmony. That is the most serious criticism of the position of YTG and its current boycott.

**Mr. Philippen:** As the Speech from the Throne clearly points out, and all my high principled colleagues have indicated in their addresses today, the state of the Yukon economy is their most personal concern. I would like to speak on a number of the issues affecting Yukon's economy. Before I do that, I would like to make a comment on one of my more pleasant experiences as an elected member. I would like to direct this comment particularly to the member for Whitehorse West, to display his aptitude for eloquence and statesmanship-like speechmaking.

I recently had the opportunity to sit on the Rules Elections and Privileges Committee. This experience was one that reaffirmed my faith in the political system. There we were, members from both sides of the House, sitting together, working together without confrontation, accomplishing things together. It seems that in the absence of an audience and the news media members of this House can work together for the good of all Yukoners. Meanwhile back in the Assembly the members speak, the cameras click and the reporters report.

In my reply to the Speech From the Throne last fall, I had stated my concern over the road conditions in Porter Creek. Since that time I have attended City Council meetings in my ongoing struggle to get a proper road surface for my constituents. After doing battle with a number of opponents, I sometimes wonder if the people think we do not deserve good roads way out in Porter Creek. At any rate, I will continue my efforts with the anticipation that my constituents will someday be able to walk across the road to visit a neighbour with no fear of losing a rubber boot in one of our delightful, legendary Porter Creek potholes.

I am pleased to say that I was able to have the opportunity to be instrumental in the reinstatement of the northern preference for Yukon contractors in the Northwest Territories. The Government of the Northwest Territories had allowed the northern preference for Yukon contractors to lapse, whereas the Yukon government had continued to allow contractors from the Northwest Territories to be eligible for the Yukon preference. The Government of Northwest Territories has recognized the anomaly and amended their northern preference to once again include Yukoners. In this way, Yukon contractors have the opportunity to bid on contracts for the Government of the Northwest Territories and still be competitive, in spite of the higher cost of doing business in the north.

There has been a great deal of activity involving the Beaufort Sea development. It is noteworthy that there has been almost four billion dollars allotted for development in the Beaufort region in the next few years. It is also noteworthy that Gulf has applied to the federal government for permission to construct a marine base at Stokes Point. DIAND has indicated that it will have answers some

time in April. If the approval is granted, we must work to ensure that Yukoners are given jobs on the project. That is one of the major principles in our government's Beaufort Sea position and we must be prepared to stand firm on it. The Yukon Government has undertaken a Beaufort survey to determine how many Yukoners would be willing to work on the Beaufort Sea energy development and the skills and experience of those Yukoners. It is my understanding that the response to the survey was very positive.

It tells me that Yukoners do want to work on the Beaufort and we must ensure that there are jobs for Yukoners at Stokes Point, if Gulf's application is approved. For the time being, we will have to wait for the decision of the federal government next month.

The Throne Speech outlined the government's initiatives to assist those affected by our economic decline, particularly those affected by the down turn in the mining industry. I believe that we will be in the awkward position of providing even more assistance if the proposed Federal Placer Mining guidelines are put into effect. The industry officials claim it will put all big operators out of business. We all know the result on our economy if six hundred men are out of work at Cyprus Anvil. What if one hundred placer miners, each employing four men, were forced out of business by the new guidelines? That amounts to another five hundred men out of work. Imagine the effect on our economy as these free enterprisers, a mainstay of our economy, are forced out of work. Most of these people are local Yukoners who earn their yearly income during the summer placer season. If what the industry has indicated is accurate, Yukon will have great difficulties if the new guidelines go into effect as they now stand. As the Yukon government, we have a responsibility to protect the environment but we also have a responsibility to protect the interests of Yukoners. If the new Federal guidelines do not represent a balanced perspective between economic development and environmental conservation, I believe we must put a great deal of thought into this matter and make our position known to the federal government's public enquiry into these guidelines. I do not believe that the Yukon should stand for another major blow to our economy at this time.

The Speech from the Throne indicated that the Electrical Public Utilities Board held a public hearing into electrical rate designs for Yukon. At that hearing I presented a brief that stated the case for innovative rate designs that encouraged more efficient consumption of electrical energy that is now being wasted in our system. This electricity is produced during off-peak hours and wasted because no one is consuming it. I believe we can use the electricity more effectively by charging different rates for peak-hour use and off-peak-hour use. In this way, consumers will be encouraged to use electricity during off-peak hours, such as late evenings and weekends, and would use less during the high-cost peak-hours when more expensive diesel generating plants have to be brought on stream.

