

LAND CLAIMS SECRETARIAT
Government of Yukon
P.O. Box 2703
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SELECTED READINGS ON THE CREATION OF THE
YUKON EXECUTIVE COUNCIL
OCTOBER, 1979.

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GOVERNMENT OF YUKON

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WHITEHORSE, EXECUTIVE COUNCIL OFFICE,
OCTOBER, 1981.

LAND CLAIMS SECRETARIAT

This package contains information on a specific and brief period in Yukon's political history. It is not a complete picture on political development in the territory, but does give an overview of events leading to changes in the Yukon government which occurred between October 9, 1979 and October 22, 1979.

The first half of this package deals briefly with two events which led up to the swearing-in of the Executive Council on October 22.

The last half is a collection of speeches which detail some of the historical events in Yukon's history which led to the events of 1979.

The first public indication that major political changes were being considered for the elected Yukon government, came when the Liberal Leader of the Opposition in the Yukon Legislative Assembly, Iain MacKay, called a brief news conference to announce that he had learned of a "secret letter" which was given to Indian and Northern Affairs Minister Jake Epp by Yukon Government Leader Chris Pearson.

The letter was hand delivered by Pearson to Epp at a brief meeting in Vancouver on June 18, 1979. Allegations by MacKay prompted Pearson to issue a statement concerning the letter. Pearson also obtained the concurrence of the Northern Affairs Minister to make the actual letter public. The letter was made public during the second week in August.

IT IS MY INTENTION TODAY TO RELEASE TO THE PUBLIC
A LETTER DATED JUNE 18, 1979, WHICH I DELIVERED TO THE HONOURABLE
JAKE EPP, MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT.

THIS LETTER IS BEING RELEASED TO CLEAR UP ANY
MISUNDERSTANDINGS WHICH MAY HAVE ARISEN AS A RESULT OF A PRESS
CONFERENCE HELD WEDNESDAY, JULY 18, BY THE LIBERAL LEADER OF
THE OPPOSITION.

THE LETTER ALSO BELONGS TO THE MINISTER AND HE
AGREES WITH OUR DESIRE TO MAKE IT PUBLIC.

THIS PERSONAL LETTER TO THE MINISTER IS NOT A SECRET
DOCUMENT AND WAS NOT GIVEN CONFIDENTIAL STATUS. IT WAS
APPROVED BY MEMBERS OF THE YUKON CONSERVATIVE CAUCUS AND IT
IS MY UNDERSTANDING THAT IT HAS ENJOYED WIDE CIRCULATION IN
OTTAWA.

THE MINISTER INVITED ME TO MEET WITH HIM FOR
DISCUSSIONS IN OTTAWA AND THERE WAS A NEED TO ESTABLISH SOME
BASE FOR THE DISCUSSIONS. THE JUNE 18 LETTER WAS INTENDED
AS A STARTING POINT.

THERE IS A NEW GOVERNMENT IN OTTAWA AND IT IS TIME
PEOPLE HERE REALIZE WE HAVE A GOLDEN OPPORTUNITY TO REACH FOR
AND ATTAIN GOALS WHICH WE HAVE ALL ASPIRED TO FOR YEARS.

WE HAVE AN EXTREMELY GOOD WORKING RELATIONSHIP WITH THE NEW MINISTER AND HIS CONCURRENCE IN OUR MAKING THE LETTER PUBLIC IS JUST ONE SMALL EXAMPLE OF THIS RELATIONSHIP.

I WAS SHOCKED AND ASTOUNDED THAT THE LIBERAL LEADER OF THE OPPOSITION WOULD MAKE THE KIND OF STATEMENTS ATTRIBUTED TO HIM IN THE PRESS LAST WEEK.

HIS STATEMENTS ABOUT THE YUKON INDIAN LAND CLAIMS SMACK OF POLITICAL OPPORTUNISM OF THE WORST KIND, PARTICULARLY WHEN HE KNOWS, OR SHOULD KNOW, THAT HE RAN THE RISK OF DOING IRREPARABLE HARM TO THE SOCIAL FABRIC OF OUR YUKON.

SUCH IRRESPONSIBLE STATEMENTS BY SUPPOSEDLY RESPONSIBLE PEOPLE CAN DO NOTHING BUT DRIVE A WEDGE BETWEEN THE PEOPLE OF YUKON.

THE FACT THAT OUR GOVERNMENT WAS GIVEN OVERWHELMING SUPPORT FROM ALL YUKONERS, NATIVE AND NON-NATIVE ALIKE IN THE NOVEMBER ELECTION PLACES AN OBLIGATION ON US TO STRIVE FOR MORE RESPONSIBLE GOVERNMENT AND TO OBTAIN LOCAL CONTROL OF LAND AND RESOURCES. I INVITE ALL YUKONERS TO JOIN US IN WORKING TO ACHIEVE OUR RIGHTFUL PLACE IN CANADA'S SOCIETY.

OUR MANDATE AND OUR OBLIGATION IS TO MAKE EVERY EFFORT TO ACHIEVE A JUST SETTLEMENT OF INDIAN LAND CLAIMS THAT WILL BE VIEWED AS FAIR BY ALL OF OUR CITIZENS. IT CAN BE SEEN,

BY AN EXAMINATION OF THE LETTER, THAT WE ARE HOPEFUL OF
PROCEEDING TOWARD POSITIVE ADVANCEMENT IN YUKON OF THESE
OBJECTIVES.

THE MINISTER WILL ARRIVE IN WHITEHORSE ON TUESDAY,
AUGUST 14, AND WILL SPEND THE REMAINDER OF THE WEEK IN YUKON.
I ANTICIPATE THAT HE WILL ADDRESS SOME OF THE ISSUES RAISED
IN THE LETTER. I AM ALSO OPTOMISTIC THAT AT THAT TIME BOTH
THE MINISTER AND MYSELF WILL BE IN A POSITION TO MAKE MAJOR
ANNONCEMENTS RESPECTING YUKON'S ECONOMY AND FUTURE ECONOMIC
DEVELOPMENT.

* * * * *



OUR FILE
YOUR FILE

June 18, 1979.

The Honourable J. Epp,
Minister,
Department of Indian Affairs and
Northern Development,
Ottawa, Ontario,
K1A 0H4.

Dear Mr. Epp:

I wish to thank you very much for your kind invitation to meet with you in Vancouver on June 18 and in Ottawa later on in the week. The Government of Yukon was most pleased to learn of your appointment as Minister of Indian Affairs and Northern Development on June 4, 1979. We are looking forward to developing a close, cooperative working relationship with you and your officials.

I have been anticipating the opportunity of meeting with you and discussing certain matters of immediate concern to this government relating to the evolution of responsible government and the land claims situation in Yukon. I would like very much to discuss these matters with you at first hand, but in the interim, this letter will give you an indication of the specific subjects I wish to address at our meetings in Vancouver and Ottawa.

You are probably already aware that the issue of the development of self-government in Yukon was raised during the recent federal election campaign by Prime Minister Clark. This issue has long been a subject of great interest in Yukon. It figured largely in our own territorial election campaign of November 1978. The Prime Minister's pledge of giving Yukoners the option of becoming Canada's eleventh province within his first term in office stood out in marked contrast to statements made by the previous Prime Minister. After years of relative inaction on this subject by the last federal administration, Prime Minister Clark's statements were most encouraging to us. Accordingly, I would like to discuss with you some positive measures that may be taken to further the evolution of responsible government in Yukon.

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One important measure which could be implemented relatively quickly would be the establishment of a wholly elected Executive Committee to be styled the Executive Council. The adoption of this measure would, of course, require the re-definition of the role of the Commissioner in relation to her current duties, functions and responsibilities. This measure would also bring into question the role of the Deputy Commissioner.

The growth of the Executive Committee concept and the advent of party politics to the Yukon legislature have made it possible to entrust a large portion of the responsibility for the active, day to day administration of Yukon government to elected officials directly accountable to the Yukon Legislative Assembly. In this context, it is our contention that the Commissioner need not and should not continue to play a predominant role in the day to day administration of the Yukon government. The Commissioner's current portfolio responsibilities should be transferred to elected members of the Executive Council. If these transfers were made, there would be little need for the Commissioner to chair or attend meetings of the Executive Council. In our view, the Commissioner should be directed to follow the same constitutional practices with respect to Executive Council advice, initiation of money bills, and the giving or withholding of assent to proposed legislation as are followed in comparable situations by the Lieutenant-Governor of a province. Although she would still retain the title of Commissioner, her duties, functions and responsibilities would be more akin to those of a Lieutenant-Governor. I might stress that my elected colleagues and I have great respect for the individual who currently holds the office of Commissioner, and would like very much to have her continue as the functions of the office are changed.

The establishment of a wholly elected Executive Council would also mean that the position of Deputy Commissioner would no longer be required. The Judge of the Supreme Court of the Yukon Territory could be appointed as Administrator pursuant to the Yukon Act during the Commissioner's absence, illness or other inability or when the office of Commissioner is vacant.

To bring these measures into effect would require your issuing new instructions to the Commissioner and ultimately some preliminary amendments being made to the Yukon Act. I have for your perusal some draft terms of reference for the Commissioner together with the suggested amendments.

In addition to these changes, other initiatives could be made to further the evolution of responsible government in Yukon over the short term. The transfer of health services to the Government of Yukon, for example, has suffered from

interminable delays. This transfer should now be completed.

Of greater significance are measures you can initiate to bring the control and management of Yukon land and resources under the legislative purview of the Government of Yukon. We recognize that the transfer of land and resources will directly involve the settlement of Yukon Indian Land Claims. Both native and non-native Yukoners are striving to attain this control and management by two different processes: the Yukon Indian people through their land claims settlement and non-native Yukoners through the development of more responsible government.

In the past, your officials and mine agreed that these two processes must proceed in concert so as to complement rather than conflict with one another. The Government of Yukon, of its own accord, initiated measures to encourage native participation at all levels of the territorial government so that Yukoners acting together could ultimately be able to realize their collective goal. Some of these initiatives have met with considerable success and others are being contemplated. The transfer of Yukon's land and resources, in effect, gives meaning to the Yukon government's offer to take special measures to encourage Yukon Indian participation and provides a reason and major incentive for Yukon Indian acceptance of our offer. Yukon Indians will see considerable advantage in joining in the territorial government if our government has administrative control and management over the use of territorial lands. This transfer could act as a catalyst uniting native and non-native people by satisfying this aspect of their common desire for greater control of Yukon affairs by Yukoners. Separately we will not be able to reach a satisfactory solution to land claims or responsible government. United under a common aim and working together we shall.

The second major topic I wish to discuss with you at our meetings involves certain recent developments concerning the land claims situation in Yukon. While my government has some pressing concerns in regard to both the claim of the Inuvialuit of the Western Arctic Region and the claim of the Yukon Indian people, there are two specific matters which I must bring to your attention immediately.

In regard to the Inuvialuit claim, I wish to advise you at this time that the Government of Yukon views some of the provisions of the recently signed Inuvialuit Land Rights Settlement Agreement in Principle as being unconstitutional and gravely prejudicial to the social and economic development of Yukon. We will be presenting to you our concerns about this Agreement within the very near future.

The Yukon Indian Claim is of more immediate concern to us. On June 8, 1979, your negotiator for Yukon met with representatives of the Council for Yukon Indians and tabled a position paper outlining the general principles of the federal government's response to the CYI's January 20, 1979 proposal. There were principles contained within that document that this government does not accept. Our recently signed Memorandum of Understanding on the Process for Negotiating Native Claims in the Yukon Territory specifically stipulates that any policy differences between the federal and territorial governments are to be resolved by the two governments before positions are presented to native claimants. The tabling of this document by your negotiator on June 8 represents a serious breach of this Memorandum.

Of equal concern to us is the granting to your negotiator of an interim mandate allowing the continuation of Yukon Indian claims negotiations prior to the formulation of an overall comprehensive claims policy and consideration being given to its specific application to Yukon. We believe the apparent conflict between the larger issues of constitutional development and economic development versus the settlement of the Yukon Indian claim can best be reconciled through the preparation of a policy tailored to meet Yukon's individual needs and unique circumstances. This policy should place the settlement of the Yukon Indian claim clearly within Yukon's social, economic and political context. The continuance of negotiations under the policy of the previous federal government - even as an interim measure - will only lead to future difficulties between ourselves and do little to resolve the Yukon Indian claim.

We are aware that time is of the essence and that claims negotiations must proceed expeditiously. Nevertheless, we feel strongly that time could be far better spent over the next six weeks developing the parameters of the long-range social, economic and political policy for Yukon, referred to above. My officers and I are ready to assist you in every way in the formulation of such a policy.

I believe this letter will mark the beginning of many mutually productive exchanges of views and concerns. I look forward to the opportunity of discussing these views and concerns with you in person.

Yours sincerely,

ORIGINAL SIGNED BY:
C.W. PEARSON

C. W. Pearson,
Government Leader.

There was consistent speculation about a new "terms of reference letter" which was being drafted in Ottawa and which would affect the role of the Yukon's Commissioner.

The speculation persisted through September and into October and many Whitehorse based reporters were certain that Commissioner Ione Christensen would resign when her new terms of reference were announced.

The announcement was made Tuesday, October 9 and involved a telephone news conference between Northern Affairs Minister Epp in Ottawa and reporters in Whitehorse. This conference began at 9:20 a.m. and reporters began their wait for a word from the Commissioner on whether she would resign.

That word came in the afternoon when Government Leader Pearson was called out of the Legislative Assembly. He returned minutes later to announce that Ione Christensen intended to resign.

Commissioner Christensen held a news conference that afternoon and what follows is the press coverage her announcement generated.



OTTAWA (October 9, 1979) --- Revised terms of reference for the Commissioner of the Yukon were issued today by Northern Affairs Minister Jake Epp.

The instructions contained in a letter to Commissioner Ione Christensen are intended to clarify her relationship with elected representatives of the territorial government, and rationalize the current arrangements for executive decision making in the Territorial administration.

The Commissioner is now obligated to follow the advice of territorial council on all matters of exclusive territorial jurisdiction. The present executive committee will be replaced by an Executive Council or Cabinet and membership will consist only of elected members. The Commissioner will not be expected to participate in the day to day affairs of the territorial administration.

The achievement of full responsible government will require amendments to the Yukon Act. In the meantime, Mr. Epp said "I recognize the responsibility that the Governor-in-Council and I have

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for the general administration of the Yukon Territory, and I do not intend, in the absence of statutory amendment, to abdicate that responsibility."

Measures to ensure the effective participation of native people in the government of the Yukon will be developed prior to any amendment to the Yukon Act, the Minister said. Mr. Epp intends to convene an early meeting between the Government of Canada, the Government of the Yukon Territory and the Council of Yukon Indians to discuss the issues that must be resolved and the process by which this should take place. It is expected that the Commissioner will play a leading role in the resolution of these issues as the Minister's representative in the Yukon.

The instructions will have an immediate effect on the operations of territorial council. The new terms of reference place responsibility for the territorial budget in the hands of the elected representatives. The Commissioner will be bound by the government leader's choice of a date for convening council.

Size and membership of the executive ^{council or cabinet} committee will be determined by the government leader. The government leader may now be called Premier ^{should he choose} members of the Executive Council or cabinet may be referred to as Ministers of their respective portfolios.

Following previous advice from Mr. Epp, the Commissioner's office will be moved from the territorial government building to federal government premises.

Ref.: Catherine Lawson
(819) 997-0002



Mrs. Ione Christensen,
Commissioner of the Yukon Territory,
Whitehorse, Yukon Territory.
Y1A 2C6

Dear Commissioner:

I have commenced a review of the matter of the governing of the Yukon Territory and in particular the relationship of the Commissioner, the Governor in Council, the Minister of Indian Affairs and Northern Development and elective Council of the Yukon Territory. In addition, I have considered the terms and provisions of The British North America Act, the Yukon Act, the Indian Act and other relevant statutes.

There is no question, but that this Government intends to continue and give high priority to the evolutionary process toward full responsible government. Normal constitutional development in the history of the world is not only and necessarily by way of statutory enactment, but has been and continues to be in part by way of custom and usage and executive direction. The Yukon Act well envisages this in Section 4 where it states that instructions may from time to time be given to the Commissioner by the Governor in Council or the Minister. Such instructions have in fact been given and received in the past in accordance with the Yukon Act.

As you know, the Prime Minister has stated that if the people of Yukon choose it there will be an opportunity given to them to express their opinion on Provincial status. The opportunity is to be provided the Yukon during the first four years of our Government's mandate.

I have not as yet had an opportunity of determining required amendments to the Yukon Act to further the evolutionary process. However, this is under active review and will be considered by me, and the Ministers of Justice and Federal-Provincial Relations. I have an unaltered intention to proceed with requisite amendments

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to the Yukon Act. I recognize the responsibility that the Governor in Council and I have for the general administration of the Yukon Territory, and I do not intend, in the absence of statutory amendment, to abdicate that responsibility. In particular, I shall carry on with my duties under the terms and provisions of the Department of Indian Affairs and Northern Development Act and the Indian Act.

In addition, it is clear to me that prior to the introduction of legislative changes to the Yukon Act, it will be necessary for me to ensure that measures are developed which will protect the interests of native people in Yukon, and ensure their full and effective participation in its Government. To determine these measures, it will be necessary to deal with a number of issues that relate to my responsibilities for Indians under the Indian Act, and in particular the delivery of programs and services to them. Many of these issues have been reflected in the land claims positions of Yukon native people.

It is equally clear that the identification of these issues, and the process by which they are resolved, will require the effective participation of the representatives of Yukon native people. It is my intention, therefore, to convene an early meeting between the Government of Canada, the Government of the Yukon Territory, and the Council for Yukon Indians to begin identifying these issues, and to determine a process by which they can be resolved as we move to full and formal responsible government.

As my representative in Yukon, I expect you to play a large role in that meeting, and in the ensuing discussions.

In the meantime I believe that there are a number of immediate steps that can be taken by executive direction, which are consistent with our principle objective of moving to full responsible government, do not impinge upon my responsibilities to protect the interest of Yukon native people, and rationalize the current executive arrangements within the Government of the Yukon Territory. These steps will eventually be reflected in the amendments to the Yukon Act.

There are three basic categories of responsibility in the Yukon Act as they relate to your duties. They are as follows:

- 1) Commissioner in Council
- 2) Commissioner
- 3) Governor in Council

With respect to each of the three categories and pursuant to Section 4 of the Yukon Act, I advise and instruct as follows:

1) Commissioner in Council

Section 2 of the Yukon Act defines "Commissioner in Council" as meaning the Commissioner acting by and with the advice and consent of the Council. I hereby instruct you to accept the advice of the Council in all matters in the said Act which are delegated to the Commissioner in Council, provided that those matters meet the requirements of Section 17 of the said Act and excepting Section 46 of the said Act.

You are instructed to request the Territorial Government Leader that he shall constitute and appoint a body known as the Cabinet or the Executive Council which will have as its members those elected representatives of the Territorial Council who are designated from time to time by the Government Leader who enjoys the confidence of the Council. On the advice of the Government Leader you shall assign Departmental executive responsibilities to the appropriate members of the Executive Council.

There shall be at no time a majority of members of Council appointed to the Cabinet or the Executive Council.

You will not be a member of the Cabinet or the Executive Council, and will not participate on a day-to-day basis in the affairs of the Cabinet or the Executive Council, and Council of the Yukon in those matters delegated in the Yukon Act to the Commissioner in Council.

You should advise the Government Leader that he may use the term Premier to describe his Office, and the term Minister to describe the other members of the Executive Council. Until legislative amendments to the Yukon Act are passed, however, these terms should not be used in Territorial legislation or legal instruments.

2) Commissioner

The Yukon Act provides for certain responsibilities of the Commissioner, and these responsibilities shall continue to be fulfilled by you on the present basis subject to the following additional directions:

- (a) With respect to the date of convening a sitting of the Council pursuant to Section 11 of the said Act you shall accept the advice of the Government Leader provided that the said Section is complied with in other respects.

- (b) In appointing the members of the Advisory Committee on Finance pursuant to Section 12(1) you shall accept the recommendation of the Council.
- (c) With reference to Section 12(3) the Cabinet or Executive Council will prepare the estimates initially and then refer them to you.
- (d) With respect to the designation of chartered bank or banks pursuant to Section 23(2) you shall accept the designation of the Cabinet or Executive Council.

3) Governor in Council

I am in the process of considering and reviewing the powers of the Governor in Council and advising Cabinet, in keeping with the evolutionary process in the transfer of responsibility to the Commissioner in Council of the Yukon Territory. This process may require amendment of the Yukon Act, and I will advise you further in the near future.

In all other respects, your duties and authority are to remain the same, and be in keeping with instructions given previously.

However, you will appreciate that Parliament through the Yukon Act and the Department of Indian Affairs and Northern Development Act has entrusted me with the overall administrative responsibility for the Government of the Yukon. Unless and until such time as Parliament amends the Yukon Act, I must carry out my statutory duties, and therefore these instructions are subject to such changes as I may deem necessary from time to time.

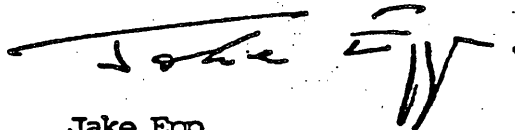
In making these changes, I am not unmindful of the considerable and rapid progress toward responsible government which has occurred in the past few years and of the important contribution you have made to that progress. Change of this proportion and pace cannot be achieved without some difficulty and dislocation but I know you share with me the belief that political responsibility for the decisions of the Yukon Territorial Government must be, and be seen to be, more clearly affixed to the elected representatives of the Yukon people.

In this transitional period I foresee an important role for the Commissioner as my agent of change. I will look to you to assume an important role in whatever process of consultation and discussion that emerges from the meeting I plan to have with elected representatives of the Territorial Government, and the Council for Yukon Indians. I would expect that in this emerging role you will be an active broker and mediator in assisting me to find mutually satisfactory accommodation of native interests within a fully responsible Yukon Territorial Government. In this regard I am confident that your experience in the affairs

of Yukon, sensitivity to the issues in which it is involved, and deep commitment to the objective of advancing its political and constitutional development, will contribute greatly to our success.

In view of the significance of these instructions in terms of the Government's objectives for political and constitutional development in Yukon, and your important role in achieving those objectives, it is my intention to make this letter public to ensure the full understanding of all Yukon residents.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jake Epp". The signature is written in a cursive style with a long horizontal stroke at the beginning and a vertical stroke at the end.

Jake Epp

JAKE EPP PRESS CONFERENCE - OCTOBER 9, 1979
CONFERENCE WAS CONDUCTED BY PHONE WITH REPORTERS IN WHITEHORSE AND
THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT IN OTTAWA.
CONNECTIONS WERE MADE AT ABOUT 9:20 a.m.

JOHN STEEVES:
(NEWS EDITOR CBC)

BASICALLY, ONE OF THE THINGS I NOTICE IN
THE LETTERS TO MRS. CHRISTENSEN IS THAT
YOU SAY YOU RECOGNIZE THE GENERAL ADMIN-
ISTRATIVE RESPONSIBILITY FOR THE YUKON
GOVERNMENT, UNTIL SUCH TIME AS THE YUKON
ACT IS AMENDED. ARE THERE ANY PLANS TO
AMEND THE YUKON ACT TO BRING THESE TERMS
OF REFERENCE INTO LAW, AS WELL AS INTO
PRACTICE?

JAKE EPP:

Yes. We intend to amend the Yukon Act and
this is why I say later on in the letter,
that I believe that it is important that
the Yukon territorial government and the
Native representatives and the federal
government, of which the Commissioner is
my chief agent in Yukon, that we now sit
together, all parties, in order to deter-
mine the best manner in which constitutional
change and development can come into the
Yukon.

And also that groups such as the Native
people of Yukon can be participants. Not
only in the process, the constitutional
development process, but also into any
changes that might come about.

JOHN STEEVES:

WHEN DO YOU PLAN TO HOLD THAT TRI-LEVEL
MEETING OF NATIVE PARTICIPATION IN THE
YUKON GOVERNMENT?

JAKE EPP:

We have not set an exact date, but I intend to have discussions very quickly, either I or through the Commissioner, with the Yukon territorial government and the CYI. I should mention that I have spoken to Mr. Harry Allen (CYI CHAIRMAN) Friday last and indicated to him that I wanted the consultative process to take place. You'll recall, when I was in Whitehorse, I mentioned that the process was important and that I wanted to sit down with the various groups in order to discuss the matter of evolutionary development--constitutional development in Yukon. I would hope, even though I can't be bound by it, I would hope that this meeting could take place before the end of the year.

JOHN STEEVES:

BASICALLY, THE NEW TERMS OF REFERENCE SEEM TO GIVE THE YUKON ALL THE TRAPPINGS OF A PROVINCE. WOULD THAT BE A FAIR ASSESSMENT?

JAKE EPP:

Well that is not totally the case. Full trappings of a province would also mean the full responsibility for budgetary and financial matters. And, if you notice, that is not the case. The Yukon Act, until amended, does not allow me to do that. I would be "ultra vires".

What we intend to do, as I indicated again; the prime minister indicated during the election campaign, was to establish responsible government whereby all people of Yukon could participate. Once that had been done, then the decision could be taken on whether or not a provincial status was in the best interest of Yukoners and I have

indicated very clearly that that will be done by referendum, by the citizens of Yukon.

JOHN STEEVES:

EVEN THOUGH YOU SAY THAT THE FEDERAL GOVERNMENT WILL RETAIN SOME RESPONSIBILITY FOR THE FINANCIAL MATTERS OF THE YUKON NEVERTHELESS, IT SEEMS TO ME THAT THE ADVISORY COMMITTEE ON FINANCE WILL BE APPOINTED ESSENTIALLY BY THE COUNCIL: THE ESTIMATES WILL BE PREPARED BY THE CABINET OR EXECUTIVE COUNCIL AND BASICALLY REFERRED FOR A ROUTINE APPROVAL BY THE COMMISSIONER. ISN'T THAT, IN EFFECT, A CASE OF YOU DELEGATING YOUR RESPONSIBILITIES IN THIS MATTER TO THE ELECTED MEMBERS?

JAKE EPP:

No. It is not a full delegation, even though their participation will be much more critical. Because of the Financial Administration Act, and the Yukon Act responsibilities that I have. While it referred to the Commissioner, in a routine manner, it still must be approved by votes in Parliament and that is not being changed and cannot be changed until amendments to the acts have in fact taken place.

JOHN STEEVES:

SO PARLIAMENT WILL RETAIN ITS ROLE, BUT THE COMMISSIONER WILL NOT.

JAKE EPP:

The commissioner has a different role to play. Namely to be the agent for the federal government in Yukon, to be in consultation with the elected people of Yukon. I am a firm believer and hold a deep commitment that the elected officials must be responsible to those who elect them. And those are the citizens of Yukon.

RAY UNGER:
(YUKON INDIAN NEWS)

THE ONLY QUESTION I HAVE IS WITH RESPECT TO TIMING. YOU SAY YOU WOULD LIKE TO HAVE A MEETING BEFORE THE END OF THE YEAR. HOW SOON DO YOU SEE POSSIBLE CHANGES TO THE YUKON ACT?

JAKE EPP:

I don't know how quickly those changes can take place, Ray. That is for two reasons. One, I want to have full consultations, as I have committed myself to, both with the Yukon Territorial Government and the Indian people of Yukon. So that's number one. Number two. The legislative program of the House is always very hard to pre-determine, so I can't give you a schedule, nor has the president of the Privy Council given me a schedule. But I believe it is essential that a meeting between the three parties take place very quickly in order that we can begin this consultation process. I think the longer we wait, it gives rise for indecision and questioning and I have undertaken to get that meeting going as quickly as we can.

SANDY HUTTON:
(CKRW)

I HAVE A QUESTION ABOUT THE CHANGES. WHAT HAPPENS TO THE POSITION OF DEPUTY COMMISSIONER?

JAKE EPP:

The position of deputy commissioner will no longer exist. As you know, Mr. Doug Bell has fulfilled that role and he has done an admirable job and I want to thank Mr. Bell for it. What we intend to do, and I have spoken to the assistant deputy minister for northern development, we will be offering Mr. Bell another position, of course, other than deputy commissioner. What has to happen, I should mention as well, the commissioner's role has been changed to one of being a mediator in the constitutional development of Yukon and the commissioner will need professional people who have expertise along those lines. And I have given indications to the Commissioner, in telephone conversations this Friday last and again this morning that we are open to giving her whatever professional backing she needs in order to fulfill the new role that she now has.

DON SAWATSKY:
(FREELANCER)

I WOULD LIKE TO JUST CALRIFY THE COMMISSIONER'S ROLE. IT SEEMS TO ME THAT IF SHE IS NOT TO PARTICIPATE IN THE DAY TO DAY ADMINISTRATION OF THE TERRITORY, SHE APPEARS TO BE, EXCEPT FOR THE NATIVE SIDE OF IT, JUST A GLORIFIED ADVISOR. DOESN'T THAT COME AWFULLY CLOSE TO BEING A LIEUTENANT-GOVERNOR?

JAKE EPP:

Well, first of all I don't see a Lieutenant-Governor being quote a glorified advisor. The Lieutenant-Governor's position has in all the provinces is one of the cornerstones of British democracy, of Parliamentary democracy and I think it is a very significant role and it is important that we evolve towards that position in Yukon. So first of all, I see it as an important role. Secondly, yes it is a changed role for the commissioner, but I believe that change is in keeping with what I have stated earlier and that is responsibility should not be held by those who are appointed, but rather should be held by those who are elected. And they ultimately must be responsible to the electorate.

DON SAWATSKY:

WELL, MRS. CHRISTENSEN HAS INDICATED THAT IF HER ROLE IS GOING TO BE NOTHING MORE THAN A PSEUDO LIEUTENANT-GOVERNOR, OR A LIEUTENANT-GOVERNOR IN FACT, THAT SHE WASN'T INTERESTED AND WOULD PROBABLY RESIGN. HAVE YOU DISCUSSED THIS WITH HER?

JAKE EPP:

I have had discussions with Mrs. Christensen. I have indicated to her that I believe the Commissioner's role is extremely important at this stage in the development of Yukon. That whoever the commissioner is, that that person has a historical role to play as the territory moves towards full responsible government and the eventual decision on whether or not provincial status is desirable. I hope the Commissioner sees her role in that way and any decisions or

speculation such as you raised, is just that, and the Commissioner, obviously, will make up her mind and then indicate to me what that decision is.

DON SAWATSKY:

ONE LAST QUESTION. THERE HAS BEEN SOME CHANGES IN NAMES. NOT LEGALLY, BUT WE ARE PERMITTED NOW TO CALL THE LEADER OF THE GOVERNMENT THE PREMIER AND THEY HAVE A CABINET NOW, BUT ASIDE FROM THESE NAME CHANGES, IS THERE ANY TRANSFER IN ACTUAL REAL POWER?

JAKE EPP:

Well what I have done is, if you take a look, first of all there has been the name changes. Some of those were already in usage before the letter of instructions to the Commissioner. In terms of changes in power? I think in many ways, the responsibility of the day to day administration of government, which in fact was taking place before, has now been formalized. If you take a look also in the specific instructions that I have given, such as the calling of the House, the formation of executive committee, or of a cabinet, those responsibilities and the handing out of portfolios, now lies with the majority leader in the legislative council.

DAVE TAIT:

YES, MR. EPP. JUST CONTINUING ON THE CHANGES IN FORM RATHER THAN IN SUBSTANCE. WE ARE TOLD, EVEN THOUGH IT IS NOT DETAILED IN THE LETTER, THAT THE TERM LEGISLATIVE ASSEMBLY CAN ALSO BE USED NOW TO DESCRIBE THE COUNCIL. IS THAT CORRECT?

JAKE EPP:

That is correct. And I should indicate that in all these terms, in some cases they can be used because of usage of the Parliamentary system. In other cases they will need amendment to the Yukon Act. We have indicated that while they can be used for common usage, they cannot be used in the ordinances because the Yukon Act specifically spells out words that have been in usage before.

DAVE TAIT:

WHAT ABOUT THE TERM "COMMISSIONER"? IS ANY CHANGE TO THAT BEING CONSIDERED?

JAKE EPP:

Not at the moment.

DAVE TAIT:

NOT AT THE MOMENT. HOW ABOUT WHEN THE YUKON ACT IS ALTERED?

JAKE EPP:

That we have not considered and that would then be discussed by the parties, whom I have already indicated, namely the territorial government and the native people and the federal government. But there has been no contemplation or thought given by me or any advise that I have received that the name "Commissioner" should be altered.

