



The Yukon Legislative Assembly

Number 32

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25th Legislature

HANSARD

Tuesday, November 1, 1983 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Bill Brewster, MLA, Kluane

CABINET MINISTERS

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

GOVERNMENT MEMBERS

(Progressive Conservative)

Al Falle	Hootalinqua
Bill Brewster	Kluane
Kathie Nukon	Old Crow

OPPOSITION MEMBERS

(New Democratic Party)

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

(Independent)

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

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

Whitehorse, Yukon

Tuesday, November 1, 1983 — 1:30 p.m.

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

Prayers

DAILY ROUTINE

Mr. Speaker: We will proceed at this time to the Order Paper. Are there any returns or documents for tabling? Are there any reports of committees? Petitions? Introduction of bills?

INTRODUCTION OF BILLS**Bill No. 30: First Reading**

Hon. Mr. Lang: I move that Bill No. 30, *An Act to Amend the Municipal Act*, be now introduced and read a first time.

Mr. Speaker: It has been moved by the hon. Minister of Municipal and Community Affairs that a bill, entitled *An Act to Amend the Municipal Act*, be now introduced and read a first time. Motion agreed to

Mr. Speaker: Are there any notices of motion for the production of papers? Notices of motion? Statements by ministers?

MINISTERIAL STATEMENTS

Hon. Mr. Philipsen: Today marks the beginning of Foster Parent Week. It is a week set aside each year by the Department of Health and Human Resources to promote understanding of the importance of the role of foster parents throughout the Yukon.

Foster care is based on the belief that the family setting is the best atmosphere for a child's growth and nurturance. Therefore, when a child cannot be with his or her own family, a substitute family is generally preferred over an institution for the child's care. Foster care, by definition, is temporary care. Its primary goal is to protect and nurture children while their parents work at solving the problems which led to the removal of the children from their home.

The ultimate aim of foster care is to reunite the child with his natural family. Only when this effort fails is the goal of fostering to prepare the child for placement in a permanent home. Foster parents are an integral part of the team which cares and plans for the foster child in their home. They are not salaried staff. Financially, they receive only the money necessary to cover the child's expenses. Their hard work is rewarded by the knowledge and satisfaction that they have helped a child through a difficult time in his or her life.

It is the purpose of Foster Parent Week to publicly recognize the efforts of our present and former foster parents who have given warmth, guidance and loving care to hundreds of foster children. There are approximately 80 active foster homes in the territory presently. It is gratifying to note the response to foster parenting by the Yukon Indian community. There are now 32 active foster homes with at least one foster parent of Yukon Indian ancestry.

There is a concerted effort to recruit more native homes to meet the needs of the children who come into the care of the Director of Child Welfare. A number of foster parents in the territory have continued to foster over many years. Eight families have fostered more than 15 years; three families have fostered for more than 10 years and nine families have fostered for more than five years. These foster parents particularly deserve our thanks and our appreciation of their important work with many children.

It is equally the purpose of Foster Parent Week to recruit more foster homes, since each child who comes into care has individual and unique needs. We must have a wide range of foster homes from which to choose the family that can best meet those needs.

It is with this purpose in mind: one, to promote understanding of

the importance of the role of the foster parent; two, to recognize the efforts of the present and former foster parents in Yukon; and, three, to recruit additional foster homes, that Foster Parent Week, November 1st to 7th, 1983 has been declared.

Mr. Kimmerly: It is indeed appropriate and welcomed by all members, I am sure, that foster parents be recognized for two reasons: to recognize the various substantial contribution foster parents make; and, also, to encourage people to become foster parents.

Twelve years ago, I was a foster parent for approximately 13 months. It is an extremely important event in a family's life. I know, from personal experience. The children who come to foster homes are not all removed. Some of them by very unfortunate circumstances are in foster care only for temporary times because of substantial disabilities — for example, accidents — involving the parents.

Foster parents give a lot more than simply time. They give emotional warmth and for that all foster parents ought to be recognised and thanked.

Mr. Speaker: Are there any further statements by ministers?

QUESTION PERIOD**Question re: Land claims**

Mr. Penikett: I have a question for the government leader. It is a finance question which relates to land claims.

According to reports from Ottawa, the Federal Business Development Bank has refused to finance companies located, or wanting to locate, on Indian reserves. Has the territory been advised of this policy and has it ascertained whether it could have any negative effect on the implementation of an Indian land claims settlement?

Hon. Mr. Pearson: To my knowledge, we have not been advised of this. I would have to seek some advice as to whether it might have some affect on land claims, but at first flush I would not think that such a decree by the Federal Business Development Bank would have negative effects upon our land claim settlement here in the territory.

Mr. Penikett: There are no Indian reserves in Yukon as such, but if, as reported, such a policy applies to businesses operating on Indian land or on Indian businesses operating anywhere else in the territory, for that matter, it could have significant implications. Therefore, I will ask the government leader, is it its intention to communicate with the federal government for the purpose of obtaining exact particulars of this bank policy?

Hon. Mr. Pearson: The leader of the opposition has brought this to my attention. As I say, I have not heard it. We will try and ascertain exactly what the policy is, and I am sure everyone can rest assured that we will take the appropriate action that will, in fact, be most beneficial for the most people in this territory.

Question re: NEB report

Mr. Byblow: I direct my question to the minister responsible for energy matters.

Yesterday, the NEB reported or recommended the establishment of a federal regulatory agency for NCP. Currently, we have a utility board governing Yukon Electrical and, shortly, we will have a government-owned local utility in the marketplace. I would like to ask the minister: is it the position of this government that a single regulatory agency ought to establish rates for all generating facilities in Yukon?

Hon. Mr. Lang: I thought I made myself clear yesterday. We feel that it should be one regulatory body and that it should be located in Yukon, not in Ottawa.

Mr. Byblow: Given this government's intended acquisition of a 49 percent interest in Yukon Hydro, which is, for all intents and purposes, a private utility, how will this government ensure that a regulatory body will protect both the public interest, on the one hand, and a fair return principle for the utility, on the other hand?

Hon. Mr. Lang: Similar to what is done in the provinces. They submit their rates just like anyone else, they are considered, due deliberation is given by the Yukon Electrical Public Utilities Board

and a decision is made. The point is that we believe that there should not be duplication of this responsibility, that all utilities should have to report to a Yukon regulatory body, as opposed to one that is located in Ottawa.

Mr. Byblow: What does this government consider a fair rate of return to a private utility?

Hon. Mr. Lang: The board considers it in view of the economics of the day, I am sure, on an annual basis.

Question re: Equal pay

Mr. Kimmerly: I asked, on April 19th, about the policy of equal pay for work of equal value and the answer was that a Cabinet decision would be made over the summer. I would ask the leader of the government: is there now a Cabinet policy on equal pay for work of equal value?

Hon. Mr. Tracey: Yes, we do have a policy. Our policy is, as will be made quite plain to the public in due course, equal pay for the same, or substantially the same, type of work.

Mr. Kimmerly: Will a policy statement or additional legislation be brought forward this session on this issue?

Hon. Mr. Tracey: I am hopeful that we will be bringing some legislation forward this session.

Mr. Kimmerly: Is this a matter that was, or is, expected to be negotiated with the public service union?

Hon. Mr. Tracey: No.

Question re: Hunting grizzlies by lottery system

Mr. Porter: My question is directed to the minister responsible for renewable resources. On October 19, I asked the minister if he had received suggestions that entailed hunting grizzlies in Game Zone Nine by a lottery system. The minister replied, and I quote from *Hansard*: "No, I have not heard of it. If my department has heard of it, I have not been made aware of it. However, that is not being considered."

Is the minister now prepared to correct the record?

Hon. Mr. Tracey: No, I am still not aware of any proposal to have a lottery.

Mr. Porter: I am informed that on September 8, 1983, the minister was present at a meeting of the Wildlife Advisory Committee at which time a lottery system for harvesting grizzlies was introduced and discussed. Would the minister now agree that he may have misled the House?

Hon. Mr. Tracey: No.

Mr. Porter: The Wildlife Advisory Committee further agreed that all residents hunting grizzlies in Game Zone Nine would do so without penalty. Can the minister explain exactly what the wording "without penalty" means?

Hon. Mr. Tracey: Most likely, the meaning of that "without penalty" was taking into consideration that we have a one in five year grizzly quota for all other areas of the territory, and we proposed to reduce that to one in one year in that area. So it would not penalize the grizzly hunter in the other areas of the territory.

Question re: Affirmative action program for women

Mrs. Joe: I have a question for the government leader. Can the government leader explain why his government has not obeyed a 1979 House Order calling for it to "continue to develop its affirmative action program for women within the public service of the Yukon Territorial Government"?

Hon. Mr. Pearson: We have not evaded the issue nor have we changed our policy. We have been a government that has, in fact, followed the system of affirmative action in every case that we could.

Mrs. Joe: On April 26th 1983, the government leader admitted "we do not have an affirmative action, per se, in this government". Can the government leader now tell this House on what authority his government has not obeyed this House Order of 1979?

Hon. Mr. Pearson: I think probably the member opposite is going to have to take a look at parliamentary procedure and all the things that go along with it. Because a motion happens to say that it is by order of this House, it does not mean that this House is ordering the government to do something. That just does not apply.

Mrs. Joe: I would like to ask the government leader once again if he would tell this House when an affirmative action program for women within the Yukon public service will be implemented?

Hon. Mr. Pearson: I cannot.

Question re: Agricultural produce marketing strategy

Mr. McDonald: I have a question for the Minister of Agriculture.

On the recent excursion to Alaska, the minister and others became acquainted with the evolution of Alaska's agricultural produce marketing strategy. Can the minister say what the marketing strategy will be for Yukon?

Speaker's ruling

Mr. Speaker: Perhaps the hon. member will be brief, as the question could entail quite a lengthy reply.

Hon. Mr. Lang: We had some discussions on that aspect of agriculture with the Alaskans. They indicated to us that, if the time comes when we were in a position to look at the prospects of marketing, if that time does come, they would be prepared to cooperate with us, primarily through the university. I would say, also, that the individual farmer would have a responsibility himself to discuss with the Alaskan farmers exactly what they are doing with respect to their marketing.

Mr. McDonald: I am sure the minister recognizes the fact that the method by which agricultural lands are distributed directly affects the future development of marketing plans. Will he say whether the Agriculture Development Council is developing policy which attempts to reconcile land distribution with effective agricultural marketing strategy?

Hon. Mr. Lang: I think that the chief objective — and I think the member opposite agreed with me at the time — was to ensure that land was distributed to those people who wanted to get into this type of industry with the least amount of inconvenience from government. Therefore, that is what we are in the process of doing. I guess, maybe, you are asking whether or not land should be distributed in Dawson City as opposed to Watson Lake, because of transportation logistics. That is a problem that would have to be overcome at any given point. You have to look at the prospects of marketing a certain product. The main objective at the present time is to look at providing the various harvests for the animals in the territory that could be provided here locally, as opposed to paying the dollars that have to go forward for transportation of hay, and that type of thing, from British Columbia or Alberta.

Also, we must look at the aspect of market gardens so the principal of growing some of our own vegetables here could be produced and also sold here in the territory. Those seem to me to be fairly broad objectives and good objectives, in the initial cases. I would like to think, perhaps, some day we could get to the position where we would be in a position to market our products elsewhere. I think that that is some time off, unfortunately, because of our climatic situation, and also from the fact that we are just initially getting into the stages of an agricultural industry.

Now, if the member opposite has some objections to that, I would like to hear them. I think it is safe to say that anybody in the livestock association or, for that matter, the Agriculture Development Council, would agree with the objectives I have just outlined to the member opposite.

Mr. McDonald: If the minister will give us an opportunity to discuss this in the House, and debate it in the proper form, surely I will get my comments on record.

I have an easy question for the minister. The Food Prices Review Committee suggested that one-time grants be given to the development of farmers' markets around the territory. Has the government made any decision as to whether they are prepared to do this?

Hon. Mr. Lang: No, not at the present time. First of all, I have never been really formally approached by those people directly interested in this type of marketing. I have informally indicated to some people in this type of livelihood that I would be interested in speaking to the municipalities to see whether or not something could be coordinated. That is all that we are prepared to do at the

present time until we get some action from those people, or requests from some people in the area who would be interested in getting into area and perhaps putting something viable together that would be advantageous to the general public, as well as themselves.

Question re: Association of Yukon Communities

Mr. Penikett: I have a question for the loquacious Minister of Municipal Affairs.

Because financial support for associations of municipal councils is the accepted policy in many Canadian provinces, the Association of Yukon Communities has requested that the Department of Municipal Affairs budget for direct financial support for the association in next year's budget. Although last year the minister was lobbying to have AYC disbanded, could the minister indicate if this year he will be supporting the AYC request for funding?

Hon. Mr. Lang: As a correction to the member opposite, I did not lobby for the disbanding of AYC. That was not ever stated in this House, nor outside this House. I should point out that the Association is responsible to the municipalities and it is their organization.

With respect to dollars being made available, obviously, we have passed our operation and maintenance budget and it would be contained in this particular budget year, 1983-84.

I should point out that the request has come to me by the Association of Yukon Communities. I will be notifying them of what our decision is and then, at that time, I will notify the House.

Mr. Penikett: Would that all the money spent by the government was identified in the O&M budget.

AYC has pointed out that the valuable services by the Association's executive director to local governments would have to be provided by the minister's department if the Association did not exist. Could I ask the minister if he or his officials have evaluated the relative costs and benefits to the Yukon taxpayer and the municipalities of direct financial aid to AYC?