<sup>21</sup> Throughout my presentation, it seemed odd to me that we should be struggling with electrical rate designs when Yukon's hydro electrical potential is far greater than any of our foreseeable needs. Why are we relying on costly diesel generating plants when a small fraction of our hydro potential could replace them? It bothered me greatly to think that the federal government commissioned the Penner Report and now seems to be looking for a way out of its findings. It appears that the Penner Report, chaired by a Liberal caucus member, recommended some things that the federal government did not want to hear. They quickly contracted a private consulting firm to study the Penner Report, and then they asked the National Energy Board to do another study on NCPC. I wonder who they will hire to study these reports when they find out that the recommendations of the Penner Report are basically sound.

While the federal government appears to be commissioning studies until they get the answers they want, we, the people of Yukon, are footing the bill for the mismanagement of our electrical resources in the past. This all seems so ironic to me when we have such an incredible potential for hydro generation in Yukon.

Perhaps the most significant reality that became clear to me through my efforts at the Public Utilities hearing was the need for Yukon to develop the tremendous renewable resource that we have available to us in the form of hydro electricity. Through hydro

generation, we can become our own force on the North American continent. We have something to contribute. We have a God-given resource that can give us economic stability, indefinitely. A solid hydro electrical base would put us in a position where we could stand realistically and we could look at autonomy. We would not have to stand on the federal government's doorstep asking for money; we would be able to recover the costs of transportation for it; it would allow for smelters and, in turn, this would make our borderline mineral deposits economically viable. The spin-off benefits would be far-reaching. If we plan to develop Yukon to any degree, we must first prepare to develop our hydro electrical potential. I feel the Yukon government must get involved in the development of hydro electricity in Yukon.

At present, there is a lot of activity in relation to the electricity in the north. We have the Penner Report and the National Energy Board Inquiry; we have the Yukon Electrical Public Utilities Board Hearing on rate designs; we have Whitehorse No. 4; we have McIntyre No. 3, and it may soon be in production. Things are moving. It is our job to make sure that things do move in the direction that Yukoners want them to. In this regard, I believe that this government should take whatever action is necessary to effectively break NCPC's monopoly on power development in Yukon.

It is my belief that if we, the government of Yukon, wish to develop our hydro electrical potential, we should have the authority to do so as long as we have the mandate of the people. It is almost inconceivable that we have this huge hydro base at our command, yet we continue to burn costly diesel fuel to generate electricity to heat our homes. We must take some action soon to develop our economy so that the people who live and make their homes in Yukon have an economic base to work from. Our economy has been in a decline for more than a year and we cannot live off the land or off tourism. We cannot turn Yukon into one big national park, which is what the federal government often seems to be working towards. That is a position that I cannot accept.

I was going to end my reply to the Throne Speech there, but after listening to the members from the opposite side of the House and the members from this side of the House, I believe we have gone beyond what I can understand on the position of land claims. I have heard allegations here that there are people who wish to be more equal than other people. I disagree with that. I believe the position that we were taking on land claims and the position that we should all be taking as Yukoners is a position of equality. We are not going to reach equality as long as we have anything that sets one group aside from another group.

It is my belief that the land claims negotiations had been going along very nicely; the land had been identified, different sub-agreements had been reached, everything was going quite nicely. In regards to the land claimed, there was no complaint from the Council for Yukon Indians. They were happy to have the involvement of the Yukon territorial government's negotiator; there was no disparaging remarks being made at him at that time. Everything was going quite nicely. It was my belief that, when we had reached this agreement, which was an agreement that was acceptable to all parties, the land for the native people of Yukon would be identified; the monies for whatever had been taken would have been paid; the rights to hunting and trapping would have been signed and settled. The claim to aboriginal rights in Yukon would have been completed, and at this point, the slate would have been clear and we were all going to be equal.

This is my understanding of what we are striving for; this is what we want to see: equality. I do not want to hear any more about "this person is more equal than that person", or "we have to support this person because he has special interests". We are all equal. We are not going to have any time in our future as long as we pamper any segment of our population. That segment is going to be considered equal. We have to be on the same foundation. We were going towards that process very nicely, I thought.