DAVE TAIT:

JUST ONE LAST THING. YOU MENTIONED THAT REALLY THESE TERMS OF REFERENCE FORMALIZE CHANGES THAT HAVE REALLY TAKEN PLACE ALREADY. CHANGES IN TERMS THAT WERE ALREADY IN COMMON USAGE, THAT SORT OF THING. WHAT WOULD YOU POINT TO AS BEING THE MAIN, ACTUAL SUBSTANTIAL CHANGE. NOT CHANGES IN FORM OR TITLES OR NAMES BUT A SUBSTANTIAL CHANGE IN THE POLITICAL STRUCTURE OF THE YUKON?

JAKE EPP:

The substantial change is first of all that the government leader, in this case Mr. Pearson, that we have, in a very formal, open manner, indicated that the federal government is committed to the development of responsible government, the evolution of powers from the federal government, to those elected in the Yukon. That's the first change and that formalizes it. Secondly, we have indicated, in the letter, that we believe the Commissioner's role is to be one of an agent of the federal government to bring about that change and get all the parties of Yukon involved in that constitutional development.

That role has been changed and what that commitment means; we are committed through changing the Yukon Act, for example, once consultation has taken place, what the party has committed itself to as a party, the government has now committed itself to as a government. Namely, that responsible government will come to Yukon, that the people of Yukon have the right to elect their people and hold them responsible.

PAUL KORING:

MR. MINISTER, THE CHANGES THAT YOU'VE OUTLINED IN THIS LETTER, ARE TO A LARGE EXTENT, ALREADY IN FORCE, BUT THE CHANGES TO THE YUKON ACT WHICH WOULD GIVE THE TERRITORY A FULLY RESPONSIBLE GOVERNMENT STILL FALL SHORT OF PROVINCIAL STATUS.

JAKE EPP:

That is correct.

PAUL KORING:

ARE YOU PREPARED TO GIVE THE YUKON TERRITORY FULLY RESPONSIBLE STATUS, EVEN IF A REFERENDUM SHOWS THAT THE PEOPLE HERE AREN'T INTERESTED IN PROVINCIAL STATUS, AND IF SO, WHAT IS THE DIFFERENCE BETWEEN THE TWO?

JAKE EPP:

Well I think there is a difference in responsible government. What we have indicated is that before a decision can be rendered, on provincial status, responsible government has to be in place, and that the people of Yukon in fact can have the experience of running their own affairs and also to examine, at that time, in the full light of day, with all information available, whether or not provincial status is the route they want to go. For example, there are questions of federal-provincial relations, equalization payments, those are long term decisions and negotiations have to take place. There is a difference, in that case already, between provincial status and responsible government.

PAUL KORING:

IN THAT CASE SIR, YOU WOULD BE PREPARED TO GIVE THE TERRITORY RESPONSIBLE GOVERNMENT AND THEREFORE FULL CONTROL OVER ITS OWN AFFAIRS WITHOUT HAVING TO FACE PROBLEMS OF PAYING ITS OWN BILLS.

JAKE EPP:

Oh, that would be open for negotiations and I indicated the process by which negotiations will take place.

SALLY HALLIDAY:
(CBC PUBLIC AFFAIRS)

MR. MINISTER, IN THIS MEETING WITH THE COUNCIL FOR YUKON INDIANS, CAN YOU GIVE US AN IDEA OF WHAT YOUR OPTIONS ARE? IN BRINGING NATIVES INTO GOVERNMENT HERE, INTO CONSTITUTIONAL DEVELOPMENT.

JAKE EPP:

The options. Well I want to discuss those with the leadership of the Council of Yukon Indians. You might recall that I had a meeting with the leadership of CYI when I was in Whitehorse.

There were a number of areas they flagged for me that they thought were extremely important for the welfare of the Indians of Yukon and that is quite apart from the land claims question or the pipeline question, just to name two.

And what they indicated that they wanted to be involved and they want to participate. Areas such as constitutional development, delivery of health services, delivery of education. And those are all options that I want to discuss with them. I want to enter those negotiations in an open manner and I have had assurances from them as well that their interest is to be

participants in the development of Yukon, but they also want to be participants in that process, the process which will examine various options. Not only do I want them there, I think its the only way we can go.

SALLY HALLIDAY:

WELL WHAT HAPPENS THEN TO THE DISCUSSIONS ON CONSTITUTIONAL DEVELOPMENT WITHIN A LAND CLAIMS SETTLEMENT, OR IS THE GOVERNMENT GOING TO DO THAT OR NOT?

JAKE EPP:

The land claims question, as you mention, has constitutional spin-offs and in speaking to Mr. Allen on Friday, last, I indicated to him that I wanted to get on with the land claims question.

As you possibly know, it has been put on a freeze for a while; during the period of time of re-examination of the office of native claims and also with the advent of a new deputy minister. This Thursday we are having our first meeting, specifically on land claims with the new deputy minister, after which we hope to have directions in place that the land claims process can begin once again.

SALLY HALLIDAY:

YES, BUT IS THE GOVERNMENT GOING TO DISCUSS CONSTITUTIONAL DEVELOPMENT WITHIN A LAND CLAIMS PROCESS?

JAKE EPP:

Well I think you've got two parallel situations here. One is the constitutional discussion which will now take place between the YTG, the Council of Yukon Indians and the federal government. The land claims question is a separate entity, but there is no question that constitutional discussions, such as, for example, education and health delivery systems, just two which I mentioned earlier, that they will be part of that discussion of land claims.

SALLY HALLIDAY:

WELL ONE LAST QUESTION ON THAT. DOES THE GOVERNMENT HAVE A POLICY SAY ON THE CONCEPT OF QUARANTEED PARTICIPATION IN OUR POLITICAL SYSTEM?

JAKE EPP:

The prime minister and a few other cabinet colleagues of mine, the minister for federal-provincial relations, Mr. Jarvis, the Secretary of State, David MacDonald, met with the National Indian Brotherhood, at which time, at which meeting, the Council of Yukon Indians was represented. We discussed as to the amount of the type of participation of the constitutional talks.

Remember there are two. One are the Canadian constitutional discussions, the others are the ones relating specifically to Yukon. And at that time it was agreed that there would be participation in those areas where Indian people had a direct interest and those areas have not been defined but are now the responsibility of this minister, along with the

National Indian Brotherhood leadership, to define them and then to bring them back to my colleagues.

JOHN STEEVES:

I JUST HAVE ONE OTHER QUESTION ABOUT THE COMMISSIONER'S ROLE. ASIDE FROM THE OBVIOUS PARTICIPATION SHE'LL HAVE IN CONNECTION WITH NATIVE AFFAIRS, IS THERE ANY DIFFERENCE BETWEEN HER ROLE AND THAT OF A PROVINCIAL LIEUTENANT-GOVERNOR? DOES SHE HAVE ANY EXTRA RESPONSIBILITIES, EXCEPT FOR THE NATIVE PARTICIPATION?

JAKE EPP:

She has an extra responsibility, as you already mentioned, the native role, the ceremonial role and also for example, in the matter of the financial statements, that they are submitted to her, and then on to Ottawa.

She has another role and that is she is my representative in Yukon and so it is her responsibility to explain government policy as it evolves in Yukon, in Ottawa, in order that the federal voice in Yukon during this transitional period is clearly understood, and explained.

JOHN STEEVES:

IN OTHER WORDS, IF THERE ARE DEVELOPMENTS OF FEDERAL POLICY THAT AFFECT THE YUKON YOU INTEND TO INFORM HER AND EXPECT HER TO PASS IT ON TO MR. PEARSON RATHER THAN GO DIRECTLY TO MR. PEARSON.

JAKE EPP:

She has a role to play in clarifying and explaining on a day to day basis federal government policy. You must remember that she, or the commissioner, the commissioner's office, is a federal office appointed by the minister and the responsibility of the commissioner is to the minister.

PAUL KORING:

MR. MINISTER, WILL YOU BE BOUND BY THE NOMINATION OF THE ELECTED MEMBERS OF THE LEGISLATURE FOR THE APPOINTMENT OF THE NEXT COMMISSIONER?

JAKE EPP:

That has not been discussed, or considered. At the moment, I have a commissioner, she is representing me in Yukon and the other part of that question, I would think, is speculative.

PAUL KORING:

WELL I AM NOT SUGGESTING THAT WE WILL BE GETTING A NEW COMMISSIONER BUT ONE OF THESE DAYS WE'LL HAVE TO. EITHER BEFORE OR AFTER THE CHANGES TO THE YUKON ACT WHICH YOU ARE SUGGESTING. AT THAT TIME, WILL YOU FOLLOW PROCEDURES USED BY OTHER RESPONSIBLE GOVERNMENT IN THE COUNTRY WHERE THE GOVERNOR-IN-COUNCIL DOES ACCEPT THE NOMINATION OF THE LEGISLATURE?

JAKE EPP:

If that development should take place I would obviously be open to a recommendation from the elected people.

PAUL KORKING:

WOULD YOU BE BOUND BY IT, SIR?

JAKE EPP:

I would have to discuss this with the government leader. I must say that I have not developed my thoughts fully on that role as yet.

RAY UNGER:

WITH RESPECT TO THE QUESTION OF LAND CLAIMS. YOU SAID THERE WOULD BE A MEETING ON THURSDAY WITH YOUR DEPUTY MINISTER. I ALSO UNDERSTAND, IN TALKING TO DAVID HUMPHREYS, THAT CABINET IS GOING TO BE COMING UP WITH A POLICY IN RESPECT TO LAND CLAIMS IN CANADA. IS THAT CORRECT?

JAKE EPP:

Right.

RAY UNGER:

ANY INDICATION HOW SOON THAT WILL COME?

JAKE EPP:

I can't tell you that Ray. Let me give you, though, the principals. And the principal is this. Number one, the government recognizes the validity or legitimacy of aboriginal rights. Secondly, we want the land claims process to develop. Questions had developed, oh, why did I put a freeze on it? I think it was rather obvious why I had to. Namely, the federal government had to examine its position and the status of land claims, as it had progressed up to June 4. I think that review is almost complete. I hope that the cabinet can quickly address the matter on land claims, but I can't prejudge the period of time, but I hope that will be done quickly.

I believe it is important that we come to a resolution of land claims. I get that representation from Indian leaders, that is my position as well because as long as we don't have a settlement of land claims, then other questions such as constitutional development are beyond the point, obviously, of a new letter of instructions to the commissioner, as a matter of development, job creation...the future remains in limbo. That is why I believe that the land claims question has to be addressed and I intend to take a personal interest with the hope of getting some settlement on it.

RAY UNGER:

WITH THE HOUSE SITTING TODAY, IS IT POSSIBLE THE CABINET WILL REACH A DECISION WITHIN A MONTH, BEFORE CHRISTMAS? NEXT SPRING?

JAKE EPP:

Well I would hope that decision will be taken before the end of the year, in fact, I would hope sooner than that.

RAY UNGER:

WILL ANY DISCUSSIONS TAKE PLACE PRIOR TO THAT? ANY NEGOTIATIONS?

JAKE EPP:

Yes I believe they will.

RAY UNGER:

IS THERE ANY PARTICULAR POINT IN DISCUSSING SOMETHING YOU DON'T KNOW AT YOUR END, WHAT YOU CAN GIVE THE INDIANS?

JAKE EPP:

I don't think, Ray, it is a matter of quote what I can give the Indians. I think its a matter of negotiations... What the cabinet is wrestling with, obviously, is the parameters..that in terms of negotiations I think we are almost at the position now where those negotiations can begin and we can move forward. Why? Because the Prime Minister has very clearly indicated that he recognizes aboriginal rights and wants the negotiations to go forward.

RAY UNGER:

BUT UNTIL YOU KNOW THE PARAMETERS, CAN YOU REALLY NEGOTIATE?

JAKE EPP:

Oh, we know the parameters to some degree, I think what we are looking at is the financial implications.

SALLY HALLIDAY:

MR. MINISTER, YOU SAID YOU ARE COMMITTED TO RESPONSIBLE GOVERNMENT. MY QUESTION IS: ARE WE GOING TO SEE A TRANSFER OF RENEWABLE RESOURCES TO THE TERRITORIAL GOVERNMENT? LAND? WATER?

JAKE EPP:

Well that question, obviously, cannot be addressed until I have had full and open consultations with the parties that have been identified earlier in this press conference. I believe that it is important that we do not break trust with, for example, the Indian people of the Yukon.

And the transfer of, to some degree, other than the point I already made when I was in Whitehorse, namely the recreational land; that I want to discuss with those three parties.

I am a very firm believer that when you put people together in one room around one table, that you can come up with agreement. I think there has been a case in the past where the various groups have spoken to each other, but not in a collective way. And it is for that reason that I place so much emphasis on the consultative process; because if the future of Yukon is to be one of harmony than the various groups within Yukon will have to come to some agreement as to the future.

SALLY HALLIDAY:

IS THERE A POSSIBILITY THAT WE WOULD SEE A TRANSFER OF RENEWABLE RESOURCES BEFORE A LAND CLAIMS SETTLEMENT?

JAKE EPP:

That I would not want to speculate on because we're in negotiations with land claims and I have also committed myself to the consultative process.

SALLY HALLIDAY:

JUST ONE MORE QUESTION...ABOUT THE ROLE OF COMMISSIONER. I'M UNCLEAR, MR. MINISTER, WHY YOU SAY THE ROLE OF COMMISSIONER IS SO IMPORTANT RIGHT NOW. IT DOESN'T STRIKE ME THAT IT IS..CONVINCE ME.

JAKE EPP:

It might not be important in terms of what the traditional role of the commissioner has been; namely that the commissioner for all intents and purposes was the government because the federal government had direct responsibilities in the Yukon Territory.

Where the role of the commissioner is extremely important is that Yukon is going through a historical period...a period where there is a development, an evolution, from being subject to the decisions of Ottawa, to one where the people of Yukon are going to make their own decisions. And that is what I favour. The democratic process is one where the elected people must make those decisions and be held accountable for them.

SALLY HALLIDAY:

WHY DO YOU NEED A MEDIATOR THOUGH?

JAKE EPP:

The commissioner is in that transition and I think if one takes a look at it in a historical view; whenever those transitions have taken place, there have been people who have been negotiators, who have been mediators, who almost became the catalyst of that change...and I see the commissioner's role to be that.

SALLY HALLIDAY:

IF THE COMMISSIONER RESIGNS, WILL YOU APPOINT ANOTHER COMMISSIONER?

JAKE EPP:

That is speculative in terms of resignation, but, the role of commissioner will be filled.

PAUL KORING:

MR. MINISTER, IS IT NOT THE CASE THAT YOU HAVE REDUCED THE COMMISSIONER'S POWERS AS MUCH AS YOU POSSIBLY COULD UNDER THE YUKON ACT AND IN ACTUAL FACT, THE COMMISSIONER HAS AS LITTLE POWER AS CAN CONCEIVABLY BE GIVEN THAT ROLE WITHOUT CHANGING THE YUKON ACT?

JAKE EPP:

In the traditional sense of the powers that the commissioner, at one time held, your observation is correct.

The role of the commissioner, rather than powers has changed. And that is, I now expect the commissioner to be that catalyst for change...to fulfill, not only the commitments of this government, but to direct, what I believe will be the history of Yukon, towards a responsible position that Yukon must take and also I believe Yukon wants to take within the larger Canadian federation.

PAUL KORING:

IS IT TRUE THEN THAT THE COMMISSIONER IS BASICALLY TWO THINGS. SHE IS A FIGURE HEAD IN THE FORM THAT A LIEUTENANT-GOVERNOR WOULD BE AND SHE'S ALSO AN INTERMEDIARY BETWEEN THE LEGISLATIVE ASSEMBLY AND THE YUKON INDIAN ORGANIZATIONS..WHO HAVE ALSO TRADITIONALLY NOT GOT ALONG VERY WELL.

JAKE EPP:

I think you put it well.

Press conference ends.

Ione Christensen Press Conference - October 9, 1979 - 4 p.m.

The announcement of Commissioner Christensen's resignation came about 4½ hours after the press conference with the Indian and Northern Affairs Minister. The announcement was made in the Yukon Legislative Assembly by Government Leader Chris Pearson (see news clippings which follow) and a news conference was arranged for 4 p.m. in Room 1A of the territorial government's administration building.

IONE CHRISTENSEN:

I WOULD LIKE TO THANK YOU ALL FOR COMING. I DON'T HAVE A PREPARED STATEMENT. AS YOU ARE PROBABLY AWARE, I PHONED THE MINISTER AT ABOUT 2:45; OR THE MINISTER PHONED ME... HE RETURNED MY CALL...AND I TOLD HIM AT THAT TIME THAT WITH DEEP REGRETS I FELT I WOULD HAVE TO TENDER MY RESIGNATION IMMEDIATELY...THAT THE TERMS OF REFERENCE WERE NOT THE TERMS OF REFERENCE THAT I COULD WORK WITHIN. WITH THOSE FEW WORDS I WILL LEAVE TO YOU PEOPLE TO ASK ANY QUESTIONS YOU WOULD LIKE.

PAUL KORING:
(FREELANCER)

COMMISSIONER CHRISTENSEN, DID THE MINISTER TRY AND PERSUADE YOU TO STAY ON?

IONE CHRISTENSEN:

No, he did not. He felt it was with deep regret he accepted my resignation. He respected my feelings and felt that perhaps there was more of a role than I envisaged and at this time that role would appear.

PAUL KORING:

DID HE AT ANY TIME, DISCUSS WITH YOU, THE ROLE OF COMMISSIONER, PRIOR TO THE FORMULATION OF THESE TERMS OF REFERENCE HE ANNOUNCED TODAY?

IONE CHRISTENSEN:

Certainly in the past when I first met with him in June then June, July and August, we did discuss the possible changes that may be taking place. But the actual drafting of these terms of reference...no I did not.

PAUL KORING:

DID YOU MAKE IT CLEAR TO HIM AT SOME POINT THAT IF YOU GOT TERMS OF REFERENCE LIKE THIS, THAT YOU WOULD RESIGN? IN OTHER WORDS, IS IT REASONABLE TO ASSUME THAT HE WASN'T SURPRIZED, GIVEN THE TERMS OF REFERENCE HE DRAFTED THAT YOU RESIGNED?

IONE CHRISTENSEN:

Well certainly in the press conference... not the press conference...the interview I had with CBC a couple of weeks ago and in other discussions with the minister, I implied and told him when the terms of reference were given to me, if in fact they were, that at that point in time I would have to evaluate them and make a decision on it, if in fact I found there was a role for me in those terms of reference. And if I found there was not, or a role I could not play, then I would have to make this resignation.

SUZANNE MASON:
(CBC NEWS)

DO YOU HAVE ANY PLANS FOR YOUR FUTURE?

IONE CHRISTENSEN:

Yes, I'm going home and paint the kitchen.

SUZANNE MASON:

DO YOU HAVE ANY PLANS TO BE IN POLITICS, AGAIN, THERE'S AN ELECTION COMING UP SOON.
(NOTE: THIS IS IN REFERENCE TO THE WHITEHORSE CIVIC ELECTION)

IONE CHRISTENSEN:

Ya that's right. Right now I need a good rest.

PHILLIP DANIELS:
(CBC NEWS)

YOU ARE STILL CHARGED WITH REPRESENTING THE NATIVE PEOPLE OF THE YUKON AND THAT IS ONE OF THE POINTS YOU MADE EARLIER WHEN YOU WERE TALKING ABOUT WHEN YOU WERE TALKING ABOUT YOUR ROLE THAT YOU FELT THERE NEEDED TO BE A STRONG FEDERAL PRESENCE IN THAT AREA. YOU OBVIOUSLY FEEL THAT THAT IS NOT ENOUGH, THAT YOUR AUTHORITY HAS BEEN REDUCED TOO FAR IN OTHER AREAS. BUT, WHEN YOU SAY THE TERMS OF REFERENCE IS NOT ONE YOU CAN WORK WITH, SPECIFIC AREAS DO YOU.....

IONE CHRISTENSEN:

In using the terms of reference I see really two very distinct roles. Two roles that I feel are not compatible or can be played by only one person. I see the role of Lieutenant-Governor, although it is not spelled out as Lieutenant-Governor, but quite obviously that is the role, signing documents arriving under the direction of the elected people.. and I see the other role...and that is the role I do not feel has been addressed or clarified...the terms of reference state what the commissioner will not do, I do not think they spell out what the commissioner shall do...that has been alluded to, but it has not been spelled out and I think it should have been spelled out more clearly. Perhaps that is expecting too much of something that is unclear as what constitutional development is. Perhaps I have over-reacted, I don't know, perhaps I should have waited, perhaps I should have put it off until those meetings with the Indian people and the

territorial government. I cannot percieve of what would come out of that meeting that would change my opinion. An agent of change. I find that a little difficult to come to terms with. A mediator, and then a negotiator,...I think its in conflict with the role of a Lieutenant-Governor...I don't think Lieutenant-Governors are negotiators in that sense...when you get into constitutional development its an extremely important area and one which is going to have to be addressed. I think it would also be an extremely difficult role for a Yukoner to play, because you are dealing with Yukoners who have two different opinions, two different goals. And to try to mediate between those two groups, I believe that person is going to be in a very difficult position. It should be somebody, I think, who does not have the personal committment and involvement to the territory. It should be somebody who both parties have a great respect for; who can come in without any of the personal ties, and look at it very ogjectively. I know I would have difficulty looking at it objectively because of my background, and try to meet between those two people, come to a conclusion, write their report or whatever in fact the terms of refernece are going to be for that mediator, and then be able to go away.

DAVE TAIT
(WHITEHORSE STAR)

WHEN YOU MADE YOUR STATEMENT, ABOUT A WEEK AGO, ABOUT THE POSSIBILITY THAT YOU MIGHT RESIGN, IF THE TERMS DIDN'T REALLY AGREE WITH WHAT YOU WANTED TO DO, YOU SAID THERE WAS A POSSIBILITY THAT THOSE TERMS MIGHT BE WHAT WAS NECESSARY FOR THE YUKON NOW, BUT THEY JUST MIGHT NOT FIT WHAT YOU YOURSELF WERE INTERESTED IN DOING. DO YOU THINK THAT THE TERMS LAID OUT BY MR. EPP FITS THAT DESCRIPTION THAT MAYBE IT IS WHAT THE YUKON NEEDS NOW IN TERMS OF SOMEBODY FROM OUTSIDE TO BE OBJECTIVE ETC. ETC. BUT THAT YOU YOURSELF DO NOT FEEL THAT YOU ARE PREPARED TO DO THAT JOB..?

IONE CHRISTENSEN:

Certainly as far as the constitutional development part of it is concerned, that is definately, an immediate and urgent need at this time. Both the land claims and that process have to be put in place and I don't think that too much emphasis can be placed on urgency of putting that into place.

The role of lieutenant-governor? I don't have any experience, I can only speak on my personal feelings on that. It is a role that I certainly didn't take in place when I became commissioner. I saw it happening in a minimum of two years, perhaps three years. Basically, and I think its very difficult to judge people or individuals,

but just looking at the overall system of the territorial government, getting into party politics was a totally new ballgame. All the people, both the elected and the people working for the territorial government, had a learning process to go through, an evolutionary process just to become accustomed to that new system..because it is, definately, a totally new ballgame. It had to have a different approach in thinking of deputy heads...there's a lot of ground-work that has to be made to have a firm foundation from which to work.

The party system itself, the party solidarity, that is a learning process and it doesn't matter how sincere, how dedicated, how well meaning the people involved are, its still a learning process that can only mature with experience.

I think a healthy situation will allow that maturing process. And then from that very strong base, going into this type of a system, which again, is another very traumatic and large step. Certainly my sincere best wishes to go the people involved and I wish them nothing but well and I sincerely hope, with all my heart, for the sake of the people involved and for the sake of Yukon, it will work with time.

It can, I'm not saying it can't. I just sincerely hope for those people that it doesn't set the Yukon back many years.

SUZANNE MASON:

SO YOU YOURSELF THINK WE ARE MOVING A BIT TOO FAST?

IONE CHRISTENSEN:

That's my personal opinion and it certainly appears to be in the minority, in my opinion, and I sincerely hope that I am proved wrong.

PAUL KORING:

WAS THIS A GRAB FOR POWER BY THE TERRITORIAL PROGRESSIVE CONSERVATIVE PARTY? THE TERMS OF REFERENCE FROM THE MINISTER?

IONE CHRISTENSEN:

I don't know if grab for power is the actual word. Certainly if you know the stages, the letter that was sent to the minister with the terms and conditions that the elected people would like to see; I'm sure they are very pleased that they have been so successful in so short a time. Territorial elected people have always been striving for more and more power, the ability to be more autonomous, to have the ability to represent the people that elected them in this government. I think, perhaps, some of their wildest dreams have been realized.

I met with caucus this morning and I met with the Indian leaders this morning and expressed my concern and questioned whether in fact I could accept the terms of reference. In both areas, I received very strong support and urging to perhaps go a bit slower, to not consider resigning, to give this some time to work out. I don't think I have acted too hastily.

PAUL KORING:

NOTWITHSTANDING, THE SUPPORT YOU RECEIVED THIS MORNING, WOULD YOU BE PREPARED TO COMMENT ON THE TREATMENT YOU'VE RECEIVED, EITHER FROM THE ELECTED GOVERNMENT OF THIS TERRITORY OR FROM THE MINISTER, OR BOTH?

IONE CHRISTENSEN:

No, I don't think that there is any point in hashing over the past. The past is past. It's been certainly a learning experience for me. Not necessarily a pleasant one.

PAUL KORING:

AN UNPLEASANT LEARNING EXPERIENCE?

IONE CHRISTENSEN:

Yes, I would say so. Frustrating. But, if somebody said: if you knew what you know now, last January, would you do it again? Yes I would. I hope that I have been able to contribute something, in a small way. I certainly plan in the future, I haven't got any specific plans for the future, to continue in some way in the role of the Yukon and serving the people of the Yukon in some way, but I don't know what that will be. Something usually comes along and I'll be there.

PAUL KORING:

ARE YOU FEARFUL FOR THE FUTURE OF THE YUKON, GIVEN WHAT HAS HAPPENED TODAY?

IONE CHRISTENSEN:

No, the Yukon is a very strong and independent place and she's survived a lot of shocks and she'll survive this one.

SUZANNE MASON:

WHAT KIND OF PERSON DO YOU THINK COULD MAKE
A GOOD LIEUTENANT-GOVERNOR?

IONE CHRISTENSEN:

What kind of person? Oh, somebody who is 75 years old, looking for a nice quiet job in which they can sit back and go to tea and make quiet speeches, that are certainly non-political, that is supporting what is going on, informing the people of the great things that are happening, to be very very low profile and enjoys the rewards that are with Lieutenant-Governors.

You know, lets not downplay Lieutenant-Governors, the prestige and position in the provinces. A very honoured position which is usually given to individuals who have served their country or their community in a very dedicated way, during their working years. And this is a recognition of their service, of their integrity and of their status in that society and they are looked up to and should be.

They serve a very prestigious role and I don't wish to imply that I don't want to be a Lieutenant-Governor, wish to give the impression that I think it is a nothing job. When I'm 75 and the job is around I'm willing to...(inaudible)

SUZANNE MASON:

SO YOU FEEL THAT THERE SHOULD BE TWO PEOPLE. ONE PERSON, AN OUTSIDER, TO ACT AS A MEDIATOR AND ANOTHER PERSON TO BE, AN OLDER PERSON, SORT OF A LIEUTENANT-GOVERNOR TYPE. THAT'S WHAT YOU PERCEIVE?

IONE CHRISTENSEN:

That's right.

PHILLIP DANIELS:

IN TERMS OF PROTOCOL, I FOUND IT SLIGHTLY CURIOUS THAT THE NEWS OF YOUR RESIGNATION WAS ANNOUNCED IN THE COUNCIL CHAMBERS BY MR PEARSON RATHER THAN YOURSELF. DID YOU KNOW THAT HE WAS GOING TO MAKE THAT ANNOUNCEMENT?

IONE CHRISTENSEN:

Yes I did. I sent him down a note in the House and asked him to announce it in the House. I felt that the elected people... it would be good for them to know.

MIKE MCCLEOD:
(FREELANCER)

MRS. CHRISTENSEN. YOU ONLY FOUND OUT ABOUT THIS THIS MORNING, THE TERMS OF REFERENCE, THE CHANGES...

IONE CHRISTENSEN:

I found out about it last night. In fact it was a call from the press that alerted me that there was going to be a press conference this morning...

Let me say, that the lines of communication are not always what they should be in this age of technology.....

DAVE TAIT:

IS THAT LONG DISTANCE LINES OR LOCAL LINES?

IONE CHRISTENSEN: It can apply to just about any line... Just before you go, are there any more questions?

MIKE MCCLEOD: DO YOU CARE TO SPECULATE ON YOUR SUCCESSOR?

IONE CHRISTENSEN: Well I think there is at least one extremely good candidate. That's Mrs. Whyard. She certainly has had a high profile in the last while and she is quite easily an individual who has been looked at with very serious eyes.

MIKE MCCLEOD: DOES SHE FULFILL YOUR REQUIREMENTS TO BE LIEUTENANT-GOVERNOR?

IONE CHRISTENSEN: I shall leave that to the press to speculate. If that is all the questions, I would personally like to thank each and every one of you. I have found our relationship to be a very rewarding one, to be a good one, a very healthy one. Some of you don't do the type of investigative reporting that I think you should, but I have always found you to be very fair, as far as I am personally concerned, and I want to thank you all for that.

conference ends.

STATEMENT FROM JAKE EPP, MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT
ON THE RESIGNATION OF THE YUKON COMMISSIONER, OCT. 10, 1979

In July the Commissioner of Yukon and I met to discuss the future course of government in Yukon. We agreed that responsible government was an essential first step before Yukoners could decide the long term status of their government, including the possibility of provincial status.

I undertook to prepare measures that would facilitate the evolution of responsible government. On October 5 I telephoned the Commissioner to inform her I was completing a letter of new instructions to her, the first since our Progressive Conservative government took office. I told her that the letter would alter the role of the Commissioner from its previous executive capacity. I offered the Commissioner a specific, significant new role during the transition period of government in Yukon.

On October 9 the Commissioner advised me by telephone she did not believe she could carry out the duties outlined in my letter. Mrs. Christensen's resignation is regrettable. She has taken an honorable course for an appointed official who feels unable to accept ministerial direction in a democracy.

As I outlined in my letter of instruction I intend to strengthen the democratic process in Yukon by means of more effective and responsible self government. I believe strongly that responsibility lies with elected members. The people of Yukon have democratically elected a territorial government. I look forward confidently to working with that government, with the Indian people for whom I have a special responsibility, and with a new Commissioner to build a Yukon worthy of that territory's great heritage.

IONE TO QUIT

Yukon Commissioner Ione Christensen's intention to resign was announced today in the legislature by Government Leader Chris Pearson.

Pearson, speaking with a voice near breaking, said he passed on the news with extreme regret.

Pearson said he had looked forward to working with Christensen under the new terms of reference for the commissioner announced today by Indian and Northern Affairs Minister Jake Epp.

His announcement preceded a press conference called by Christensen for this afternoon to immediately follow today's sitting of the legislature.

Epp Changes Role Of Commissioner

By DAVE TAIT
Staff Reporter

The role of the Yukon's commissioner has been changed by Ottawa so that the commissioner's involvement in matters under territorial jurisdiction is now little more than a formality.

Indian and Northern Affairs Minister Jake Epp today released the contents of the letter of instructions delivered to Commissioner Ione Christensen Monday.

These new "terms of reference" spell out a series of changes both in the commissioner's role and the trappings of the rest of the territorial government.

In a telephone press conference linking Ottawa to Whitehorse this morning, Epp described the commissioner's new role as "one of being a mediator in the constitutional development of Yukon."

He acknowledged he has limited the commissioner's governmental powers as much as is possible without amending the Yukon Act but said this new "mediator role" was extremely important to the Yukon at this time.

Briefly, the new terms of reference mean:

- The commissioner must accept the advice of the territory's elected government on all matters under territorial jurisdiction.

- The commissioner will no longer sit as a member of the Executive Committee, which will now be known as either the Executive Council or the Cabinet.

- The commissioner's office will move from its current home in the territorial government building's Executive Committee suite of offices to federal premises.

- The post of deputy Commissioner will cease to exist.

- The present Government Leader may elect to call himself "Premier" and members of the Executive Council or Cabinet may now call themselves "Ministers."

- As well, the term "Legislative Assembly" is now recognized by the federal government as describing the Territorial Council.

Many of the changes merely formalize political developments which have taken place since the current Yukon government took office following the November election.

For instance, the elected members of ExCom have routinely been meeting to discuss policy without the commissioner being present, taking to her their decision for final approval.

Also, terms such as legislative assembly and minister have been in common use despite their lack of official sanction.