Hon. Mr. Lang: As far as financial aid to the various municipalities is concerned, I think the member opposite is in a very poor situation to be asking questions about this because, from the point of view of taking a look at our Capital budget, we have had a major increase of dollars going to the various municipalities. We have a major increase for this forthcoming year for the operation and maintenance of those various communities. We also have a *Municipal Finance Act*, which gives a great deal of latitude to the various municipalities for the expenditure of those dollars that we are making available to them.

Therefore, I cannot accept the argument from the member opposite that, as a government, we are not providing ample dollars to those municipalities to carry out their responsibilities and, at the same time, keep the cost down to the property taxpayer to as low a level as possible, in view of the present situation that faces all taxpayers in the territory.

Mr. Penikett: I am indeed in a very "poor" position since the minister has only increased the amount of aid to the municipalities by one percent this year.

Has the minister been advised that the Association would prefer his government's financial support to come in the form of an unconditional grant and is he thinking in these terms, and when does he expect to make a decision on this request from AYC?

Hon. Mr. Lang: An unconditional grant to whom?

Question re: Tourism and small business program

Mr. Byblow: I apologise for the delay. I was waiting for an answer from the minister.

I have a question for the Minister of Tourism, who, I am sure, is feeling quite left out. It is on the subject of the \$2,200,000 tourism and small business program. Since the expenditure of the money under this program is restricted to the same regional areas as the money under the previous Canada-Yukon Subsidiary Agreement, could I ask the minister why the availability of this money was not broadened to other areas of the territory?

Hon. Mrs. Firth: I think I have been through this with the member for Faro before. It has not been restricted to anything. I can distinctly remember saying to him that the \$2,200,000 was

available for everyone in the whole Yukon Territory, and we have had applications from people all over the territory.

Mr. Byblow: I think the minister must be aware that the \$2,200,000 announcement came...

Speaker's ruling

Mr. Speaker: Order, please. The hon. member is now making a speech, as he well knows. Kindly answer the question.

Mr. Penikett: That does not make sense, Mr. Speaker. You let them talk for half an hour.

Mr. Byblow: Could I ask the minister, since the money that was announced, since the last legislature, and therefore, we have not debated it in this House, whether or not it is her intention to pursue the policy of broadening the money availability under the Tourism Subsidiary Agreements of the intended GDA coming up?

Hon. Mrs. Firth: When the hon. William Rompke came to Yukon and identified \$2,000,000 for Yukon, we had already broadened the scope of the funding. I gave a commitment to the member for Faro — I believe three times now when we have discussed the Canada-Yukon Tourism Agreement and the General Development Agreement that Yukon will be having — that we will be broadening it. I do not know what more I can do for the member. I will tell him, again, for the fourth time, we will be broadening it so that everyone in Yukon will be eligible.

Mr. Byblow: Can the minister then advise me, in an approximate proportion, how much of the \$2,200,000 is committed outside Kluane, Carcross Southern Lakes, Whitehorse and Dawson?

Hon. Mrs. Firth: Well, he now wants me to give him an itemized account of all the applications that have come forward. I do not have those with me in the House and if he would like to know, there have been many, many applications. We have spent \$2,200,000. If he would like to see that list, he can ask for a written question to be submitted or he can come to my office and I would be prepared to give him that list.

Question re: Comprehensive energy policy

Mr. Kimmerly: In the Throne Speech, in the spring, the government promised a comprehensive energy policy in the next few months. When is it going to come?

Hon. Mr. Lang: It is an area of major concern to the government. We have had a number of variables that have come into play here. We have had the Penner Report that was initially brought forward. Then we had the Government of Canada, which has been the major player with respect to the generation of energy, send the Penner Report and the question of NCPC to the National Energy Board and now we have the consequences of the National Energy Board report.

We have also had some internal problems, if I can refer to them as that, as a result of the CTC hearing. The individual who was primarily responsible for it has more or less been seconded to look at the CTC inquiry and work with them as a member from this government to give them whatever advice and support that he can. I would expect to be in a position, everything being equal, in all likelihood, this spring to bring forward a fairly comprehensive package.

Mr. Kimmerly: To the same minister, the Throne Speech also talked about an open public discussion process. Before the spring, what process will be followed to comply with this direction in the Throne Speech?

Hon. Mr. Lang: That has not been fully determined at this time. I just want to assure the member opposite that, at some point, he will have every opportunity to debate the question.

Mr. Kimmerly: To the same minister, will this comprehensive plan also deal with the particular pollution problem of wood smoke in Riverdale?

Hon. Mr. Lang: I do not see where the member can speak of hydro on one hand and also talk about the problems in Riverdale with respect to the wood smoke. It would seem to me, the way I understand it, that the Department of Environment is doing a fairly comprehensive, technical investigation on the matter. I expect that to be coming forward some time in the course of this month. Then

it is going to have to be looked at by the various levels of government with respect to what can be done to counteract a very serious situation that appears to be arising in this particular portion of the city.

Question re: CYI representative

Mr. Porter: I have a question, once again, for the Minister of Renewable Resources. On October 27, 1983, on page 506 of *Hansard*, the minister told this House that I represented the Council for Yukon Indians at a meeting with Peter Kiewit and Sons. Can I ask the minister what evidence does he have to support his statement and will he table the evidence before this House?

Hon. Mr. Tracey: No, I will not table the evidence before the House. I made that statement previously. The evidence that I had was from conversations that government officials had had with their people and also from conversations that I had with their people. I did not specifically raise the names with the member from Peter Kiewit and Sons, however, the official who I am referring to did. He noted the names when they were told to him. That is exactly the information that I released in this House.

Mr. Porter: Is the minister not aware that I have not represented the CYI since I stepped down as vice-chairman of that organization, and that I have never represented the CYI at a meeting with Peter Kiewit and Sons?

Hon. Mr. Tracey: He does represent the CYI, I believe, in his position on the Yukon Indian Development Corporation.

Mr. Porter: The Yukon Indian Development Corporation and CYI are totally separate and distinct legal organizations. Is the minister, in view of that information, now prepared to admit to this legislature that he was totally wrong in his statement to this House by alleging that I represented the CYI at a meeting with Peter Kiewit and Sons?

Hon. Mr. Tracey: No, I am not prepared to do that. I think everyone in this territory is quite well aware that the Yukon Indian Development Corporation was set up by the CYI to facilitate the economic part of their land claims.

Question re: Affirmative action

Mrs. Joe: I have another question for the government leader. Since this government apparently lacks any affirmative action program at this time, could the government leader tell this House if his government will consider producing an annual report on the activities of the Women's Bureau, which would include statistics on the distribution of jobs and salary levels between women and men in the public service?

Hon. Mr. Pearson: I must say I am quite surprised at the tone of the question in respect of the motion by the other side of the House that is on the Order Paper for debate tomorrow, with respect to the Women's Bureau. The member prefaced her question by suggesting that we do not have any affirmative action in this territory, and I would like to advise you that she is in fact misinforming the House when she says things like that because we are involved, and very much involved, in affirmative action programs. We have one with the Department of Indian Affairs and Northern Development with respect to an on-the-job training program. We are involved in the Northern Careers program. We are very much involved, and the member opposite — from other questions — is quite aware of the fact that we are very much involved in an underfill program in this government. And that, I submit, is an affirmative action.

We also have a very extensive training of handicapped persons program in this government that we intend to carry on.

We intend to carry on all of these programs, notwithstanding the assertions by the member opposite that we are not involved in affirmative action.

Mrs. Joe: In view of all that information I have just heard, can the government leader tell this House if his government can demonstrate that significant numbers of Indian people are employed in the Yukon public service at this time?

Hon. Mr. Pearson: Once again, I have answered this question before. I do not know how many Indian people are involved in this government and employed by this government at one time, because

it is a matter of fact that we do not ask them whether they are Indian or whether they are not. I see the member opposite mumbling to herself, but in fact I do not know who the Indian people in this territory are, and I respectfully suggest to you that neither does she.

Mrs. Joe: I keep on getting more grounds for more questions. Will the government leader table in this House any briefs or documents that were presented by this government to the Commission of Enquiry on Equality in Employment?

Hon. Mr. Pearson: I am not absolutely certain what was presented. I know, as I reported to the House yesterday, that I spoke to the chairman of that particular Commission yesterday, verbally. I did not present anything documented. She did not ask for anything documented. I will ascertain, though, what, if any, documents were presented to them, and I will give that request consideration.

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Question re: Livestock health standards

Mr. McDonald: I have another question for the Minister of Agriculture.

The minister and I both know that one of the concerns of the Agriculture Development Council is that there are currently no acceptable health standards for the importation of livestock into the territory. Can the minister say whether or not there have been any initiatives taken by the government to improve the situation and, if there have, might we see enabling legislation in this House this or next session?

Hon. Mr. Lang: It is a concern, and it is one that I understand we are looking at. Once a decision is made on the matter, I am sure the member opposite will get an opportunity to debate it.

Mr. McDonald: The minister has repeatedly said in this House that the Agriculture Development Council was reviewing a wide range of agricultural issues on an ongoing basis. So that the legislature might get a better understanding of initiatives being taken by the Agriculture Development Council, will the minister table or make public a comprehensive report, perhaps annual report, of their activities?

Hon. Mr. Lang: Not at the present time. I told the member opposite, at least on three or four occasions, that the prime objective of the Agriculture Development Council was to get land out to those people who had applied for it under certain conditions. They are in the process of complying with that. Once that need has been pretty much taken care of, it will give an opportunity for us to examine the other areas that the member speaks of.

Mr. McDonald: The minister gives us to believe that the Agriculture Development Council is reviewing a wide range of things on an ongoing basis, and not just the distribution of land. So that somebody will know what is going on, will the minister direct the Agriculture Development Council to tour the territory and hold public meetings to announce government initiatives and take submissions or suggestions from the public?

Speaker's ruling

Mr. Speaker: Just before answering, I would just like to point out that two or three times in the Question Period today, the questioner, the hon. members, have been making representations, and this would be that type of question. Of course, we all know that that is an abuse of the rules of Question Period. Perhaps questions could be phrased in such a way as not to make representations. However, I will permit an answer.

Hon. Mr. Lang: No.

Question re: Affirmative action

Mr. Penikett: On a supplementary to the question raised by my colleague from Whitehorse North Centre, members in the House will distinctly recall the government leader saying earlier, I believe, in this session, that this government did not support affirmative action programs for women. In other words, positive discrimination programs. Today he said something quite different. Could the government leader clarify exactly what his position is on what are now known constitutionally as affirmative action programs?

Hon. Mr. Pearson: I will stand by the fact that I am not

prepared to support programs that are deemed to be discriminatory.

Mr. Penikett: That does not clarify his position. It has muddied it even further. It raises a number of questions about land claims, for example.

Could I ask the government leader, since in 1980 his party supported the resolution of this House which talked about continuing to develop an affirmative action program and since that time he has said that it is not his government's policy to proceed with that affirmative action program on behalf of women in the Yukon public service, what is the position of the government today?

Hon. Mr. Pearson: I just told the members opposite. I hoped that the leader of the opposition was listening when I listed at least five affirmative action programs that we are involved in right now without having an affirmative program, per se, in this government.

Mr. Penikett: Can the government leader explain how you can have an affirmative action program without having an affirmative action program?

Hon. Mr. Pearson: All he has to do is watch us.

Mr. Speaker: There being no further questions, we will proceed to orders of the day under government motions.

GOVERNMENT MOTIONS

Motion 38

Mr. Clerk: Item number one, standing in the name of the hon. Mr. Pearson.

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

Hon. Mr. Pearson: Yes.

Mr. Speaker: It has been moved by the hon. government leader that the following address be forwarded by the Speaker, on behalf of the Members of the Yukon Legislative Assembly, to His Excellency the Governor General and to the signatories to the 1983 Constitutional Accord on Aboriginal Rights:

"Whereas the Constitution Act, 1982 provides that an amendment to the Constitution of Canada may be made by proclamation issued by the Governor General under the Great Seal of Canada where so authorized by resolutions of the Senate and House of Commons and resolutions of the legislative assemblies as provided for in sections 38 and 41 thereof;

And Whereas the Constitution of Canada, reflecting the country and Canadian society, continues to develop and strengthen the rights and freedoms that it guarantees;

And Whereas, after a gradual transition of Canada from colonial status to the status of an independent and sovereign state, Canadians have, as of April 17, 1982, full authority to amend their Constitution in Canada;

And Whereas historically and equitably it is fitting that the early exercise of that full authority should relate to the rights and freedoms of the first inhabitants of Canada, the aboriginal peoples;

Now Therefore this Legislative Assembly endorses and supports the issuance of a proclamation by His Excellency the Governor General under the Great Seal of Canada amending the Constitution of Canada as follows:

PROCLAMATION AMENDING THE CONSTITUTION OF CANADA

1. Paragraph 25(b) of the *Constitution Act, 1982* is repealed and the following substituted therefor:

"(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired".

2. Section 35 of the *Constitution Act, 1982*, is amended by adding thereto the following subsections:

"(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons."

3. The said Act is further amended by adding thereto, immediately after section 35 thereof, the following section:

"35.1 The government of Canada and the provincial governments are committed to the principle that, before any amendment is made to Class 24 of section 91 of the *Constitution Act, 1867*, to section 25 of this Act or to this Part:

(a) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada, and

(b) the Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions of that item."

4. The said Act is further amended by adding thereto, immediately after section 37 thereof, the following Part:

"PART IV.1

CONSTITUTIONAL CONFERENCES

37.1(1) In addition to the conference convened in March, 1983, at least two constitutional conferences composed of the Prime Minister of Canada and the first ministers of the provinces shall be convened by the Prime Minister of Canada, the first within three years after April 17, 1982 and the second within five years after that date.