Now, I do not have any trouble, as the members from the other side do, with the six points that we walked out on. And I say "walked out". It is the only thing we can say. What do we say? They threw us out? No. I do not have any problem with that. I do

not want somebody coming to me ten years from now, as they are probably doing to people in Newfoundland, and saying, "You did not identify the fact that you wished offshore rights". That happens. I do not want anybody coming to me in the future and saying, "You did not sit down and discuss with us who was going to be the recipient of these land claims. We cannot talk about that now". I do not want those things to happen. I think that we all have to get together on this; we all have to agree. We cannot sit here and use it as a political football. We cannot be partisan. We are all Yukoners. We all wish equality, and that is for all of us. I do not know how we are going to get it, unless this is settled, and those items have to be addressed. Those items that are in the paper are not there saying that we will not go back unless these are settled our way; those six positions are positions which we wish to discuss. People talk to me and say, "you won't go back and discuss these positions". We will go back and discuss the positions. It is the people out there who will not discuss the positions with us.

22 If they would negotiate those positions, we would be there immediately. That is all we want.

I am sorry I cannot see any deep, underlying things here about land claims. I cannot see how people can stand up and say that I want to sabotage the land claims. It is inconceivable to me that anyone in this House can say that I have a vested interest in sabotaging the land claims.

Why do we not take it apart a little bit and look at who has the interest in the continuing land claim negotiations? Who has that interest? The federal government, the people who work of the federal government and the bureau of Indian and Northern Affairs? Who really has an interest in disrupting these land claims?

I wish to see them settled. I have a cottage lot at the lake. Twenty years ago I was told there was a hydro dam being developed so I could not have the land; ten years ago I was told I could not have the land until the conclusion of the land claims. I have lived through all this. I also do not wish anyone in here to think that I am standing here saying all these things as a European Canadian: I am not. My grandfather is a native. My grandfather was here in 1894, but I am not applying for any land through a land claim negotiation. I wish to be equal on my own. I do not want to hear anymore that I am trying to sabotage a land claim; that bothers me very deeply.

I am sorry, I am getting a little emotional about this. I will stop on the land claims, now.

I would like to say something about Mr. Dick — excuse me for using his name. I sat in that chair during Committee of the Whole as we discussed the "six and five" legislation and I looked at the gentleman sitting up there. He sat there and he listened to us discuss the "six and five" legislation. It was 12 days after that that he sat with Mrs. Firth and signed that agreement. There is no underlying thing here where we have gone out of our way to destroy the teachers. We have no intention to destroy the teachers or to ruin their bargaining abilities. We were placed in a position by the federal government where we are put on "six and five". We also have entered into agreements with the Teachers Association of binding arbitration. How can we possibly pay more on a binding arbitration than we are allowed by the federal government? How can we go out there to the people and say we have not got the money or we are forced to pay because we did not protect the interests of all Yukoners.

I do not understand why people do not understand that. I do not. I am not after the teachers. Nobody in here is after the teachers. We are protecting the interests of the people of the Yukon Territory. I think that we have got to stop making great political issues about these things and get together until our economy starts to look a little better.

Thank you.

**Mr. Byblow:** I would like at this time, given the lateness of the day and the exhaustion of the debate, to move, seconded by the leader of the opposition, that debate on the amendment be now adjourned.

**Mr. Speaker:** It has been moved by the hon. member for Faro, seconded by the hon. leader of the opposition, that debate on the amendment be now adjourned.

*Motion agreed to*

**Hon. Mr. Lang:** On a point of order, I would like to inform all members of the House that it would be our intention to continue with the Throne Speech tomorrow and, further to that, I would move that we do now adjourn, seconded by the Minister of Education.

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

*Motion agreed to*

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

*The House adjourned at 4:55 p.m.*

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The following Legislative Returns were tabled March 23, 1983

83-3-1

Sale of recreation lots (Lang), W.Q. No. 27, 2nd Session

83-3-2

Agricultural Development Council (Lang), W.Q. No. 10, 2nd Session

83-3-3

Yukon Housing Units in Ross River, Faro & Carmacks (Lang), W.Q. No. 10, 2nd Session

83-3-4

Rules, Elections & Privileges Committee re question period (Lang), W.Q. No. 21, 2nd Session

83-3-5

Lists of school students (Pearson), W.Q. No. 9, 2nd Session

83-3-6

Public disclosure re political contributions (Pearson), W.Q. No. 15, 2nd Session

83-3-7

Executive Council automobiles (Pearson), W.Q. No. 25, 2nd Session

83-3-8

Recruitment of Acting Deputy Minister for Department of Justice (Pearson), W.Q. No. 13, 2nd Session

The following Sessional Papers were tabled March 23, 1983:

83-3-2

Letter from Solicitor General of Canada, Bob Kaplan, re legislators' privileges and immunities (Speaker)

83-3-3

Auditor General of Canada Report on "any other matter" for year ended March 31, 1982