In fact, they still do not have any legal significance — that requires an amendment to the Yukon Act — and Epp warned the territorial government not to use them in legislation or legal documents until they have been set in law.

NO SPECIFIC TIME

When asked today when changes in the Act might take place, Epp said that would depend on the other business facing Parliament this session.

Christensen recently has said she would resign from the commissioner's post if she felt its importance and purpose had been stripped away by constitutional development in the territory.

In his letter to her and at this morning's press conference, Epp insisted that even though the role of the commissioner was being reduced at the territorial government level, it was taking on a new and crucial — though different — form.

"Where the role of the commissioner is extremely important is that Yukon is going through an historical period, a period where there is a development and evolution from being subject to the decisions of Ottawa to where the people of Yukon are going to make their own decisions."

"If one looks at it in an historical view, whenever those transitions have taken place, there have been people who have been negotiators, who have been mediators, who almost became the catalyst of that change and I see the commissioner's role to be that."

BUFFER ROLE

Asked at the press conference if a major portion of the commissioner's remaining role in the Yukon was to act as a buffer between the territorial government and Indian organization which have traditionally feuded, Epp agreed.

He also pledged there would be consultation between Yukon natives, the territory and the federal government as constitutional reforms are worked out for the territory.

Epp said he hoped specific talks between the three parties on responsible government could be held before the end of this year and said he expected political development would also continue to come up in ongoing land claims negotiations.

With reference to Deputy Commissioner Doug Bell, whose position has suddenly ceased to exist, Epp said Bell would be offered another post with the federal government and praised the work he has done to date.

Epp pointed out the new role of the commissioner as mediator in constitutional development would mean she would need people around her in touch with all aspects of the Yukon.

Ione Fears Political Changes

By DAVE TAIT
Staff Reporter

Ione Christensen is leaving the commissioner's office with fears the political changes which brought her resignation Tuesday may also seriously damage the Yukon's quest for responsible government.

Christensen's resignation came on the heels of an announcement by Indian and Northern Affairs Minister Jake Epp that her role as commissioner would undergo drastic changes.

Those changes included removing the commissioner totally from day-to-day decision making and compelling her to accept the advice of the elected Executive Committee on territorial matters — in effect, turning into the equivalent of a provincial lieutenant-governor.

NEW CAPACITY

The new terms of reference given Christensen also vaguely outlined a new capacity for the commissioner as mediator in or expeditor of the constitutional development process who would act as a liaison between the Yukon and Ottawa.

In announcing her resignation — a move foreshadowed in mid-September when she said she would step down if she felt the role had lost its meaning — Christensen said she feared the Yukon was moving too far too fast with constitutional development.

She pointed out that political parties had only recently been officially introduced into the Yukon legislature and said this was a tremendously large step and it would take time for everyone involved in government to adjust to it.

The type of lieutenant-governor role set out in Epp's instructions to her was something she foresaw as inevitable in the Yukon but she said when she was appointed she believed it was a minimum of two years away after this period of adjustment had passed.

A LARGE STEP

"It doesn't matter how sincere, how dedicated, how well-meaning the people involved are — it's still a learning process which can only mature with experience and then from that very strong base go into this type of system which again is another very dramatic and large step," she said, continuing:

"My sincere best wishes and everything go to the people involved and I wish them nothing but well and I sincerely hope with all my heart for the sake of the people involved and for the sake of Yukon that it will work and it can — I'm not saying it can't. I just sincerely hope that it does because if it doesn't it will set the Yukon back many years."

Besides her feeling that Epp has acted with undue haste in moving toward full responsible government in the Yukon, Christensen's principal objection to the role of the commissioner was that it was vague and negative.

The terms of reference given her went through all the things she would cease to do without explaining clearly what would now be demanded of her.

"An agent of change? I find that a little hard to come to terms with. A mediator or negotiator? I can see that as perhaps being that role — I think that it's in conflict with the role of lieutenant-governor. I don't think lieutenant-governors are negotiators in that sense," she said.

Christensen not only felt these changes were premature and the two sides of the new dual role of the commissioner were irreconcilable, but also doubted she was a good choice for this new job, whatever its merits.

"I think that it would also be an extremely difficult role for a Yukoner to play because you are dealing with Yukoners who have two different opinions, two different goals," she said.

She said she felt the job could be done better by someone brought in from outside — "someone who both sides have a great respect for" — who could objectively study the Yukon's political situation, mediate during the political transition period "and then go away."

That's her description of the best person for the mediator role. Her description of someone equipped for the lieutenant-governor-type role which would be the other half of the commissioner's job is different:

"Somebody about 75-year-old who is looking for a nice quiet job where they can sit back and go to teas and make quiet speeches that are certainly non-political, that are supporting what is going on to inform the people of the great things that are happening; to be very, very low profile and to just enjoy the rewards."

That, she said, was just not for her at this stage in her life but she laughingly added: "When I'm 75, if the job's around, I would like to take it."

Asked to comment on the treatment she has received from either the federal or territorial governments, Christensen declined, saying "the past is past," but did say:

"It's been certainly a learning experience for me — not necessarily a pleasant one: frustrating. But if somebody said if you knew what you know now last January would you do it again, yes, I would."

YUKON WILL SURVIVE

Asked, then, if she "fearful for the future of Yukon given what's happening today," Christensen paused then said:

"No, the Yukon is a strong and independent place she's survived a lot of shocks she's going to survive this."

And asked about her future plans, Christensen was leaving the door open on a return to politics but for now only she plans to take a break and paint her kitchen.

A Promising Era For The Yukon

The Yukon government has been given its head — and perhaps enough rope to hang itself.

For the duration of the Clark government, at least until the provincehood referendum, the Yukon will function with most of the powers and some of the trappings of a province.

Unofficially Northern Affairs Minister Jake Epp's imaginative plan for practicing provincehood gambles little, because it is conducted by ministerial decree rather than legislation. It will give Yukon politicians a chance to try out bigger roles. In return they must accept full responsibility for affairs here. Yukon voters will have a chance to see how they like the results, without being irrevocably committed to provincehood, or having to take a leap into the unknown on the referendum.

If the Yukon is indeed not yet able to function as a province, its apprenticeship in autonomy can be prolonged or revoked, with no permanent damage done, while the problems are worked out.

Meanwhile, Epp's bold plan shows faith in people as opposed to bureaucracies — an early hallmark of the Clark government. Much of the credit for this opportunity, though, must go to MP Erik Nielsen, who has kept the pressure on constantly, particularly during the past few months when it counted, and to Government Leader Chris Pearson. Pearson has devoted a large part of his Yukon government's efforts to exploiting the newly encouraging relationship with Ottawa, and these have produced more important long-term results than any territorial legislation or programs could. After years of listening to politicians denounce their futile battles with Ottawa, Yukoners may not be prepared to believe that equal energy can be used to actually accomplish something.

However, the Pearson government cannot go on using Ottawa's decisions — although there will still be important ones to come — to explain its dearth of local accomplishments. Indeed, the pressure will be on the still weak and confused government to rise to the challenge of the next few years, to assume more responsibility, to act carefully, thoughtfully and decisively.

There is serious doubt whether the government can fully manage the Yukon. Now, by their own arrangement, the fate of the territory depends on the efforts to erase that doubt.

A temporary casualty in this process is Commissioner Ione Christensen (who, nonetheless, will likely get a great deal of political mileage out of this the future). But by choosing to serve Ottawa over the Yukon in a time of large developments, she was willingly subjecting herself to the vagaries of national politics over which she, as an appointee, had no control.

Indeed, if she were truly a civil servant, she should willingly stay on and help engineer the transition Epp, her political master, has outlined. But there was always a contradiction in her assumption of the commissioner's office, and she had little choice but to resign.

As for Epp and Pearson rushing the process of political evolution, there is no reason the artificial retarded development of the past decade should be used as a yardstick for the possibilities of the future. Walking is a dangerous and uncertain step for a child who has always crawled — but that is no reason for him to continue to do so.



ACTING COMMISSIONER DOUG BELL

Interim Commissioner

One day after he found out he would soon be out of a job, Deputy Commissioner Doug Bell is filling the commissioner's chair.

The responsibilities of the commissioner's office fell to Bell immediately upon Ione Christensen's resignation Tuesday since he is the administrator of the Yukon as laid out in the Yukon Act.

The axing of the deputy commissioner's job announced Tuesday by Indian and Northern Affairs Minister Jake Epp was not effective immediately and no date for that change was set in Epp's statement.

Ewan Cotterill, assistant deputy minister for DINA, explained today the deputy commissioner's post was established by order-in-council and can only be abolished by a similar order.

Until that is done, he said, the deputy commissioner's job stands and because of this, Bell is now taking on the chores of the commissioner.

Opposition Supports Ione

By DAVE TAIT
Staff Reporter

Ione Christensen's resignation Tuesday as the Yukon's commissioner has brought a terse acknowledgement from Ottawa and a charge that provincial status has been sneaked in the back door.

A four-paragraph statement released today by Indian and Northern Affairs Minister Jake Epp contains only two sentences commenting on Christensen's resignation:

"Mrs. Christensen's resignation is regrettable. She has taken an honorable course for an appointed official who feels unable to accept ministerial direction in a democracy."

The rest of the statement lists the consultations between Epp and Christensen which led up to the drafting of new terms of reference for the commission — the document which sparked Christensen's resignation.

Christensen has complained those terms of reference are vague about her new role but Epp's statement denies this, saying:

"I offered the Commissioner a specific, significant new role during the transition period of government in Yukon."

Epp's statement ends with a restating of the minister's commitment "to strengthen the democratic process in Yukon by means of more effective and responsible self government."

It continues: "I look forward confidently to working with that government, with the Indian people for whom I have a special responsibility, and with a new Commissioner to build a Yukon worthy of that territory's great heritage."

The Indian people Epp mentions, however, said today his actions regarding the commissioner's office is "obvious evidence that he is wholly unaware of the aspirations of Yukoners in general and native people specifically."

A joint statement released today by the Council for Yukon Indians, the Yukon Native Brotherhood, the Yukon Association of Non-Status Indians and the Yukon Indian Women's Association praised Christensen and condemned Epp.

"It is a travesty that a government that has been in power less than six months has seen fit to exile a commissioner who personifies the leadership Yukon requires," the statement reads.

APPLAUD AND REGRET

It accuses Epp of being "simply a parrot for one special interest group in Yukon" and says the native groups "both applaud and regret" Christensen's decision to resign in the face of changes to her role.

The statement says Christensen "has demonstrated an integrity and strength of character that has been unparalleled by any elected or appointed official" and says while she was commissioner she "did more for the betterment of native and non-native relations than anyone preceding her."

That praise was an echo of statements made in the legislature Tuesday by opposition leader Iain MacKay when he noted the wide acclaim she received when she came to office in January.

"What has happened in that short time to make her now feel it necessary to resign?" he asked. "I have not heard her reasons yet and I think she will be too much of a lady to say it, but I think that some of the reasons she is resigning is that she is abhorred by certain members of this government."

VAGUE TERMS

MacKay complained Christensen had been badly treated by both the territorial government and her federal minister and called it "a matter of human dignity" — or lack thereof.

Turning to the broader implications of Epp's announced political changes for the Yukon, MacKay said it appears the territory's Conservative government "have achieved de facto provincial status which that letter today."

He listed the terms the Yukon government was now authorized to use — including premier and minister — and said the changes to the commissioner's role was the last straw.

"I think, in sum, Mr. Speaker, that we have been given all the outward trappings of a province," he said. "What difference is there between our situation here today with that of Alberta when it became a province?"

He explained that when it joined confederation, Alberta did not have control over land and resources either and said that meant the two cases were "virtually identical."

MacKay damned the government for bringing in this "de facto provincial status" without the referendum which Ottawa and the local Conservatives have consistently promised would precede a decision on provincial status.

"There should have been open and public negotiations with the federal government on these things," MacKay said. "There should have been a settlement of Indian land claims. There should have been a study of the institutions and manpower and talent requirements of a province."

Opposition Questions Constitutional Development

By DAVE TAIT
Staff Reporter

Opposition qualms about the rate of constitutional development in the Yukon continued to surface in the legislature Thursday no matter what was being debated.

Question period saw Opposition Leader Iain MacKay resume his quizzing of Government Leader Chris

Pearson on just what had and had not been discussed with Ottawa or looked at locally.

Pearson denied his government was considering whether the Yukon would seek special status were it to become a province and called such speculation "hypothetical."

In answer to a question from Maurice Byblow (Ind. — Faro), he did, however, confirm detailed thought has been given changes the territory would seek in the Yukon Act to further constitutional development.

MacKay also asked if the government was negotiating getting a share of resource revenues now collected by Ottawa and Pearson answered no but that talks were planned for the near future.

MacKay pressed to have the territory's position at any negotiations on this made public, but Pearson said this would defeat the purpose of negotiations.

"I just do not know how you make negotiations public," he said. "If you are negotiating in public, you are not negotiating

and neither side benefits not does anyone win in such a case."

LAND CLAIMS

Alice McGuire (Lib. — Klwane) repeated a question she asked Wednesday about whether Pearson's government would take over native land claims negotiations from the federal government if provincial status preceded a settlement.

Pearson repeated his Wednesday answer, saying he saw the possibility of that situation even arising as "beyond my comprehension" but MacKay picked up on McGuire's question.

"Could the leader of the government further clarify his answer by giving this house the assurance that the referendum promised for provincial status within the next three and a half years would be delayed if land claims were not settled at that

Pearson said he couldn't give dates or guarantees but said he was confident they would happen and would do so in that order.

"One sign of progress toward responsible government not time?" he asked.

"No, Mr. Speaker," Pearson replied.

MacKay then insisted to know how Pearson could then avoid the question of what would happen if land claims were not settled by the time provincial status came up.

"I am very optimistic that two positive things are going to happen in this territory, in spite of some very pessimistic people," Pearson said. "One of them is that there is going to be a land claims settlement and the second is that there is going to be provincial status."

challenged by the opposition as the establishing of a standing committee on public accounts.

The committee, as described by Education Minister Doug Graham, would follow through on funds allotted by the legislature to ensure they were properly spent.

MacKay applauded the government for the suggestion, saying it showed the ministers were prepared to "put themselves in the firing line" and open their departments to scrutiny.

He said it also was a more important stage in the evolution of government in the Yukon than "the puffery that has gone on" because it showed the government was taking greater responsibility for its actions.

Commissioner quits

Epp hands full powers to Yukon

Special to The Globe and Mail
WHITEHORSE — Yukon Commissioner Ione Christensen resigned yesterday for her position was stripped of all executive authority by Jack Epp, Indian Affairs and North Development Minister. She said the new terms of reference outlined for her were unacceptable. A former mayor of Whitehorse, she said she had no more plans for the moment, other than to go home and paint her kitchen. Mr. Epp also promised changes to the Yukon Act to give the territory fully responsible government. In a letter sent to Mrs. Christensen, Mr. Epp in-

structed her to be bound by the advice of the elected members of the Yukon Government and to remove herself from its executive arm. He also authorized changes to the terms used to describe the Yukon Government's structure.

The leader of the majority party in the Territorial Council, Chris Pearson, can now be called premier, his executive committee is now officially a cabinet and its members are ministers.

The Territorial Council will adopt the term Legislative Assembly, although the latter has been in popular usage for some time.

Mr. Epp said he has reduced the commission-

er's power to the absolute minimum allowed without amending the Yukon Act. However, he said the redefined role of the commissioner will continue to be an "important one during an historic period" in the Yukon's development.

The minister wants the commissioner to act as a liaison between Yukon Indian organizations and the Legislative Assembly, which is largely white. Relations between the two groups have been strained for years and Mr. Epp said he expected the commissioner to "play a leading role in resolving the issue of effective participation of the Yukon's Indians in the government of the territory."

At the same time Mr. Epp abolished the post of deputy commissioner, currently held by Douglas Bell, who will serve in Mrs. Christensen's post until a successor is named. Mr. Bell had no advance knowledge of the changes. He heard that his own position was abolished from radio reports.

The minister also promised to bring together the federal and territorial governments and the Council for Yukon Indians to work out strategy for the territory's constitutional development. He said he was committed to establishing a fully responsible government although the question of provincehood must wait until a referendum is held in the Yukon.

Prime Minister Joe Clark promised during the federal election campaign to give the territory the option of provincehood if a referendum showed the majority of Yukoners favored such a move.

Mr. Epp's announcement yesterday followed a series of changes over the last few months diminishing the commissioner's role in

favor of the 16-member Legislature, where the Yukon Progressive Conservative Party holds a majority with 11 seats.

The most significant of these changes was placing the territorial budget in the hands of the elected members even though the federal Government still subsidizes territorial revenues at a rate of about \$26-million a year.

Mrs. Christensen described her 10 months as commissioner as an "unpleasant learning experience" and suggested that

the Conservative governments in Whitehorse and Ottawa were moving fast down the road to provincehood.

Liberal Iain MacKenzie's Yukon opposition leader also attacked the changes. Short of control over renewable resources, he said, the Yukon has not assumed all the powers of a province without taking the step of consulting its people.

The next commissioner will be nominated by the Yukon Legislature.

Yukon's Christensen quits post

Sun News Dispatches

WHITEHORSE (CP) — Yukon commissioner Ione Christensen resigned in protest Tuesday after the federal government announced changes that would cut the powers of her office and move the territory a long way towards provincial status.

The changes, made public by Northern Affairs Minister Jake Epp, would oblige the commissioner to follow advice of Yukon's 16-member elected legislature on all matters of exclusive territorial authority.

Christensen said her 10 months in office were "an unpleasant learning experience" and the Yukon was progressing too fast toward responsible government.

She had been informed of changes to her terms of reference only 12 hours before Epp made them public Tuesday morning.

"Let's say the lines of communication were not all they should be," she said.

Christensen, formerly a Whitehorse mayor, said she was going home to paint her kitchen.

Epp also proposed replacement of the current executive committee, which includes the commissioner, with a cabinet consisting of only elected members. The territorial council would be called the legislative assembly and the government leader would be entitled to be called premier.

The federal move is a major step away from the previous territorial governing system under which the federally-appointed commissioner held veto powers over the legislature. The changes essentially parallel proposals made last summer by the four-member executive committee.

Epp's announcement came as the federal Progressive Conservative government was promising in Tuesday's throne speech in Ottawa to strengthen the authority of the territorial governments.



IONE CHRISTENSEN
... painting kitchen

'No figurehead; angry Yukoner resigns top post

By MARK HUME

YELLOWKNIFE, N.W.T. — Yukon commissioner Ione Christensen resigned her post suddenly Tuesday night to protest a move by Ottawa that stripped her office of its powers.

She said she was not about to be made into a lieutenant-governor.

The leader of the territorial opposition party, Liberal Ian MacKay, said the development appears to have thrust provincial status upon the Yukon.

"The federal government is now removed entirely from the scene — which is the same as provincial status. . . .

"I think we're a defacto province today.

"The leader of the territorial assembly can start calling himself premier."

He said he was alarmed by the move because no one has made clear "what consequences will flow from this. . . .

Are we to be taxed the same as Newfoundland was when they entered (Confederation)?"

Northern Affairs Minister Jake Epp, in a telephone news conference from Ottawa, said the government plans steps to reduce the power of the federally-appointed commissioner and give the Yukon territory greater self-governing powers.

In the past, the commissioner has held veto powers, a situation that has come under fire.

Under the changes, which will require approval of the Parliament in the form of amendments to the Yukon Act, the territory's elected executive committee will be able to make day-to-day decisions on matters within its jurisdiction without the commissioner's approval.

More YUKON Page A3



Ione Christensen

Yukon

(Continued from Page A1)

A spokesman for the executive committee said the move is a "dramatic change" because it is the first time day-to-day operations can be run totally by elected officials.

Mrs. Christensen said in an interview from Whitehorse she was stepping down because she wasn't ready to accept a figure-head role.

She announced her resignation shortly after the Yukon assembly had convened for its fall sitting. Earlier in the day she'd been informed that her powers as commissioner were to be greatly restricted and that she would no longer be the chief executive officer of the territory.

"My terms of reference, I feel, are unacceptable," she said only minutes after announcing her resignation.

"I don't feel there is enough direction (in the guidelines). It's detailed in what I can't do, but ambiguous as far as constitutional development."

She said that under the new regulations she would have been bound by the executive council of the assembly, a body that has traditionally been answerable to the commissioner.

Under orders from Ottawa, her

office was also to have been moved from the Territorial Building in which it is now housed, to a federal building.

"I simply would not be involved in the day-to-day administration of the territory," said Mrs. Christensen.

She said that under the new guidelines, the commissioner would have become a lieutenant-governor, and she wanted a more active role in the future of the Yukon.

Mrs. Christensen said she will likely become involved in politics at some time in the future, but was unsure as to whether she'd enter the arena on the federal, territorial, or municipal level.

She was mayor of Whitehorse before becoming commissioner last Jan. 20.

Asked what her immediate plans were, she said: "I'm going to go home and paint my kitchen and get to know my family again."

New guidelines for the Yukon commissioner had been expected for some time. Mrs. Christensen, however, said she was given no indication as to what her new role would be until the assembly gathered Tuesday.

"Had I had them earlier, perhaps been able to discuss them, we may have been able to come

up with something."

When Mrs. Christensen accepted the post of commissioner 10 months ago, she knew that she was taking on a job that was to be gradually phased out.

The suddenness of the move, however, apparently caught her by surprise.

She said she is worried about the speed with which the Yukon is now approaching provincial status.

"I have some personal reservations. . . . I like to see things done in a very orderly and progressive manner. I have apprehensions about moving too quickly from a base that hasn't been solidly established."

The base from which the Yukon will now move is the territorial government. The 16-seat assembly had its first taste of party politics in an election last year.

The Yukon assembly is dominated by the Progressive Conservative party, which holds 11 seats. The Liberals hold two seats, while the NDP have one and there are two independants.

During the federal election campaign, one of Joe Clark's promises was to award provincial status to the Yukon if he were elected prime minister.

Debate Is On: Too Far Too Fast? Has Provincial Status Arrived?

By DAVE TAIT
Staff Reporter

Blasts at the government in the legislature over the speed of political development in the Yukon continued Wednesday amid government denials that provincial status has, in effect, arrived.

Opposition Leader Iain MacKay charged Tuesday the political changes announced that day by Indian and Northern Affairs Minister Jake Epp amounted to "de facto provincial status."

In response to questioning by Tony Penikett (NDP — Whitehorse West), Government Leader Chris Pearson denied that had happened and insisted there was a big difference between provincial status and responsible government.

"Our stand has been all along, and it is supported by the prime minister of Canada, that the terms and conditions that might be imposed upon Yukon in respect to provincial status will be made well known," he said and continued:

WILL HOLD REFERENDUM

"At that time and only at that time, then there will be a referendum and the people of the territory can make up their mind whether they want it or not."

During question period, MacKay grilled Pearson on just whose idea various elements of Epp's announced plans had been and what other matters had been discussed.

Pearson said he never suggested the term "premier" replace government leader but said he had suggested the terms "cabinet" or "executive council" replace the current Executive Committee title.

Pearson also assured MacKay there had been no negotiations on changes in financing the territory as part the changes to be implemented in the Yukon in the near future and said his government did not want the fiscal responsibilities of a province.

In a speech later, MacKay said they may not have a choice in the matter, explaining that he felt if the Yukon wanted more responsible government, added dollar responsibility went along with it.

MUST PAY OUR WAY

"The definition of responsible government that we heard today (from Pearson), Mr. Speaker, was that of giving orders, running our own affairs," MacKay said. "But of course, no, no, no, we could not be expected to pay our own way. Heaven's sakes, no."

But he went on to say he would not be surprised if the federal government, faced with tight money in Ottawa, turned around and said the Yukon would have to pay more of its own way in exchange for more political power.

"After all, they will say, you now run your own affairs, so why should the rest of Canada support a lower tax regime in Yukon," he said. "What is in it for the rest of Canada anymore?"

Later, when Maurice Byblow (Ind. — Faro) began complaining about the way in

which Ione Christensen had been informed of changes to her office, an angry Pearson lept to his feet on a point of order.

OTTAWA DID IT

"Mr. Speaker, it must be clearly understood that this government had nothing to do with either the terms of reference that the commissioner received or the method by which she received them," he insisted. "She received those instructions from her employer. That is where it begins and ends."

Byblow went on, however, to repeat the opposition's concerns that the Yukon was moving too quickly toward provincial status, naming its limited population base and resources as causes for concern.

His attack was followed by a similar one from Robert Fleming (Ind. — Campbell) who said more ground work should have been done and he accused the federal Conservative government of looking for easy glory instead of making the proper decisions.

"It does not matter if it is right or wrong, good, bad or indifferent, it makes no difference to the political party" he said. "They are in power and they want more power."

Debate on the issue was cut off shortly after by Jack Hibberd (P.C. — Whitehorse South Centre) who said he could "not believe my eyes in what I am hearing from the members opposite."

DEMOCRACY IN YUKON

"Something happened yesterday. I am not sad. I do not share this with my members opposite. Something happened: the minister in Ottawa saw fit to see the democratic process reach Yukon," he said.

Hibberd said he too felt Christensen was valuable to the territory but said if she did not agree with Epp, she did the correct thing: resign.

He said these political changes were what the Yukon had been working toward for years and, saying he was fed up with opposition "inuendos", he

moved debate be adjourned.

Amid the brickbats came the odd bouquet for the government, however, as opposition members speaking to the government's motion seeking support for their action this summer had to admit some things had been well done.

MacKay gave congratulations to Human Resources Minister Meg McCall for her help to Yukon Lifeline's efforts to bring Vietnamese refugees to the Yukon from southeast Asia.

"I have been closely associated with that group and I must say that without the help of the honorable lady the group would be nowhere near as successful as it has been," he said.

MacKay also praised Education Minister Doug Graham, saying that "for a political novice he has certainly shown great speed and agility" and MacKay singled out for special praise Graham's efforts to reach a compromise on government funding for the native school at Burwash Landing.

"The Burwash School negotiations shows a tenacity on

the part of the Minister of Education in attempting to reach an amicable settlement with a very difficult problem in a very difficult area," he said.

MacKay gave a very cautious compliment to Pearson on the government leader's attempts to establish a substantial Yukon heritage fund with pipeline revenues but added:

"I think he has reached for the stars with the heritage fund and I hope he does not trip over the key to the bank in going there for it."

And Byblow added similar praise to his criticism of the government's push toward responsible government, saying "more progress was made with this government in the past year in Faro than in the past 10."

"The minister of municipal and community affairs is to be applauded for his visits to Faro, listening to our problems and activating along with his efficient staff some dire changes," he said, adding:

"Perhaps at long last, Faro is getting some of its rightful return for keeping the territory alive for the last 10 years."

Portfolios Vacant

Members May Be Swamped

By DAVE TAIT
Staff Reporter

The territorial government could find itself swamped with vacant portfolios on its Executive Committee thanks to the changes in the federal presence on that government.

Ione Christensen, who resigned Tuesday as commissioner, had been the member of ExCom responsible for the public service commission, finance and the ExCom secretariat.

Deputy Commissioner Doug Bell has assumed those responsibilities along with his own: government services, intergovernmental affairs, the liquor corporation and workers' compensation.

Bell's position, though is about to be abolished and the next commissioner, according to Ottawa, will not be a member of ExCom (or the cabinet or executive council — whatever name it has at that time).

NEW RESPONSIBILITIES

This means all those responsibilities which have now fallen on Bell's shoulders may soon be without

an ExCom representative to oversee them.

ExCom now consists of four elected members, all but one of whom have several areas of responsibility.

Government Leader Chris Pearson is the minister responsible for land claims, the pipeline, tourism & economic development and renewable resources and consumer and corporate affairs.

Dan Lang is responsible for highways & public works, municipal & community affairs and the Yukon Housing Corporation.

Doug Graham oversees education, justice, information resources and consumer & corporate affairs.

Meg McCall, who became the newest addition to ExCom when she replaced Grafton Njootli in June, has a single portfolio: health & human resources.

There are now seven Conservatives in the party's back benches who could potentially be brought into ExCom to fill the vacated portfolios.

When Howard Tracey resigned from ExCom in June, however, the government chose not to go to these backbenchers for a replacement and instead divided Tracey's portfolios between Pearson and Graham.

Bell Knew His Job Was Gone

By DAVE TAIT
Staff Reporter

Deputy Commissioner Doug Bell, the man fulfilling the commissioner's duties until a successor to Ione Christensen has been named, was not surprised by Tuesday's news his post would be abolished.

In fact, Bell already knew the job he would be going to within the Indian and northern affairs department once he ceased to be deputy commissioner when he heard that news on the radio. The only thing he did not expect was the timing.

"For several months now I've been talking to Ottawa about what's available and we simply hadn't talked about a time frame," he said Wednesday. "It was still 'down the road'."

When he is relieved of the deputy commissionership, Bell is to become a special advisor on economic development to Denis Watson, northern affairs director for the Yukon.

CAME UNEXPECTED

Although Bell said he knew from day-one that as deputy commissioner one of his roles was to work himself out of a job, he said he did not expect that to come so soon.

He said that when he took the job two-and-a-half years ago, he expected it would be four or five years

before what happened Tuesday took place.

Unlike Ione Christensen, who resigned Tuesday rather than accept the new role mapped out for her by DINA Minister Jake Epp, Bell said he has "no quarrel" with the way he has been treated by the federal government.

He said, however, that he shares Christensen's fears that the type of political autonomy for the Yukon formalized Tuesday by Epp may be premature — but when directly asked if the Yukon is or is not ready, he reserved judgement.

"To answer that philosophically, when is anybody ready for anything?" he replied. "It's a philosophy that even Ione has expressed from time to time that when can you say you're ready? When a child is ready to walk or anyone is ready to do anything, they have to try it and see if they can."

A LOT OF WORK

He added, however, that "it means a great deal of work on the part of everyone involved" before the changes in the territory's political structure assented to by Epp Tuesday can be made to work.

For his part, when asked if he would be interested in carrying on in his newly-found role, Bell said he was "psyched up" for his new job with DINA and was anxious to get on with it.

RUSHED OUT of the nest too soon

BY MARY MCGUIRE

WHITEHORSE

The Yukon Government, which for years has been guided down the road to responsible government by federal officials at a steady pace, has received a tremendous push from behind this week to move faster.

Joe Clark's Government has proceeded, in a hurry, to make good on its leader's three-year-old promise to give the Yukon responsible government and the opportunity to become a province.

This week it stripped the federally appointed head of the Yukon Government, commissioner Tone Christensen, of most of her powers, making her little more than a lieutenant governor with one exception: when dealing with native affairs she still acts as a mediator for the federal government between the Yukon Government and the Indian people, two groups who have been traditionally at odds.

However, Mrs. Christensen resigned, reluctant perhaps to become a figurehead, angry with the way the changes were thrust upon her, and slightly fearful of what it all meant for the territory. A strong political figure in the territory, she has been one of a few Yukoners who commanded the respect of both white and native Yukoners alike.

Her resignation compounded the doubt in many people's minds about the speed with which constitutional changes are being made in the territory. Opposition politicians and native leaders charged that her resignation was the result of the federal Government's efforts to move the Yukon too far, too fast toward provincial status.

They said any efforts to grant more responsibility to the Yukon Government which has always represented non-native interests in the territory, are bound to jeopardize native-white relations and cloud the prospects of an early settlement of the Yukon Indian land claims.

A more general apprehension about the changes reaches beyond the politicians. People are not opposed to responsible government, but they are acutely aware of the shortcomings of the territory's fledgling

Less than a decade ago, what is now called the Cabinet, was made up entirely of federal Government appointees. Now five of the seven positions are open to elected members, but the Yukon's Conservative Government has been unable to keep them filled. Two resignations, one in the face of criminal charges, another over a conflict of interest, have left the Government leader unable to find suitable choices from among the few members left in his back benches.

There are 18 people in the Legislature, 11 on the government side. Any government, particularly one that is small, that would have to put half its members in the Cabinet, is bound to have problems. Moreover, the territory, with a population smaller than that of Woodstock, Ont., or Lethbridge, Alta., spread over an area almost the size of the Maritimes, has problems finding able politicians willing to run in the first place.

Finally there is the question of who will pay for the new trappings. Yukoners are aware that responsible government, and eventually provincial status, will come with a price tag. The cutting down, or out, of federal deficit grants which now keep the territory alive financially, will mean that the cost of manning a new senior government will come out of the pockets of the Yukon's relatively small number of taxpayers.



Lone Christensen

Yukon: Back Door Province MacKay Tells Clark

Opposition Leader Iain MacKay is taking his charge that provincial status has been sneaked into the Yukon through the back door to Prime Minister Joe Clark in a letter dated today.