(2) Each conference convened under subsection (1) shall be included in its agenda constitutional matters that directly affect the aboriginal peoples of Canada, and the Prime Minister of Canada shall invite representatives of those peoples to participate in the discussions on those matters.

(3) The Prime Minister of Canada shall invite elected representatives of the governments of the Yukon Territory and the Northwest Territories to participate in the discussions on any item on the agenda of a conference convened under subsection (1) that, in the opinion of the Prime Minister, directly affects the Yukon Territory and the Northwest Territories.

(4) Nothing in this section shall be construed so as to derogate from subsection 35(1)."

5. The said Act is further amended by adding thereto, immediately after section 54 thereof, the following section:

"54.1 Part IV.1 and this section are repealed on April 18, 1987."

6. The said Act is further amended by adding thereto the following section:

"61. A reference to the *Constitutions Acts, 1867 to 1982* shall be deemed to include a reference to the *Constitution Amendments Proclamation, 1983*."

7. This Proclamation may be cited as the *Constitution Amendment Proclamation, 1983*."

Hon. Mr. Pearson: It is my pleasure to introduce this motion to the House. I would like to point out that the Minister of Justice, the hon. Clarke Ashley, regrets not being able to be here to address this motion. He is attending the ministers meeting in Ottawa to assist in setting the agenda for the next First Ministers Conference on Aboriginal Rights.

All members will recognize the significance of this motion for this assembly. For the first time in history, Yukon has had the right to attend and contribute to a First Ministers Conference. While we do not have equal status with the provinces and with Canada, special recognition for Yukon in aboriginal talks is provided for in Canada's constitution.

As you are aware, I and the Minister of Justice were in attendance at the First Ministers Conference in March and I must say that I am impressed with the spirit of goodwill surrounding those talks. In total there were 16 separate parties attending the conference and it is to the credit of all that an accord was reached within the allotted time period of two days. The talks on aboriginal rights hold importance not only for the aboriginal peoples of Canada but also for all Canadians. They will ultimately define the relationship between the Indians, Inuit and Metis and other Canadians. They hold special importance for aboriginal people in that they will

define the role of Canada's native people in Canadian society.

It is particularly interesting to note that as these discussions go on we, as Canadians, are reviewing our own identity as a nation.

The history of the aboriginal peoples goes back many years, before the birth of Canada as a nation. The archaeological finds here in Yukon, particularly around Old Crow, attest to this. The role that Indian, Inuit and Metis play in the development of Canada and in Canadian history, I believe, speaks for itself in Yukon. Yukon Indians played an important part in the development of the fur trade, the discovery of gold and the opening of the territory. We recognize the contributions of the Indian people to Yukon and we recognize that these contributions have been made not without a cost.

Over the past 10 years we have been involved in a process, the Yukon Indian Land Claims, to address these issues as well as other concerns and problems of Yukon Indians today. In many ways, these discussions parallel what is being discussed nationally. At the national level, there has been a much longer history of debate regarding the special concerns of the aboriginal people. Beginning with the first contact between our European forefathers and the ancestors of the native people, through to the Proclamation of 1763, and within the history of Canada beginning with the *Constitutional Act* of 1867 to the introduction of and many amendments to the *Indian Act*, the issues now being discussed were debated.

We now once again have the opportunity to address the issues and concerns of aboriginal people, only this time it is at the highest level, at the First Ministers level, at a time when our new constitution is still fresh in our minds.

This resolution before us today not only is an indication of our support for the March accord; it is also a message of goodwill and support for the conferences to come. Given the spirit of goodwill and the success of the last conference, I am confident that the next conferences will be equally successful. This resolution is deserving of unanimous passage by this House and I therefore respectfully request and anticipate the full support of all members.

Mrs. Nukon: This is a very important motion for the Indian people of Yukon. The constitutional accord that was reached last spring establishes a solid foundation for the discussion of aboriginal rights by the leaders of Canada, Canada's native organizations and the leaders of the provincial, federal and territorial governments. It also proposes amendments to the *Constitution* that will better meet the needs of Canada's aboriginal peoples.

In Yukon, the long process of Indian land claims negotiations has made Yukoners much more aware of the aboriginal issues than people from other areas of Canada. The First Ministers Conference on Aboriginal Rights and the Constitutional accord are now bringing these issues to the attention of all Canadians. There are good reasons to be optimistic about the accord. For the first time in recent history, we have a commitment by the major political leaders in this nation to act on aboriginal rights.

I would like to stress the point that any constitutional change in the relationship between Indians, Inuit and Metis and the rest of the Canadian nation will only take place as a result of political actions such as those being discussed at the First Ministers Conference. That is why the accord is an important achievement in the constitutional process.

Yukon Indian people are now realizing that their legitimate rights as aboriginal peoples are being recognized by other Canadians. I believe this accord is the most encouraging step taken to date at the national level. Although we have been dealing with aboriginal rights for Yukon Indians for the past 10 years, there are issues that are still to be addressed at a national level. That is why the accord is so important.

Yukon Indian people have been a major force in the development of Yukon. On the other hand, the Yukon government has played a major role in the Yukon Indian land claims negotiations. We know all Yukoners must live and work together.

Because all the people of Yukon will be living under a one-government system, it is only right that the Yukon government play a significant role at the upcoming First Ministers Conference on Aboriginal Rights. With both Yukon Indians and the Yukon government participating at the First Ministers Conference, the

people of Yukon are sure to be well represented.

The constitutional accord is a milestone in the history of Canada's aboriginal peoples. All Canadians will be watching the next First Ministers Conference with a great deal of interest. I stand in support of this accord and this motion.

Thank you.

Mr. Kimmerly: It is appropriate that the comments were made about unanimous support, because, I believe, there is a unanimous support for this motion. Certainly, all members on this side unanimously support the motion.

Indeed, there has been a long history of constitutional and sociological debate about this question. Thomas Berger, in his recent book, *Fragile Freedoms*, talks about aboriginal rights and says this: "The issue of aboriginal rights is the oldest question of human rights in Canada. At the same time, it is also the most recent, for it is only in the last decade that it has entered our consciousness and our political bloodstream."

In the development or the conquest, if you will, of Canada and the replacement of some of the Indian nations in the country, there has been a long history of dealing with aboriginal rights in various forms and according to various policies. The original policy was one of conquest and treaty making and it is interesting that even after a conquest there usually was a treaty. Some Indian nations are not covered by treaties and that includes Yukon Indian peoples.

More recently, the federal government policy, which is best seen in the present *Indian Act*, was one of assimilation and one where all Indian peoples were treated the same under the same paternalistic *Indian Act*. In Yukon, the full effect of that act was not as complete as it was in other parts of the country. In Yukon, the government leader spoke of our extremely long history; indeed, archaeological studies indicate that around Old Crow the Indian civilization is at least 30,000 years old. There was a substantial fur trade and trade in other goods originally through the west coast and with other Indian peoples, now Americans. And there was a missionary effort and a fur trade effort originally on the North Slope and later from the east through the Northwest Territories. It is fairly clear that Indian people and non-Indian people cooperated and traded in a peaceful way at that time.

The next major step I suppose was the gold rush in which, especially the Hahn Indians around Dawson, were most affected and it is unfortunate that the tribe is, practically speaking, decimated from what it originally was. The next events were major epidemics in which the Indian population was substantially reduced at approximately the same time, and later the opening of the Alaska Highway.

It was in the 40's and later that, obviously, the communities of native people and non-native began to separate out in a sociological sense more noticeably than before. It is obvious that, today, the communities of Indian and non-Indian Yukoners are substantially separate in a sociological sense, although there are notable bridges and communications between the two cultural groups.

It is important that a debate like this and a motion like this be brought here. I understand that legally it has little effect and it has already passed the Commons and seven provinces and the senate, I understand, is expected to deal with the motion today, as well. In the past, here in this Assembly, there have been debates about aboriginal rights and they were, at times, emotional and, at times, extremely partisan. It is extremely pleasing too, I assure all members, that it is possible now to debate this motion in a non-partisan and probably non-emotional way. That is, I believe, a substantial achievement here and we can be proud of it.

The motion, of course, talks about defining aboriginal rights or defining the role that native people are going to play in Canada and in Yukon in the future. That clearly brings us to the question of equality, or equal rights, or affirmative action programs in some other particular.

Talking about equality frequently makes people fidgety. It is a controversial and an important issue. It is an issue that has gone back in democratic writings beyond Plato and Aristotle. The dilemma is, if we treat all people equally, the result is unequal. Occasionally, if we are smart, if we treat unequal people unequally, in order to compensate, the result is equality. That is a paradox that

I believe is little understood in the Yukon today.

¹⁷ The essential debate, I suppose, on the equality issue is: are we interested in treating people absolutely equally, or we could call that fair play, or achieving a result so everyone is treated equally, in result. That could be called a fair shares philosophy or a philosophy where everyone is treated so that it is realistically possible that a person achieves a fair share of society's respect, position and, indeed, wealth.

In the past debates, we have debated equality, or what various members mean by equality. I am not going to quote the actual passages which are illustrative of the various positions and statements and attitudes of the various members. It is only necessary to say there has been a substantial division in the past and it is extremely warming to my heart that this motion can unanimously pass. It is necessary for Indian peoples to take their proper place in Yukon society that some substantial changes occur. The land claims process is defining currently what changes are necessary and the negotiations are, I understand, almost finished, but continuing presently. It will become the responsibility, probably of the members of this Assembly, to attempt to publicise and publicly define and debate the results of the land claim talks, or the agreement in principal as it is negotiated. I hope, and I am confident, that the unanimous sentiment expressed today will influence those debates which will occur in the next, either months or years. It is clear that the aboriginal rights question is a constitutional question and it involves some fundamental defining of, not only rights, but of roles in society and I am extremely pleased that the negotiations and political considerations are unanimous on this particular motion.

¹⁸ **Hon. Mr. Tracey:** I am pleased to rise and speak to this accord. In my capacity as Minister of Renewable Resources and as the MLA for Tatchun, I have had to deal with matters of special interest to the Yukon Indian people, both at the local and territorial level. Many of my constituents are Yukon Indians. Therefore, it is gratifying to participate in a process at the national level dealing with the matters that directly affect the aboriginal peoples of Canada, including the identification and definition of the rights of those people to be included in the Constitution of Canada.

Yukon has much to offer Canada in this regard. For 10 years now the Government of Yukon has been working with the Council for Yukon Indians and the Government of Canada towards a settlement of the Yukon Indian people's aboriginal claim. We have been working toward a whole regime of special benefits for the Yukon Indian people. A land claims settlement is now in sight. It will be a settlement tailored especially for Yukon conditions and will apply equally to status and non-status Indian Yukoners who have an aboriginal claim.

The guarantees will extend to many areas within Yukon's constitutional jurisdiction and the Yukon government will be bound by these guarantees. Further, the Government of Yukon, at the last First Ministers Conference last March, indicated that we are prepared to consider proposals that will give full constitutional protection to land claims settlements and treaty rights. We injected a note of caution, however, that principles or rights which are recognized at the national level should be flexible enough to allow for regional accommodations across the country.

At the same time, we made the point that the concerns and aspirations of Canada's aboriginal peoples cannot be resolved entirely by constitutional provisions or in the conference centres and courtrooms of this country. More than constitutional provisions will be necessary to promote increased understanding and goodwill between aboriginal peoples and the other diverse ethnic groups which have made up this great country.

In approving this accord, and in participating in future constitutional conferences, on this most important issue we urge Yukoners and all Canadians not to lose sight of these historical, social and practical realities.

Thank you.

Mr. Porter: At the beginning of my presentation I would like to say that I think the Yukon public is going to have a hard time believing recent events here in this Legislative Assembly in the last couple of days. I think we find ourselves, on two occasions,

unanimously supporting motions put before this House. I can only say to the government members across that, if they continue to bring in good motions like we have here today, then they will continue to get our support.

To begin my presentation here today, I must commend the government for introducing this motion regarding the constitutional accord on aboriginal rights negotiated on March 15 and March 16 of last year. I personally had intended to bring this accord before the House by way of a motion. However, I think that having this government bring forward the motion for debate, in the long run, would possibly be of greater significance. Further to that statement, I think that the fact that there is no legal obligation on the part of this legislature, is also a significant factor in terms of the tabling of the motion that we are discussing here today.

On the question of aboriginal rights, I think the first major question that we should address ourselves to is to the process of education. I speak to the education of the non-aboriginal populace of Canadian society. I think all too often, when you ask an average Canadian about the history of this country, they will tell you that "it was founded by the French and the English. They put it all together." I think that we have been misled too long on that question and it is of major significance that the *Constitution*, the highest ranking document that governs this country, is finally being written to address that wrong, I think.

¹⁹ It is doing so by way of exploiting that myth and by entrenching the fact that aboriginal people have inhabited this country known as Canada for thousands of years. The government leader, in his submission today, spoke about that very question, about the fact that aboriginal people were here in this country prior to the arrival of Columbus. And we all know that, when Columbus arrived here, he was looking for turkey — or, pardon me, he was looking for India. I am personally glad that he was not looking for Turkey. Can you imagine a band of wild turkeys attacking wagon trains? I think we would have been in the position today, probably, of having to go to the turkey marketing board to address our concerns with respect to government.