"Recent events in Yukon culminating in the stripping of the powers of the Commissioner's office have led to fears that 'de facto' provincial status has been thrust upon Yukoners in spite of your pledge to hold a referendum on this matter," MacKay writes.

Stating the concern that the Yukon, as a province, would not qualify for equalization payments, MacKay asks Clark to guarantee taxes will not increase before a referendum.

He says large tax increases

would be needed to support existing services in the Yukon if the federal government forced the territory to accept the financial responsibilities of a province.

"In turn, these tax increases would retard future economic development and could even cause marginal operations today to go out of business," he adds.

Although he does mention it directly in his letter to Clark, a statement about the letter from MacKay's office says the request for no tax increases includes introducing a sales tax.

"This pledge from you would help stabilize an uncertain situation and assure potential investors of a stable tax climate," he concludes.

All-Elected ExCom On Monday

The territorial government's Executive Committee will be dissolved next Monday and will be replaced by a 5-member fully-elected Executive Council.

It will be the first time in the

Yukon's 81-year political history that elected representatives will be officially responsible for the territorial government's day-to-day activities.

The move follows Indian and

Northern Affairs Minister Jake Epp's promise last week to remove the federally-appointed commissioner from ExCom and do away with the deputy commissioner's post.

he swearing-in of the new Executive Council will be done by the Yukon's administrator Doug Bell in the main lobby of the government building at 10: a.m. Oct. 22.

Hastily to provincehood

In substance, if not in name, the Yukon Territory is speeding along the road to provincehood, and one of the first casualties has been Commissioner Ione Christensen. When Mrs. Christensen, former Mayor of Whitehorse, was appointed to the position last January by Ottawa, the Liberal Government gave her a strong say in matters affecting Indians, finance, public health, and mining and forest protection — responsibilities not included in the mandate of the local territorial council.

But times change. The federal Conservatives, who promised during the election campaign to hold a referendum on the future of the Yukon, have evidently assumed the territory will ask to become Canada's eleventh province. Jake Epp, Minister of Indian and Northern Affairs, has abolished the post of deputy Yukon commissioner, transferred the executive authority of the commissioner to the territorial council, and officially altered Whitehorse's political vocabulary. Chris Pearson, leader of the Conservative majority in the council, can call himself a premier, his executive committee can call itself a cabinet, and the council can call itself a Legislative Assembly — although, unofficially, it has been doing so for some time.

The changes do not sit well with Mrs. Christensen, who predicted earlier this year that provincial status would "possibly be attained in the 1980s", and now feels the Conservatives in Ottawa and Whitehorse are moving too quickly for comfort. When Mr. Epp ordered her to surrender most of her authority to the council — transforming her, in effect, into an unofficial lieutenant-governor — she submitted her resignation, and deputy commissioner Douglas Bell, who first learned that his own job was being abolished from a radio news report, has temporarily assumed the post.

While Ottawa's desire to usher in representative government is hard to fault, its haste poses a couple of problems. The Yukon Indians, whose ancestors were the first humans in the region, and who comprise 25 per cent of the Yukon's population, have

never signed treaties ceding land to the Crown. The federal Government, spurred by prospects of northern development, is anxious to settle the Indians' land claims; the natives in turn are pressing for financial compensation, legal rights to land, and a mild form of political recognition. Ottawa has a responsibility to the northern natives to settle this dispute before creating a new province which, while it would not warrant a place at the bargaining table on either moral or historical grounds, would almost certainly demand such a place.

The second problem is the Yukon assembly itself. Its constituency numbers 23,000 people — one-fifth the population of Prince Edward Island — scattered across 536,000 square kilometres. It relies on Ottawa for an infusion of \$26-million a year, not including its \$30-million advance on pipeline royalties. It faces the prospect of grappling with the \$14-billion Alaska natural gas pipeline, a project which could at once bring prosperity to the region and, unless managed wisely, leave the region an economic disaster area when construction ends. How equipped are the 16 members of the assembly to deal with issues of such importance?

The signs are not encouraging. Because Ottawa has until recently reserved the major portfolios for itself and its commissioner, the council has had little experience in such areas as finance and public health. And according to Anthony Penikett, a New Democratic Party member of the assembly, his colleagues might not be up to the challenge. "I think some of these guys are really into a power trip," he said earlier this year. "They want to be called ministers and have chauffeur-driven limousines or something." The description does not inspire confidence.

The assembly is, for the moment, spared the burden of handling the Yukon's natural resources since, until the territory becomes a province, control of those resources rests with Ottawa. We suspect the assembly will be pushing for an early referendum. For the Yukon's sake, Ottawa should think seriously before responding.

Operators Locked Out?

A spokesman for the Yukon branch of the Public Service Alliance of Canada says four radio operators in the territory were locked out by Transport Canada this morning for participating in a national work-to-rule by the 1,100 operators that has threatened to slow down operations at 113 airports across the country.

But Transport Canada area manager Bob Thompson denies there had been a lockout. The employees were sent home, he said, because they refused to carry out all their duties.

NO PROBLEMS NOW

Thompson said it was unlikely Whitehorse would experience any immediate difficulties as a result of the slowdown, but added if it continues, "I think there'll be an impact."

Essential safety and security employees are remaining on the job. At issue in the alleged lockout is the status of the "non-designated" employees. Sixty per cent of the staff are "designated" employees and are forbidden by law to go on strike, PSAC spokesman Jim McCullough said. The other operators, who perform functions not considered critical to operations are entitled to strike, a PSAC press release says. The MOT takes the view they are not.

The operators, who provide navigational help, weather information and flight planning services, have been without a contract since July 1978. They have been asking for a two-year contract and a 15-per-cent wage increase. In August there was a one-day walkout, to protest an arbitration offer.

Whyard Rumored Next Commissioner

Guesses on who will succeed Ione Christensen as commissioner keep coming up with the name of Flo Whyard and that attention is beginning to get to the former politician and newspaper editor.

"It's becoming embarrassing to walk down Main Street," Whyard said today. "It's all rumor and there isn't anything to base it on."

Whyard was human resources minister before the territorial election a year ago and edited the

Whitehorse Star during the most of the 60s.

Rumors that she would replace Christensen began circulating even before the latter stepped down a week ago and they were fuelled when Whyard's was the only name mentioned by Christensen as a potential successor.

Whyard, though, denied she had heard from either the territorial or the federal governments about the commissioner's job.

Asked if she would take it if and when she did, Whyard said she had not yet seen the terms of reference for the post and did not want to give a hypothetical answer.

Asked to name other possible candidates for the job, she laughingly refused, saying: "I wouldn't do that to anyone."

"We've had some surprises in the past — maybe we'll have some surprises again," she added.

The next steps which had to be taken following the Commissioner's resignation, were the dissolution of the Executive Committee and the swearing in of the wholly elected Executive Council.

Deputy Commissioner Doug Bell became the Yukon Administrator, a post outlined in the Yukon Act to ensure that there is a Chief Executive Officer in the absence of a Commissioner.

The first reaction was to make the swearing-in ceremony a private one in the executive offices of the Government of Yukon's administration building. This plan was abandoned in favour of a full public ceremony to underline the importance of the event.

The following are speeches delivered by Bell and Pearson at the ceremony and a speech delivered by Pearson to the Legislative Assembly later in the afternoon.



DEPUTY COMMISSIONER OF THE YUKON TERRITORY

October 16, 1979.

[Handwritten signature]
Dear Chris:

As Administrator of Yukon, I am carrying out the instructions of the Honourable Jake Epp, Minister of Indian & Northern Affairs, in asking that you constitute a body comprised of wholly elected members to be known as the Executive Council of Yukon.

It is my intention to hold a ceremony at 1000, 22 October 1979 so that I might appoint this Council.

I would therefore request that you present me with the names and portfolio assignments to allow preparation of documents.

I attach a copy of the Minister's Terms of Reference to Commissioner Ione Christensen with complete and detailed instructions in this matter.

Yours sincerely,

[Handwritten signature]
D. Bell,
Administrator.

The Honourable Chris Pearson,
Government Leader,
Government of the Yukon Territory,
Whitehorse, Y. T.

1979 October 17,

C O N F I D E N T I A L

Mr. Doug Bell,
Administrator of
Government of Yukon.

Dear Mr. Bell:

It is my great pleasure to be able to present to you a list of the members of the first Executive Council in the history of Yukon, as requested in your letter of October 16, 1979.

As Government Leader, I will assume responsibility for the Executive Council Office, the Public Service Commission, the Pipeline Office, and the Department of Finance.

To assist me on this first elected Executive Council, I have asked the following Members of the Legislative Assembly to join with me in administering this government:

Honourable Mr. Dan Lang:	Departments of Municipal and Community Affairs, Highways and Public Works, Yukon Housing Corporation and Yukon Liquor Corporation;
Honourable Mr. Doug Graham:	Departments of Education and Manpower, Justice, Information Resources, and Government Services;
Honourable Mrs. Meg McCall:	Departments of Health Services, Human Resources, and Workers' Compensation Board;
Honourable Mr. Peter Hanson:	Departments of Renewable Resources, Consumer and Corporate Affairs, and Tourism and Economic Development.

With the exception of Mr. Hanson, these persons are presently on the Executive Committee. I value their advice and recommend that they continue in their Ministerial capacities. In order to distribute portfolios on a more even basis, I recommend that Mr. Hanson be brought into the cabinet so that I can have the full benefit of his experience and capabilities.

It would be advantageous to me to be able to make the announcement of these appointments at the earliest possible date.

Yours truly,

C.W. Pearson, Government Leader

CONFIDENTIAL

CABINET MINISTRY RESPONSIBILITIES

HONOURABLE MR. PEARSON,
GOVERNMENT LEADER:

- EXECUTIVE COUNCIL OFFICE
- PUBLIC SERVICE COMMISSION
- FINANCE
- PIPELINE OFFICE

HONOURABLE MR. GRAHAM:

- EDUCATION AND MANPOWER
- JUSTICE
- INFORMATION RESOURCES
- GOVERNMENT SERVICES

HONOURABLE MRS. MCCALL:

- HEALTH SERVICES
- HUMAN RESOURCES
- WORKERS COMPENSATION BOARD

HONOURABLE MR. LANG:

- HIGHWAYS AND PUBLIC WORKS
- MUNICIPAL AND COMMUNITY AFFAIRS
- YUKON HOUSING CORPORATION
- YUKON LIQUOR CORPORATION

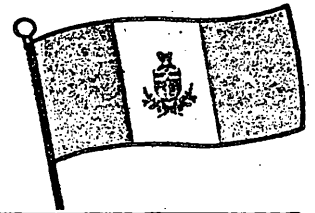
HONOURABLE MR. HANSON:

- RENEWABLE RESOURCES
- CONSUMER AND CORPORATE AFFAIRS
- TOURISM AND ECONOMIC DEVELOPMENT

Government of Yukon

BOX 2703, WHITEHORSE, YUKON Y1A 2C6 TELEPHONE 403-667-5811

TELEX 036-8-260



OUR FILE 1009-2
YOUR FILE

1979 October 22

Cabinet Ministers

MEMORANDUM TO: All Deputy Ministers

Re: Change of Titles & Mail Designations

With the inauguration of a wholly elected Cabinet on Monday, October 22, there are a number of name and title changes, which are effective immediately.

1. Executive Committee becomes "Executive Council" or informally, "Cabinet".
2. Executive Committee Member becomes "Executive Council Member" or "Minister".
3. Executive Committee Office becomes "Executive Council Office" or "E.C.O.".
4. Memoranda to Executive Committee becomes "Memoranda to Cabinet".
5. Records of Recommendation become "Records of Decision" - abbreviated to RD
6. Commissioner's Order becomes "Order-In-Council". Note that it is essential that the hyphens be used whenever referring to an Order-in-Council. The abbreviation O-I-C or O.I.C. may be used. For your information, I have attached O-I-C 1979-01 which is set out in a new format. Please note the phrase "Office of the Commissioner" has been removed from the top and note the reference to the Commissioner in Executive Council.

The Executive Council Office will continue to be comprised of the Deputy Minister of the ECO and her staff, the Deputy Minister of Intergovernmental Affairs, the Land Claims Office and the Internal Auditors. The Office of the Commissioner will no longer be a part of the Executive Council Office.

At our meeting on Monday, I outlined the portfolios for my Ministers. As of Tuesday, October 23, 1979, mail designations will be:

- A-1 Government Leader, Minister of Executive Council Office, Public Service Commission, Finance, Pipelines
- A-2 Minister of Highways & Public Works, Municipal & Community Affairs, Yukon Housing Corporations and Yukon Liquor Corporation
- A-3 Minister of Renewable Resources, Consumer & Corporate Affairs, Tourism and Economic Development

.../2

Change of Titles & Mail
Designations

(2)

- A-4 Minister of Education & Manpower, Justice, Information Resources
and Government Services
- A-5 Minister of Health Services, Human Resources, Workers Compensation
Board
- A-6 and A-7 No designation
- A-8 Executive Council Office
- A-9 Legislative Council Office
- C-1 Office of the Commissioner
- C-2 Internal Auditors
- F-1 Intergovernmental Affairs
- F-2 Land Claims Office

Please note that while I have been authorized to use the term of Premier, I do not choose to do so and will continue to be known and to sign documents as Government Leader.

A further memorandum will be issued outlining the changes that will be required to various documents, policies, regulations and ordinances.



C.W. Pearson,
Government Leader

Att'd

YUKON TERRITORY

C A N A D A

Whitehorse, Yukon

ORDER-IN-COUNCIL 1979/01

Executive Council of Yukon

Pursuant to the instructions given to him by the Minister of Indian Affairs and Northern Development under Section 4 of the Yukon Act, the Commissioner in Executive Council is pleased to and doth hereby order as follows:

- 1) Commissioner's Order 1979/27 constituting the Executive Committee of the Yukon Territory is hereby revoked.
- 2) Commissioner's Order 1979/12 appointing Ione Jean Christensen, Commissioner, to the Executive Committee of the Yukon Territory, is hereby revoked.
- 3) Commissioner's Order 1977/140 appointing Douglas Leslie Dewey Bell, Deputy Commissioner, to the Executive Committee of the Yukon Territory is hereby revoked.
- 4) Commissioner's Order 1978/293 appointing Hector Daniel Lang to the Executive Committee of the Yukon Territory is hereby revoked.
- 5) Commissioner's Order 1978/294 appointing Christopher William Pearson to the Executive Committee of the Yukon Territory is hereby revoked.
- 6) Commissioner's Order 1979/28 appointing Douglas Roy Graham to the Executive Committee of the Yukon Territory is hereby revoked.
- 7) Commissioner's Order 1979/115 appointing Meg Sutherland McCall to the Executive Committee of the Yukon Territory is hereby revoked.
- 8) All Orders of the Commissioner issued pursuant to Section 4 of the Yukon Act including this Order and pursuant to any Ordinance of the Yukon Territory shall henceforth be styled and headed Order-In-Council.

GIVEN under my hand and Seal of the Yukon Territory, at Whitehorse, in the said Territory, this 22nd day of October, A.D., 1979.



Administrator of Yukon

YUKON TERRITORY

C A N A D A

Whitehorse, Yukon

ORDER-IN-COUNCIL 1979/02

Constitution of the Executive Council of Yukon

WHEREAS Christopher William Pearson, Government Leader, has designated from amongst the elected representatives of the Territorial Council, not being a majority thereof, an Executive Council, and has by a letter dated October 17th, 1979, so advised the Commissioner.

NOW THEREFORE, pursuant to Section 4 of the Yukon Act and pursuant to the instructions to the Commissioner issued by the Minister of Indian Affairs and Northern Development on the 9th day of October, 1979, the Commissioner in Executive Council is pleased to and doth hereby order as follows:

- 1) There is hereby constituted and appointed the Executive Council of Yukon consisting of:

Christopher William Pearson, President
Hector Daniel Lang, Member
Douglas Roy Graham, Member
Margaret Eileen Sutherland McCall, Member
Peter John Hanson, Member

- 2) The President and members of the Executive Council shall be entitled to the style and title of Minister, and the President shall be entitled to the style and title of Premier to describe their respective offices.
- 3) The terms and conditions under which the President and Members of the Executive Council shall hold office are as set out in Commissioner's Order 1976/239 as amended from time to time.

GIVEN under my hand and Seal of the Yukon Territory, at Whitehorse, in the said Territory, this 22nd day of October, A.D., 1979.



A handwritten signature in cursive script, appearing to read "Bell", is written over a horizontal line.

Administrator of Yukon



DEPUTY COMMISSIONER OF THE YUKON TERRITORY

DISTINGUISHED GUESTS
MEMBERS YUKON LEGISLATIVE ASSEMBLY
FELLOW YUKONERS

. . . WE GATHER TODAY AS A COMPANY OF YUKONERS TO MARK A DAY THAT HAS BEEN 80 YEARS IN THE MAKING - A DAY THAT SIGNALS THE BEGINNING OF THE END OF OUR OWN FORM OF "COLONIAL STATUS", AND THAT MOVES US ONE STEP CLOSER TO FULL PARTNERSHIP IN CANADIAN CONFEDERATION.

. . . AS WE RECOGNIZE THESE MEN AND WOMEN ON THE PLATFORM WE SHOULD ALSO ACKNOWLEDGE, AND COMMEMORATE, THOSE WHO HAVE GONE BEFORE:

- THE GENERATION UPON GENERATION OF OUR NATIVE PEOPLES WHO HAVE WALKED THE TRAILS OF THIS LAND,
- THOSE WHO TREKKED TO THE GOLD RUSH ARE RECENT IN COMPARISON YET WERE WORTHY CONTRIBUTORS, AND
- THOSE WHO HAVE SERVED, AND SPOKEN, AND SHOUTED FOR US IN THE HALLS OF GOVERNMENT.

THESE, AND THE THOUSANDS OF MEN AND WOMEN WHO HAVE STRUGGLED AND WON AND LOST, AND WHO HAVE ENDURED HAVE BROUGHT US TO THIS DAY AS SURELY AS THE WINTER SNOW WILL SOON BE UPON US. SOME OF THEM ARE WITH US NOW.

. . . WE STAND TODAY ATOP OUR OWN CHILKOOT. THE TRAIL BEHIND HAS ITS OWN TALE, ALREADY TOLD. THE TRAIL AHEAD IS UNKNOWN, BUT FULL OF PROMISE. IT IS NOW WE WHO MUST SELECT AND CHART THE ROUTE.



DEPUTY COMMISSIONER OF THE YUKON TERRITORY

. . . AS YOUR ELECTED REPRESENTATIVES ACCEPT THE OATH OF OFFICE AND SHOULD THE BURDEN OF RESPONSIBILITIES SO LONG SOUGHT, LET US REMEMBER THAT INDIVIDUAL YUKONERS MUST ALSO ACCEPT AND SHARE THE BURDEN. AND AS WE EACH TAKE UP THE TASK WE SHOULD NOT FORGET THAT JUST AS WE DESIRE A STRONGER VOICE IN THE COUNCIL OF THE FAMILY OF PROVINCES THAT ARE CANADA, SO TOO WE MUST CONTINUE TO ENSURE THAT FREEDOM TO ALL PEOPLE WITHIN OUR YUKON.

. . . WE EACH LOOK TO THE FUTURE WITH INDIVIDUAL EYES. OUR DREAMS AND ASPIRATIONS VARY WIDELY, YET WHEN WE LOOK FROM THE HEART WE ALL FIND COMMON GROUND IN OUR LOVE OF YUKON AND OF CANADA. IF I HAD BUT ONE WISH FOR FUTURE GENERATIONS IT IS SIMPLY THAT THEY MIGHT FIND HERE THE BEAUTY THAT I HAVE KNOWN.

. . . OUR TIME ON THE STAGE OF CANADIAN HISTORY HAS COME AGAIN. AND WITH IT COMES THE OPPORTUNITY TO BEGIN ANEW. FOR, AS WE BUILD, OUR INDIVIDUAL EFFORTS AND CONTRIBUTIONS BECOME PART OF THE GREATER MOSAIC THAT IS CANADA. IT IS AN OPPORTUNITY AND A CHALLENGE WORTHY OF NORTHERNERS. WE CAN BECOME SOUTHERN CARBON COPIES OR WE CAN CREATE ANEW. WHICH WILL IT BE?

. . . FOR MOST OF US WE GAIN OUR RENEWAL OF SPIRIT IN OUR CHURCHES OR OUR FAVOURITE QUIET PLACE. IT MIGHT SERVE US WELL TO SEEK OUT THOSE PLACES, AND REFLECT ON THE IMPACT OF A WORLD THAT IS HUNGRY FOR BOTH RESOURCES, AND THOSE QUIET PLACES THAT WE TREASURE.



DEPUTY COMMISSIONER OF THE YUKON TERRITORY

WE, WITH AN ABUNDANCE OF BOTH, FACE THIS DILEMMA IMMEDIATELY. IT IS BUT ONE EXAMPLE OF DECISIONS WE MUST MAKE THAT WILL AFFECT GENERATIONS YET UNBORN. I WONDER HOW THEY WILL REMEMBER US?

. . . AS WE PROCEED WITH THE OATHS OF OFFICE I WOULD ASK YOU TO CONSIDER AN OATH WRITTEN IN CITY HALL WHITEHORSE. IT IS 2,000 YEARS OLD. IT IS THE OATH OF THE YOUNG MEN OF ATHENS. IN REPEATING IT I HAVE TAKEN THE LIBERTY OF MINOR CHANGES TO SUIT THE OCCASION.

"WE WILL NEVER BRING DISGRACE TO THIS OUR TERRITORY BY ANY ACT OF DISHONESTY OR COWARDICE. WE WILL FIGHT FOR THE IDEALS AND SACRED THINGS OF THE YUKON BOTH ALONE AND WITH MANY. WE WILL REVERE AND OBEY THE LAWS AND DO OUR BEST TO INCITE LIKE RESPECT AND REVERANCE IN THOSE ABOVE US WHO ARE PRONE TO ANNUL OR TO SET THEM AT NAUGHT. WE WILL STRIVE UNCEASINGLY TO QUICKEN THE PUBLIC'S SENSE OF DUTY. THUS IN ALL WAYS WE WILL TRANSMIT THIS TERRITORY NOT ONLY NOT LESS BUT GREATER, BETTER AND MORE BEAUTIFUL THAN IT WAS TRANSMITTED TO US."

THE DESTINY OF THE YUKON NOW RESTS IN OUR HANDS. WHAT WE MAKE OF IT IS UP TO US.

CEREMONY FOR SWEARING-IN OF

EXECUTIVE COUNCIL

YUKON TERRITORIAL GOVERNMENT

MONDAY, OCTOBER 22, 1979

NOTES FOR C. W. PEARSON

LADIES AND GENTLEMEN:

IT IS A GREAT PRIVILEGE TO BE TAKING PART IN THIS HISTORIC CEREMONY TODAY, AS LEADER OF THE ELECTED YUKON GOVERNMENT, ITS WHOLLY ELECTIVE LEGISLATIVE ASSEMBLY AND, AS OF THIS MOMENT, ITS ELECTED EXECUTIVE COUNCIL.

AS OUR ADMINISTRATOR, MR. BELL, HAS POINTED OUT IN HIS REMARKS, WE ARE ALL PART OF THE ONGOING HISTORY OF THIS FAMOUS LAND, AND SOMEDAY, MANY OF US WILL BE TELLING OUR GRANDCHILDREN THAT WE ATTENDED THIS HISTORIC EVENT.

AT SUCH A TIME, IT IS HELPFUL TO GO BACK OVER THE YEARS AND REVIEW THE CHANGES LEADING TO THIS POINT IN OUR DEVELOPMENT.

I WOULD LIKE TO DRAW YOUR ATTENTION TO ONE MOMENT IN TIME, PARTICULARLY, WHICH STRIKES ME AS BEING OF SPECIAL INTEREST TO US TODAY. SOME 82 YEARS AGO, FREDERICK HAULTAIN WAS HEAD OF THE GOVERNMENT OF THE NORTH-WEST TERRITORIES, BASED IN REGINA. THE TERRITORIES AT THAT TIME INCLUDED UNGAVA, FRANKLIN, MACKENZIE AND YUKON, TOGETHER WITH THE DISTRICTS OF ASSINIBOIA, SASKATCHEWAN, ATHABASKA AND ALBERTA.

THE HONOURABLE MR. HAULTAIN GOVERNED WITH AN EXECUTIVE COUNCIL -- VERY SIMILAR TO THE COUNCIL WE HAVE

SWORN IN TODAY...AS WELL AS A LEGISLATIVE COUNCIL, SIMILAR TO OUR LEGISLATIVE ASSEMBLY, AND IN 1897 HIS EXECUTIVE COUNCIL HAD WON RESPONSIBLE GOVERNMENT FOR THE TERRITORIES. HE THEREFORE MAINTAINED THAT THE LIEUTENANT-GOVERNOR WAS NOW OBLIGED TO ACCEPT THE ADVICE OF HIS TERRITORIAL MINISTERS, WITH RESPECT TO ALL PURELY TERRITORIAL MATTERS, AND HE INCLUDED AS ONE OF THEM, THE YUKON LIQUOR TRADE. IT IS ONE OF THE LITTLE-KNOWN FACTS OF CANADIAN HISTORY, THAT IT WAS REALLY THIS ATTEMPT TO CORRAL THE LIQUOR LICENCES AND LIQUOR REVENUE BY THE GOVERNMENT OF THE NORTH-WEST TERRITORIES IN 1897 THAT SPURRED THE FEDERAL GOVERNMENT INTO DECLARING YUKON TO BE A SEPARATE TERRITORY IN 1898. THAT'S THE WAY THESE THINGS HAPPEN.....

ANOTHER INTERESTING LITTLE HISTORICAL SIDELIGHT.... THE YUKON ACT OF 1898 ESTABLISHED A CHIEF EXECUTIVE OFFICER KNOWN AS COMMISSIONER, WORKING WITH AN ADVISORY GROUP OF SIX APPOINTED COUNCIL MEMBERS. WHY DID YUKON HAVE A COMMISSIONER, WHEN THE OTHER DISTRICTS OF THE NORTH-WEST TERRITORIES BEFORE THAT TIME HAD BEEN GIVEN LIEUTENANT-GOVERNORS? IT WAS CERTAINLY A DEPARTURE FROM TRADITION.

THE EXPLANATION IS THAT IT WAS REALLY A MATTER OF SEMANTICS, RATHER THAN SUBSTANCE. YUKON HAD A GOLD COMMISSIONER, AS OF 1897. MAJOR WALSH, OF THE NWMP, WHO WAS ACTING AS GOVERNMENT AGENT IN A NUMBER OF DIFFERENT CAPACITIES PRIOR TO 1898, COULD NOT HAVE BEEN ACCORDED THE TITLE OF LIEUTENANT-GOVERNOR DURING HIS TENURE OF OFFICE, BECAUSE YUKON WAS STILL

A PROVISIONAL DISTRICT OF THE NORTH-WEST TERRITORIES. MAJOR WALSH WAS COMMONLY CALLED "COMMISSIONER". TO AVOID CONFUSION AMONG THE PEOPLE OF YUKON, THE ACT OF 1898 MERELY LEGALIZED WHAT HAD BEEN COMMON USAGE PREVIOUSLY.

AFTER THE ESTABLISHMENT OF THE YUKON TERRITORY IN 1898, SEPARATE FROM THE NORTH-WEST TERRITORIES, THE PROVINCES OF ALBERTA AND SASKATCHEWAN DROPPED OUT OF THE TERRITORIES, THE BOUNDARIES OF MANITOBA, ONTARIO AND QUEBEC WERE EXTENDED NORTH AND OTHER GEOGRAPHICAL CHANGES TOOK PLACE.

MEANWHILE, WITHIN YUKON, RESIDENTS DEMANDED SOME SHARE IN RESPONSIBLE GOVERNMENT, RATHER THAN LEAVING IT TO AN APPOINTED COMMISSIONER AND SIX APPOINTED COUNCIL MEMBERS. IN THE AMENDMENTS TO THE YUKON ACT OF 1899, THEY WERE GIVEN THE PRIVILEGE OF ELECTING TWO MEMBERS WITH THE SAME POWERS AND DUTIES AS THE SIX APPOINTEES. IN 1902, COUNCIL WAS ENLARGED TO ELEVEN, FIVE OF WHOM WERE ELECTED, AND BY 1908, THE ACT HAD BEEN AMENDED AGAIN TO GIVE YUKONERS A COUNCIL OF TEN, ALL OF THEM ELECTED.

BUT THE GREAT WORLD WAR AND THE ECONOMIC DISASTERS WHICH FOLLOWED, MEANT DRASTIC CUTS IN FEDERAL BUDGETS, AND YUKONERS WOKE UP ONE MORNING IN 1919 TO FIND THEIR COUNCIL

COMPLETELY ABOLISHED...LATER RESTORED TO THREE MEMBERS AFTER A GREAT DEAL OF PLEADING ON THE PART OF NORTHERNERS. THREE IT REMAINED...A MEMBERS EACH FOR DAWSON CITY, MAYO AND WHITEHORSE, ALL THROUGH THE NEXT THREE DECADES, THROUGH THE SECOND WAR, THROUGH CONSTRUCTION OF THE ALASKA HIGHWAY AND THE CANOL PROJECT...UNTIL THE 1950'S, WHEN THE PATTERNS OF TRANSPORTATION AND COMMUNICATION CHANGED, THE TERRITORIAL CAPITOL WAS MOVED TO WHITEHORSE AND THE YUKON COUNCIL INCREASED TO FIVE MEMBERS IN 1951. THE YUKON ACT WAS AMENDED AGAIN IN 1960 TO INCREASE THE COUNCIL TO SEVEN, AND THE FOLLOWING YEAR, THREE OF THEM WERE NAMED TO THE ADVISORY COMMITTEE ON FINANCE, TO REVIEW GOVERNMENT ESTIMATES WITH SENIOR ADMINISTRATIVE OFFICERS. THIS GREW INTO THE BUDGET PROGRAMMING COMMITTEE IN 1968, WORKING IN THE PREPARATION OF THE BUDGET, THE FIRST FINANCIAL INPUT BY ELECTED MEMBERS.

THE YEAR 1970 WAS THE FIRST BIG BREAK-THROUGH TOWARD RESPONSIBLE GOVERNMENT. THE HONOURABLE JEAN CHRETIEN LISTENED TO THE ADVICE OF HIS COMMISSIONER, JAMES SMITH, AND ESTABLISHED AN EXECUTIVE COMMITTEE INCLUDING TWO ELECTED MEMBERS, TO ASSIST THE COMMISSIONER IN THE EXERCISE OF HIS RESPONSIBILITIESTHIS WAS THE FIRST DIRECT PARTICIPATION OF ELECTED YUKONERS IN THE EXECUTIVE FUNCTIONS OF THEIR GOVERNMENT.

COUNCIL WAS EXPANDED IN 1974 TO 12 MEMBERS, AND AGAIN IN 1978 TO ITS PRESENT SIZE OF 16; EXECUTIVE COMMITTEE HAS GROWN TO INCLUDE THREE, THEN FOUR, NOW FIVE ELECTED MEMBERS, AND THE APPOINTED COMMISSIONER AND DEPUTY AND ASSISTANT COMMISSIONERS HAVE GRADUALLY MOVED AWAY FROM THE CABINET TABLE.

TODAY, LADIES AND GENTLEMEN, WE ARE ALMOST BACK TO WHERE WE WERE 82 YEARS AGO.

WHEN SIR CLIFFORD SIFTON, THEN MINISTER OF THE INTERIOR, INTRODUCED THE YUKON BILL TO THE HOUSE OF COMMONS IN 1898, HE DESCRIBED IT AS "A TENTATIVE MEASURE"... AND I QUOTE FROM HANSARD OF THAT DATE: "TO CLOTHE THE GOVERNMENT WITH POWER TO MAINTAIN ORDER AND ADMINISTER THE COUNTRY FOR A YEAR OR TWO UNTIL WE SHALL HAVE A BETTER OPPORTUNITY OF KNOWING WHAT KIND OF COMMUNITY WE SHALL HAVE TO PROVIDE FOR."

ACTUALLY, IF THERE HADN'T BEEN MORE U.S. CITIZENS IN THE KLONDIKE THAN CANADIAN, WHO IS TO SAY WHETHER OR NOT OTTAWA WOULD HAVE BOTHERED TO ESTABLISH A LOCAL FORM OF GOVERNMENT HERE AT ALL? IT WAS WILLIAM OGILVIE'S WARNING TO HIS MINISTER, RECOMMENDING ACTION "IN THE MATTER OF ESTABLISHING AUTHORITY OVER THE YUKON IN THE GOLDFIELDS, OR WE MIGHT, IF THE WORK WERE DELAYED, HAVE TO FACT ANNOYANCES, IF NOT COMPLICATIONS, THROUGH POSSESSION, WITHOUT PROTEST FROM US, BY AMERICAN CITIZENS,".....THAT DID THE TRICK.

THE LITTLE MATTER OF COLLECTING CUSTOMS FROM THE AMERICAN MINERS WAS ALSO A FACTOR;

INSPECTOR WALSH, THE FIRST COMMISSIONER OF THE YUKON PROVISIONAL DISTRICT, IN MAKING HIS FINAL REPORT TO OTTAWA IN AUGUST, 1898, MADE A NUMBER OF RECOMMENDATIONS AS TO THE FORMATION OF THE NEW GOVERNMENT OF THE YUKON DISTRICT, AMONG THEM THE OPPORTUNITY OF ELECTING FOUR MEMBERS TO A COUNCIL. HE SAID "A GOVERNMENT MADE UP IN THIS WAY, GIVING THE POPULATION AN ELECTIVE REPRESENTATIVE FROM EACH OF THE FOUR MINING DIVISIONS, WILL, I AM ASSURED, GIVE SATISFACTION TO THE POPULATION AND REMOVE A GREAT DEAL OF THE PRESENT GRUMBLING."

THERE WERE MANY OTHERS AFTER OGILVIE AND WALSH WHO FOUGHT FOR MORE RESPONSIBLE GOVERNMENT FOR YUKONERS, FROM THE FIRST MEMBERS OF PARLIAMENT IN 1902, TO TODAY'S MINISTER OF PUBLIC WORKS THE HONOURABLE ERIK NIELSEN, WHO HAS REPRESENTED US FOR MORE THAN 22 YEARS. AT TIMES THEIR VOICES FELL ON DEAF EARS; OTTAWA HAD GREATER CONCERNS AND MORE IMMEDIATE PROBLEMS AND AFTER ALL, WERE A LONG WAY OFF. NOW, AT LAST, WE HAVE BEEN BLESSED BY THE FAVOURABLE TURN OF EVENTS WHICH HAS GIVEN US A RECEPTIVE GOVERNMENT IN OTTAWA. OUR DETERMINATION TO ACHIEVE A JUST AND EQUITABLE SETTLEMENT OF INDIAN LAND CLAIMS ALONG WITH THE PROMISE OF GREAT ECONOMIC DEVELOPMENT IN THIS TERRITORY INDICATES THE TIME IS RIPE FOR CONSTITUTIONAL CHANGES WHICH WILL WORK TOGETHER WITH THESE OTHER FACTORS FOR THE GROWTH OF

RESPONSIBLE GOVERNMENT IN YUKON.

SEVENTY-FIVE YEARS AGO, ONE OF THE FIRST YUKON MPS, DR. ALFRED THOMPSON, IN HIS MAIDEN SPEECH IN THE HOUSE OF COMMONS, CHOSE RESPONSIBLE GOVERNMENT AS HIS THEME, AND SAID "I SUBMIT THERE IS NO PRINCIPLE SO DEEPLY IMBEDDED IN THE HEART OF THE ANGLO-SAXON AS THAT OF RESPONSIBLE GOVERNMENT. YUKONERS WANT THE RIGHT TO ELECT THEIR OWN REPRESENTATIVES TO GOVERN THEMSELVES...TRUST THE PEOPLE EVERY TIME...GIVE THEM RESPONSIBLE GOVERNMENT AND THEY WILL SHOW THEMSELVES WORTHY OF IT. I DO NOT ASK FOR PROVINCIAL GOVERNMENT BECAUSE WE ARE NOT PREPARED FOR THAT, BUT I DO ASK THAT WE BE GIVEN RESPONSIBLE GOVERNMENT."

LADIES AND GENTLEMEN, WE ECHO DR. THOMPSON'S SENTIMENTS TODAY.

WHAT HAS HAPPENDED HERE TODAY IS THAT THE ELECTED MEMBERS OF THE YUKON LEGISLATIVE ASSEMBLY, THROUGH THEIR EXECUTIVE COUNCIL, NOW HAVE RECOGNIZED CONTROL OVER STRICTLY YUKON MATTERS...AN IMPORTANT STEP IN THE REALIZATION OF RESPONSIBLE GOVERNMENT IN YUKON. BUT FULL PROVINCIAL STATUS AS WE KNOW IT IN CANADA, WILL NOT BE ATTAINED BY YUKON UNTIL WE OBTAIN FULL FISCAL RESPONSIBILITY FOR THE FINANCIAL AFFAIRS OF THIS TERRITORY. THAT HAS NOT HAPPENED, AND CAN ONLY HAPPEN WHEN YUKON IS GIVEN CONTROL OF ITS OWN RESOURCES. NEGOTIATIONS ARE ONLY NOW BEGINNING, WHICH WILL

LEAD TO A REFERENDUM TO BE SUBMITTED TO THE PEOPLE OF THE YUKON SOMETIME IN THE FUTURE.

TODAY, AS WE LOOK BACK FROM THIS MILESTONE ALONG THE ROAD TO RESPONSIBLE GOVERNMENT, WE REMEMBER MANY WHO BLAZED THE TRAIL AND DESERVE OUR THANKS. THROUGH THE YEARS, TRUE YUKONERS, WHETHER APPOINTED OR ELECTED TO OFFICE IN THIS GOVERNMENT, ADDED THEIR OWN SHOULDERS TO THE WHEEL AND PUSHED US TOWARD OUR OBJECTIVE. THE EXAMPLE OF THE EXECUTIVE COMMITTEE MEMBERS, IN ASSUMING THEIR NEW FOUND RESPONSIBILITIES FROM 1970 ONWARD, PLACED A FIRM FOUNDATION UNDER OUR FEET. THEIR DEMONSTRATION OF COMPETENCE WAS UNDOUBTEDLY A FACTOR IN THE GOVERNMENT'S DECISION TO GIVE US EVEN MORE RESPONSIBILITY TODAY.

PARTICULAR THANKS MUST GO TO OUR MINISTER THE HONOURABLE JAKE EPP FOR DEMONSTRATING HIS TRUST IN OUR ABILITY TO HANDLE THESE NEW RESPONSIBILITIES IN THE BEST INTEREST OF THE PEOPLE OF YUKON BY ISSUING HIS INSTRUCTION THAT THIS SIGNIFICANT STEP IN YUKON'S HISTORY SHOULD TAKE PLACE TODAY.

WE WILL NOT LET YOU DOWN.

THANK YOU MR. ADMINISTRATOR FOR YOUR ROLE IN THIS HISTORIC EVENT.

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The Yukon Legislative Assembly

Number 26

2nd Session

24th Legislature

HANSARD

Monday, October 22, 1979 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

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

CABINET MINISTERS

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

Government Members

(Progressive Conservative)

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

Opposition Members

(Liberal)

Iain MacKay	Whitehorse Riverdale South
Alice P. McGuire	Kluane

(New Democratic Party)

Tony Penikett	Whitehorse West
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(Independent)

Maurice J. Byblow	Faro
Robert Fleming	Campbell

Clerk Of Assembly
Clerk Assistant (Legislative)
Clerk Assistant (Administrative)
Sergeant-at-Arms
Editor of Hansard

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

Whitehorse, Yukon**Monday, October 22, 1979 - 1:30 p.m.****Mr. Speaker:** I will now call the House to order.

We will proceed at this time with Prayers.

Prayers

Mr. Speaker: Before proceeding with the Order Paper this morning, I would say that I am very pleased to draw the attention of all Honourable Members to the presence in the Speaker's Gallery, today, of Mr. Gordon Fairweather, the First Chief Commissioner of the Canadian Rights Commission.

Mr. Fairweather has served as a parliamentarian for many, many years. He was first elected to the Legislative Assembly of New Brunswick in 1952 and re-elected twice, serving his native province as Attorney-General from 1958 to 1960. He was elected to the House of Commons in 1962 and was re-elected five times. Mr. Fairweather is also an officer of the Order of Canada.

It is indeed a distinct pleasure for me, today, to convey on behalf of all Honourable Members, our warmest welcome to Yukon and to this House to such a distinguished Canadian and parliamentarian, and express to Gordon our sincerest hope that his visit and future visits will be both fruitful and enjoyable in every respect.

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

Hon. Mr. Graham: Mr. Speaker, I have two Legislative Returns for tabling, and also an agreement between Yukon Lottery Commission and Rampart Management Services, for the management of the Western Canadian Lottery.

Hon. Mr. Lang: Mr. Speaker, I have for tabling the answer to a question by the Honourable Member for Campbell, concerning areas designated as reserves for native people.

Hon. Mr. Pearson: Mr. Speaker, I have for tabling today answers to questions asked by Mr. Penikett regarding the Tourism Advisory Board, a cost study on moving goods by way of the Carcross-Skagway Road, and tourism promotional material.

As well, Mr. Speaker, I have the answer to a question asked by Mr. Fleming respecting car rentals.

Mr. Speaker: Are there any further Tabling of Documents.

Are there any Reports of Standing of Special Committees?

Presentation of Petitions?

Reading or Receiving of Petitions?

Introduction of Bills?

Are there any Notices of Motion of the Production of Papers?

Notices of Motion?

Are there any Statements by Ministers?

MINISTERIAL STATEMENTS

Hon. Mr. Pearson: Mr. Speaker, it gives me great pleasure, on behalf of this Government today, to introduce to the House the Honourable Mr. Peter Hanson, who is sitting on the front benches for the first time with us today. Mr. Hanson's portfolio responsibilities will be Renewable Resources, Consumer and Corporate Affairs and Tourism and Economic Development.

Mr. Speaker, I would like to report to the House as well that because of the changes in portfolio duties, I will be assuming responsibility for the Executive Council Office, the Public Service Commission, Finance and the Pipeline Office.

The Honourable Mr. Lang will be responsible for Highways and Public Works, Municipal and Community Affairs, Yukon Housing Corporation and the Yukon Liquor Corporation.

The Honourable Mr. Graham will be responsible for Education and Manpower, Justice, Information Resources and Government Services.

The Honourable Mrs. McCall will be responsible for Health Services, Human Resources and the Workers' Compensation Board.

Mr. Penikett: On behalf of the Opposition Members I would like to

congratulate the new Members of the Executive Council and for my part especially, the new man, my friend the Honourable Member from Mayo.

I wish them well in the conduct of their duties, of course not too well, but hope they serve the people of the Yukon to the best of their abilities.

I must confess to the Government Leader, we have, at times, a little difficulty keeping up with the changes but we will do our best and I am sure they will.

Mr. Fleming: I also rise to congratulate the new Member.**Mr. Speaker:** Order please. I believe we have not yet come to the Question Period.**Mr. Fleming:** I am not questioning.**Mr. Speaker:** I am afraid the only statement that the Chair can permit, at this time, are from the Leaders of the Parties.

Are there any further statements by Ministers?

This then brings us to the Question Period.

QUESTION PERIOD**Question re: Constitutional Development**

Mr. Penikett: I have a question for the Government Leader. Given that the last Yukon Conservative Party resolution on responsible government says that, "there be one government for Yukon, fully responsible, and fully representative to all people of the Yukon, and that that government have an Executive Committee that is fully composed of elected Members," does the Government Leader consider that he has a mandate for any further constitutional development in the Territory?

Hon. Mr. Pearson: Yes, Mr. Speaker, I am confident that we have a mandate to achieve fully responsible government at the earliest possible date, and that finally, Mr. Speaker, achieve provincial status.

Mr. Penikett: One of the pleasant features of the reception desk in the foyer of this building is a daily aphorism. Appropriately, today's reads, "Whom the gods would wish to destroy, they first make mad with power." I would like to ask the Government Leader if he intends to adopt the title of Premier, in accordance with the Order-in-Council instructions creating the Executive Council of Yukon.

Hon. Mr. Pearson: I have previously answered that question in this House. I honestly do not know how many times I have to answer it.

Mr. Penikett: I thank the Government Leader for his assurance. Given that the Government represents the views of only 37 per cent of Yukon's population, can we have his assurance that no further constitutional changes beyond responsible government will be made without full consultation with representatives of Yukoners of all opinions on this question?

Hon. Mr. Pearson: There is a Notice of Motion put on the floor by the Honourable Member, who just asked the question. I am not sure what has prompted this particular question at this particular time, but, certainly, that must be a matter of discussion on that motion.

Question re: Resource Control

Mr. Byblow: I have a question for the Government Leader. In light of the historical occasion, I would like the Members opposite to recognize the colour of my attire.

In the Government Leader's address to the nation this morning, he indicated that negotiations are presently underway to give Yukon control of its own resources. Could the Government Leader indicate what discussions have, and will, be taking place.

Hon. Mr. Pearson: Mr. Speaker, I am confident that if the Member looks at that speech, I did not say that negotiations are underway. I did say that negotiations would soon begin.

Mr. Byblow: Mr. Speaker, to pursue the topic, I would like to inquire of the Government Leader what his Government's position is with respect to the control of resources as I expect will be discussed with the Federal Minister this week?

Hon. Mr. Pearson: Mr. Speaker, I do not know where the Honourable Member gets his information. It is not my information that I will be discussing the control of resources with the Minister during this forthcoming week.

My information is, as I reported to this House, that I am going to

Ottawa because the Minister asked me to be in Ottawa because the CYI is there and we are going to be discussing Land Claims.

Maybe, in the context of Land Claims, there might be some negotiations or discussions in respect to renewable resources. But, Mr. Speaker, Land Claims are a matter between the Government of Canada and the CYI. We are simply members of the Federal Government's team, at that point in time.

Renewable resources are owned by the Federal Government of Canada. I do not know that we are in any position to discuss them at all.

Mr. Byblow: I would thank the Government Leader for a very informative answer.

This morning in his address, he also indicated that his Government feels resource control is a key to fiscal accountability before provincehood.

I would inquire of the Government Leader if he can respond whether or not he feels investor climate is being jeopardized by the present political development in the Territory.

Mr. Speaker: Perhaps the question is marginal in that it does seek an opinion. However, I will permit the question.

Hon. Mr. Pearson: Mr. Speaker, if the Honourable Member wants my opinion, no, I do not think it is affected at all.

Question re: Conflict of Interest Rules

Mr. Penikett: Thank you, Mr. Speaker, another question for the Government Leader: now that the Executive Council has been sworn in to succeed the Executive Committee, I would like to ask the Government Leader, for the record, if he can assure this House that conflict of interest rules now under Committee review, will continue to apply to the Members of the Executive of the Yukon Government?

Hon. Mr. Pearson: No, Mr. Speaker, the conflict of interest rules are a matter that are properly within the purview of this House. I cannot assure the Honourable Member of anything.

Mr. Penikett: Mr. Speaker, given that the instructions to the Standing Committee on Rules, Elections and Privileges, refer only to conflicts of interest for M.L.A.s and elected Executive Committee Members and not Executive Council, will the Government bring to the House an amendment to the Committee's instructions for reviewing these rules?

Hon. Mr. Pearson: Mr. Speaker, I submit that the Honourable Member is embarking upon an exercise in semantics at this point in time. Surely we are all adult enough, in this House, to accept the fact that references to Executive Committee prior must now mean references to Executive Council.

Mr. Speaker, we, on this side of the House, are responsible enough to accept that as being a fact.

Mr. Penikett: Mr. Speaker, is the Government Leader aware of a letter written by the Minister of Indian and Northern Affairs to the Globe and Mail which was published on Saturday, which makes reference to meetings on Constitutional Development between CYI and YTG in Ottawa this week?

Hon. Mr. Pearson: Mr. Speaker, I am not aware of the letter.

Question re: Alberta Heritage Fund Symposium

Mr. Byblow: I have a question for the Government Leader with respect to the Government Leader's visit to Edmonton last week to attend the Alberta Heritage Fund Symposium. Could the Government Leader advise the House on the value of the trip towards establishment of a Yukon Heritage Fund?

Hon. Mr. Pearson: Mr. Speaker, the object of the trip was not to determine, or make any moves towards the establishment of a Yukon Heritage Fund.

The Symposium held by the University of Alberta, at the request of the Government of Alberta, in respect to the Alberta Heritage Savings Trust Fund, was because the Alberta Government is now three years into its Heritage Fund and because it has reached the magnitude of five billion dollars which is very, very close to being one half of the national debt of Canada.

The Government of Alberta asked that learned people sit down and discuss ways that possibly the terms of reference of the Alberta Heritage Fund could be changed to make it more beneficial for all of the people in Canada.

Mr. Speaker, there were ten papers tabled. They are very, very, extensive and I would be most pleased to make them available to any Member of the House who is interested in reading them.

I found it a very, very informative conference. I am confident that the Leader of the Opposition did as well, in that it pointed out numerous pitfalls that do exist and problem areas that we, quite

likely, should be able to avoid, should we ever be in the enviable position of being able to establish a Yukon Heritage Trust Fund.

Hon. Mrs. McCall: Mr. Speaker, I have an answer to questions put to me by the Honourable Member from Whitehorse West, regarding patients requiring psychiatric attention.

On an emergency basis, patients who require immediate attention for psychiatric illnesses, can be seen at any time by the primary care physician, who is on 24-hour call at the Whitehorse General Hospital.

Urgent referrals for psychiatric consultations have always been dealt with promptly. The waiting period for elective referrals averages approximately three weeks, which compares favourably with the same situation in major centres.

Hon. Mr. Lang: Yes, Mr. Speaker, I have a number of oral questions to respond to.

On October 16th, the Honourable Member from Campbell asked a question in respect to the Alaska Highway upgrading. The following question was asked: "With the intended contract on the Alaska Highway from approximately 777 to 792, in the Morley River area, I think the Government intends to straighten up 20 or 25 miles of road.

"At what stage is this contract, also is the right of way clearing in the general contract or can it be let for a small contract for local hire?"

Mr. Speaker, before I begin answering the question, it must be noted that when I speak of public works, it is the Government of Canada, not the Territorial Government.

Public Works has called a tender for clearing and grubbing in the B. C. section, Mile 770 to 776. When a land use permit is obtained for the Yukon section, Mile 776 to 790, then an additional tender for clearing and grubbing will be called for this section.

Following the clearing and grubbing contract, a tender for a grading contract will be called.

At the same time, Mr. Speaker, the Honourable Member from Whitehorse West asked an oral question in respect to the Dempster Highway, in respect to the interim management plan. The question was, "The issue of winter operation should be reviewed and a decision made as to whether a new policy is needed for the winter of 1979-80, based on the findings made between now and then. Can the Minister tell this House as to what findings were made during the year in respect to opening the Highway to traffic this winter?"

Mr. Speaker, over the past year, there have been no findings which indicate that there should be a new policy for winter management of the Highway. In the winter of 1978-79, the main caribou migration did not cross the Highway and thus, baseline data was not obtainable.

Data collection and survey will continue over the length of the Highway for the next two years, as the long term management plan is being developed. Any new policies or changes in the existing policy will be reflected in the final plan.

The Honourable Member from Whitehorse West also asked the following question: "Is a contractor's criminal record considered in the awarding of Government contracts". The answer, briefly, is no.

The Honourable Member from Whitehorse West also asked a question in respect to the Two Mile Hill intersection reconstruction. "Given planned development in Hillcrest and the ever-increasing rush hour traffic on the Alaska Highway, would the Minister consider accelerating the timetable for phase one of the Alaska Highway/Two Mile Hill Intersection Reconstruction?"

Mr. Speaker, the answer is that because lot sales in Hillcrest will not come about until 1980, the effects of traffic from the development will not be known until later in that year. The earliest improvements in the intersection should be undertaken in 1981.

Question re: Mining Safety Regulations

Mr. Penikett: Thank you Mr. Speaker. I have the honour of directing to the new Minister of Consumer and Corporate Affairs his first question. I would like to ask him in reference to the Coroner's findings in the connection of with the tragic death of William Carvill at Whitehorse Copper Mine, Yukon's Chief Mining Inspector is reported to have said that new Mine Safety Regulations reflecting new industry conditions are required. Can the Minister say if he is prepared to develop, or accelerate the development of new regulations in the Territory.

Hon. Mr. Hanson: We are now developing some new safety rules in the branch and we will take it under advisement right now and let you know at a later date.

Mr. Penikett: I would like to ask the Minister in order to partially

avoid the recurrence of serious mining accidents in the Territory, would the Minister consider including in the Government programs, in cooperation with the Minister of Manpower, a proposal to make mining a designated trade, as it is in Manitoba.

Hon. Mr. Hanson: I have had some talks on it in the last week but, as I only took office this morning, I will just take it under advisement at this time.

Mr. Penikett: Will the new Minister also advise the House, when he reports, if he is prepared to enshrine the basic principle of industrial safety, namely the worker's right to refuse unsafe work, when he develops the regulation.

Hon. Mr. Hanson: I will take that under advisement too.

Question re: Report on Continuing Education

Mr. Byblow: I have a question for the Minister of Education, Mr. Speaker. I was of the understanding that we would have a tabling of a report of the Alberta study on continuing education. May I inquire when it will be available?

Hon. Mr. Graham: Mr. Speaker, I gave an undertaking to this House to produce that report when it was ready. I would ask that, through your good offices, that you request the Honourable Member opposite to wait until such time as it is ready.

Mr. Speaker: I am afraid the Chair has not that capability, but perhaps the Honourable Member will take the answer under advisement.

Question re: Housing Corporation Ordinance

Mrs. McGuire: Thank you, Mr. Speaker. I have a question for the Honourable Minister of Municipal and Community Affairs. Seeing as the inadequate Housing Corporation Ordinance serves only to benefit people on fixed incomes and downgrades the efforts of many oppressed people who are trying to upgrade their living standards by rising to higher wages only to discover that their Yukon Housing rent has risen to above the Territory's economic rent prices, would the Minister bring before this House, the Housing Corporation Ordinance for revision and discussion.

Hon. Mr. Lang: No, Mr. Speaker. I recognize the question that the Honourable Member is raising. I think it should be pointed out though, that this side of the House, and I would like to think on the other side of the House, believes in home ownership.

As she well knows, the policy of this Government and the Housing Corporation, is to allow people who are in Housing Corporation accommodation, the ability to purchase the home. Therefore, Mr. Speaker, I think that is a step in the right direction to counter the situation that has developed in the communities over the past years.

If the Honourable Member has any other ideas, I would be more than prepared to sit down and speak to her about them. It is very difficult area, Mr. Speaker, we have a responsibility to those who cannot afford housing, but at the same time, when they can afford housing, I maintain that they should pay the going rate just like anyone else. We all have a fuel bill, we all have to pay our way.

Mrs. McGuire: Does the Minister recognize that in order to bring about ownership of these houses, that he must revise the Ordinance?

Hon. Mr. Lang: Mr. Speaker, if she is looking at it from a legal point, I would have to look at it.

Question re: Education/Art Instruction

Mr. Penikett: I have a question for the Minister of Education. The Minister is aware of a program of art instruction in the Whitehorse Elementary School, that was conducted by a team of art specialists, under a Canada Works Project. Can the Minister say if his Department received a positive response to this program.

Hon. Mr. Graham: Yes, we did, Mr. Speaker.

Mr. Penikett: I would like to ask the Minister if he knows if Canada Works grants will continue to be necessary to provide special art instruction in the schools, or will the Department of Education, in the near future, formally incorporate special art instruction in our schools, with fulltime instructors and budget increases and so forth?

Hon. Mr. Graham: As the Honourable Member opposite well knows, further instruction in any of our schools in the Territory will require additional manyears, which we do not have available. We did hire one of the three young ladies who did carry out the art program last year, and she is now a teacher in one of the schools in Whitehorse.

Mr. Penikett: Does the Department not have an art education curriculum from grades one to twelve, and if it does not, will it be adopting one in the near future?

Hon. Mr. Graham: May I take the question under advisement, Mr. Speaker.

Question re: Inflation

Mr. Byblow: I have a general question for the Minister of Consumer and Corporate Affairs. In light of the cost of living increase to food and fuel costs announced last week, what are this Government's general plans to combat inflation in the Territory?

Hon. Mr. Hanson: That question has been asked many times before. I will take it under advisement at this time.

Mr. Byblow: In light of the Economic Research and Planning Unit's most recent survey which reflects an increasing gap in prices between Yukon communities and Edmonton, primarily in commodities of food, does the Government plan to investigate whether this disparity may, in fact, be justified?

Hon. Mr. Hanson: I am sure this has been studied before, but I will ask, and come back to this House with some answers.

Question re: Tour Operators/Licensing of

Mr. Penikett: I would like to help the Minister responsible for Tourism with his apprenticeship and ask him the following question: during the recent meeting of the Yukon Visitors' Association, delegates were advised that the Government was preparing legislation concerning the licensing of tour operators. When can we expect this legislation to be introduced in the House?

Hon. Mr. Hanson: Mr. Speaker, I have not seen any so far along in this Legislation and neither has the rest of the caucus. I think we will have to see it first before we present it to the Honourable Member.

Question re: Education/Student Counsellors

Mrs. McGuire: Thank you, Mr. Speaker, I have a question for the Minister of Education.

Being as counsellors for high school students are a much needed factor in most schools, if only on a part time basis, would the Minister tell the Members what qualifies a school for this extra necessity?

Hon. Mr. Graham: Mr. Speaker, as staffing is part of the administrative side of the Department, it is part of their responsibility. I do not really feel qualified to comment on what is a necessary requirement to become a member of our staff. I am sure that the requirements are there and I am sure they are met by the people that we presently have hired as counsellors in the schools.

Mrs. McGuire: Thank you, Mr. Speaker. Does the Minister know how many school counsellors there are in Yukon?

Hon. Mr. Graham: No, Mr. Speaker, I do not.

Question re: YTG Employee Job-sharing

Mr. Penikett: It is two and a half, Mr. Speaker.

I have a question for the Minister newly responsible for the Public Service Commission, to which he may wish to take notice

Does the Government, at the present time, allow two or more employees to share one fulltime job in an area outside of jobs requiring shift work?

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

Mr. Penikett: Thank you, Mr. Speaker. Can the Minister also say if the Government has ever conducted research into the viability of more extensive job-sharing of this type within its ranks?

Hon. Mr. Pearson: Mr. Speaker, I am sorry, I do not know whether there has been any extensive research conducted. I do know that this is being tried on a quasi-experimental basis and, from what I have been able to ascertain, it is being found to be beneficial, both to the employees involved and to the people that they serve.

Mr. Penikett: Thank you, Mr. Speaker. I would like to then ask the Government Leader if the Government has any serious reservations about implementing such job-sharing schemes, where there appears to be a demand for it?

Hon. Mr. Pearson: Mr. Speaker, I am sorry, I cannot answer that question specifically. I do not know of any serious reservations, personally, at the present time.

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

ORDERS OF THE DAY

GOVERNMENT MOTIONS

Motion Number 23

Mr. Clerk: Item Number 1, adjourned debate, Mr. Hibberd.

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

Mr. Hibberd: Yes, Mr. Speaker.

Mr. Speaker: It was moved by the Honourable Leader of the Government, seconded by the Honourable Minister of Municipal and Community Affairs, THAT this House approves in general the operations of the government since the adjournment of the spring sitting.

This debate was adjourned.

Dr. Hibberd: Mr. Speaker, perhaps to refresh our memory on where we were in this debate, I could mention what had transpired at that time.

We had been discussing, Mr. Speaker, the new terms of reference that had been brought forward for the new Commissioner and I had not intended to speak on this debate at that time, but I was faced with a barrage of negative, childish statements coming from the Opposition benches and I felt that it was absolutely necessary that there was some answer given to them so the record could be set straight.

Mr. Speaker, what has happened is several of us have been involved in politics for some length of time now. We have been concerned that the affairs that are of primary concern to us here in Yukon have been handled by a Minister, who is 3,000 miles away and who is an urban dweller, who is not familiar with the problems that we have here. We got involved in politics to see if we could do something to bring those things back to Yukon, so that we could have some say in these affairs.

Mr. Speaker, I was very pleased that, with the change in government in Ottawa, there then became a Party that would listen to what we had been saying for a long time, that was receptive to those ideas.

Mr. Speaker, they were being receptive to the principles under which the rest of this country has been operating since Confederation.

Mr. Speaker, we are the only area in Canada who has been forced to be governed in a colonial way, without the benefits of a democracy. This Government, Mr. Speaker, has been very successful in bringing about these changes or seeing that they are brought about by the Government in Ottawa.

I would rejoice, Mr. Speaker. This is the main reason that I and several others have become involved in politics in Yukon. But what happens when this announcement is made?

We hear from the Opposition benches that they are very dismayed, that we cannot cope with such responsibilities, that we are going against the wishes of the people. The inferences that we only have one-third of the voters on our side is simply not true, Mr. Speaker.

We are here because we have a mandate to act for the people of Yukon, and that is what we are doing, that is what we have been doing to bring about these changes that have now come.

I would like to remind Members, Mr. Speaker, that, in 1974, there was a party formed in Yukon on the principle that there should be provincial status brought into the Territory. That party was called the Yukon Territorial Provincial Liberal Party, Mr. Speaker, of which founding members were the Leader of the Opposition and our present Senator in Ottawa.

Mr. Speaker, they were so interested in having these changes done, they had a party formed for that reason. They had to borrow this idea from us to get there, but they still had the right idea at that time.

What happened to them? Merely because they have not been the people that have been responsible for bringing about these changes, they are going against them. They are negative.

Mr. Speaker, this is why we are here. We want to see these affairs brought into our own control. Do the Members opposite not wish to have these changes brought about? Would they rather see a Section 16 of the Yukon Act? Would they rather see that we do not have the opportunity to organize our own municipal institutions? Would they rather see that we do not have the right for the election of their Council Members? Would they rather see that we do not ever have responsibility for the licensing of businesses and trades? Would they rather see that we do not have any rights for the solemnization of marriages in the Territory?

Would they rather that we did not have anything to do with our jails, with our system of justice? Would they rather see that we do not have any influence over what is our educational system, what our hospitals are, agriculture in the Territory, the administration of sale of liquor in the Territory? These are all things, Mr. Speaker,

that, under the Yukon Act have been delegated to the Commissioner and now, through the province of the present Minister, are being delegated to the Members of this House so that, again, we can come to the principle where the people who are living here actually have the say in what goes on.

A lot has been said about the fears that have been raised with regard to resources and with regard to finances in the Territory. I would like to point out that, under Section 24 of the Yukon Act, we still do not have responsibility in these areas, and as has been stated many times by the present Prime Minister of Canada, and by members of this party, the changes that would come about in these areas, with regard to resources and with regard to finances, would only be brought about when the people of Yukon have been consulted by way of a referendum.

Those changes are not what we are discussing today. We are gradually evolving toward that principle, I agree, and that is why we are here and that is what we are trying to get to. But, in the meantime, I am distressed that the Members opposite cannot support the principle by which they are here themselves, to have some say in these affairs of a purely local nature.

The present Government, during the past several months, has been able to achieve this through consultation with the present government in Ottawa. I take a great deal of pleasure in being able to support their efforts in this area, and, therefore, support this Motion.

Mr. Lattin: Mr. Speaker, I concur emphatically with my colleague to my right. He has expressed my thoughts with more eloquence than I can muster. I, too, am amazed that the Members on the opposite side are so repugnant to a few more powers, and continuing forward so we can obtain more of our democratic rights, that the other parts of our great country enjoy.

I do not believe we are moving too fast. Over the past thirty years, I have heard the people, and former Councillors of Yukon, lament the puppet-type of government that we have had. I have seen the seeds of responsible government sown. Today we are beginning to witness the fruit of our toils.

We still have a long way to go, however, for people who wish to control the destiny of Yukon, the right to have a say in our government process, the road is clearly outlined for us, and it is there for us to tread.

Our Party, and I, personally, have stated publicly, time and time again, that before we become a province, a referendum will be held, so that all people in Yukon will have the final say. That is the grass-roots philosophy, and the march of progress of a democracy. I have absolute faith in the decisions that Yukon people will advocate. Yes, the people of Yukon will have the ultimate say.

I have heard the point raised that we, on this side, are representing only 37 per cent of the people. I submit, this is a ridiculous argument. Let us remember that the procedure we operate under at election time is sometimes referred to as, "first past the post." This may not be the ultimate in the election process, but it is the system we all accepted when we ran for election to public office.

Mr. Speaker, for anyone to say that we do not represent the people of the Yukon, I submit that each individual Member does not have a complete majority in their own riding. Do they mean to stand here in this House and say that they only represent the people who voted for them? I cannot and do not believe this. I submit, it will be a sad day if this occurs. I am sure that each Member represents all the people of his riding to the best of his ability. Likewise, Mr. Speaker, on this side of the House, we represent all the people of the Yukon. We are striving to represent all and are advocating legislation and programs for the betterment of Yukoners.