However, that aside, on the question of education, I think that the actions of this government in terms of educating the Yukon public specifically is going to be a very significant factor and one which I personally welcome. Further in that respect, in 1979 when I was with the Council for Yukon Indians, we recognized that one of the major factors addressing the question of aboriginal rights was the fact that most Canadians did not know exactly what it meant. So, together with Project North and other groups like the Dene Nation and the Nishka, we convened a First Ministers' Conference of our own, a simulated First Ministers' Conference if you will, in the railway committee room in Ottawa; and we had the tables very much like what we saw on national television last year, with aboriginal leaders represented at those tables speaking to the question of aboriginal rights and what it meant to them. And on the outside, we had representatives of the Government of Canada and, as well, the Senate of Canada and Mr. Joe Clark, at that time Leader of the Opposition, was also there representing the opposition. I think that, at that conference, we attempted to lay the groundwork for what we saw as necessary — which was a national campaign throughout this country informing Canadians as to what aboriginal rights really means. Following the conference, we kicked off a 68 city tour in Canada; we slept in monasteries, churches, union halls and anything else that was offered, including personal billets with individuals. We went to small places like Timmins, major centres like Toronto and, wherever we could find an audience, sat down with people and talked to them about aboriginal rights and, from our perspective, told them what it meant to us. We believe that the campaign was immensely successful and many city support groups continue to exist to this very day in support of aboriginal rights in this country.

From that particular campaign on a national basis, the Council for Yukon Indians continued to press forward with other groups like the Dene Nation and the Nishkas to bring about resolution of the question of aboriginal rights. It was really strange — at one point we found ourselves in total contradiction to the people of Quebec. It seemed to us that they were attempting to negotiate their way out of

confederation while we were simply trying to get in. Many of the events that followed the spring of 1979 are now history, such as the First Ministers negotiations, the subsequent meetings between the Prime Minister and the Premiers, and the agreement initially to include aboriginal rights in the constitution. After that agreement was struck between the First Ministers of this country, there were some people who protested and, namely in this instance, the province of Alberta led the way in terms of protesting the original wording of the constitution. And there was agreement at one point to extract any mention of aboriginal rights in the constitution.

Well, that agreement made by the governments of this country touched off probably one of the more well-organized and vociferous campaigns that this country has ever seen. Every provincial government across this country was lobbied intensively on a daily basis by aboriginal people.

It is interesting to note that, at the same time, there is agreement to reject the inclusion of women's rights in the *Constitution*. So, for the first time, two very powerful minority groups in society were joined together in an all out, political lobby effort to bring about the resolution of some very serious questions that affected them.

After days and months of negotiations, there was success on both parts by the women of Canada and by the aboriginal people of Canada to convince the governments that they had committed a grievous wrong and to change their attitude. It might be noted for the record here today that, in terms of the governments that were responsible, it was clearly the Government of Saskatchewan of that time that turned the tables, in terms of negotiations, on both issues. It was the government that stated it was not in favour of inclusion of women's rights unless aboriginal rights were brought in, as well. It was on its insistence and its ability to hold to the position that, I believe, what we have today, in terms of the accord and the mention of aboriginal rights, its entrenchment in the *Constitution* of this country.

With respect to the action that we see here today in the House initiated by this government, again, I would like to express my appreciation for their gesture and I would sincerely hope that what we are seeing happening today will mark a departure from the kind of attitudes that have been expressed by previous governments in Yukon. I hope what we see today is commitment, not only to recognize the accord that concerns itself with aboriginal rights, but I hope today also marks a commitment by this government to realize that there is a significant minority of its population that is suffering in terms of employment, that is suffering in terms of education, that is suffering in terms of health problems, that is suffering in terms of adequate social housing in communities, that, by and large, is economically depressed and, in many instances, finds itself at a level with emerging third world nations. I hope that what we will see as a result of today's decision, in terms of this motion, is a greater commitment by this government to address itself to the question of aboriginal rights and also to the question of the condition of aboriginal people here in Yukon.

With respect to the furtherance of aboriginal rights and the further entrenchment of aboriginal rights, I hope, as well, that the government's efforts do not stop here, today, in simply addressing and agreeing to this motion. I hope that it continues to look seriously at questions like the Standing Committee on Self Government and its eventual recommendation. I hope that we will see a positive response to the recommendations that will be tabled eventually in the House of Commons. I also hope that this government continues to act in the best interests of aboriginal people in this country and support further First Ministers Conferences in terms of defining and clarifying what aboriginal rights mean, in terms of the constitutional amendments that will be forthcoming. I hope that this government supports that the Yukon Indian people will also be direct beneficiaries of any rights that flow from the *Constitution*.

Once again, in conclusion, I would just like to add my support to the initiatives of this government and, also, express to it that, should it continue to bring forward legislation of this nature that, personally, they can find support from me.

Thank you.

Hon. Mr. Philpzen: The motion we have before the House

today is an important motion for all Yukoners. It indicates formal approval by this legislature of a process at a national level similar to what we in Yukon have been involved in over the past 10 years. I am supporting this motion because I believe that a discussion between Canada, the provinces and the territories, and Canada's original people is long overdue. Under Canada's constitution, the Government of Canada is responsible for Indians, Inuit and Metis. At the same time the provinces and territories have responsibility for Indians, Inuit and Metis as residents of the respective jurisdictions. However, there has never been a clear understanding where one jurisdiction stops and another begins. I believe the native people have suffered because of this.

We have a large federal department, the Department of Indian and Northern Affairs, which for years has been attempting to resolve the problem of the native people and, with, I believe, questionable success. As well, we have had countless committee reports and studies on native people to the point, I am sure, that native people are becoming tired and impatient. We, in Yukon, have spent a considerable number of years addressing these issues in a frank and mature manner through the land claims settlement process. We have been working towards a cooperative, one-government system which involves all Yukoners and which makes special provisions for Yukon's aboriginal people. Progress is being made, and I believe the direction we are heading will go a long way toward resolving these problems in Yukon. It is time to get on with the task nationally.

Given the goodwill of the first conference on aboriginal rights, and if the talks surrounding Yukon Indian land claims can offer any example, I am sure that future constitutional talks will be a success. With that in mind, I wish all parties to the talks, the best of success. Thank you.

Mr. Penikett: In the style of the other members who have participated in this debate, I shall be brief. I am very pleased about what the House is doing today. I am pleased about the role that I am playing in the process as a member of this House in the same way that I have been very pleased about the role that my party has played in connection with this whole issue.

It has been indicated by other members in this debate that part five of the *Constitution Act* provides a procedure for amending the constitution of Canada and briefly stated, it is an amendment that requires a resolution of the Senate, the House of Commons and resolutions of the legislative assemblies of at least two-thirds of the provinces, that have at least 50 percent of the population. Now, I say that because it is worth repeating in this sense. It is not necessary for two reasons — one, our population and two, our present stage of constitutional development — that we do what we are doing here today. I think it is doubly important that we are doing it even though we do not have to. I think it is worthwhile and valuable.

As I understand it, I think it is British Columbia, Manitoba, Ontario, Nova Scotia, New Brunswick, Prince Edward Island and Alberta that have now considered similar resolutions. I think the Senate is expected to be done with it in a matter of days, perhaps today. So really all that is left to happen is, in fact, once the Senate is done with it, royal proclamation, I would guess. Nonetheless, I am pleased that we have taken, if you like, an affirmative act and wanted to join those legislatures that have considered this proposal.

I think, as the member for Campbell said, that we have really come a remarkable distance on this issue. We have come a very, very long way. Of course, provincial agreement is required for amendments to our constitution and while all of us can recall the intensity and the vast differences that were expressed in debates in this House, and in this community, on this issue, I think most of the polarity on the question has been expressed as recently as even two years ago, by the different provinces in the country. Now we have some provinces that were absolutely opposed to any mention of aboriginal rights in the constitution. There were other provinces that were relatively more positive and some, even right from the beginning, favored an ongoing process such as the one in which this government, our government, is now taking part.

I understand the Government of Yukon has had some concerns over the wording of the aboriginal rights provisions in the

Constitution Act of 1982, and one of their concerns was the initial constitutional validity of a land claims agreement such as that nearing settlement in the territory. The second of these concerns was for the finality of agreements of this kind. As most members know, the native people in many parts of the country as well as Yukon were concerned that originally there was no provision for them to participate in the discussions which affected aboriginal rights or aboriginal peoples. I hope that, if not completely by this resolution but as a result of the process, all those interested parties will be substantially satisfied by the accord that we are debating today.

I will conclude simply by saying that, having been a wounded, sometimes shell-shocked participant of verbal battles on this subject, I am pleased today to wave my bandages and express a great hurrah at the presentation of this resolution in the House and express a firm hope that the kind of wars we have seen in the past will now be over.

Hon. Mrs. Firth: I have chosen to speak to this motion in recognition of the significance of the accord for the future of Yukoners and all Canadians. This document is more than an agreement on a class of matters. It represents nothing less than a commitment by Canadians to re-examine their society and reconsider such fundamental matters as the roles and interrelationships of its members. We have set for ourselves a very difficult and important task and we have resolved to complete it in a spirit of goodwill. We are charting a new course; we are redefining confederation.

In Yukon, the same spirit of cooperation has governed a major undertaking of the past decade — the negotiation of the Yukon Indian Land Claim. This precedent-setting process has not always been easy, not always been smooth, and has often tried the patience and courage of all participants. To their credit, all parties remain solid in the belief that the goal will soon be achieved: a fair and equitable settlement of the Yukon Indian Land Claim. Yukoners are reshaping their own society and in so doing are blazing the trail in the new confederation.

Yukon is preparing for the new order. Emphasis will continue to be placed upon consultation with the Yukon Indian community and the development of educational and cultural policies and programs. We will continue to ensure that government activities serve the interests and meet the needs of all our citizens. In the areas of education and tourism in particular, the Government of Yukon and Indian people have a history of working together for mutual benefit. Within the department of education, for example, the native language program taught in eight communities and the native arts/crafts program ensured that native languages and culture are preserved. Native dancing, trapping and outdoor education courses are also offered in some Yukon schools. Early Yukon culture is a component in the social studies program. In most instances, these programs involve local people as well as teaching staff and efforts are made to work closely with the communities. Yukon Indians are guaranteed representation on the education council and the post-secondary education advisory board. Both groups advise the government on educational matters.

Numerous programs designed to improve job opportunities for all Yukoners have been implemented in past years. Of particular interest to the Yukon Indian community are the community learning centres program, the basic training skills development program and the remedial tutor training program. In the communities with community learning centres, we have recruited coordinators with strong cross-cultural skills and in Whitehorse we have a counsellor with primary responsibility for native students.

Wherever possible, we have made these learning opportunities available within the local community, thereby enabling people to receive and apply their new skills within their home towns. Apprenticeship training programs and post-secondary education grants are also available for native and non-native Yukoners who wish to further develop their employment skills.

We are particularly proud of a most important initiative taken within the last year. Native language instructors are now able to obtain a certificate of qualification through Yukon College. This is a three-year program which started this September.

Additional program initiatives undertaken as a result of discus-

sions by the governments of Canada and Yukon and the Council of Yukon Indians include training in fire suppression and retro-fitting and the development of some training outlines for construction projects in some communities.

The basic training for the skill development program will be introduced in one community at the request of the local Indian band. Discussions with the Council of Yukon Indians have recently taken place concerning the training of band members in such matters as community administration and land surveying.

In the Department of Tourism, Heritage and Cultural Resources, policies and programs have been designed to preserve and promote Yukon's heritage resources. Tourism, Yukon's major industry, will benefit from the initiative of these programs but, most importantly, our past is being protected. Through our museums and the reconstruction of heritage sites, we are gaining a better understanding of the daily lives of our aboriginal and pioneer forefathers. Our past has given us our identity.

We are committed to preserving and promoting Yukon's native Indian culture. In particular, its unique traditions, legends and languages will continue to make a valuable contribution to Yukon society.

Through such activities, community tourism plans and the heritage policy paper process, we are ensuring that local communities and cultural groups have a strong voice in developing Yukon's tourism, heritage and cultural resources. We are also providing assistance to Yukon operators in the tourism industry in order to assist them in marketing their services.

In addition, the department has recently undertaken two major projects. One involves a series of 90-second vignettes of Yukon for TV broadcast and the other a 15 minute travel film on Yukon for world-wide distribution. These are only two of the very many activities the department is engaged in for the mutual benefit of the native and non-native communities.

An accord is in effect in Yukon today. All Yukoners are committed to overcoming the obstacles which have created tension amongst our people. We are not afraid of the future; we look forward in a spirit of optimism and goodwill.

Thank you.

Motion No. 38 agreed to

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

GOVERNMENT BILLS

Bill Number 31: Second Reading

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

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

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

Hon. Mr. Tracey: I believe there has been an awful lot of conversation about amendments to the *Motor Vehicles Act* already.

This act has been identified in the explanatory note of the bill as requiring the surrender of an outside jurisdictional license. If you come to the territory and apply for a Yukon driver's license, after the passage of this act and the proclamation of this act, you will be required to hand in your other licence. The reason for this is so that a person who has been deprived of their Yukon driver's licence for some infraction or other, such as impaired driving, would not be then allowed to drive with their licence from out of territory.

It also confers some police officer powers on our mobile enforcement officer so that he can enforce the *Motor Vehicles Act* and the *Transport Public Utilities Act*. It increases the penalties for driving without due care and attention, as has been raised by the member across the floor. There was a need for that and we have addressed it here.

We have also included the mandatory blood test, as I previously stated we were going to do, in this act. It also, very importantly, reduces the need for amending the act very often because we have taken the motor vehicles standards out of the *Motor Vehicles Act*

itself and we will now deal with the standards in regulation where they most likely should have been in the first place. The standards for motor vehicles do change and we will be able to amend our requirements by simply having a new Order-in-Council.