Let us put an end to this fallacy that we represent only 37 percent of Yukon people. This is utter nonsense. It is ludicrous to even suggest that we govern for 37 percent of the time and then pack up and go away.

Mr. Speaker, it should be very plain that this frame of thinking is a step out of tune with reality. Let us once and for all put an end to this misconception. Thank you, Mr. Speaker.

Mr. Tracey: Mr. Speaker, I also feel I must rise in support of this Motion and also add my support to our action in requesting and in receiving more responsible government. After all, as Dr. Hibberd stated last week, for many frustrating years we have been trying to garner control of our affairs in Yukon from Ottawa, and yet when a political party which just so happens to be the Territorial Progressive Conservative Party is successful in wresting some of this control from Ottawa, we are criticised for secretly trying to obtain provincial status. The Honourable Leader of the Opposition has stated that we have obtained de facto provincial status and I am

sure that he does not believe this, as I do not think any of the rest of us actually believe it. We have a long way to go yet. We promised a referendum. It has been reiterated many times and on one occasion again today.

What we have accomplished has been what we have demanded over past years, that being the opportunity to make our own decisions as to how this great Territory should be run. Surely no one in their right mind would suggest that colonial status is the best for us and there is no one here as elected Member of Territorial Council of Yukon that could participate in the management of this Territory, and it surprises me when I realise what the Opposition Members are saying is that they are incapable of managing this Territory and so, necessarily, so are we. We do not share that lowly opinion of ourselves Mr. Speaker, and down throughout history those who demand the right to manage their own affairs and have had to fight against those, such as the Members across the floor, who would settle for the status quo rather than fight for that right.

The great countries that we, in North America, live in were not built by people who were afraid of change but rather those who demanded more change, demanded responsibility and the right to make their own mistakes.

We would be foolish to say that mistakes will not be made. We will make them for that is in the nature of growing towards maturity and growing towards provincial status for Yukon.

The reductions of the power of Commissioner is a large step towards the maturity that we are seeking and I for one am very happy that most of the powers of that office have been stripped from it. This in no way reflects on the personage of Mrs. Christensen but on the office that she held.

The Member from Campbell stated that we can diminish the powers of Commissioner and carry on business as usual anyway, and I am happy to hear that at least one Member from across the floor realizes that business as usual can be carried on and perhaps that the Commissioner's job as overseer of the Yukon Territory is not very necessary after all.

Surely the job of the Opposition is to constructively criticize the workings of the Government side of the House. I would like to stress the words "constructive criticism", Mr. Speaker.

The Honourable Leader of the Opposition obviously does not agree with this principle. For example, he leads off by saying that we will be voting for the Income Tax Ordinance and then, in the next breath, tries to sit on the fence by saying that if we bring on our own Income Tax Ordinance, we are only going to have to pay more taxes.

He goes on to say that we are about five years premature with this Bill. Mr. Speaker, if he actually believes that the Bill is five years premature, surely he can come up with some sound arguments against it. If he is able to do that, then why lead off by saying that he is going to support the Bill?

Surely he is not recommending that we leave our heads stuck in the sand, as he has been doing in most other issues that have been raised in this House, Mr. Speaker.

It is heartening to hear that most Members across the floor think that a lot of the things that we have accomplished are or will be beneficial. Perhaps, Mr. Speaker, we are living up to our campaign promises, promises that we were elected on, promises that the people wanted action upon.

Perhaps also, by living up to these promises, the Opposition can find no substantial problems with our operation of Government, since the spring sitting.

Thank you, Mr. Speaker.

Mr. Speaker: Is there any further debate?

Hon. Mr. Pearson: Mr. Speaker, this morning was a very special occasion for Yukon. It was an historic and significant event that saw responsibilities and authority previously vested in the appointed Commissioner, formally transferred to the duly elected representatives of the people of Yukon.

Though it was meaningful in the history of the evolution of responsible government in Yukon, it was also the natural culmination of some 80 years of struggle by Yukoners to control their own affairs, as I outlined in my comments this morning.

I must say, Mr. Speaker, how appalled I am by the scare tactics employed by the Opposition Members and, in particular, by the Honourable Leader of the Opposition. When I hear him expounding on how people are afraid that things have gone too far too fast, I wonder if he has ever taken the time, since his fairly recent arrival in this Territory, to examine the long history of the struggle for responsible government in Yukon? Or whether he really understands exactly where Yukon is now, constitutionally?

The original Yukon Act of 1898 provided for a Commissioner, who was to take instructions from the Minister of the Interior or the Governor-in-Council, plus an appointed Council of six. It did not take Yukoners long to begin their objection to that form of government.

As far back as 1899, the Klondike Miner editorialized as follows: "A great deal has been said and written about the apparent lack of wisdom shown in the governing of this Territory and in the laws and regulations under which we operate. After all is said and done, does not the greater part of the trouble arise from the Government of Canada attempting to keep this distant country directly under its own eye and control, through local officers, who of varying necessity, do not feel their responsibility to the people of the locality as they do to their own immediate superiors, the Dominion officials, the source of their authority here."

Mr. Speaker, on June 7th, 1905, Yukon's Member of Parliament Dr. Alfred Thompson, addressed the House of Commons in his first speech, choosing as his theme, responsible government.

Now, Mr. Speaker, I quoted a part of Dr. Thompson's speech this morning, however, I would like to quote it in full at this time. Dr. Thompson said: "I submit there is no principle so deeply imbedded in the heart of the Anglo Saxon as that of responsible government. When you trace the history of the race, you will find running through it that one bright thread. They want the right to elect their own representatives to govern themselves.

"In the Yukon, although we are 4,000 miles removed from here there is in our breasts the same sentiment which has animated this race since its dawn, to the present day."

One of the tactics used by the Honourable Leader of the Opposition in this House is to equate the orderly evolution of responsible government that we have reached at this time, with provincial status. We hear him ranting, like a broken record, that we have somehow surreptitiously achieved provincial status when he was not looking, through the back door, as he described it, a method Mr. Speaker, unknown to this side of the House.

Somehow, he implies, this is being done without full consultation and involvement of the Yukon public. Mr. Speaker, what absolute nonsense and garbage.

The Honourable Leader of the Opposition does the people of Yukon a great disservice and injustice with this kind of irresponsible talk. What has happened, as of today, is that the elected Members of the Yukon Legislative Assembly now have recognized control over strictly Yukon matters, such as education, property taxation, liquor control, municipalities, and generally all matters of a merely local or private nature in the Territory, just as the Yukon Act set it all down in 1898.

My Government considers this to have been an important step in the realization of democratic institutions and responsible government in Yukon. Our elected Members no longer have control of local matters placed at arms' length. No longer must they deal through an appointed Federal officials to handle what the Yukon Act gave them authority to supervise so long ago.

Mr. Speaker, I really wonder whether we have moved too far, too fast. Even former Yukon Liberal Associations recognized that things were happening too slowly and too late. As has been pointed out by the Honourable Member from Whitehorse South Centre, the founding platform of the Yukon Liberal Association, of which I know the present Honourable Leader of the Opposition was a founding member and this party was called the Yukon Provincial Liberal Party, was formed with the sole intent of creating within Yukon, a wholly, independent form of government, prepared to take over responsibility for the social and economic development of Yukon as a province.

Its policy aim was to achieve provincial status, its policy objectives, immediate authority for the administration, distribution and disposal of Yukon land, totally elected executive, evolution of the role of Commissioner to that of Lieutenant-Governor.

Now, Mr. Speaker, that cannot be denied. That was published in all newspapers in the Territory in 1974, this was the stated platform of the Liberal Party.

As well, Mr. Speaker, I would like to read into the record, a quote of the Honourable Leader of the Opposition that was reported in the Whitehorse Star of Wednesday, November 15, 1978, about a week before the last Territorial election. This, Mr. Speaker, is from an article written by Mary McGuire who at that time was a staff reporter for the Star. The heading says "Libs Will Join Coalition with NDP or Independents". I think that is significant. The point that I want to bring to your attention is this, MacKay says, "Ruling out provincial status for the Territory, did not mean ruling out fully responsible government within the next four years."

"He said he envisioned the Commissioner taking on the roll of a governor-in-Council who would not sit in on Executive Committee meetings, but would be informed of the decisions made in their meeting."

I do not know when the Honourable Member changed his mind about all of this. It does seem to me that the change occurred the day that we announced that we had made some progress.

Mr. Speaker, there were other objectives in that draft of the Yukon Liberal Platform having to do with social development, economic development, and so on. I think that I have given you enough to demonstrate that the Honourable Leader of the Opposition should perhaps consider resigning since his current views are so divergent from the Party's original objectives.

It grieves me, Mr. Speaker, that the Honourable Leader of the Opposition is now denouncing the basic democratic principles for the sake of political expediency, for the sake of striking fear and apprehension in the hearts of Yukoners, to cast doubt in their minds regarding the ability of their elected fellow Yukoners to fulfill the responsibilities which are legally and rightfully now theirs. Certainly full provincial status as we know it in Canada will not be attained by the Yukon until we obtain full fiscal responsibility for the financial affairs of this Territory. This has not happened and can only happen when Yukon is given responsibility for control of its own resources. Anyone realistic and honest knows that those negotiations which must be approved by referendum submitted to the people of the Yukon are only beginning in the months to come.

A great deal of work must be done before we are ready for the referendum in addition to discussions between the Federal Government and other provinces.

Mr. Speaker, after eighty years of continued struggle by the elected people of this Territory, we have reached the half-way point on our road to independence. The swearing-in of our Executive Council today, places new and serious responsibilities on those elected Members.

If we do not deliver, the Federal Minister to whom we are responsible can, by a simple letter of instruction, revoke those responsibilities.

Mr. Speaker, a hundred and fifty years ago, Lord Durham wrote in his report on Canada, "The Colonists may not always know what laws are best for them or which of their countrymen are the fittest for conducting their affairs, but at least they have a greater interest in coming to a right judgment on these points and will take greater pains to do so than those whose welfare is very remotely and slightly affected by the good or bad legislation of these portions of the Empire."

It is in the best interest of all of us in this Legislative Assembly where we represent all of the people of the Yukon, that we demonstrate the political maturity of some eighty years of constitutional growth by handling, in a responsible manner, the supervision of local affairs through the normal democratic process. Not only can the Minister change that situation but the people of the Territory have the right to remove us if we cannot or do not deliver the goods.

Mr. Speaker, the Minister of Indian Affairs and Northern Development has placed great trust in the abilities of men and women elected to this Legislature. I have every confidence that they will demonstrate most clearly in the coming months that his confidence and that of the people of the Yukon has not been misplaced.

Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Leader of the Government having twice spoken has now closed debate.

Division has been called. Mr. Clerk, would you kindly poll the House.

Hon. Mr. Pearson: Agreed

Hon. Mr. Lang: Agreed

Hon. Mrs. McCall: Agreed

Hon. Mr. Hanson: Agreed

Hon. Mr. Graham: Agreed

Mr. Lattin: Agreed

Dr. Hibberd: Agreed

Mr. Falle: Agreed

Mr. Tracey: Agreed

Mrs. McGuire: Disagree

Mr. Ponikett: Disagree

Mr. Fleming: Disagree

Mr. Byblow: Disagree

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

Motion agreed to

Motion Number 32

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

Mr. Speaker: Is the Honourable Member prepared to deal with Item 3?

Hon. Mr. Graham: I am, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Leader of the Opposition, THAT the Standing Orders of the Yukon Legislation Assembly be amended to read:

45.(3) At the Commencement of the first Session of each Legislature a Public Accounts Committee consisting of five Members shall be appointed and the Territorial Accounts and all Reports of the Auditor General shall stand referred automatically and permanently to the said Committee as they become available.

46.(3) A Member of a Standing Committee who is unable, on a temporary basis, to attend the business of the Committee may delegate a stand-in member who shall have full voting privileges. Notice of the name of the substitute member must be given to the Chairman prior to the meeting; and

THAT the existing Standing Order 45.(3) be numbered 45.(4) and that the existing Standing Order 46.(3) be renumbered 46.(4).

Hon. Mr. Graham: Mr. Speaker, this motion is in keeping with the report that the Standing Committee on Rules, Elections and Privileges recently introduced to the House and, I believe, it was accepted unanimously by the House. This motion will, in fact, carry out that Report.

Motion agreed to

Motion Number 31

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

Mr. Speaker: Is the Honourable Member prepared to deal with Item 2?

Hon. Mr. Graham: I am, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Leader of the Government, THAT Messrs. MacKay, Graham, Hibberd, Lattin and Penikett be appointed to the Standing Committee on Public Accounts;

THAT the said Committee be empowered to examine and enquire into all matters referred to it by the House and to report from time to time their observations thereon;

THAT it have power to send for persons, papers and records, and to examine witnesses under oath; to sit during period when the House stands adjourned; and to print such papers and evidence as may be ordered; and

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

Hon. Mr. Graham: Mr. Speaker, the five persons named in this motion, I am sure, will carry out the duties of a Public Accounts Committee with great vigor and with a certain amount of expertise, I trust. I trust that these names are acceptable to all Members of the Legislature.

Motion agreed to

Motion Number 33

Mr. Clerk: Item Number 4, standing in the name of the Honourable Mr. Graham.

Mr. Speaker: Is the Honourable Member prepared to deal with Item 4?

Hon. Mr. Graham: I am, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Leader of the Government, THAT, pursuant to Standing Order 45, a Standing Committee on Statutory Instruments be established;

THAT the Honourable Members Mr. Tracey, Mr. Falle, and Mr. Fleming be appointed to the said Committee;

THAT the said Committee be empowered to sit during intersessional periods and to report from time to time;

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the said Committee;

THAT the said Committee review all new regulations as they are published; and

THAT the said Committee review such other existing or proposed regulations as are referred to it by Order of the Assembly.

Hon. Mr. Graham: Mr. Speaker, this is a Committee that we failed to appoint last Session. I feel that it is a very important Committee to this House.

Therefore, we are taking these steps, at this time. I think that the three members named are all very competent and capable of carrying out the duties.

Motion agreed to

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

GOVERNMENT BILLS AND ORDERS

Bill Number 13: Second Reading

Mr. Clerk: Second reading, Bill Number 13, standing in the name of the Honourable Mr. Lang.

Hon. Mr. Lang: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse South Centre, that Bill Number 13, *Boiler and Pressure Vessels Ordinance*, be now read a second time.

Mr. Speaker: It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Member from Whitehorse South Centre, that Bill Number 13 be now read a second time.

Hon. Mr. Lang: Mr. Speaker, since 1955 the Yukon has had a piece of legislation on the books regulating the installation and operation of boilers and pressure vessels. It has not been revised since that date, and new technology and safety standards developed over the years dictate that it should be revised.

The legislation will allow Government to control the manufacture, design and construction of boilers used in Yukon. The quality control will be standardized with measures being accepted by many other provincial jurisdictions. Uniformity will provide flexibility within the industry to use plans and standards on a reciprocal basis from jurisdiction to jurisdiction.

The proposed legislation also provides standardization in the certification of power engineers to operate boilers and pressure vessels within Yukon and throughout Canada. In this respect, our operator certification standards will, for one class of operators, be slightly lowered from the standards that presently prevail.

Our inspection branch has, over the past years, Mr. Speaker, offered certification examinations to Yukon operators. This updated Ordinance will not drastically effect the existing Yukon operators or plant owners. Essentially all current installations meet the proposed standards.

At the same time, Mr. Speaker, we have taken the step of giving a grandfather clause to ensure those plants that perhaps need some revision, to give them a year to update their plants so that they can conform with the Ordinance and attempt to cooperate with the individual people that are directly affected.

I should point out also, Mr. Speaker, that a very extensive appeal process for those that may be affected by the application of the Ordinance is a significant feature of the Bill.

At the same time we are taking the opportunity to convert the measurements to metric.

Mr. Speaker: the proposed Boiler and Pressure Vessels Ordinance will ensure that plants in Yukon are operating and installed to safe and efficient standards. The requirements for new boiler and pressure vessels in Yukon is expanding. Therefore, it is most desirable in the interests of public safety to be prepared for this increase in activity.

Examples of possible or proposed installations are fairly numerous. We have the Kotaneelee gas plant in the southeast corner of Yukon. You have the possibility of a major generator unit installed by Yukon Forest Products in Watson Lake, the possibility of pipelines and various other developments as the Yukon goes on.

This particular piece of legislation will ensure that the standards are abided by, at the same time provide that safety that is necessary for workmen, and at the same time will benefit those that are in those particular businesses to ensure that they have a plant and a plant that is going to hold them in good stead for many years to come. Thank you, Mr. Speaker.

Mr. Penikett: Mr. Speaker, after one of my many speeches this spring, one of my favourite Tories came up to me and said, "I just read your speech in Hansard. I loved it. Who wrote it for you?"

"I am glad you liked it," I replied, "Who read it to you?"

All this goes to show, Mr. Speaker, that we have to be very careful of what you say around here so I am going to be very careful about this Bill. As all Members opposite know, I am not really a suspicious person but I must confess that I approach Bill Number 13 with some caution. I am not superstitious either but I approach Bill Number 13 with the same caution. I must confess to the Minister that it did not look that interesting to me the first time that I glanced at the title. It also did not appear to be covered by any of the planks of my election platform. Still, diligent as I am, I eventually got around to reading it. And, Mr. Speaker, I was surprised.

I believe this Bill 13 may go down in history. It just may be the most important piece of legislation ever presented to this House. It could be a major Bill, not for what it purports to do, but what it could do if it is passed unchanged.

I, for one, Mr. Speaker, intend to take this Bill very, very seriously, because in terms of history, it may dominate that other historical event that we had today.

What are we talking about here?

Look at the definitions in the first page.

It says, "Pressure Piping System" means —

Mr. Speaker: I am afraid the Honourable Member should restrict his comments to the philosophy of the Bill and it is not competent to bring in the details of the Bill at this time. This is done in Committee of the Whole.

Mr. Penikett: Mr. Speaker, I believe I will make clear to you that my concerns are directly related to the principle of the Bill. If you will bear with me for a second I think I will make that very clear.

Mr. Speaker: As long as quotations from the Bill, it is understood, are not permitted; then proceed.

Mr. Penikett: The Pressure Piping System which is referred to in the Bill, the tubes and conduits and other bolting components making up a system for which purpose is the conveyance of an expansible fluid, it says in this Bill, and the control of the flow of that expansible fluid under pressure between two or more points.

Now the Bill also talks about what an expansible fluid means. It refers to any vapour and it refers to any liquid under pressure or temperature that will change to a gas or vapour when the pressure is reduced to atmospheric pressure.

Now, what is this all about, you ask. I think, you know, it refers to pipes, it refers to gas and liquid under pressure. So what happens, I get the idea that this Bill with the unlucky number thirteen, titled Boiler and Pressure Vessels Ordinance, maybe that describes it, but maybe, I wonder, we have here a Bill which possibly does no less than dramatically seize the power to regulate the construction and maintenance of gas and oil pipelines in the Yukon.

Now, I think to myself, I know the Yukon P.C.s, they would not do that. It is not possible. Then I think that there are sections of the Bill which say this Bill refers to pressure vessels of 152 millimetres, or less, in internal diameter. That is about a Benson and Hedges cigarette and a half. Why that particular measure, I do not know and I will leave it to the Minister to explain.

But I did look at the Alberta Bill on which this legislation is based and it does not make those specific references that this Bill makes, which led me to believe that, perhaps, the specifics in this Bill were intending to, in fact, narrow the principle of this Bill so it did not cover pipelines.

Now there is another fascinating section which I had a lot of problems with, which I think outlines the principle of the Bill.

Section 3(2)(f) which talks about pressure piping system operating relief valve set at 103 kilo pascals or less, or words to that effect.

Now, Mr. Speaker, my education is limited and I must confess that I did not have any idea what a kilo pascal looked like, even if it bit me on the earlobe. I looked it up in the Oxford dictionary, but it was not at home there. I read 4,183 pages of Pipeline: News Clipping Service compiled and distributed by the Public Affairs Bureau since last November, but there was not a single mention of kilo pascals there.

Now, when in doubt, I did what I always do, I consulted some bright new Democrat in Whitehorse West for the answer. I found out that a pascal is, apparently, a unit of pressure equal to the pressure resulting from a force of one newton acting uniformly over an area of one square metre.

I asked myself, now, does a kilo pascal refer to pressure of 1000 newtons acting uniformly over an area of one square metre? How many dozens of thousands of newtons are there bashing around inside pipelines? I wondered how many there were in one square

metre of a Foothills' pipeline? Quite a lot, I imagine, but was it 103,000 kilo pascals or less? Who can say?

Now, there is another section that refers to any piping machinery and equipment ancillary thereto by which refrigerants are vapourized, compressed, et cetera, and that have a capacity of 10.5 kilowatts or less.

"Compressed" is a word that caught my eye, because I see to remember compressors mentioned in connection with the Alaska Highway Pipeline. I seemed to recall that there was something about those are the things that the Federal Government was talking about electrifying so that they would have a reason to build another dam, so that Municipal Affairs might have an excuse to flood Carmacks and move it and perhaps build some new project here in Yukon.

Of course, the Game Department, therefore, would not have so many animals to look after because we would have a big river flooded and they would be able to stretch their major budget a little further, which I am sure the Honourable Member from Mayo would appreciate.

But still, there was this mention of compressors, and I did not know enough about compressors to know if they referred to the compressors that might be on the pipeline and whether those had anything to do with 10.5 kilowatts or not. I wondered if there was some profoundly scientific reason for this figure.

I wondered was it selected so that it would specifically exclude pipelines and thereby protect the integrity of Ken McKinnon and the Northern Pipeline Agency.

Or was it, and I can just hear my friend to the right, the Leader of the Liberal Party seeing in here another sinister plot by the Yukon Government to snatch more constitutional authority from the Federal Government.

As you know, I have no great affection for the present Federal Government or its mandarins, but I think I really would be quite terrified of the prospect of some Members of this Government taking responsibility for the regulation and construction of a major pipeline.

So, I would be very interested if the Minister could tell us later if Foothills does plan to employ any "pressure piping system and machinery equivalent to ancillary thereto by which refrigerants are vapourized, compressed and liquified in the refrigeration cycle that have a capacity of 10.5 kilowatts or less?"

The Bill says that the Commissioner can appoint a chief inspector, of course, for the purposes of administering this Ordinance and any regulations made under the Ordinance. Much as I admire the former Commissioner or whomever may now have that job, I find the prospect of my friend Ray Cummings, or some other government inspector running up and down the Highway regulating one or two Foothills Pipelines a tiny bit comical.

There is a section which talks about all the things they have to inspect, the maintenance repair and the welding and everything else, and I think that all the things that are covered in this Bill, we would have a terrific National Film Board film, which would make Charlie Chaplin's *Modern Times* look very dry. We could have this film made of our inspector running up and down doing his inspection of the pipeline.

The Bill, of course, in principle, requires applicants to submit designs for approval and registration by the Chief Inspector. I do not know who the Commissioner has in mind for this job, but I would think that they would probably need an awfully big desk because I understand that there is quite a bit of paper involved in these things.

I also think that it is quite likely that if this thing is meant to cover pipelines, that Walter Baker and Mitchell Sharp and Ken McKinnon and the entire National Energy Board are going to be just a little ticked off with the Yukon for taking their jobs.

I commend it as a make-work program and as an employment strategy for the Territory, but I have some concerns on another front. There is all sorts of stuff in here about receipts of application and compliance with regulations and design approval and date specified and so forth.

Significantly, and I say this, Mr. Speaker, to the Minister; there is no mention whatsoever of public hearings. Yukoners have grown to love public hearings in connection with pipelines, and I am sure that he will want to correct this oversight after he has had a few words with Mr. Blair and Justice Berger and Dean Lysyk.

There is another thing in here that I wonder about in terms of the principle of the Bill. This spring, the Government Leader quite promptly gave us a lecture about discriminatory pipeline taxation.

At that time, the Opposition felt properly reprimanded about aversion on the question of Heritage Fund. This seemed a bit like the pot calling the kettle black after I read the section of the bill that refers to the fees. "The owner of the pressure vessel shall pay to the Territory for such amount as may be prescribed". I imagine that that would cause some consternation in some quarters.

I am sure that the Minister of Community Affairs will be hearing from President Carter about this; so, I do not want to prolong the speech. I would like the Minister to let us in on the secret and to know what we really are doing here.

In closing, I just want to say, Mr. Speaker, that I do congratulate the authors of this Bill for it is either a gigantic Trojan horse or some kind of roaring mouse. I am not sure which after reading it, but I do want to say to the Minister that I really enjoyed going over it.

Mr. Byblow: Mr. Speaker, I had planned to address the principle of this Bill, but regretfully I am not prepared to do so primarily because I have not been able to acquire the research information that I had asked for in the form of having the Bill forwarded to trades people in the field.

I understand that this information is forthcoming, as the Honourable Member has pointed out, there are some concerns with the Bill. I would request of the House that debate on this Bill be adjourned until tomorrow. Do I have a seconder?

Mr. Fleming: I will second that.

Mr. Speaker: It has been moved that debate be adjourned on Bill Number 13.

Some Members: Agreed.

Some Members: Disagreed.

Mr. Speaker: The House cannot determine as to whether division has been called here or not. I have heard no division and it is difficult to obtain the "yeas" or "nays". May I have direction of the House at this time?

Two Members having risen, division is so called.

Hon. Mr. Pearson: Disagree.

Hon. Mr. Lang: Disagree.

Hon. Mrs. McCall: Disagree.

Hon. Mr. Hanson: Disagree.

Hon. Mr. Graham: Disagree.

Mr. Lattin: Disagree.

Dr. Hibberd: Disagree.

Mr. Falle: Disagree.

Mr. Tracey: Disagree.

Mrs. McGuire: Agreed.

Mr. Penikett: Agreed.

Mr. Fleming: Agreed.

Mr. Byblow: Agreed.

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

Motion negatived

Dr. Hibberd: Mr. Speaker, I just thought I might add a comment for the edification of the Leader of the NDP party, the reason this legislation had to be brought in was that the competence to handle hot air that has been forthcoming from this Chambers has increased considerably since the NDP Leader came on board, so we have had to have new legislation to govern his behaviour.

Motion agreed to

Bill Number 19: Third Reading

Mr. Clerk: Third reading, Bill Number 19, standing in the name of the Honourable Mr. Graham.

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 19, Retirement Plan Beneficiaries Ordinance, be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Tatchun, that Bill Number 19 be now read a third time.

Motion agreed to

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

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 19 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of

Education, seconded by the Honourable Member from Tatchun, that Bill Number 19 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 19 has passed this House.

May I have your further pleasure at this time?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Whitehorse North Centre, that Mr. Speaker do now leave the Chair and we resolve into Committee of the Whole.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Whitehorse North Centre, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

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

At this time we will have a short recess.

Recess

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

At this time I have a Motion before us that we have Mr. Donald Campbell as a witness this afternoon. Are you all in favour.

Motion agreed to

Mr. Chairman: I would like to welcome Mr. Campbell as a witness.

This afternoon we are going to consider Bill Number 13, Boiler and Pressure Vessels Ordinance.

I will now anticipate General Debate.

On Clause 1

Hon. Mr. Lang: Mr. Chairman, we had a few minutes to speak to the principle of the Bill during second reading. I would like to point out the reason that we feel it should get into Committee of the Whole for discussion. I recognize that the Honourable Member from Faro would have liked to have had more time but I think it has to be understood that the particular piece of legislation in front of us has been tabled for two weeks and I think that the witness is competent enough, from a technical point of view, to explain the Ordinance.

At the same time, he has, during the course of his tenure with the Government, had the ability of speaking to the various operators who would be under the particular piece of legislation.

In respect to the Honourable Member from Whitehorse West's comments on the Ordinance and his allegation that he alluded to, if I can use that terminology, that I, and the people within our Department were going to, in one fell swoop, take over the authority of the National Pipeline Agency and subsequently ensure that the gas pipeline was built to the satisfaction of the people of Yukon and, for that matter, in the national interest and, of course, we cannot forget Jimmy Carter.

This is not an accurate reading of the principle of the Bill, Mr. Chairman, I am glad to report. It is not my intention or of anyone on this side of the House, or for that matter, I am sure anyone on the Opposition side to take over from the NPA the responsibility that has been vested to them through the Parliament of Canada and we cannot forget also at the same time, the National Energy Board, through the mandates they have, play a very important role in respect to recommending the construction of pipeline, at the same time the terms and conditions of how a pipeline would be built.

I am not that familiar with that particular piece of legislation, but it is my understanding that it is their prime responsibility and it would not be a responsibility of the Government of the Yukon Territory, in respect to a construction of a gas pipeline, such as the Alaska Pipeline.

The area that this particular piece of legislation would apply is depending on what was to take place in respect to the NPA quote, the National Energy Board, the Government of Canada, in respect to our responsibility of the annual inspections once it was built.

In other words, we may well have to assume the responsibility, through our Department, to inspect on an annual inspection those compressor stations, not the pipeline itself, but the compressor stations.

For example, in the Kotaneelee Gas Field, our officers have already been down there in respect to looking at the installation of the compressor stations. I believe that is the terminology, looking

at the pipes, the designs and everything else that is involved with it.

But the Federal Government has the responsibility from well-head, across the pipe, the gas pipe itself, but we have the responsibility similar to the building standards, codes, and everything else, in respect to where our jurisdiction lies in the compressor stations.

There is definitely an area where our responsibility would lie. The gas pipeline is another question. That is something that would have to be discussed, just exactly what our role would be from an inspections point of view.

But I think that I can assure the Honourable Member once again that, from this side of the House, it is not a case of seeking, surging or whatever the terminology you want to use, for power. It is a case of trying to get our own ship in order in respect to the installations that are presently in effect, but, more importantly, those that will be built that would apply directly under this particular piece of legislation, so that through the Department, the Inspections Branch, they have a piece of legislation that outlines their mandate in the parameters that they utilize.

As the Honourable Member fully knows, and I appreciate the fact of the research he has done, we have, to a large extent, copied the Alberta legislation.

The way I understand it, it is fairly standard across the nation, the various provincial jurisdictions, but it is an area that is becoming more and more pronounced in respect to the types of installations that are being put in with the mining fraternity, at the same time, as I cited, the advent of the Kotaneelee compressor station.

It is very interesting, while I am on that topic, Mr. Chairman, just as an aside to inform the House, I did have the opportunity of visiting that particular plant. It is rather strange in Yukon that, really, the amount of, shall we say, publicity, the amount of emphasis that has been put on to informing the people of Yukon in respect to that particular installation, is minimal. If you go there, the amount of money that has been spent there is actually mind-boggling, and that is located in the southeast corner of the Yukon.

I must say that I was very impressed with the work that they have done with the improvements, the roads, this type of thing that they have put on. They made a very obvious attempt to alleviate the situation as far as the environment is concerned. For example, they have seeded on both sides of the various roads that are built in that particular area. It is tied into the West Coast Line that goes into the NWT which obviously has made it possible to put that particular field into production.

I think that you will find that when we go through the Ordinance and the Member from Faro will find that it is a very technical Ordinance and this is why we have Mr. Campbell here, I think that a lot of the apprehensions that he may well have in respect to the Ordinance will be put to rest by our witness.

Thank you, Mr. Chairman.

Mr. Penikett: Thank you, Mr. Chairman. I thank the Minister for his contribution and has assurances that he is not grabbing for responsibility in the construction of these two pipelines.

As the Minister made mention, I did look at the Alberta legislation. One thing perhaps, Mr. Chairman, I think this is a general point but I would, if possible, like to refer it to the witness. I noticed that the Alberta Legislation does not make specific reference to the sizes, the kilo pascals and all of those other things that were mentioned. Perhaps it may have a practice of putting those things in regulations which would not be unusual.

I would like to ask the witness if the measurements of the limits put in this Ordinance are some kind of ceilings that are specifically put in there so that something like the Foothills Pipe Line or the gas pipeline is specifically excluded from this legislation.

Mr. Campbell: I do not know whether I understand the question properly. I do not think that the intent of putting the measurements, the pressure settings are intended to exclude the Foothills Pipe Line operation. I think that you will find that what we are trying to do is meet the standards that are set by Canada, the Canadian jurisdictions. The standards for the design registration and the sizing of plants are pretty well standard across Canada. We communicate fairly closely with other jurisdiction and the intent of the measurements, the pressure settings, are there so that we are in uniformity with the rest of Canada.

Hon. Mr. Lang: Perhaps I could add to this, Mr. Chairman, and I will probably ask the witness to follow up on this.

In drafting the legislation, we gave specific direction that those things that can be put into the Ordinance should be put into the Ordinance, those things that would not necessarily have to be changed for some time.