24 That is essentially what it deals with. I am sure that all members of the House will give unanimous support to it.

Mr. Kimmerly: We are in favour of the bill and we support the principle of the bill; indeed all of the principles of the various parts. As far as we are concerned, the bill is uncontroversial because our position is the same as the government's. On most of the points, it is an uncontroversial bill, also, in the public mind or in public debate.

There is, however, one point, and that is the issue of mandatory blood tests which is, of course, a controversial issue and I do not mean to pass over that issue lightly, simply because the government and opposition agree on the resolution of it. But there is, of course, a sentiment or a feeling among probably a fair minority of the population, that that is an infringement against the right against self-incrimination and the right of privacy and sanctity of the person. That issue, I believe, should be spoken of in this Assembly because it is held by some people. Our position is: the right of safety on the roads is a higher principle and, in balancing the issue of privacy and self-incrimination against safety on the roads, we come out on the same side that the government does.

I mention that because it is an issue involving the principle of the bill that is probably a conversational topic in Yukon society among informed people. We are glad to support the bill. I have a few questions about particulars but I will wait to the committee stage. I would expect it is a unanimous motion.

Motion agreed to

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

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

Motion agreed to

Mr. Speaker leaves the Chair

25 **Mr. Chairman:** I call the Committee of the Whole to order. We shall take a short recess and when we return, we shall go on with Bill Number 28.

Recess

Bill No. 28

Mr. Chairman: I call Committee of the Whole back to order. We shall go on with general debate on Justice in the Capital Estimates, page 42.

Mr. Kimmerly: Yesterday, we were debating several fascinating issues. One of them that was mentioned is the priority of juvenile cases over other territorial court matters, which the minister referred to. It is probably a topic quite out of place in the capital budget. Nevertheless, a brief comment, I think, is called for.

I know the territorial court has issued a directive and states that juvenile matters take precedence over other criminal matters. However, practically speaking, that is something that is impossible to achieve by a directive, or a statement like that. In fact, what has occurred in recent years is juvenile matters are done at nights, usually Monday nights, and consequently, they have been taken out of the usual dockets in the territorial court in the daytime. There are good reasons for that. One is to accommodate the appearance of the juveniles and parents who appear, to avoid time off work and that sort of thing. Also, there is a troubling little section in the *Juvenile Delinquents Act* that says a juvenile matter will not be done in an adult court within a hour of any proceedings in adult court, or words to that effect.

It is that provision that clearly brings the topic within the scope of the capital budget. The intent of the federal act is that juvenile and adult suspected criminals not mix; that the proceedings are separate

and apart, in separate places, preferably. There is a provision that if a court proceeding occurs there in the adult court, there must be a wait of at least one half hour before juvenile court can occur in the same room. Practically speaking, the way around it is to use another room, or to do the juvenile matter first and the adult matter second. That is technically speaking, in compliance with the law, not in compliance with the spirit of the law.

In any event, the purpose of that rambling introduction is to introduce the problem of the location of juvenile courts in Yukon today, especially in Whitehorse.

26 A statement was made at approximately 9:30 yesterday that the new justice centre would look after this particular problem and the implication is we would live with it until then, as was the case in the last, I believe, approximately 20 years.

I would forcefully say that it is my opinion that the juvenile court and the family matters, which involve wardships and possibly peace bonds and contribution orders and paternity, occur in a place that is not known to the general public as "the court", with an implication in the mind of the general public that that is where criminal matters are dealt with. It is my opinion that, in the general public's mind, there is little or no distinction between going to court for a traffic ticket or an impaired driving charge and a wardship or a juvenile matter, and there should be a substantial distinction.

One of the ways in which a distinction can be achieved in the public mind is to conduct the courts in different places. I would suggest that the minister responsible for juveniles take this matter as an issue and not as a question already decided. I would recommend that in other provinces, especially in large cities, the juvenile courts are mainly conducted in different buildings now, called juvenile and family court buildings.

The experience of other jurisdictions, be it, again — and I would suggest strongly that the general issue of a juvenile court and the facilities for a juvenile court is a matter that should receive substantial attention and study before the next capital budget — is, I would recommend, that the independence of the court or the appearance of the independence of the court is less important on balance than the principle of getting the juvenile and family court matters out of the traditional criminal court locations. The resultant change in procedures and atmosphere in the court will be, I am confident, extremely positive.

Hon. Mr. Pearson: I want to assure the hon. member that there is no decision. There has not been a decision taken with respect to juvenile or family court. My comment last evening that this is an issue that would probably be addressed in the construction of a new justice building is pure speculation, at this point in time.

I appreciate the comments made by the hon. member and I am confident they will be taken into consideration when it does come time for us to make these decisions.

On Corrections Equipments

Mr. Kimmerly: I am confused as to this line item and the line item Custodial Services under government services. What is the distinction and what equipment is spoken about here?

Hon. Mr. Philipsen: The distinction here would be that this is an ongoing replacement of furniture, equipment, health and kitchen items. The centre is in continuous operation, requiring all pieces of equipment to be operational. The replacement of this is based on a five or 10 year life expectancy cycle depending on the users, the staff or the inmates. Some of this equipment is for security, health and kitchen equipment and it is vital to fulfill the legal mandate of the correctional centre.

Mr. Kimmerly: What equipment is expected to be purchased for \$62,000? Is it kitchen equipment or what?

Hon. Mr. Philipsen: There is kitchen equipment. There are also items of chainsaws that are used by the correctional inmates who are going out on work crews, and all related equipment that is used in association with the projects they work on.

Corrections Equipment in the amount of \$62,000 agreed to On Territorial Court Equipment

Mrs. Joe: I would just like to know what that \$6,000 is going to include within the court reporting department.

Hon. Mr. Philipsen: This line item is for the ongoing replace-

ment of recording-transcribing equipment for court reporting.
Territorial Court Equipment in the amount of \$6,000 agreed to Justice in the amount of \$68,000 agreed to

On Municipal and Community Affairs

Hon. Mr. Lang: As was mentioned in the speech by the government leader, there has been a significant amount of money put forward for municipal and community affairs for the forthcoming year. I just want to highlight a number of areas that I think are of importance. One of the major areas is the allocation of dollars to ease the financial burden on local improvement districts when they become incorporated as municipalities. The line item in the budget will allow us to upgrade and reduce the operation and maintenance costs of community facilities such as firehalls and recreation buildings and also to further assist the transition from local improvement districts to municipal status. These communities will be provided with equipment replacement reserve C funding or new equipment which is fully depreciated where there is a need. And I think it is going to help them a great deal.

I think it is important to note that we were at a meeting in Carcross approximately two weeks ago and the request for an ambulance service came up at that time. I indicated that things did not look good for us to be able to proceed with it for this forthcoming year. I am pleased to announce today that we are going to go ahead with the ambulance station in Carcross for this year and, once it is completed, we will have an ambulance stationed there for the year of 1984-85.

In conjunction with the continuation of the community BST programs, I would like to point out that funds have been identified for hydroseeding in various communities to enhance the appearance of the communities. I think it is a program that will probably turn out to be ongoing, because I think we all concur that in many of our communities, if there can be a proper program put forward such as hydroseeding, it would do much to liven up and make the communities much more colourful, as opposed to what they are now.

²⁸ The other principal that I think should be raised is the upgrading and replacement of some of the pools in the territory — Pelly Crossing, Carcross and Watson Lake come to mind — and also there will be some renovations undertaken to the Dawson City pool.

A new program in the capital budget is the Old Crow water and sewer project, which is a program that is going to be designed to try to overcome the very serious health problems that are presently in the community. We are trying to do everything we can to work with the Department of Indian Affairs, along with the MLA for Old Crow, to see whether or not we can come up with a system with the homes there, along with our water delivery and sewer education system, to address the problem and to be able to ensure that the very real health problem there at the present time will no longer exist.

Another area that we have allocated dollars is for the purpose of the agricultural program, which the MLA for Mayo has expressed a great deal of interest in. We will be purchasing a junior planter and performing various pilot projects, such as crop experimentation, at different locations throughout the Yukon. The purpose of the program will be to work in cooperation with existing farmers to determine, by region, what types of crops will do well in Yukon.

Major capital dollars will be brought forward in the area of land development. We are looking at construction of lots — for example, the airport industrial lots in Mayo and acreage residential lots in Whitehorse, Haines Junction and Carcross — in this forthcoming year.

Another program that I think is very important to the rural communities is the completion of a two-year program to upgrade the timberline television system, which will improve the system's reliability and reduce its operating costs. This has been an ongoing request from such MLA's as the MLA from Kluane, recognizing that timberline television was put in quite a number of years ago, and, of course, technology has progressed substantially since then. I think the people in the communities will appreciate that particular program, especially once it has been fully installed.

I think it is important to note that Mountainview Drive is in the

process of being completed. The installation of street lightings and another application of BST is planned for the forthcoming year. It is unfortunate we had a problem with the application of BST over this past year because of the lateness of putting the BST down, but more importantly, one of the reasons that we have had problems is because once the initial application was put into place, it rained for four days, if you will recall, and of course, it affected that particular application, which hopefully will be rectified this coming year.

A major contribution that we are prepared to put forward this forthcoming year is a contribution of up to 75 percent to a maximum of \$2,225,000 towards the cost of constructing the new Whitehorse arena to replace the Jim Light arena. I think it is long overdue and we are prepared to work with the municipality of Whitehorse to try to get another arena which will give us a second arena in the community and give a longer life to sports, such as hockey, as well as figure skating, et cetera.

I think there are a couple of other areas I would like to comment on. The Haines Junction sewage lagoon, talked about over the past six or seven years, will be completed this forthcoming year, and I am sure the chairman will be very happy to have that particular project finally completed. The Watson Lake sewage lagoon will be completed this coming year. Also, I think, it is important to note that we have allocated some dollars for the Dawson City water and sewer repairs and improvements of the system in that particular community. We seem to be getting a hold of the system now and hopefully we are not going to have the major breaks that we had in the past years.

²⁹ I guess that pretty much covers the allocation of dollars in this budget. As you know, the Community Assistance Program is \$4,046,000. I have a further tentative list, subject to negotiations with the communities, et cetera, and I can go through those once we get to that particular line item.

Mr. Byblow: I have a couple of inquiries, more specifically on topics the minister touched on.

He referred to the hydroseeding program and I assume, from what he said, that it was incorporated into the budgeting surrounding the bituminous surface treatment. Could the minister identify what amount of monies are being spent on hydroseeding relative to the road cost, as we have it in the line item?

A second question on the same subject is: how does the minister's department measure the rate of success of the hydroseeding taking place. I call attention to portions of the highway upgraded this past couple of years, between here and Carmacks. Much of the hydroseeding did not take root, so to speak. What is the rate of success on the hydroseeding and what proportion of money are we spending on it, or what amount of money?

Hon. Mr. Lang: That is one better put to the Minister of Highways. We have \$75,000 included in roads, streets and sidewalks for the purposes of working within the communities. As far as highways is concerned, the designated corridors or right-of-ways areas throughout the territory are the responsibility of the Minister of Highways. We are just trying to put some dollars into the community and we will be working in concert with the Department of Highways to see about getting a program into those communities and to see how it works.

Mr. Byblow: So, understanding it more correctly, then, the hydroseeding that the minister was referring to is strictly within communities and so is the BST treatment?

Hon. Mr. Lang: Yes. The mandate of the Department of Municipal Affairs is within the boundaries of the communities.

Mr. Penikett: I have a couple of questions if the minister would care to bear with me.

Let me ask a couple of small local, general questions, if I could. First, before I ask some of those more global, grand, philosophical questions that you like so much, the minister, I understand, made an announcement today about the Jim Light Arena...

Hon. Mr. Lang: A new arena.

Mr. Penikett: A new arena, right.

I wonder if I could ask the minister this question: I understand, from someone locally who is somewhat expert in these things, that some of the rock being excavated from the fourth wheel project is,

in fact, identical to the material which is considered ideal elsewhere in North America as a foundation for rinks and roller derbys and all sorts of places like that, in terms of its qualities. The minister may not have the answer now, but I would be very curious, since the government is putting money into that project, to see if we were taking advantage of that material?

You will have to forgive me, just for the moment — I forget the geological name for the material — but it is the rock that is being excavated from the fourth wheel which is ideal, apparently, as a foundation material for rinks and roller derbys, and so forth, and I would be curious if the builders are taking advantage of that. The minister will want to take that question as notice, I know.

The second local question I want to ask of him is the one about the South Access Road. The minister, as a good constituency politician, will recognize that every now and again you start to get a lot of important complaints and inquiries about something and, when you get a certain number, you know that it is a real problem and not just a fanciful one. I must report to the minister that I am getting an increasing number of inquiries about the state of the South Access Road. Because it is an important road for getting access into the city it may also be appropriate that I put this inquiry to the Minister of Highways but, since I did not, I am taking advantage of this right now.

« I would be curious as to whether the minister responsible for municipalities, since he is sitting next to the minister for tourism, who will, of course, take a special interest in a road which is responsible for conveying so many visitors to the town, if they cannot do anything about it themselves, will want to pass it on to the Minister of Highways, or will lend their support in Cabinet anyway.

I would also like to ask, since we spent some time with the minister, last year, at this time and again this spring, on that fascinating subject of fire protection for rural areas, or areas on the edges of the cities, outside the boundaries, if, during this debate this afternoon, he might be able to report some progress on that score.

Hon. Mr. Lang: *(Inaudible)*

Mr. Penikett: The minister wants me to ask the MLA for Hootalinqua and the minister will also recall that the member for Whitehorse West was an active participant in that debate. As the member for Porter Creek represents a country-residential area, as I do, he will also recognize that the residents of those areas also have an interest in the fire protection question. It is possible that if the service were provided to the rural areas immediately outside the city, it might be to the advantage of those areas just inside the city, too.