As you know, and I agree, the Honourable Member from Campbell has been very much an advocate in respect to legislation, to try and incorporate in the legislation the broad policies and principles and not allow it to be put into regulations unless it was necessary.

My understanding is that the different kilo pascals and the numbers and this type of thing would probably, in the Alberta legislation, and I will have to bow to the witness on this, would be in the regulations. I think that is the question you asked.

Mr. Chairman, could I have the witness comment in respect to the Alberta legislation.

Mr. Campbell: Yes, I agree to that. There are regulations attached to the Ordinance or the Acts in the provinces and it does spell out more specifically the sizing, the pressures, temperatures, capacities, et cetera.

But, under the Act, which no doubt you have, we have followed that fairly closely, also.

Mr. Penikett: Mr. Chairman, I do not want to belabour the point, just while we are in the general discussion, I would like to know if there is a technical reason for the upward limits that are suggested in this Bill, for example, pressure vessels of 152 millimeters or less in internal diameter, pressure vessels operating a relief valve set at 103 kilo pascals or less, heating systems having working pressure of 207 kilo pascals or less, or internal diameter of 610 millimetres or less. Later on it talks about refrigerating cycle that has a capacity of 10.5 kilowatts or less.

I was just curious as to the reason for setting these upward limits. Is there no possibility that we will have anything at all, with the possible exception of a major pipeline that exceeds these specified ceilings or maximums?

Mr. Campbell: In this field of work, if I can possibly clarify, there are two fairly basic guidelines or categories, rather, where, in fact, you have an operation of heating and pressure vessels that we classify as low pressure.

The 103 kilo pascals that you see, is the equivalent of 15 pounds per square inch gauge. That is the defined level where we talk about a low pressure and then a high pressure.

Low pressure is meaning that normal heating plants fall into this category. The high pressure are plants like the hospital, where they are generating steam and have a fairly high pressures, et cetera, where they require fulltime operators, things along that line.

This is why there is sort of a guideline, in regards to these pressures and temperatures.

Mr. Penikett: Could I just get this clear, Mr. Chairman. Is the witness then saying that heating plants like that of the hospital would not then be covered by this legislation, in fact.

Mr. Campbell: Yes, they are.

Mr. Penikett: I am still not sure that I understand, Mr. Chairman. I understand the division between low and high pressure, for example, but I was curious as to why these limits are put in here. But it is just for certain types of pressure vessels, in fact, it is dividing up the kind of things that are covered. Is that the case?

Mr. Campbell: That is right. Vessels under a certain size, for instance, providing the low pressure do not fall within the categories of the requirements of this Ordinance. The findings over the years is that if in fact quite small, the volume is not there for potential danger and, I suppose, basically what the Ordinance is all about is the safety of the public and the people operating the vessels and motors.

Hon. Mr. Lang: I just want to make one comment that comes to mind in respect to the comments that were made by the knowledgeable Member from Whitehorse West on the principle of the Bill. I want to assure the Honourable Member that in respect to the enforcement and the carrying out of the duties of this Ordinance, is that it is by an individual who does have a background in this particular area.

It is not a situation, as the Honourable Member intimated, that somebody who has maybe seen a boiler once in his life and all of a sudden he or she is an expert. It is a case that, in terms of reference for the job, there is definitely a background that is necessary in order to competently carry out the legislation.

At the same time, the intent of the Legislation, I impress upon Members, is to help those people who are involved in this, or who have installations of this kind. This is the whole design of it, to ensure safety for them, as people, as well as the public.

We are trying to revise, as I have said, an outdated Ordinance

from 1955 to 1979. A lot, as we all know, has taken place, especially in areas of this kind, in the area of technology.

Mr. Penikett: What the Minister says is very admirable. As he knows, I probably have a higher regard for the Territory's public servants, than even he does. I have no concern on that score at all, I am not worried about that.

I would just like to ask the Minister about the pipeline question, once and for all just so that it is clear in my own mind. In his remarks at the beginning of this debate, the Minister made reference to a situation that we would be responsible, perhaps, for looking at the thing, inspection of the thing, once it was in place. That suggested the kind of responsibility that, for example, a municipality might have for a new subdivision after the Territory had developed.

Can the Minister assure the House that there would be no complications at all with this Ordinance, or anybody feeling any concern that it might be an intrusion into what is now federal authority by virtue of the Northern Pipeline Act. In a question of this pipeline or perhaps the possible subsequent one, in the terms of boiler pressures, this Ordinance, for example, does require for you to submit plans. It does require, you know, a review of issuing of licenses, registrations and all of those kind of things, which are commendable, and I was not being entirely facetious, Mr. Chairman. I was a little concerned that Mr. Blair and Jimmy Carter and a few others might be a little concerned if they felt that, in addition to all the rigmarole they had to suffer at the hands of the U.S. Federal Government and the other agencies that someone might read this Ordinance as requiring them to go through the process once again with someone in the basement of this building.

Hon. Mr. Lang: Mr. Chairman, you are asking me a constitutional question more so than anything else, this is the way that I interpret what you are saying.

It is my understanding that the NPA is set up as the one window dressing approach in respect to the actual building of the pipeline. It could well be that we may be involved at the design stage. In fact, it is my understanding, in talking to the people involved with this particular area of concern, that, out of courtesy, if something of this nature is being built, the company sends a copy, to the Territorial or Provincial Government, of the design, and whatever. It is more or less a formality.

As far as actually becoming totally involved at the pre-building stage, first, it would only be with the compressor stations, and not on the gas pipeline itself. Second, that is something that would have to be worked with the NPA. If we were to do it, then it would be a contractual situation and it would be strictly cost recoverable from the pipeline installation itself. I would like to assure the Honourable Member that it is not our intention to get involved unless we are requested to get involved in that particular area. As far as the O&M side is concerned, the annual inspection, that is a responsibility that we assume as part of our responsibility of being in a jurisdiction.

Mr. Penikett: Mr. Chairman, I would like to ask the Minister two easy questions and one tough one. Have the Federal authorities seen this legislation? Have they expressed any concern about it? Would the Minister comment on the kind of situation where if the plans were submitted to officials of this Government and they had some concern with them, perhaps not a serious concern, but it did not meet our standards and so forth, and rejected them, would that rejection stand up or would the Federal power supersede the Territory's in the case of those standards?

Hon. Mr. Lang: Mr. Chairman, in the drafting stages, this has been in the mill with the Government for quite a number of years, there could have been some discussion with the Federal authorities at the regional level.

As far as publicly putting it forward, in fairness to this Legislature, this is where the decision has to be made.

As far as the question, the Federal government having more jurisdiction rather than the Territory, yes the Federal Government's jurisdiction would apply.

Prior to another question, perhaps Mr. Campbell could outline whether or not there has been any discussion with the regional people because there is some liaison with the Federal Government at the administrative level.

Mr. Campbell: Maybe a short comment in regards to the federal-territorial jurisdiction: in the past, we have had the arrangement where, in fact, there is a federal jurisdiction in Whitehorse that does the actual pipeline survey, et cetera, for instance, the Kotaneelee gas plant.

Their jurisdiction covered the pipeline from the well to the plant and we then took over within the gas plant. We communicated with Ottawa and Ottawa sent me their Act and it clearly indicates, at that point, apart from thinking about the major gas pipeline, at that point that they, in fact, agreed that they had jurisdiction of the pipeline itself and that the gas plant was under the Territorial jurisdiction.

Mr. Penikett: Mr. Chairman, I just want to make it clear because I know that the Minister knows that I am nothing if not continually cooperative, I just wanted to help the Minister out, frankly, and make sure that he did not have any problems with the Federal Government further down the line.

I think I understand it now and I think I appreciate it. I just want to be absolutely sure that the Federal Government does not have some concerns with this legislation, at which time we might be in a ridiculous situation of disallowance or some darn thing like that, when, in fact, this thing may be needed for a much more regular and routine-kind of construction of boiler and pressure vessels than, in fact, the rather major one that Mr. Blair is contemplating.

Hon. Mr. Lang: Mr. Chairman, I will endeavour to ensure that we have an affirmative on that. It is my understanding it is, but I will doublecheck that.

At the same time, Mr. Chairman, I want to point out, when we are dealing with the legislation, there are a couple of areas in the legislation that will be coming up that some Members, at least on this side of the House, would perhaps like to see minor changes, which were raised by Members.

I think it is going to take a great deal of time going through, in consideration of it, because it is such a technical piece of legislation. I think that, in respect to the Third Reading of it, it could wait for some time for that matter, once we have gone through Committee of the Whole, to ensure that the questions that the Honourable Member has raised and, to a certain extent, I think they are valid.

Mr. Byblow: I, too, wish to be very cooperative with the Government.

I have a question with respect to the explanatory note dealing on the standardization program. Seemingly, there is some type of reciprocal arrangement and, while an answer is given for that, perhaps that could be related to the pipeline jurisdictions that may be affected in the proposed line.

Hon. Mr. Lang: Mr. Chairman, there is very good reason for the uniformity, because I think we would find it a very difficult situation for government and, in turn, industry, if each jurisdiction had different qualifications and standards for such things as compressor plants.

There has to be uniformity so that the individual companies can plan accordingly and, at the same time, order their parts and, at the same time, be able to have a stock of parts to be able to interchange between their plants, whether it be in British Columbia, whether it be in Yukon, whether it be in the Northwest Territories.

So, there is good reason for the uniformity of the legislation as it applies to that particular aspect.

Clause 1 agreed to

On Clause 2

Mr. Chairman: This Clause is basically definitions. We will clear each definition and then the clause afterwards.

Mr. Penikett: In regards to "approved and registered", I was asking the question in general discussion and general debate, Mr. Chairman, I would like to know now the specific question, in those parts of a major pipeline may fall under the purview of this Ordinance, will Government require registration and approval within the meaning of that definition?

Hon. Mr. Lang: Mr. Chairman, I think it goes back in respect to our relationships with the NPA and just exactly what role this particular Department will play in the advent of the building of the pipeline.

I would suggest at this time, that they would register a certification with the Government, out of courtesy, similar to what they do with the provincial jurisdictions.

Is that not what happens in the provincial jurisdictions, Mr. Campbell?

Mr. Campbell: Yes, there is a Canadian Standard Code that is uniform across Canada. It is a boiler and pressure vessel code, B-51. It spells out the requirements for design and registration in all provinces in Canada, and territories.

That is where this falls under.

Mr. Byblow: Could we have a practical interpretation of those scales in "heating plant"?

Hon. Mr. Lang: Mr. Chairman, (a) 103 kilopascals and a temperature not exceeding 121 degrees Celsius, would apply, for example, to the Whitehorse Elementary School, which is roughly 250 degrees Fahrenheit. They are heating a hot water plant.

(b) would apply, for example, the Capital Building here, and (c) is "any system or arrangement of boilers referred to in paragraph (a) or (b)", is a combination of the two.

To give you an example of (a) and (b) would actually apply to those two examples.

Mr. Penikett: On "inspector", the Minister may want to deal with this further down, but I do not recall in the Ordinance that it suggests any specific qualifications for the inspector, and that is probably as it should be.

I am just wondering whether this term was appropriate, in view of the history of inspectors in the Territory. At one time, as the Minister knows, we had inspectors who cover a number of Ordinances, that were just generally government inspectors. We now have a situation where some inspectors, I think, or at least there may only be a couple of them left in the Government, who only inspect for one Ordinance, like the Medical Professions Ordinance, the inspector there only, in fact, deals with that one Ordinance.

I also understand that I think the Territory still, in some areas of inspection, has to go Outside because, something like elevators, there either may not be someone here or there is not anybody approved to do those kind of inspections here.

I understand the general application of the word, but it seems to me that in this case you are going to need someone with some very definite professional skills. I wonder if those professional skills might be defined, in the words of some trade or something that may be covered by legislation in another area.

Hon. Mr. Lang: Mr. Chairman, I think it is wiser to leave it out of the legislation because something like that changes, as you know, as time goes on, in respect to qualifications.

That is something that is worked out through the Public Service Commission, in consultation with the provincial jurisdictions and, in view of this Ordinance, would apply in respect to the qualifications necessary to ensure that the individual was competent to be able to do the necessary inspections under this piece of legislation.

I think that it fair to say that we have had a lot of difficulty, and we would be very honest about it, recruiting for this particular position. I think that it was budgeted for some four or five years ago, and Mr. Campbell came on staff approximately two years ago. It is a difficult area to recruit, but at the same time, I think we would be wiser if we could not recruit anybody to administer this Ordinance with the necessary qualifications, you would be better off not administering the Ordinance until which time you had somebody who had the necessary competency.

It is the question of supply and demand and also the wish for people to come up here with these qualifications. We have been fortunate. Mr. Campbell is no longer with the Government but we now have another individual in that Department who has the necessary qualifications. **Hon. Mr. Hanson:** The Honourable Minister has already answered it. I was going to say that we used to bring our boiler inspector in from Outside for years and years, a little old guy who came up here for about twenty years from Victoria, I think it was.

Mr. Fleming: Mr. Chairman, if I could go back I think that we passed up a typographical error in (c) where "piping system, machinery and 'auxillary'." I presume it should be.

Mr. Chairman: Where was that again, Mr. Fleming?

Mr. Fleming: It is in (c): "engines, turbines, pressure vessels, pressure piping system, machinery and - mine is spelled out a-n-c-i-l-l-a-r-y. I presume that to mean auxillary equipment. Is that word meant to be in there?"

Mr. Campbell: It means the same type of thing. It means auxillary equipment. That is just the type of word that is generally used in the trade.

Hon. Mr. Lang: On the definition of "power plant", Mr. Chairman, I would like to point out that (a) would apply to the power plants such as the heating plant such as the Takhini where we talk about 103 kilopascals. It is 15 psi's. (b) I am not sure what that would apply to. Perhaps the witness could elaborate further.

Mr. Campbell: A heating plant refers to a low pressure plant such as, for instance, this particular building here. A power plant has basically the same type of workings of this building only they are

operating in excess of 160 pounds per square inch, for instance, and over 250 degrees.

In other words, they are not generating steam in that particular power plant but they are using that particular plant with high pressures and high temperatures, such as, for instance, the plant up in Faro. They pressurize it with nitrogen and they are operating with high temperatures and pressures.

Mr. Byblow: On this definition of "pressure piping system", I believe this is the section that was alluded to repeatedly in the past. Reviewing the wording, the Minister has given the assurance that the application is not intended for a pipeline as such but would he not comment that the wording does suggest it.

Hon. Mr. Lang: Mr. Chairman, it may suggest it but as I said that from a legal and realistic point of view, the gas pipeline that the Honourable Member is referring to is a Federal project and subsequently the terms and conditions and application are set down in cooperation, I understand, with the National Energy Board and the technical people in the industry to ensure that they have the line built and will function for many years with very little difficulty.

All I can do is assure the Honourable Member that it is not our intention, unless requested that we become involved, and if we do then it would be a case of negotiation through the NPA. It is similar to our situation with our Building Inspectors, to a certain extent we are going to be involved, whether we like it or not. This is something that would have to be looked at when that time came, I mean, maybe we are all being a little presumptuous by saying that there is going to be an Alaska gas pipeline. There could well not be one.

As I said earlier to the Member from Whitehorse West, and it bears out and it has been proven time in and time out that the Federal Government does have the authority when it comes to Federal projects such as these. Subsequently their legislation would overrule ours if there was a conflict.

Mr. Fleming: I take it then that the Minister could probably clarify as to whether this section would take effect though in the case of the natural gas pipeline coming to the outskirts of a municipality or town, and then from now on in we would have the responsibility inside that where we have jurisdiction. Is that not true?

Hon. Mr. Lang: Mr. Chairman, that is my understanding. If we were to receive gas for municipalities, then we would have a responsibility for an inspection of that kind, and rightfully so. I think that it is a responsibility that we should have, and we should be prepared to exercise it if that day were ever to come.

Mr. Byblow: Mr. Chairman, perhaps I could ask the witness, in the arrangements that are in place with respect to the standardization of the auxiliary equipment, has there been any direct standardization with the Alaskan side of this type of equipment on the line?

Mr. Campbell: Are you referring to a gas pipeline in Alaska?

Mr. Byblow: Yes.

Mr. Campbell: I could not really speak knowledgeably about the Alaska Gas Pipeline.

I would say that I do not fully understand your question; maybe you could repeat it again.

Mr. Byblow: I am simply inquiring whether the standardization attempts that are being done under this Ordinance to regulate uniformly, the relative equipment, is comparable to that that was used across the border in Alaska because I can see the problem that may result if it is not.

Mr. Campbell: This field of work is fairly extensive, and, looking south to the States, there again, as I mentioned before, there is a standard across Canada. There has also been a similar type of standard in the United States. That standard, and there are several codes with that standard, is adopted by the Canadian jurisdictions. Through our Ordinance we have, in turn, done the same thing.

Mr. Fleming: I have a question on "pressure vessel". It may be simple in a way, but 0.0425 cubic metres, and I should maybe know, but just what size? Could you give us an example of that size in gallons or in cubic feet?

Hon. Mr. Lang: Mr. Chairman, that equates into 1.5 cubic feet.

Mr. Fleming: The reason I was questioning it is that I was wondering how far down we go in the field of oxygen or propane and this type of thing. We go right down to the twenty pound bottle and that would be included in this, would it not?

Mr. Campbell: It says, "anything over 1.5 cubic feet," and that is pretty well standard across the country. That is where the figure comes from. It is standard across Canada, the United States and the Territories.

Mr. Byblow: As a point of interest, could the witness explain the

difference between a pressure vessel and a boiler?

Mr. Campbell: Okay, in simple terms, I suppose, a boiler is a unit where you fire oil, or whatever type of fuel you want to use. You either generate heat to heat a building, for instance, or you generate steam for a power plant. That covers the boiler areas.

A pressure vessel is a type of container, for instance, that propane is held in. An air receiver, where you produce air for a mine. They have big tanks that contain air.

Clause 2 agreed to

On Clause 3(1)

Hon. Mr. Lang: Mr. Chairman, the principle in respect to this section is to ensure that certain boilers of a certain size and less, are not included under this legislation. As an example, you may well have one at your home, and, from a safety point of view, it does not necessitate inspections that other boilers would require.

The aim is to try to set a minimum below which it is up to the individual to ensure that it is installed properly.

Mr. Fleming: I might ask, Mr. Chairman, does this take us right down to a home heating plant that is heated by hot water heat?

Mr. Campbell: I think you will find that, further along the Ordinance, it does spell out, in fact, what sizes are exempt from this Ordinance. It exempts, for example, a private dwelling.

Clause 3(1) agreed to

On Clause 3(2)

Mr. Byblow: Perhaps we would not have any questions if the Minister or witness could just quickly run through a practical comparison of each of those ratings.

Hon. Mr. Lang: Mr. Chairman, I do not have practical examples for all of them. Under (b), it calls for 20 kilowatts, which is 2 horsepower, which would apply to a hot water boiler used, for example, in a home.

The (h) is 10.5 kilowatts, is equivalent to three tons or one horsepower, which would refer to such things as refrigeration systems used by stores.

I do not have examples right on hand on the remainder of them, other than for (c), which is used for expansion tanks and hot water boilers.

Perhaps the witness has something further to, perhaps, give examples in other areas.

Mr. Campbell: Well, perhaps maybe I can run through it quickly here.

Number (a) is saying 10 kilowatts, which indicates one horsepower. That would be a boiler used for very small purposes, for instance, sterilizing or they do use steam kettles in kitchens, et cetera, in restaurants.

A boiler having two horsepower, that would be similar to one used in a home.

Number (c) is a type of boiler, for instance, that is used with an open system. Instead of having a closed system where you could have a pressure explosion, the expansion tank is open so, therefore, there is no danger.

Pressure vessel, six inches, pressure vessels are 1.52 millimetres, that means that it is six inches in diameter. The findings over the years are that pressure vessels under a certain size have not created a danger in terms of explosion.

(e), the storage of hot water, there again, under a certain size, that is considered by provincial jurisdictions because they do meet every year, that that is a safe limit.

(f), piping system with a relief valve, a safety valve set at 15 pounds, is considered to be the limit that is safe.

(g), that is in a hot water system. For instance, it is similar to your heating system. Most of the time it is only operated up to 30 pounds per square inch. It is protected by, normally, a safety valve set at that point.

(h), refrigeration system, there again, most refrigeration systems are under pressure and this is a limit considered by, again, most jurisdictions to be a safe limit.

Mr. Tracey: Mr. Chairman, on (c), I would like the witness or someone to explain to me how you can have an expansion tank which is fully vented to the atmosphere without having a pressure relief valve in it. I cannot understand the need of having two separate subsections there.

Mr. Campbell: You will not see very many of these kinds of systems as you travel across the country anymore, but the original hot water heating systems had a tank that was connected to a boiler

without any valves. The tanks were put up in the attic of a building and the head pressure from the tanks, because of the elevation difference, gave you the pressure on your system.

But it was an open system, so, therefore, it did not require the safety valves for protection.

Mr. Fleming: I understand that, but the back pressure from the boiler could get relief by going back up into your water supplies, so that would do away with the need of a safety valve.

Mr. Falle: On (e), how many gallons is that?

Mr. Campbell: It is 610 millimetres, a measurement of 24 inches.

Mr. Falle: On (f) I have trouble with "piping system". Does this refer at any time in here to a garage air compressor, which is run at perhaps 100 to 150 pounds, a small garage air compressor would meet that, not a really small one, but any garage type would. How would this legislation take care of that?

Mr. Campbell: The air compressor which is used in garages falls under this Ordinance because they do operate over 15 pounds per square inch. Most of their receivers are rated at 200 pounds per square inch. They are regulated to operate at different pressures though. Normally they are designed and manufactured to operate at 200 pounds.

Hon. Mr. Lang: In other words they would come under this legislation. Is that correct?

Mr. Campbell: That is right.

Mr. Byblow: Just a general question, Mr. Chairman. If all of the descriptions under (2) do not apply for the purpose of this Ordinance or any regulation thereof, what is the method of control of those auxiliary items?

Hon. Mr. Lang: Mr. Chairman, it is not intended to "control" or to come under this legislation at all. It is from the experience of the people that have been close to this type of work, these are areas that really do not bring out any danger of any kind.

Mr. Byblow: I could then conclude, Mr. Chairman, that I could design any system that would fall under any of these categories in (2)?

Hon. Mr. Lang: Correct.

Mr. Fleming: Mr. Chairman, I have a little problem with this. When you say "a pressure vessel which is used for the storage of hot water and has an internal diameter of 610 millimetres or less", so a pressure vessel of 152 millimetres or less in an internal diameter, you are speaking of the diameter of that certain piece of pipe or whatever it might be in this case. It might turn out to be a pipe. However, you call it a vessel there. Just how long could that vessel be? Or could it just be big enough so that, you said six inches, it would be six inches each way. Otherwise it looks like you could build a vessel that was from here to eternity and you are still all right. And yet, you cannot build a pipe and do that without that certain qualification. You are speaking of diameter.

Mr. Campbell: Yes, we are speaking of diameter, and normally when the design of a tank, if you are building a tank of 24 inches, normally it is not longer than about five feet.

It is used for the storage of hot water, and this type of vessel, in particular in this kind of work, is normally used for pushing tanks in a heating system. They are normally the size of 24 inches, or less, and five feet in length.

Clause 3(1) agreed to

Mr. Byblow: Does "calculation" in that section refer to the mathematics of a calculation?

I will rephrase that, what is the reference to "calculation"? Does it refer to the arithmetic type of calculation, or some other?

Hon. Mr. Lang: Mr. Chairman, I am not too sure what section he is referring to.

Mr. Chairman: Subsection (b) is what we are on, Mr. Byblow.

Mr. Byblow: I am sorry, Mr. Chairman, I thought we cleared that entire section.

Mr. Chairman: No, we have not yet. I did not want to rush it past you.

Clause 3(2) agreed to

On Clause 3(3)

Mr. Byblow: Doesn't anyone remember my question? I was inquiring as to what is the nature of that "calculation," arithmetic or otherwise?

Hon. Mr. Lang: Mr. Chairman, this would refer to calculations for, an example, a horsepower rating, this type of thing.

Mr. Byblow: Is it strictly arithmetic?

Hon. Mr. Lang: Yes, Mr. Chairman, in the final analysis, that is what it is going to come down to. It is going to come down to measurements of some kind. Maybe Mr. Campbell has more to add.

Mr. Campbell: There are calculations made, in this line of work, as to the horsepower, pressures, temperatures, et cetera, of vessels. That is what it applies to.

Mr. Falle: This "calculation" that we are talking about, is this the part in this Bill that would exclude a small air compressor? I mean the pressure is there but horsepower is not?

I could be running at 120 pound pressure and it takes five or ten minutes to build it up. It is not really like fifteen CFM, or something like that. I am creating about 1 CFM, actually. It is still a pressure vessel, but, under this whole legislation, is it the intent that every compressor in the country is going to have a license, or be inspected?

This is what I am really getting at. Or is there someplace in the legislation that it can be excluded, through your calculations?

Mr. Campbell: There can be some air receivers that could be excluded but they would be very small. They would be under 1.5 cubic feet. I would say that the majority of air receivers fall under this jurisdiction and it is for the safety of the public and it would have to fall under the design requirements, etc.

Mr. Tracey: Mr. Chairman, I can visualize a bureaucratic nightmare here. On Section 17(1), whenever a person removes or rents or exchanges or whatever, a pressure vessel or whatnot, he would have to go through a whole bureaucratic nightmare in order to move an air compressor, say.

Hon. Mr. Lang: Mr. Chairman, I think we can discuss that particular section when we get to it and look at it accordingly.

It is a very technical piece of legislation, it is hard for us all to understand just exactly what it does. What the witness has said, the way I understand it, is that this would put the pressure vessel that the Member from Hootalinqua was referring to in respect to, for example, gas stations and this kind of thing. These types of thing such as this would they have to be inspected under this piece of legislation.

Mr. Campbell: I am sorry but I am a bit confused here. We were talking about calculation and I am not sure where you are now.

Mr. Chairman: We are still considering this section. We are on (3) which is calculation.

Hon. Mr. Lang: Mr. Chairman, in fairness to the witness, I do not think it is the subsection. We are trying to envisage in our minds, just exactly what would be excluded from inspection, the overall exclusions.

The Honourable Member from Hootalinqua was referring to so many horsepower, this type of thing, in the utilization of, say for example, a gas station for air and this type of thing. Where does it start and where does it end, at the same time ensuring public safety?

Mr. Campbell: I would say that, going further back, that all pressure vessels and the air receivers in garages are pressure vessels.

Mr. Falle: Mr. Campbell, you have answered my question, not to my liking, but you have answered it. In other words you are saying that every air compressor, every receiver, every painter who has a little portable air compressor is going to have to have a certified licence and come under this legislation in order to have, maintain, or have that thing, especially move it. The moving part really bothers me. If I want to move my compressor from 1 to 2, I know, but I was thinking this calculation might alleviate us from that area if there was a possibility, because we are going to have trouble with this Legislation, as my Honourable Member suggested, if this is the intent, but I do not think it is.

Mr. Penikett: Mr. Chairman, just on a point of order, I think we should make it clear here that the witness is here as a technical expert, and if the Government backbenchers have any violent political objections to the Bill, they really should be directing them at the Minister, not at the witness.

Hon. Mr. Lang: Mr. Chairman, I concur. I think that we are trying to get into our minds just exactly where does it end and where does it start for the inspection of the department, and at the same time ensuring that we are not getting too technical and interfering with the small business fellow who has a small compressor.

I think that this is the point that we are trying to get to. Perhaps we could leave Section 3 totally aside, and perhaps I could have some clearer understanding of just exactly where this section's intent is going, because I am not at all convinced in my mind that perhaps we may not have tightened up too much.

Mr. Chairman: You would like to see Section 3 stood over?

Hon. Mr. Lang: The whole section.

Clause 3 stood over

On Clause 4

Mr. Falle: Mr. Chairman, you know, I do not want to be repeating myself. This is a very technical piece of legislation. I do not think there is one of us who is a steam engineer. Maybe our guest does, but we do not have the qualifications to pass the legislation and I have not had it answered by my Minister or anybody. I think we are all in the dark as to how really technical it is. That is why we backbenchers are jumping up and asking for your expert advice. Because we cannot understand.

Hon. Mr. Lang: There is just one point that I want to make, and that is that we set Section 3 aside, and perhaps I could maybe get a better understanding as to just exactly what areas this is going to cover, at a minimum, as I said earlier.

I think this is the question, and I do not think that anybody is objecting to the principle of the Bill, which is to ensure that the public safety is taken into account.

At the same time, we want to ensure that we are not going to have our standards so minimal that we are forcing everybody to go through a stringent inspection. So, to the Member, the Section has been set aside and subsequently, it will be looked at.

Mr. Chairman: The Chair will now call a short recess of about five minutes.

Recess

Mr. Chairman: I call Committee of the Whole to order. We will continue on where we left off before recess.

On Clause 4(1)

Hon. Mr. Lang: Mr. Chairman, these two sections are a clause which is uniform to the requirements of the other jurisdictions. It gives authority to the Chief Boiler Inspector to carry out the requirements of the Ordinance for the operating personnel and plant safety.

Clause 4 agreed to

On Clause 5(1)

Hon. Mr. Lang: Mr. Chairman, this section is consistent across Canada. I do not know how applicable it is to the Yukon at the present time, but it could well be in the future.

The total principle of this section is that all boiler pressure vessels and pressure piping, if it is to be designed and constructed and to go for sale, they have to apply and be certified and registered with the Government to ensure that it is up to safety and up to standard. I am not aware of anybody actually building them in the Yukon today, but it could well happen. Is that correct, Mr. Campbell?

Mr. Campbell: That is right, the next provision the design, construction and sale, primarily the design and construction of boilers and pressure vessels lays down the requirements where, in fact, if a person wanted to become a manufacturer in the Yukon, the requirements are laid down for that reason.

Mr. Tracey: To get back to the subject which we were just talking about a few minutes ago, this would also include piping for airlines, would it not, or in a garage, or whatever?

Mr. Campbell: No, it does not cover a pressure system in garages. The power piping and pressure piping covers a plant like the Whitehorse Hospital where you have high pressure steam piping systems.

Mr. Tracey: On Section (1), to get back to the definition of a pressure piping system, it says "pipes, tubes, conduits, fittings, gaskets, bolts" or whatever, in piping, and a pressure vessel also includes an air receiver, I do not see how we could exclude this piping here from that of an air receiver.

As far as I know, air is an expansionable fluid. Maybe it is not.

Hon. Mr. Lang: Mr. Chairman, I think we are pursuing the point that we left off at prior to recess. I think what the Honourable Member is referring to is the area that we are concerned with is the minimum standard for exemptions.

For example, in Section 3, if we were to, the way I understand it, raise the number of kilopascals to ensure that we are not infringing on to small air compressors, this Section would not apply. It basically states an exemption, and therefore the legislation does not apply.

So, I think we are pursuing the same thing and it should be addressed in the section that we have stood over.

Mrs. McGuire: Is not what Mr. Tracey is getting at contained within the exclusions under "General" on page 3? I am not sure of the way it should be stated, but it should be included under 'exclusions', on page 3, Clause 3(2), "This Ordinance or any regulation made under this Ordinance does not apply to:". Does not one of these cover it, say under (d), where it says "a pressure vessel of 152 millimetres or less."?

Hon. Mr. Lang: Mr. Chairman, that is my point. This is the area that we are going to review. Then, if we look at these air compressors we may decide we should raise the minimum standard to exclude them from the legislation.

At the same time, this section that we are addressing now would not apply, then, because it is very specific that the legislation would not apply, according to the preamble to Subsection 3(2), but to anything over and above that minimum, these things would apply in the design and construction phase, and sale, of this type of a construction.

As I said earlier, as far as this section is concerned, itself, it does not really apply to Yukon at the present time. It is looking ahead in the case that somebody actually does go into manufacturing of some kind, even in a small way. Then there is a section that would apply to ensure that they were coming up to the public safety and the necessary standard in the construction of a particular boiler, or this type of thing.

Mr. Fleming: I realize that this section does not cover anything that is even being made today. It is covering something that might be done. A pressure piping system that somebody may design himself, because that is what it says, "intends to construct or use in Yukon, the design of which has not been approved," so we are speaking of something that is not even here yet, but might come. However, in the case that somebody did wish to put in a pressure piping system from his air compressor, then it would come into effect, and it would be under that.

Hon. Mr. Lang: Mr. Chairman, it depends on the exemptions under Section 3(2), the minimum standard that we set in the legislation. Anything above that minimum, yes, it would apply. But, as I have said, we have set Section 3 aside to look at the minimums to see if, perhaps, they may be too low and we may increase them, so that the minimum would be a little higher and it would exclude other things that we, perhaps, really do not want to have apply under the legislation.