Perhaps, I will just leave it at that in terms of a general smorgasbord of questions there for minister. Perhaps he could just pick and choose and see what he might like to answer today and the rest of them he might take as notice.

Hon. Mr. Lang: The question of the rock, I will have to take as notice. I appreciate the member's comment. I do not know how valid they are. The question of whether or not the Minister of Tourism and myself should gang up on the Minister of Highways in the maintenance of the South Access Road is one that I would be prepared to take under consideration. I am not trying to pass the buck, but I think that I will have to get the Minister of Highways to perhaps respond to that particular question.

I should point out that the South Access Road and Two Mile Hill are both under the purview of the Department of Highways, territorially, because of an agreement that was signed with the City of Whitehorse about 15 years ago, I believe, and it is still in effect. Mountainview Drive is the responsibility of the O&M side of the City of Whitehorse.

With respect to the question of fire protection, it is still an ongoing question. I do not have much to contribute to the debate that we had last spring other than to report to the House that the MLA for Hootalinqua is doing what we had asked him to do and that was to find out, from his constituency, just exactly what people out there wanted or whether they wanted anything. We expect to have further meetings over the course of this winter to determine whether a service should be provided and, if so, to what extent that

service will be provided. I would imagine I would be in a much better position to report to the House probably during the discussion of the spring budget as opposed to this one. There are things happening in this particular area and it is one that, hopefully, will have a 'yes' or 'no' decision to make here in the very near future.

Mr. Penikett: I appreciate the minister's answers; a number of notices, a number of commitments, a number of previews of things to come as well as a promise to talk to a couple of colleagues, which is very nice.

Can the minister now, just for the record, confirm my understanding of the figures with respect to the municipal affairs budget. Mr. Pearson's budget speech said that "we propose to increase spending by \$2,000,000 over that budgetted last year" which is a true enough statement. The minister, today, talked about a massive increase, but I am also looking at the supplementary. If you add that to that budgetted last year, it comes to \$9,754,000.

Some hon. Member: *(Inaudible)*

Mr. Penikett: Well, I am looking at the amount of money all together. As we have it now, 1984-85 is \$9,858,000. Could I ask the minister just about this increase a little bit in connection with the kind of job figures, and so forth, that the finance minister was talking about at the beginning of this figure. Are these numbers and these amounts here broken down in terms of its job creation potential at all?

« **Hon. Mr. Lang:** I do not have a major breakdown of how many jobs per particular program there are. I know it is going to be substantial. Of course, some of these community assistance programs are largely, if not in most part, administered by the municipalities, and how they are going to administer it is pretty much their decision depending on, of course, which project it is. But, overall, we try to leave it with them as far as responsibilities are concerned.

The question of the figures that you are comparing, I am not too sure what you are referring to. I recognize that you may be using some of the capital figures that we had allocated dollars for over the course of this year for the purpose of some work within the municipalities but what I am comparing here is the substantial increase, as far as commitment is concerned, over and above the 1983-84 mains to the 1984-85.

Mr. Penikett: I admit the difficulty I have. The problem is the only number I have to work with are the ones I got from the government.

Mrs. Joe: I have one question I would like to ask in relation to the Long Lake Road. I do appreciate the fact that the minister was able to provide guard rails on that dangerous corner that is there at this time. However, there are still a few feet that extend from that guard rail coming back down the hill that appear to be quite dangerous. I have heard compliments, but also this additional complaint on the guard rail on that dangerous corner, and perhaps the minister would consider allocating a small amount of funding to extend the guardrails on the way down?

Hon. Mr. Lang: I can appreciate the confusion the members have. I indicated earlier that Two Mile Hill and the South Access Road, and I believe it is Long Lake Road, the road you are referring to, and Chadburn Lake Road are the responsibilities of the Department of Highways. I am sure that my colleague, the Minister of Highways, and I will look at the particular situation you have raised and see what we can do to rectify it. And all I ask is a thank-you.

Mr. Kimmerly: I would like a clarification from the minister about his views on the relationship between the territorial government and the municipalities, and I am specifically interested in Whitehorse, of course. In the past year, there have been major disagreements, I think I can say, about tax rates, about the minister's — in some people's language — direction, and — in some other people's language — interference, in municipal affairs. I will ask about the new arena which is announced. Is it the policy of the government that this new arena will be basically left to the municipality to plan as to the size and expenditure and, most importantly, politically, the location of the new arena? And, to put the question in political terms, although the minister may wish to rise above the purely political and answer in more general terms: is

it going to be the minister's statement, or the effect of the statement, that "there is money for a new arena if it goes in Porter Creek"? I would ask that same question about roads and streets and sidewalks and BST treatment, which was a controversy recently.

22 Can the minister state, as clearly as possible, what his view is of the role of the minister and the role of the municipality in deciding these particular questions?

Hon. Mr. Lang: I just find this a very insulting kind of inference coming from the member for Whitehorse South Centre, to say to me that I, as the Minister of Municipal Affairs, should not be interested in what the municipalities are doing. I think that, if I was not interested in what they were doing, the member opposite would be rightly criticizing me for not taking an interest. I do take an interest.

If the member opposite is saying I would like to have the arena built within a two-block radius of 39 Cedar Crescent, I would, perhaps, consider it. But I try to work these arrangements out in a very cooperative manner with the municipality of Whitehorse, as far as any of the programs that we are putting into place.

The question of the BST program; I made it very clear that the MLA from Porter Creek West and myself ran on a ticket that said we wanted to improve the streets of Porter Creek. We did everything we could to ensure that we could work with the city to have that done. I do not accept any criticism for the fact that we made a commitment and we are in the process of carrying out that commitment. I even helped out the member for Whitehorse South Centre who never, ever asked for BST; never, ever asked for any street upgrading in his particular riding. But I and my colleague, the member from Porter Creek West, looked at the inequities and said we should help those people down there when they came to see us, and in concert with the municipality we helped resolve the problems that those people in that particular constituency were confronting.

When you talk about the arena, I will flatly state here that it is up to the municipality where they want to put the arena.

Now, if they do put it in Porter Creek, nobody in Porter Creek is going to object, I am sure. I do recognise that it is a city responsibility. All we are prepared to do is to say we do have some dollars available. It is going to be subjected to federal treasury board approval but we expect no problem in that regard. I have indicated to the member we are prepared to work with him, add whatever support we can, and expertise, to their administration to try to come up with a package that will be within the financial limitations of the city.

All I can say is that I have some disagreements with the city council over matters and that is life; that is life in the big city. I can say that, overall, we have had a pretty good relationship as far as trying to accomplish things and to see results, as far as various steps being taken within the city. I cannot say too much more in that respect, other than the fact that I do know I have some political differences with some members of council who, perhaps, one could say in some respects, play party politics, or could allege to play party politics, as opposed to dealing with the issues on a issue-by-issue basis. I am prepared to deal with that as well.

If the member opposite wants to stand up and congratulate this government for doing the work within his riding, it is totally within his prerogative, and I say that we will continue to work with the City of Whitehorse, as we have in the past, and the City of Faro, God bless them. We worked very well over the course of the past year, eliminating their debt. On the community of Teslin — the member of Campbell is not here — here is an opportunity to stand up in this legislature and give this government a lot of credit for moving in and saying look, we are prepared to help you in your moment of need, when you had a \$17,000 deficit and we came forward.

The community of Mayo; has the member for Mayo ever mentioned us? The member from the community of Mayo, where we worked over the course of the last number of years; and we are providing the community of Elsa with engineering plans. When you take a look around you, I cannot understand why people are not standing up giving the necessary accolades to the administration of the Department of Municipal Affairs, which worked very hard on your behalf to deliver the programs that we vote in this House.

23 **Mr. Penikett:** One of the few nice things about flying to Ottawa, as I do once in a while — an activity which the minister objects to so much — is that in the little seat pockets in front of you they always provide you with this nice little white bag. I have always felt that that was one of the few advantages that CP Air had over the Yukon Legislative Assembly.

I do want to say that I am sure the member for Porter Creek East would readily agree that it would be entirely improper to offer any kind of financial incentive to any municipality to act in such a way as would benefit any constituency, much less his own. I am sure that that would be one of the operating principles under which he has operated ever since he got into politics.

I do wish that the government leader would sit the member down one day and explain to him that while he was elected as the member for Porter Creek East, that he was appointed as the Minister of Municipal Affairs. There is a very important difference there that probably should be explained to the member and I am sure he would appreciate the explanation.

Hon. Mr. Lang: I do not know. The member opposite has raised a number of questions about the Association of Yukon Communities and they passed a resolution recognizing the cooperative manner that this government works under with their association.

So, to infer that we are not doing our job in consulting with those particular governments, those municipalities, with respect to projects going ahead, I do not think is an accurate statement at all. All I am saying is that we are doing the best we can within the dollars we have. The government here has obviously said that municipalities are definitely a high priority and you can see that from the result of the budgetary exercise we are going through.

So, I cannot see too much to talk about, as far as these main estimates are concerned, because I think we are resolving most of the problems we have been confronted with.

Mr. Penikett: This raises the obvious question as to why the minister is doing most of the talking, but I am sure other people have questions that they would like to ask.

Mr. Kimmerly: I regret asking that minister an extremely open-ended question.

Hon. Mr. Pearson: Don't do it, Roger.

Mr. Kimmerly: I would like to put a comment on the record and I am speaking primarily to AYC, as opposed to the minister.

In my view, and in my opinion, even though the minister ran in the last election partially on a municipal issue, that does not give him the right to confuse municipal and territorial issues in his decisions and deliberations as minister.

Now, our position is — and when we are government, it will be — that the municipalities have a greater decision-making authority within their boundaries about municipal issues than this minister allows them and the controversy over the BST treatment in the summer is a prime example of that. The municipal council was clearly of the view — and I attended a number of the meetings — that the decision as to which locations should get the benefit of territorial money should be a municipal decision.

24 And they rationalize it very sensibly, because a number of people who live in the city paid for their roads and sidewalks in front of the lot with the price of the lot. This is primarily Riverdale and in some areas of Porter Creek. Some other areas are paying overtime on their tax bills. This is primarily downtown, but also in Whitehorse West and other areas. These local improvement charges and the taxation for roads and sidewalks are developed and rationalized according to a very clear municipal policy.

If the minister comes along and offers essentially to the municipality and the property owners free or partially free paving in front of some lots, it throws a monkey wrench in the works. Some people have already paid, some people are constantly paying and some people essentially get it free. That is an interference with the municipal policies established by municipal bylaw and those issues were clearly spoken about in the Whitehorse Council Chambers in the course of the summer. Some of the aldermen were extremely upset at the course of events and, indeed, some residents were extremely upset, and it was not only those downtown who felt that the BST was going to Porter Creek before 8th Avenue, it was also

some people who felt that they had paid for their road, or are paying, and these other people are getting it free. It is a more general issue.

I submit that it is very important that the minister respect to a greater degree the policy-making jurisdiction of the Whitehorse Council on this issue and, indeed, on other issues.

I am extremely pleased that there is a public announcement that the location of a new arena is a municipal decision. It clearly is, and should be, also, on the streets and sidewalks and the BST program. That was a comment, not a question.

Hon. Mr. Lang: I would hate to be around the next times he makes his speech, if that is strictly a comment.

I would like to make a couple of points. First of all, I do believe as an MLA I have a responsibility. If I say I am going to do certain things and I do get elected and I do have the proper authority to set up programs that would aid and abet the people who live within the ridings I represent, as well as other people within the municipality, then I feel I can have the prerogative of doing it. Now, maybe the member opposite does not think the people in Porter Creek should have the right to go out and have a street that is relatively dust-clear and perhaps we should be putting all the dollars in somebody else's riding. That was not the case at all. The BST program was brought in by this government to say "look, we are prepared to go on a cost-shared arrangement with the municipalities" — in this case, the municipality of Whitehorse. I, along with the member from Porter Creek West, called the meetings with the municipality to discuss such a program. We recognized it was going to have to be on an experimental basis to see how it would do in the residential areas as opposed to on the highway. It was much more economical than the question of paving. There is no question that, if we had left it to wait strictly for paving to be put onto these particular streets, it would never have been done because, first of all, the homeowners could not have afforded it.

Now I want to say to the member opposite for Whitehorse South Centre, I do have a responsibility as the Minister of Municipal Affairs and also as an MLA, whether it be working in Whitehorse, Tatchun, or Campbell. I am saying to you, if you are criticising me and going on the record to say that I should not be speaking on behalf of Porter Creek when that time comes, then I say to you and to the member for Whitehorse South Centre specifically, that that is poppycock. As far as I am concerned, I have a responsibility to those people directly, just like the member for Porter Creek West, just like you, the member for Whitehorse South Centre, who was absent for a long, long time until he realized that perhaps, maybe there was some kind of service that could upgrade that particular community, which we stepped in with the city and said, look, we will help you with that. There is no problem.

I think that maybe all the facts should be put on the record, not just one side of it, from a partisan point of view. We are here to help the municipalities.

Mr. Penikett: God forbid that the member for Porter Creek East should ever be partisan.

I think it is extremely unfortunate that he should use the term aiding and abetting his constituents, because aiding and abetting as I understand it is some kind of criminal activity. I think what he meant was helping his constituency, not aiding and abetting.

I would make this point — I think it is important to make and I do not make it in any partisan way, I make it in an entirely objective, fairminded, dispassionate, disinterested way — and that is that, as Benjamin Disraeli, I think, once said, "it is not a minister of the crown's job to look after his own constituency; that is the job of the private member". Now, everybody who is on the treasury benches is, of course, both but, it is very important to distinguish between the two roles.

Hon. Mr. Lang: Are you saying you would do it for me, Tony?

Mr. Penikett: Well, the member is asking if I would do it for him, and I would certainly be very happy to help him out in anything he wanted to get done for Porter Creek, as, in fact, I had occasion to do when I was on the city council of Whitehorse — I do not remember if he came in his capacity as Minister of Municipal Affairs or if he came in his capacity as member for Porter Creek East, it is often hard to be clear when you are dealing with that

member, since he obviously had so much confusion on that point himself. As a member of the city council representing, in that capacity, all the citizens of Whitehorse, I was pleased to do what I could to help the representative for Porter Creek.

Hon. Mr. Lang: Here is a very good account of a previous municipal politician who had the good fortune of dealing with me in my responsibilities as the Minister of Municipal Affairs. I showed nothing but cooperation with you, as well as all members of the city council, in trying to deal with the problems of the day. I want to assure you, we will continue to do that.

Hon. Mr. Philipsen: I am really happy to hear that Benjamin Disraeli did not have to look after his constituents. I am going to look after mine.

I resent the implication that the people of Porter Creek West or East or the people of Eighth Avenue should continue to walk in the mud because the member for Whitehorse South Centre deems it so. I also resent very strongly the statements that have been made in the press lately about the condition of the BST and it being put down at the wrong time, with an I-told-you-so attitude. Had they been supportive of this motion from the beginning, had they got their heads out of the sand or mud, wherever it appropriately should have been, it would have been put down at a time when it would have taken better and the problem would not be there. They obviously are misinterpreting the need for it and not looking at the cost over the time period when it was stated, emphatically, that the cost of BST over a five-year period was cheaper than the operation and maintenance of the streets in that same amount of time. I think that the members are acting irresponsibly when they get into a discussion which benefits all people of the community.

Mr. Penikett: I appreciate the member for Porter Creek West's comments and I appreciate that he was speaking as a private member, not as the member of the ministry. I would only say to him that nobody on this side would want the people in Porter Creek walking in mud in any part of Porter Creek, anymore than we would want the minister walking on water.

The other thing I would say to the Minister of Municipal Affairs, by way, perhaps, of closing this debate, is he said that he brought nothing but cooperation to his discussions and dealings with the city council of Whitehorse. Let me say, and I hope the minister will not take offence, that it was my observation that he also brought what people in New York call a great chutzpah.

Mrs. Joe: I would just like to make a few comments on the 8th Avenue thing that we are discussing right now. It was not that we were not interested; we had had previous conversations with many city counsellors with regard to that street and the fact that the government had agreed to cost-share the job that was going to be done on it has made a lot of the people in that area happy.

I do appreciate the fact that 8th Avenue, part of my constituency, was included in it, but I would also like to mention, at this time, that I certainly hope that whichever member for Riverdale is responsible for the Long Lake Road, and the people who live along there, would appreciate me bringing up that concern in this House.

Mr. Kimmerly: I am going to make a very brief statement and I hope I will not provoke any of the Porter Creek members.

At no time — in order to set the record straight, at no time — did I say we did not want BST on 8th Avenue and at no time did I say that the people downtown or in Porter Creek should walk in the mud. The issue I was raising, and it is a very important issue that has almost entirely been lost sight of in the particularization of the BST issue, is that those issues are primarily municipal issues. If the municipal council were left to solve those issues in its own way, it would do so, in fact, in a way that is generally more just than did occur over the last summer.

Mr. Penikett: I have one more serious question, which arises from one of the examples of territorial-municipal cooperation, I guess you would call it, and that is the Dawson sewer and water system.

There was a press release this summer which talked about the agreement between the minister and the acting mayor there that provided money to cover 90 percent of the deficit for the next four years, on the assumption that the city would assume full operating authority. This spring, the House discussed the recommendation

that there be a management audit on the decisions leading up to the construction or implementation of that thing. I would just ask very briefly if the minister knows if that is complete yet or if we can expect a report on that this session?

Hon. Mr. Lang: It is a valid observation. I will have to take notice on that particular question.

I should point out that the purpose of that agreement, I think, has an important principle there and that is — I forget what the dollar amounts are — they have to charge as much as we do in Whitehorse, as far as a frontage charge is concerned, on a monthly basis. Over and above that, we have estimated, in view of the last three years, roughly what it would cost to operate the system and the deficit. We have said, "Here is roughly" — I believe it is and I am going on memory — "about \$250,000".

If they can operate that system for, say, \$200,000, that money will be surplus to the community and be utilized somewhere else in the community. So, there is a real incentive there for the community to be efficient, as opposed to the present system in some of our communities where audits are required and administration is counting the dollars four different times, et cetera, et cetera. It is going to be interesting to see how that particular agreement works out. I will try to find out what has evolved as far as the financial situation of that system is concerned.

On Fire Services

Fire Services in the amount of \$130,000 agreed to

On Ambulance Services

Ambulance Services in the amount of \$99,000 agreed to

On Roads, Streets and Sidewalks

Mr. Kimmerly: Are any projects identified for Whitehorse at all?

Hon. Mr. Lang: Not in the here. They are taken care of under the community assistance program or on the transfer of payments through the operation and maintenance program. There are just a number of streets, such as the Carcross Access Road, that will be finished off; the Haines Junction Indian Village road — there will be some work done there —; Teslin cemetery road access; cottage lot roads — we have some dollars available to further upgrade those recreational cottage lots that we had made a commitment to do approximately a year and a half ago; Beaver Creek — improvements to the road to the community hall; there is \$15,000 for firewood access roads; and also there will be some work done on the intersection at Pilot Mountain/Springer Simmons intersection, which I am sure the member for Hootalinqua will be glad to see.

Roads, Streets and Sidewalks in the amount of \$200,000 agreed to

On Local Services

Mr. McDonald: I wonder if the minister could tell us briefly what the distribution of funds under local services would be; are there any major projects, are there any major purchases? Specifically, is there a purchase of a new pickup truck for the Mayo LID?

Hon. Mr. Lang: That is probably something that will be taken into consideration. This includes the equipment replacement acquisition fund that I spoke of in my opening remarks. We have \$150,000 allocated for that; TV systems for the purposes of upgrading — \$90,000, which will complete that program; and mosquito control program — \$15,000 for the purpose of supplying hand augers and that type of thing to the various communities.

Local Services in the amount of \$255,000 agreed to

On Land Development

Mr. Penikett: I have been curious about the minister's plans in terms of the future on rural residential developments and I just wanted to know exactly what he has in mind in this regard. I recall in the paper there was some discussion by, I guess, the planning board of the City of Whitehorse, about a new development in the MacLean Lake area which was also the site of one of the new gravel pits, which I guess the minister was identifying. I happened to notice that MacLean Lake is one of the sites.

I am curious about what sort of guidelines the minister has been evolving and particularly am curious about what steps they will be taking in the case of new developments to ensure an adequate water supply and other things like that.

Hon. Mr. Lang: In the Whitehorse area, it was our intention to

go on what they would term Phase III of the Wolf Creek subdivision, which is design and construction by Cowley Creek, and that is the major area of land development. I think it will serve a number of things. As you know, for the plots of land that we are developing, 15-20 acres, there has been a fair demand, and I think if we find we get back into the neighbourhood of 2-5 acres, I think that will in most part meet that demand for some acreage for the purposes of living a country-residential type of lifestyle. Hopefully, it will pull away from the demand for 15-20 acre parcels.

I should point out that the reason we have not proceeded up to this point until now was that the City of Whitehorse did not want further development in those areas, and it has put us in kind of a difficult situation, being the land developer and working in the cooperative manner that I expressed earlier with the municipalities. We, of course, do not go in until we have their approbation for further developments.

This will allow us to meet a certain need, as far as that particular area is concerned, and I am sure that the member from Whitehorse West will be very pleased to see that I am taking care of his riding in that respect.

Mr. Porter: Under a general question respecting land development, does the Department of Municipal Affairs have the enforcement responsibility to ensure that construction of buildings and any additions to those buildings meet the zoning requirements?

Hon. Mr. Lang: The City of Whitehorse, or what are you talking about?

Of course, we have the enforcement. In those communities that require enforcement, yes. In the municipality of Whitehorse they have their own enforcement. But, whether it be Carmacks or Teslin or whatever, if the national building codes are not being followed, for example, then our people are used. Therefore, there is a great deal of consultation between the various communities and the enforcement of the various bylaws, when it affects the national building code or zoning provisions and that kind of thing.

Mr. Porter: Has the minister, or anyone in his department, received representation from an individual who is the owner of a parcel of land in the community of Liard, as to a complaint with regard to a neighbour who is not meeting the zoning requirements?

Hon. Mr. Lang: No, not to my knowledge.

Mr. Kimmerly: A simple question about the water situation at Golden Horn. Is there water there? What is the present state of knowledge about the water there?

Hon. Mr. Lang: Just going on memory, I do believe they are largely having to depend on water delivery in that particular area.

Mr. Kimmerly: I am interested in the general guidelines about selecting areas. Was the lack of water in Golden Horn foreseen and did it form part of the guidelines in determining the suitability of that area, or was it, in fact, a mistake?

Hon. Mr. Lang: We are kind of in a dilemma on the perimeter of Whitehorse. You can have water on a fairly constant basis in some areas and then you are a half mile away and, all of a sudden, there is no water. When you start talking about 15 or 20 acre parcels of property, you are talking about a fair area if you are developing 35 or 40 pieces of property with roads, power lines and everything else that is concerned.

It was not really a major factor that was brought into consideration but, in view of what has transpired, I have indicated to the department that I want a thorough look at the possibility of water being made available, via wells, in any future development. I cannot assure all members that that is going to be strictly adhered to because of the proximity of land and which lands can be designated for the purposes of this rural-residential type of lifestyle. It is one that concerns me and I think it is a valid point that the member raised.

Mind you, it does not seem to have impaired anyone's wish to purchase those properties. As you know, they went fairly rapidly so the demand is there. It would be much better, I agree with the member, if we could have access to wells.

Mr. Kimmerly: I would ask two questions arising out of that. Does the minister foresee the new policy to be in new areas, to actually drill test wells or not? And, is there a similar consideration about soil conditions for septic tanks?

Hon. Mr. Lang: There was a test well in the Golden Horn subdivision so we know that situation. It has been a policy of the government for the past number of years to go in and do these preliminary examinations of the water capabilities as well as the question of soils for the purposes of septic tanks. It is something that is taken into consideration when we are laying-out an area, from the technical side, for the purposes of developing land; wherever possible.

Mr. Kimmerly: On the present situation at Golden Horn; is the minister able to say anything about the present policy of the government about either assisting in well drilling if water is discovered, or recognizing a responsibility, if you will, and assisting in water delivery, either by equipment or something in that nature?

Hon. Mr. Lang: No, there are people who privately drill wells and, if you are interested in a well, you contact the driller and he comes in and drills your well and you pay the piper.

With respect to assisting with water delivery, there is a person privately delivering water and, as far as I am concerned, that is where they should get the water from. I do not think we, as a government, should get any more involved in water delivery than we already are, which is, in some respects, in Carcross, Ross River and, to some extent, Keno City. We do not intend to broaden that policy any further than what it is now.

Mr. Kimmerly: Just a further specific question about Golden Horn. Is there any projection of the number of people expected to actually be there and any suggestion at all about any municipal organization or government organization in the Golden Horn development?

Hon. Mr. Lang: If you are asking me, in the last question, whether we intend to set up another municipality, no, that is not our intention. My understanding of the people who want those types of lots, that type of a lifestyle, is that they are basically there to be on their own, mind their own business and government can mind its.

With respect to the question of the Golden Horn subdivision and the number of people who have applied: it is very difficult for us to be able to tell how many people would actually apply for those lots. We thought maybe we might have 30 to 40 and, as it turned out, we had 68. So, it is anyone's guess. If the member has a magical number that he thinks could supply the market and would resolve the situation of people demanding land, I would like to hear it because I have never heard of anyone who has ever come up with the perfect solution. We are trying to do everything we can to meet those various demands and I think the country residential development in the Wolf Creek area would help considerably.

Mr. Kimmerly: Just a comment: it was obviously a successful project in terms of demand and more of the same appears to be called for.

Mr. Porter: I would like to ask the minister, with respect to his comment about the rural residential plot owners who should mind their business and the government would, in turn, mind its business, if he is supporting a position that those people who choose such a lifestyle would not be taxed?

Hon. Mr. Lang: No, he is totally taking me out of context, as the member always does. I am pointing out that the lifestyle that they want, in most part, the majority of them, is a plot of land. They want the right and title to that piece of property, they want the minimal amount of services and they go about their lifestyle the way they want to proceed with it.

The question that was put to me was whether or not it would be a municipal government or some sort of government organization. It is not our intention to go that route, at least in the present time, and not in the foreseeable future.

Mr. Penikett: Just let me make a brief comment about the country residential question, because the minister has alluded to the uncertainty that existed in the city council in this city about future developments in that area. As I understand their point of view — it really is not a new one — it had to do with some planning problems that they experienced with the first country residential lots and there was, as you know, a great popular demand for that kind of land and for people who wanted to live in that kind of lifestyle. There was some feeling that the response of government was, in fact,

commendably fast when it came, but that all the kinds of consequences of a city-full of such divisions had not been well thought out.

Two examples I give you: I know of families who were in Wolf Creek, for example, who went out there expecting to find for themselves the ideal lifestyle for themselves and for their children but, after a few months or years of the parents having to be the taxi, essentially for picking the kids up from school or, perhaps, if the kids went on the school bus, driving home from work and then having to drive the kids back in town for skating or ballet lessons or piano lessons or for movies or whatever, and then driving back out, the poor parents found themselves spending most of their evenings commuting. In fact, some of those families moved back into town. One family I know moved back to Riverdale just because they found, after having lived with that experience for a while, that the urban situation was more appealing in terms of their total family needs.

Now, the other thing that happened, I know, in Wolf Creek is there is — and I do not want to be talking about majorities and minorities here because that is hard to say — a significant body of residents out there who now clearly want certain kinds of municipal services.

It was clearly understood by the original residents that there was a kind of social contract, if you like, that you got your land and you got your gravel road plowed and that was it. You were there to look after yourself. Now, immediately — the minister will well remember this debate, because he and I were both part of it — those people felt that they were paying too much taxes, or their taxes were too high for the kind of low level of services they were getting. That was, in fact, quite a furious debate in this town, and with the introduction of the new municipal taxation act in 1979, some of that was resolved, but not all of it. That is an ongoing complaint even today.

There continues to be, in those areas, a lot of those original people, or people who subscribe to that old social contract, if you like, who do not want anything to do with government services. But there is another large group of people there who may be a second generation of residents, who are already asking for a garbage service. They certainly asked for — lobbied me for — mail service and they eventually got that. They are now looking for certain kinds of recreational facilities in the neighbourhood. They will be, no doubt, in time, asking for other things.

The point about it is that, as most members will know, over time a neighbourhood changes. You can have a point in time where the neighbourhood might be filled with young families, such as the downtown parts of cities because they are sometimes filled with young families who are occupying small houses. Over time, you can end up with a neighbourhood which is full of elderly people who are, in fact, childless couples and so forth. Those patterns change and then they affect the needs for schools and other kinds of services. It may be, and I will make this prediction — I am almost certain whatever contracts may have been made with the Wolf Creek residents a long time ago — that there will come a time if you get a lot more residents moving into the area, as you get consequent expansion of other country residential areas, that inevitably there will be a demand for some kind of school in that area, or schools. Those kind of things happen. I think part of this city's apprehension about going too far too fast with country-residential may be that you would end up with hundreds of people living in those areas in the city and the city not having anticipated properly, or not being able to plan properly, for the changing needs in those neighbourhoods or, in fact, the changing needs of the people who live in them. It is quite possible, as well, as all members will know, that people's needs and demands change. One year they may want a certain kind of service and the other year they want another kind of service. I think the minister will understand that it is extremely difficult to plan to meet those needs. One of the hardest things to do in politics is to anticipate the kind of needs and demands people will be making on you, not this year, but five years from now or 10 years from now, especially as the demographics of the whole community may change.

The other thing that may happen is that, in time, by the simple

question of municipal politics, you could have the character or complexion of a city changed so if you had a very large minority — I am not saying a majority because I do not think that will ever happen — of people living in country residential situations, you could have quite a profound impact on the local politics. Right now, those people would probably feel that they are under-represented in the municipal governing bodies, at least in this city. That their grievances about taxation and services or equity in terms of levels of taxation and services, are not met. It is not inconceivable we could have the day that they could find themselves well-represented on the municipal councils and become a significant body of minority opinion and able to get their way in taxation that could cause some unfortunate tensions between those people and those who live in downtown areas.

I am saying to the minister it is not easy, but I am saying that I think is happening. He made some comment that he was not quite sure why the municipalities were apprehensive. I think the municipalities may have been apprehensive just because they were not sure where all this was going, and they may have needed some time to think about it and examine the consequences.

I, frankly, do not know what conclusions this municipality has made about those questions, or if it has made any. I do not know whether the minister is suggesting I ask him or ask them. I know that they have asked for more, and city council has changed, of course, too. There may be increasing demands. I know how popular the idea of country-residential living is.

Mr. Porter: I understand the government does have some interest in the Annie Lake area of the Yukon. Can the minister tell us if, indeed, his department is looking at the Annie Lake area off the Carcross Road as a future area for development for the purpose of country and residential lots?

Hon. Mr. Lang: That possibility exists.

Mr. Porter: I have come to expect this kind of behaviour from the member.

In the Carcross situation a couple of weeks ago, it was raised that the Government of Yukon denied the Carcross Band its selection with respect to three lots of the six that were available. The band has taken a position that those three lots were part and parcel of an agreement-in-principle established between itself and the federal Government of Canada as well as the Yukon government. Can the minister inform us as to where this situation sits now, and is the Carcross Band going to get the three lots of their choice?

Hon. Mr. Lang: We have made very clear the principle that will be employed for the purposes of honouring the various agreements in the land claim agreement. If the member opposite has any other suggestions, we would definitely like to hear them. The point is that we did have a mix-up with the Carcross Indian Band with respect to those initial six lots; we are going to definitely have three being made available to the public here fairly soon. I intend to discuss the issue further with the department and I think we can work out some sort of an arrangement that is amicable to both sides. We are not looking for a confrontation; we have not asked for confrontation. I think it is safe to say that all we are trying to do is get an equitable disposition of the lots so everybody gets a fair shot at what is available.

Right now, there is a very high demand for lots in that particular area, which hopefully we can get cleared up by next spring. I think the record has to be corrected in that the member opposite has said that I denied that 50 percent of the lots would be made available to the native band; that is not correct. There are six lots: if you divide by two, that is three and three; and there will be three made available to the Indian band.

Mr. Porter: I would like to ask further, does the proposed solution that he is presently advocating fall completely in line with the language of the agreement-in-principle reached at the negotiating table with respect to the Carcross Band's lands?

Hon. Mr. Lang: There is no question. The principle that was agreed to was that they would get so many lots. The question of disposition was one that was not signed as far as the various parties were concerned, but the method that I am talking about here was successfully used in Teslin. Why do you not put some suggestions forward that could accommodate this situation and try to be as fair

as we possibly can to all parties involved. It is fine for you to stand up and be so abrasive and say, you do that, or you do this, but try to find constructive solutions. Of course, you will be saying you do not know. Well, I feel we have one.

Mr. Porter: I asked the minister if the solution that he is advocating — and I would like him to answer the question — is totally in line with the language specified in the agreement-in-principle?

Hon. Mr. Lang: The answer is yes; Y-E-S. And you can check *Hansard*, as far as I am concerned.

Land Development in the amount of \$2,253,000 agreed to On Community Assistance Program

Mr. Kimmerly: The minister stated there were repairs to Jim Light and a new arena. Could he put dollar amounts on those two figures?

Hon. Mr. Lang: I did not say anything about repairs to Jim Light. That was one of the proposals that was brought forward this past summer, and I said that there would be a new arena in place of the Jim Light Arena.

Mr. Kimmerly: I apologise. I obviously misunderstood. I take it there is no monetary allocation for repairs to Jim Light.

On the new arena, will the minister put a figure on that?

Hon. Mr. Lang: My understanding is that the city has taken a look at the Jim Light Arena and they had a cost-estimate that came in at \$2,700,000 to retro-fit and to operate the present facility. I had some discussions with them and I indicated to them that perhaps we should be looking at a new arena as opposed to putting all these dollars into a building that is 40 years old.

I gather that is what the city is presently doing, looking at the possibilities of a new arena, but they will eventually make the decision. We have indicated that we are prepared to put into a new arena up to \$2,225,000, I believe it is. Now, if they decide to put it elsewhere, then we are going to have to sit down and discuss it if they decide to go a different route. But I have a lot of problems, as a taxpayer and a representative of the taxpayers, putting \$2,700,000 into an old building. I think the members opposite would share that feeling.

Mr. Kimmerly: Are there any other projects already identified for Whitehorse?

Hon. Mr. Lang: Not for Whitehorse, per se. They are generally delineated in the various programs. We allocate approximately \$1,000,000 to them and they can go ahead and allocate whatever they feel they should be doing on a cost-shared basis. I do not have a list of those programs.

Mr. Kimmerly: Is the golf course in Porter Creek included here?

Hon. Mr. Lang: Not to my knowledge.

Mr. Penikett: Do you not play golf?

Hon. Mr. Lang: No.

Mr. Byblow: My question was to have some type of break-out of that amount of money under this line item. It is a substantial amount; I want at least the major expenditures and some idea of the upgraded facilities.

Hon. Mr. Lang: There would be the Carcross sewage disposal pit, the Carcross sewage treatment plant building, Haines Junction water tower liner installation, Teslin garbage dump — which would require a bearing of car bodies and some road work — the Watson Lake wet well design and construction, and garbage dumps in various locations. There are monies proposed to be allocated for the Beaver Creek community hall, the Pelly Crossing swimming pool, the Whitehorse Jim Light Arena, which I already indicated, the Carcross community hall upgrading, Carcross swimming pool, Dawson surface drainage — which would be 70-30 cost-sharing — some renovations to their pool, Haines Junction arena renovations, Destruction Bay community hall, quarry clean-up, Haines Junction public works garage shop floor.

Mr. Porter: By what method are the contracts let with respect to these projects and, in consideration of the answer, is there a specified amount of dollars that would constitute the tender process?

Hon. Mr. Lang: Not necessarily. It depends on what the project is and where the project is going to be done. In most cases,

we try to work either through the municipality or the community. If it is a large enough project, then we will go out to tender. It depends on the individual projects as to how they would be done.

Mr. Porter: In those communities where there is no recognized form of local government, does the Department of Municipal Affairs or another department of government take on the responsibility toward the allotment of contracts?

Hon. Mr. Lang: At times, yes.

Mr. Porter: And how are those contracts let? Are they simply an identification of whomever is in the community and the minister or a delegate of the minister choosing the contractor to perform the services?

Hon. Mr. Lang: We generally work with the community club.

Mr. Porter: How does that process proceed? Do you notify the community club that you need X amount of work done and does the community club make a recommendation for your consideration?

Hon. Mr. Lang: No. In many cases, first of all we like the community club to come to us, requesting that work be done. We do our analysis. Sometimes we work with the community clubs, depending on what they want to do, or they will contract it out, or they will direct hire. If they do not wish to do it then sometimes we will contract out the work or do it in-house. It depends on the issue that the member is talking about. What particular project do you have in mind?

Mr. Porter: No particular project. I simply wanted to establish the process by which contracts are given in communities, and so far the minister seems to have sufficiently answered my questions.

Mr. McDonald: That was rather an interesting list that the minister gave under this line item. I realize it is not exhaustive; however, I would like to know if there are any projects apart from the setting up of garbage dumps in the Stewart Crossing, Mayo, Elsa, Keno or Faro communities?

Hon. Mr. Lang: They are not designated at the present time. Check with the communities. In many cases we have met a lot of the objectives already over the course of the past couple of years. There could well be, in the Mayo area, depending on how things go, perhaps some upgrading of the streets for the purposes of BST application, but that remains to be seen; that schedule has yet to be set. So, therefore, in respect of the dollars we have, that is a very rough schedule; as you know, it is flexible. We have contacted the communities on what they would like to do or what they seek. We have taken care of a lot of their immediate demands through the allocation of the dollars in August for many of the projects they wanted to see go forward. For example, in Faro the question of access across the creek was a major concern to the community and that has been rectified. There were various projects like that which had been on the list and we have managed to get them done and completed.

The outstanding one, I think, as far as the request from Mayo is concerned, is the question of BST and whether or not it can be applied. I cannot give you that answer today. We are looking at our schedule and how we can meet the objectives over the course of the next couple of years.

Mr. McDonald: I did expect that any expenditure under the BST might be covered under the BST, or Bituminous Surface Treatment Program, the next line item, and I was going to ask that very question about the scheduling of BST around the territory. That is, as the minister knows from previous conversations, of great importance to the people of Mayo, not necessarily to me.

The minister gave us to believe, I guess, that projects emanating from those communities I mentioned had had probably more than their fair share of money in the past and therefore are not receiving it today. The minister can correct me if I am wrong, but I believe that projects were submitted from all but one of those communities — the community I mention is Stewart Crossing. I am not sure whether they have requested funds. Certainly, Mayo, Elsa, Keno and Faro have requested funds. I am just wondering if the minister could tell us in some form or other whether or not the government, in their priority planning, has determined that for some reason or another any projects emanating from those communities would not be given a "go" this year?

Hon. Mr. Lang: I see we have a couple of minutes. I am not

sure if we can clear this or not prior to reporting progress on the bill. Two things: the question of the access to funds for the purpose of transportation or a vehicle for the Mayo LID is under another heading: LID acquisitions. And the second point, as far as the BST is concerned, I cannot bring it right up to date, but I know that Mayo has asked for those things. I am saying, overall, we have met a lot of the demands that they had, and worked along with them. The arena is one, the community hall is another. There is work on the firehall and various other things. So, things are being accomplished.

Mr. Porter: Could the minister tell me if, other than the Teslin garbage dump, there are any projects planned for the Campbell riding, including the communities of Ross River, Liard and Teslin?

Hon. Mr. Lang: No, not at the present time. With respect to Teslin, it is my understanding that, other than BST, we have met most of their requests. In Ross River, as well, we have finished off the firehall and, therefore, at the present time, no.

In view of the hour I suggest that, I guess, we should report progress on Bill Number 28.

Motion agreed to

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

Motion agreed to

Mr. Speaker resumes the Chair

Mr. Speaker: May we have a report from the Chairman of Committees?

Mr. Brewster: Mr. Speaker, the Committee of the Whole has considered Bill Number 28, *First Appropriation Act, 1984-85*, and directed me to report progress on the same.

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

Some hon. Members: Agreed.

Mr. Speaker: May I have your further pleasure?

Hon. Mrs. Firth: I move the House do now adjourn.

Mr. Speaker: It has been moved 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 5:29 p.m.