Because it states, Mr. Chairman, very specifically, as the Honourable Member from Kluane has pointed out, "The Ordinance or any regulation made under this Ordinance does not apply to:" (a), (b), (c), (d), (e), (f), (g). So, it depends on those standards that are set there and then above that standard, then it would apply.

That is the section we are going to look at.

Mr. Fleming: I do not want to delay the section any longer, Mr. Chairman, however, I will say that the Minister is going to have a problem because when you start to try and take anything out of here, that is in here, and change the size of it, because there is no question in my mind that there are air compressors and lots of them and they are big ones and there are small ones, there are little ones and everything, if you start taking them out of there you are going to have to have some distinction that is air compressors.

I think, myself, just as a point that the Minister might take right now, is that you should look into the question of air compressors on their own and not have them mixed up with this because you are going to have a mess because propane and all that stuff goes right down to small. You have got to have the legislation for it, I agree, but when you get into the air compressors, they also go down very small, but they also go right up to big and you cannot remove one. You would have a mix-up.

Hon. Mr. Lang: Mr. Chairman, that is the point I am making. What is the minimum standard? Is it 24 inches in diameter or is it 36? This is the question that I have to address with the technical expertise we have, to say if we do alter it, what does it do.

I think there is one other point that has to be made is that there are Federal Canadian standards, the way I understand it, I believe it is the CSA and this is really taken from that particular Federal legislation that presently is in place.

But we will look at it and I agree there has to be a minimum.

As far as the propane tanks are concerned, if my memory serves me correctly, I believe anything over 2,000 gallons falls under it and anything below does not. But there is a starting point where this Ordinance does come into effect, for safety purposes, primarily, for not only the individual that is using it, but also for the public at large, as well.

So, it is that saw-off that we have to try to find.

Mr. Tracey: Mr. Chairman, I recognize that we have a problem here and that we are going to look at it, but I think that my colleague, Mr. Lang, should also take into consideration that the size of the air compressor makes no difference to the piping system. You can have a 500 horsepower air compressor still running 120 pounds of air and whatnot.

So, the size of the air compressor makes no difference to the piping system. So, I think Mr. Fleming has made a very good point, that perhaps we should exclude air compressors and air piping systems out of this Ordinance or put a different section in to cover that.

Hon. Mr. Lang: I have said that we are prepared to look at it.

Clause 5(1) agreed to

On Clause 5(2)

Clause 5(2) agreed to

On Clause 5(3)

Clause 5(3) agreed to

On Clause 5(4)

Clause 5(4) agreed to

On Clause 5(5)

Clause 5(5) agreed to

On Clause 6

Hon. Mr. Lang: It is my understanding that this section is consistent across the various jurisdictions as to where a boiler is moved into this jurisdiction, it is registered, and the inspections branch knows that it is there, so they can do the annual inspection, and everything else that is entailed with respect to the Ordinance.

Mr. Penikett: I can only express the wish and hope that anybody who wishes to bring a boiler into this Territory will be able to very readily obtain from the inspector the information as to whether the standards and the specifications of the article he wishes to bring in do in fact meet with Yukon law. I certainly hope we will not have the situation where people are bringing these things in and finding out that they do not qualify and then, at great expense, having to ship them out again.

Hon. Mr. Lang: Mr. Chairman, I think it goes back to the uniformity of this legislation and the importance of that. That is why with Alberta and the Northwest Territories, British Columbia the basic standards are the same. The witness has outlined the fact that there are Federal standards that have to be abided to as well. It is more or less a basic formality, except perhaps in the situation where you have a very old boiler. This would then perhaps necessitate some upgrading. Is that not correct, Mr. Campbell?

Mr. Campbell: What usually happens in most jurisdictions is that the persons that are transferring boilers or pressure vessels, it is important to have the registration which is pretty well uniform across the country so that you know where the vessels are, where the boilers are. And if in fact, a boiler, for instance is going to B.C., the Province of British Columbia, before accepting it into the Province, comes into the Yukon and does an inspection of that particular boiler before it crosses the border. This has happened many times.

Hon. Mr. Lang: Mr. Chairman, can I ask the witness, how often does that actually happen in realistic terms? Does it happen very often, or is it a case of rarity when this type of situation develops?

Mr. Campbell: With older types of boilers, it does not happen as often but we do have many occasions where we have new boilers and pressure vessels coming into the country and going from one province to another.

Mr. Penikett: Mr. Chairman, when I asked that question I was hoping to avoid some expense for the owner of the boiler by him going to the office here and say, "I want to bring this boiler, it has these specs, will it meet Yukon standards?"

What I get from Mr. Campbell is not a way to save the boiler owner any money, but perhaps a very delightful way for a Yukon Public Servant to take quite a few trips outside before any vessels were brought into the Territory. I was fascinated by the prospect that Yukon inspectors have to come here which suggests to me that any boiler that is coming into the Territory, that some Government official, at taxpayers' expense, would be going south to perhaps Alberta or Ontario or someplace from where a boiler is brought in. I hope that will not be the case, and that in fact we can solve this problem by some paperwork device rather than a lot of travelling.

Hon. Mr. Lang: Mr. Chairman, I would, too, and I think it is a case of basic standards. I think it would be a case of "these are the

standards, if you bring it in we have to see it." I think that would alleviate the concerns of the Honourable Member.

Mrs. McGuire: I just want to know the difference between Section 5(1), as compared to Section 6(1). It sounds like we are just reading the same thing over other than, "specifically bringing into the Yukon."

Hon. Mr. Lang: There is a definite difference. Section 5 applies if a person is designing, constructing and selling in the Yukon. Section 6 applies to any individual who is bringing in a pressure vessel or boiler from outside Yukon. They then have an obligation, when they are in process of bringing it in, to inform the Boiler Inspectors Branch that this boiler is coming to the Territory, meets such standards, and then the Boiler Inspector knows it is here and has an opportunity to inspect it. The main purpose is to ensure that it is safe.

Clause 6 agreed to

On Clause 7

Mr. Fleming: In Clause 7(3), I can understand the gist of it, but does this stop a person from perhaps inventing a new type of boiler in this Territory?

Hon. Mr. Lang: No, the particular sections in question here are allowing them, and giving them the guidelines as to what must be done. I must stress again that the boiler inspector is there to help, and that is the reason for the boiler inspectors, to help the individual and see that public safety is taken fully into account and that the standards are adhered to.

Mr. Fleming: I realize all that. What I am talking about is an inventor who wishes to make something, he is not going to an inspector and have him hanging around to find out what is going on. He is going to invent something new, and this does put a stop to that, if you must go by this, "until the change is approved and registered."

Now, if you wish to change the design of something, and you wish to do it in secret, until such time as you want to bring it forward as something new, I can see you not being able to use it, but I cannot see you not being allowed to change the design of it.

Hon. Mr. Lang: There is no problem with changing design. It is when it goes into the construction phase, it states very specifically that no person shall commence construction. If you make a design, you can keep it for as long as you want, but once you get into the construction phase, then you have an obligation to ensure that you have met all of the requirements set down by law, not only at the Territorial level, but, indirectly, federal law as well. It is primarily for public safety.

Clause 7 agreed to

On Clause 8

Mr. Byblow: Is the implication of this section that the owner of the design is responsible for any accident that arises from such a system?

Hon. Mr. Lang: No, Mr. Chairman, the intent of the legislation is to ensure that a design is put forward when it goes into the construction phase. If that design is followed up, it is approved and registered, then he or she has to follow that design. If there is going to be any major alteration, then he or she has to come back to the inspection branch to verify that the change is necessary, or whatever he or she is attempting to do.

Mr. Byblow: I was simply enquiring, beyond that, whether or not a regulation could then apply that would make this owner responsible for the original design in the event of a breakdown, or accident, or blow-up, or whatever.

Mr. Campbell: In the case of a registered design, if in fact there was a definite fault found in the design of that vessel, or the design registration, what happens in the Canadian Standards, it is withdrawn until the fault is corrected, bearing in mind the safety of the public and operators at all times.

Mr. Byblow: I will leave it after this question, Mr. Chairman. I was trying to determine whether there is a determined and defined liability that can be created through regulation against the owner of the design of the system?

Hon. Mr. Lang: Mr. Chairman, I think you are asking a question probably applying under the Federal Statutes, as opposed to this piece of legislation. It is not our intent to write legislation so that the individual that designed it is going to carry on forever and a day the liability of something that were to happen. For an example, if an individual is running a boiler and he or she did not comply with what had to be done, and subsequently there is a major accident, there is an offence section in the legislation, on Page 24, which

outlines the offences if they do not comply with the legislation and the intent of the legislation.

That particular aspect is not considered in the legislation as far as liability, or whatever, is involved. That is a case that I would imagine would have to be resolved in either a civil court or, maybe, a criminal court. You are asking a legal question that neither I nor the witness are competent to answer.

Clause 8 agreed to

On Clause 9(1)

Clause 9(1) agreed to

On Clause 9(2)

Mr. Tracey: Mr. Chairman, would it not be much better and much simpler to have the government notify everyone instead of having the designer of a boiler having to notify everybody who is allowed to construct. He might not even know who is allowed to construct a boiler or piping system or whatnot.

Hon. Mr. Lang: It may be a valid point that is raised. The thought and intent behind this section is that the designer who has the design is in the business and he obviously knows who is using his design. If the market place ever dictates that this ever happens that he or she would know who was constructing boilers and this sort of thing and would be in a position to notify them.

Mr. Tracey: They could overlook somebody though then he would be breaking the law. Would it not be much easier, the Government already knows who is licenced. Would it not be much easier for the Government to notify them.

Hon. Mr. Lang: I am prepared to put (2) aside.

Clause 9(2) stood over

On Clause 9(3)

Clause 9(3) agreed to

On Clause 9(4)

Clause 9(4) agreed to

Mr. Chairman: At this time my watch says 5:25.

May I ask of the witness if he can be with us tonight at 7:30?

Mr. Campbell: Yes.

Mr. Chairman: Thank you very much.

At this time we will recess until 7:30. The witness may be excused and we will see him at 7:30 tonight.

Recess

The following Sessional Paper was Tabled on October 22, 1979:

79-2-37

Agreement between Yukon Lottery Commission and Rampart Management Services

The following Legislative Returns were Tabled on October 22, 1979:

79-2-22

Vehicle registration: time limits
(Oral Question - October 15, 1979 - Page 388)

79-2-23

Games of Chance Regulations
(Oral Question - October 15, 1979 - Page 388)

79-2-24

Native reserves in Yukon
(Oral Question - October 18, 1979 - Page 450)

79-2-25

Yukon Tourism Advisory Board: Membership and terms of reference
(Oral Question - October 10, 1979 - Page 349)

79-2-26

Studies regarding the cost of moving goods into Yukon
(Oral Question - October 11, 1979 - Page 372)

79-2-27

Policy respecting distribution of tourism & promotional materials
(Oral Question - October 11, 1979 - Page 370)

79-2-28

Guidelines regarding government rental of U-drives
(Oral Question - October 16, 1979 - Page 412)



The Yukon Legislative Assembly

Number 31

2nd Session

24th Legislature

HANSARD

Monday, October 29, 1979 — 7:30 p.m.

Tuesday, October 30, 1979 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

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

CABINET MINISTERS

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

Government Members

(Progressive Conservative)

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

Opposition Members

(Liberal)

Iain MacKay	Whitehorse Riverdale South
Alice P. McGuire	Kluane

(New Democratic Party)

Tony Penikett	Whitehorse West
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(Independent)

Maurice J. Byblow	Faro
Robert Fleming	Campbell

Clerk Of Assembly
 Clerk Assistant (Legislative)
 Clerk Assistant (Administrative)
 Sergeant-at-Arms
 Editor of Hansard

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

Whitehorse, Yukon
Tuesday, October 30, 1979

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

Mr. Speaker: We will proceed at this time with the Order Paper.

DAILY ROUTINE

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

TABLING OF DOCUMENTS

Hon. Mr. Pearson: Mr. Speaker, I would like to table an answer to a question by Mr. Penikett, asked on October 16th, regarding the Dempster Highway traffic count results.

Mr. Speaker: Reports of Standing or Special Committees?
Presentation of Petitions?

Reading of Petitions?

Introduction of Bills?

Notices of Motion for the Production of Papers?

Notices of Motion?

Are there any Statements by Ministers?

This then brings us to the Question Period. Are there any questions?

QUESTION PERIOD

Question re: Land Transfer Delay

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

Respecting his negotiations last week, in Ottawa, he indicated to the House yesterday that, as a concession, the Yukon Government had agreed to a delay in the transfer of recreational land for some six months.

I hear a report on a local radio station, which indicates that, in fact, Ottawa had made this decision before he went to that meeting.

Can he confirm which version is correct?

Hon. Mr. Pearson: Yes, Mr. Speaker, thank you. I would like to thank the Honourable Member, Mr. Speaker, for asking me the question.

Mr. Speaker, I, too, heard the radio broadcast and was, needless to say, taken aback because it was definitely my impression, when I got to Ottawa, when I was asked to go to Ottawa and when I arrived there, that the Minister had a completely open mind in respect to Land Claims negotiations, that he was trying to reach some kind of an accord with the CYI, in respect to getting those land claims negotiations going, and that it was his opinion that the Government of Yukon could possibly participate in that.

Now, Mr. Speaker, the implication in the CBC report is completely erroneous. I have checked with the Minister, personally, this morning and he is prepared, if it is deemed necessary, to make a statement to the effect that, in fact, the CBC report was erroneous, that a process of negotiation did take place and that we did make concessions.

Mr. MacKay: It is certainly not beyond the imagination of this Member that CBC could make a mistake.

Mr. Speaker, further to the negotiations that went on there, I would like to have some clarification from the Government Leader as to the reason for this very sudden, it seems to me, change in policy by the Federal Government. In particular, was it due to any concerns raised by him with respect to the gas pipeline being jeopardized by a failure to settle Land Claims?

Mr. Speaker: Is this question relating to the Government of Yukon Territory or what the Federal Government is doing? I wonder if I could have some clarification.

Mr. MacKay: My question was whether the Government Leader raised this issue.

Hon. Mr. Pearson: Mr. Speaker, it is all well and good to say that development is going to continue in the Territory as long as Land Claims are not jeopardized, that this is going to happen and that going to happen. But, Mr. Speaker, it becomes very difficult for anyone, the Federal Government, the Government of Yukon Territory or the CYI to definitively make any plans, any long range plans as long as Land Claims are not settled, because Mr. Speaker, it is a priority with everyone.

The object of the exercise last week was to try and get an accord whereby Land Claims negotiations could start once again, not because of the pipeline, or not specifically because of the pipeline or not specifically because of any one thing, Mr. Speaker, but for the good and the benefit of all of the people in the Territory.

Question re: Education/School Boards

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister of Education. Last week the Minister equated the concepts of parental involvement and parental control in describing the policies of his Department. I would like to now ask him if in the context of parental control, his Department will now be actively promoting the development of local school boards in the Territory.

Hon. Mr. Graham: Mr. Speaker, the legislation in this area reasonably clear. It states that if any school attendance area in the Yukon wishes to become a school board, they may make application, under the regulations, to the Department of Education. To date, we have received one inquiry and no application. We would be only too happy to look at any applications that were received from any school attendance areas in the Yukon.

Mr. Penikett: Thank you, Mr. Speaker. In light of the Minister's enthusiasm for school boards, I would like to ask him if it is the intention of his Department, as a matter of policy, to require municipalities to raise, in cases where there are school boards, a portion of money spent for school purposes by that school board?

Hon. Mr. Graham: Mr. Speaker, I did not think that I was showing any great enthusiasm for the concept of school boards. It is just my natural inclination to be easy-going and gentle with the Member opposite. I am only too anxious to look at any proposal submitted to the Department of Education by any member of the public in Yukon.

Mr. Penikett: Thank you, Mr. Speaker. As a gentle supplementary I would like to ask the Minister if his Department has studied the implications of a situation in Yukon where we might have school boards and where the local tax base could not support even a large portion of the school in question.

Hon. Mr. Graham: Mr. Speaker, we have had some interesting conversations from time to time in the Department of Education on this concept, but of course since we have not received any applications or even any realistic inquiries, we have not proceeded beyond that point.

Question re: Yukon Housing Corporation in Ross River

Mr. Fleming: I have a question, Mr. Speaker, for the Minister of Community Affairs on the Yukon Housing Corporation. In the Ross River area, does the Yukon Housing Corporation have control of some housing in the village of Ross River?

Hon. Mr. Lang: Yes, they do.

Mr. Fleming: Supplementary, Mr. Speaker, to the Minister: is the Minister aware that, out of the number of houses that are under control there by the Yukon Housing Corporation, a very large number are empty?

Hon. Mr. Lang: Mr. Speaker, I have gone through Ross River a number of times. Yes, I think that is a fairly accurate statement to make.

They were built some time ago and I think it is a concern of the Housing Corporation, the fact that some of them are empty.

I understand that there are problems with the structure, with the foundations of some of the houses, which, obviously, would affect whether or not anybody could utilize the premises that the Member speaks of.

Mr. Fleming: Yes, a final supplementary, Mr. Speaker: when you consider the possibilities of the tax load on the people of the Yukon Territory, when Yukon Housing Corporation has a number of houses empty in these areas, would the Minister not agree that this did seem logical that there was some mismanagement on the part of the Yukon Housing Corporation?

Hon. Mr. Lang: Mr. Speaker, I think that each one could judge it accordingly. As I say, it happened some time ago.

In view of what the Honourable Member is saying, I think that he would agree that the idea of private ownership is much better than the idea of housing being provided through the Government.

Subsequently, as he well knows, which I am sure he agrees with as well, is that that is the policy that this Government is prepared to stand by and actually encourage people to build or purchase their own homes, even those homes which are now under the auspices of the Housing Corporation.

Question re: White Pass Inquiry

Mr. MacKay: My question is to the Government Leader, Mr. Speaker, with respect to an inquiry that is being launched into the White Pass and Yukon Route.

It has been cited in the reasons for the inquiry that, due to correspondence between the Government Leader and Mr. Fraser, of White Pass, following a request by Mr. Epp for an inquiry, that the inquiry will now be held.

Will the Government Leader be prepared to table this correspondence to the House?

Hon. Mr. Pearson: Mr. Speaker, this is the second such request from the Honourable Leader of the Opposition. The first time he did it through the press and, Mr. Speaker, I do not have any problem with this. I am just wondering where this is really all going to end.

We are trying to run government, be concerned with the affairs of people in this Territory, and as such, is it perceived by the Honourable Member that all of my correspondence should be tabled in this House? I am really not sure where all of this is going to end.

I have no problem at all in tabling this particular piece of correspondence, but is there going to be another piece tomorrow and another piece the following day?

Mr. MacKay: I would have thought, Mr. Speaker, in view of the current vogue of freedom of information that such a request would have been met routinely. However, if he is reluctant to table the actual document perhaps he could inform the House as to its contents in a general sense today?

Hon. Mr. Pearson: Mr. Speaker, I indicated that I would table the correspondence.

Mr. Speaker: Order please, I think that questions such as that are so broad that they ought not to be asked.

Mr. MacKay: Thank you, Mr. Speaker. In view of the urgent nature of these hearings and the fact that they pertain to, and are of vital interest to all Yukoners, is the Government prepared to request that this inquiry be held in public and that there be an ability for the public to have input into the inquiry?

Hon. Mr. Pearson: Mr. Speaker, I am not absolutely positive of my appointment calendar, but I am quite confident that it is tomorrow that the two gentlemen that have been named by the CTC to conduct this inquiry will be in Whitehorse and will be meeting with me then.

Of course, Mr. Speaker, it will be my intention to make as strong a representation as we possibly can, hopefully the first thing that we can find out is exactly what these terms of reference are because we do not know them yet, and if their inquiry is going to take the form of hearings, certainly Whitehorse would be a logical locality to have some of these hearings.

Question re: Livestock Assistance Act

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister responsible for the Department of Renewable Resources particularly agriculture. The Federal Agriculture Minister has introduced into the House of Commons a Bill which would extend the Livestock Assistance Act to cover Yukon and this would make freight assistance available to livestock feeders here. I would like to ask the Minister if there was any consultation between this Government and the Federal Government on the subject prior to the introduction of this legislation?

Hon. Mr. Hanson: I have just been informed that we have talked to them and we have asked them to invite us to the meeting so that we can go into it a little deeper.

Hon. Mr. Lang: Further on the subject I would like to inform the Honourable Member and I have to go back to longevity in this House, there was a resolution passed and unanimously supported by all Members approximately four or five years ago to have the Yukon included under that particular piece of legislation.

Mr. Penikett: Mr. Speaker, this is wonderful. I have got some

more supplementaries now. I have got a meeting that I do not know about and something else over here. I would like to ask the Minister responsible if the Government plans to encourage, as a result of this legislation, in some form or another, local grain production so that feed need not be brought in from outside in such large quantities as it is.

Hon. Mr. Hanson: This could happen when we get around to making an agricultural policy, which we have not done as yet.

Mr. Penikett: Thank you, Mr. Speaker. Since the agricultural policy has now been seven months in the making, I would like to ask the Minister when we can expect this policy and, if the Minister will entertain any public input into its development before it is finally presented to this body?

Hon. Mr. Hanson: Soon.

Question re: Eagle's Nest Bluff Feasibility Study

Mr. Byblow: I direct this question Mr. Speaker to the Government Leader.

I enquired last week about the availability of a market analysis study for power generation that emanated from the Eagle's Nest Bluff feasibility. I would like to enquire of the Government Leader if his Government has received this analysis.

Hon. Mr. Pearson: Yes, Mr. Speaker, it was my intention to rise during Question Period sometime today, to advise the Honourable Member, and other Members of the Legislature, that we have received one copy of this report from the Northern Canada Power Commission.

It is quite an extensive volume. I would suggest that it really is not practical to copy it; however, it is in the files of the Electrical Public Utilities Board and can be made available to any Member of the Legislature who wishes to study it through that means.

Mr. Byblow: I would just direct a supplementary if the Government Leader can indicate the general content of the report in terms of power feasibility and market.

Mr. Speaker: This question would appear, from the Chair, to require a rather broad answer. Perhaps the Honourable Member could be a little more specific as the question, in its form, would be out of order.

Question re: Unemployment and Job Creation

Mr. MacKay: Thank you, Mr. Speaker. My question is directed to the Government Leader. It certainly is good to have him back.

Yesterday in the House, Mr. Speaker, the Government Leader took credit for a reduced rate of unemployment in the Yukon over last year. I wonder if he can tell the House which particular new jobs his Government has created over the past year.

Hon. Mr. Pearson: Mr. Speaker, I did not take credit for the reduced rate of unemployment like I do not intend to take the blame for any increased rate of unemployment. But, Mr. Speaker, the fact was one that was not brought out that the rate of unemployment had been substantially reduced from a year prior.

Mr. MacKay: Not only was some credit apparently taken, Mr. Speaker, but he indicated this Government would continue to create these new jobs and I would like him to tell us what programs in the future he is going to introduce to create more jobs.

Hon. Mr. Pearson: Mr. Speaker, we are very cognizant, on this side of the House, of the apparent plateau that we have reached in our economic development in this Territory.

One of the major ways that we can help to offset that, we think, is with our government spending program and, Mr. Speaker, when we can bring the capital Budget forward, hopefully, a number of those questions will be answered.

Question re: Gravel Pile in Whitehorse West

Mr. Penikett: Thank you, Mr. Speaker. I have a constituency question for the Minister of Municipal Affairs.

A number of residents in my area have contacted the Department of Municipal Affairs concerning a mountain of gravel which is being constructed behind Sunset Drive North and I would like to ask the Minister if the Department plans that this pile of dirt should become a permanent feature of the landscape?

Hon. Mr. Lang: Mr. Speaker, this problem has come to my attention. I have had some time to look into it.

No, it is not going to become a permanent fixture in the landscape for the people of Hillcrest. It will be levelled and there will be no residents on it. It will go along the lines which it is designed for and that is the greenbelt.

It is my understanding that the excavation is primarily being put there to fill in the low spots in that particular area.

Mr. Penikett: Just for the record then, Mr. Speaker, I would, if I could, get the Minister's assurances that, in fact, they do plan to reclaim the area and not, in fact, leave that waste material there as it is now.

Hon. Mr. Lang: Mr. Speaker, I think I gave him that assurance, that we intend to level it and, at the same time, it is not the idea to extend the residential area. It will be preserved as a greenbelt.

Question re: Game Harvesting of Fur-bearing Water Animals

Mrs. McGuire: Thank you, Mr. Speaker. I have a question for the Minister of Renewable Resources.

Has the Minister given any consideration to the harvesting of fur-bearing water animals in over-populated game sanctuaries?

Hon. Mr. Hanson: I would like to take that question under advisement, at this time.

Question re: NCPC Head Office Relocation

Mr. MacKay: I think I can ask the Minister of Economic Development a question he can answer, Mr. Speaker.

The Minister referred yesterday to persuading NCPC to move its head office here. Is the Minister aware that this has been under study for some time by NCPC?

Hon. Mr. Hanson: So I have read.

Mr. MacKay: I am pleased to hear that the Minister has been reading.

Perhaps he can tell us if he has read the report prepared by NCPC, with respect to this?

Hon. Mr. Hanson: Mr. Speaker, I have not, as yet.

Mr. MacKay: In the event that the Minister does read this report, will he consider the economic costs of moving to Whitehorse versus towns in the NWT as a factor in continuing this persuasion, if the power rates of Yukon will increase because of a move to Whitehorse?

Hon. Mr. Hanson: Mr. Speaker, I am a very reasonable man. I think I will look at it all pretty well.

A week ago I think we were asking them to bring the power company here. Would you suggest that we build a building for the NCPC headquarters in the Northwest Territories, then, or in Ottawa?

Hon. Mr. Graham: Ottawa, for him.

Question re: Energy/Coal and Wood Availability

Mr. Penikett: Mr. Speaker, I have an easy question for the Government Leader.

Since this is Energy Conservation Month and last spring the Government Leader said that he would be requesting, from the Federal Government, substantive studies on the availability of coal and wood in Yukon, I would like to ask the Government Leader if he could report whether the Federal Government has yet complied with this request?

Hon. Mr. Pearson: No, Mr. Speaker, not yet. However, there are studies underway now that should be fairly revealing to us, hopefully, in the near future, in respect to exactly what is available in this Territory for fossil fuel consumption in the future.

Mr. Penikett: Thank you, Mr. Speaker. I would just like to pursue the matter for a moment. The Government Leader did make it clear, if the original studies referred to were being conducted or there were some other ones, but, in any case, can we expect the study to which the Minister just referred fairly shortly, or is this something which is just now being undertaken?

Hon. Mr. Pearson: Mr. Speaker, since last summer, there has been a considerable amount of research and work being done in the Territory, both by Government and by private enterprise in respect to trying to locate and determine exactly what kind of fossil fuel reserves there may be and whether they are of a type and a kind that can be economically used for heating purposes or for electrical energy purposes or whatever. There are, in fact, a number of studies going on now. As these reports and studies become available, we shall make them available to the House.

Mr. Penikett: I thank the Government Leader for his answer about fossil fuels. I wonder if he could say now if any of these studies requested on wood are under way or will be under way in the near future?

Hon. Mr. Pearson: Mr. Speaker, I am not aware of any studies in respect to the use of wood that are being conducted pertinent to the Territory at the moment.

Question re: Whitehorse Hospital Advisory Board Appointment

Mr. Byblow: I have a question for the Minister of Health and Human Resources. It is my understanding that the Hospital Advisory Board requires an appointee from this Legislature, and further, that the vacancy has existed for some time, at least since last January. My question is: is the Minister planning to have this vacancy filled?

Hon. Mrs. McCall: Mr. Speaker, the Yukon Territorial Government is asked to appoint someone to the Hospital Board. They are obliged to do this. It is simply to allow the Government some input and the name of someone is at present under consideration by the caucus.

Mr. Byblow: Will the Minister, in the truest of Democratic tradition, appoint an Opposition Member?

Hon. Mrs. McCall: Mr. Speaker, it is possible.

Mr. Speaker: There being no further questions, we will conclude the Question Period at this time and proceed to Government Bills and Orders.

GOVERNMENT BILLS AND ORDERS

Third Reading: Bill Number 20

Mr. Clerk: Third Reading, Bill Number 20, standing in the name of the Honourable Mr. Pearson.

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 20, An Ordinance Respecting Income Tax be now read a third time.

Mr. Speaker: It has been moved by the Honourable Leader of the Government, seconded by the Honourable Member from Tatchun, that Bill Number 20 be now read a third time.

Motion agreed to

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

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 20 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Leader of the Government, seconded by the Honourable Member from Tatchun, that Bill Number 20 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 20 has passed this House.

We will now proceed to Motions other than Government Motions.

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion Number 30

Mr. Clerk: Item Number 1 standing in the name of Mr. Penikett.

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

Mr. Penikett: Yes I am, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Faro, THAT a Special Committee on Constitutional Development be established;

THAT the membership of the Committee be set by separate motion of this House;

THAT there be a Chairman and Vice-Chairman of the Committee, one of whom shall be an Opposition Member;

THAT the Committee make arrangements to meet separately or jointly with individuals, groups and organizations including, but not restricted to, the Council for Yukon Indians for the purpose of discussing Constitutional Development in Yukon;

THAT meetings of the Committee be held in camera if the Committee determines that such meetings would be more productive by so doing or if any individual, group or organization will meet with the Committee only on that basis;

THAT the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee;

THAT the Committee be empowered to sit during periods when the Assembly is prorogued or adjourned;

THAT the Committee provide interim reports to the House on the number of meetings it has held with individuals, groups or organizations; and

THAT the Committee, if it so desires, make recommendation to the House on appropriate amendments to these terms of reference.

Mr. Penikett: Thank you, Mr. Speaker.

In my view there has always been more heat than light in the Yukon Constitutional debate. I remember that in June 1976, the newly elected Federal Conservative Leader came to Whitehorse and promised at that time Provincial Status within the first term of a National Conservative Government, or words to that effect. A couple of summers ago, we had the Liberal Prime Minister arrive in the Territory and declare that, "Not in my lifetime would provincial status come to Yukon." And quite predictably, I think, both Liberal and Conservative Yukoners excited themselves into a fever in response to these two statements by the Liberal Prime Minister and his successor. Now, since then, Mr. Clark has modified his proposal somewhat to include a proposal for a referendum, but I do not think, in my view, that this ends the question at all.

The argument has recently heated up again in response to both the Liberal Party's and the Conservative Party's perceived attitudes on this question. I think that for many Yukoners, they remain in the dark about the real meaning of constitutions and constitutional development.

In my view, neither of the groups' political leaders have, up to now, been talking very publicly about what I think are the real issues in this whole business. I say, that in this respect, I think the Clark-Trudeau debate has been somewhat phony.

Frankly, Mr. Speaker, for myself, I do not really care very much what either of them think about provincial status. Not that I do not have respect for their views, but in my view, it is something that people here have to decide. It seems to me that, initially, both their statements assumed that it was rather a matter that was exclusively for the Government of Canada to determine and, while I admit that these two gentlemen, at different times of their lives, have had the power, I do not think from my view of constitutional development, they have the exclusive right.

From my point of view, as I say, it is up to the people of Yukon to write their own Constitution, the terms and conditions under which they may enter Confederation and become a province like, or unlike, any other part of Canada.

I think it is up to the people of Yukon, and really nobody else, to decide how, and then when, and if, we should join Confederation.

I think, as the Government Leader pointed out the other day, that since the turn of the Century, politicians in Yukon have thrived on endless technical disputes about the differences between responsible government and provincial status. I would like to say at this time that I was very pleased a week or two ago to hear the Government Leader make what I thought was the most clear statement heard on the distinction between the two. I would hope that we would see more such statements, because I think, quite honestly, that they do further the education of the public on this very difficult question.

However, so long as the Federal Government retains its veto power over territorial legislation, the constitutional question remains perhaps the one question that has, and perhaps will for a long time, dominated discussion in this House.

For a long time it seemed to me the political leadership of this Territory always supported provincial status in principle, but now that we are at that point in history, when we are approaching that reality, I believe we can no longer avoid some of the urgent questions that must first be resolved. There are some very practical considerations that deserve our attention.

At the Federal level, the two older political parties in Canada seemed to have, in the past, adopted positions which were based on arguments as old as time. I would point out, for Members' interest, that once upon a time, it was the Tory who protected the Royal Prerogative and the Imperial Power in the Colonies, and the Whig, or Grit who wanted Home Rule. Today, the roles are quite obviously reversed, but the argument goes on much as it always has. The brief in favour of "provincial status" for Yukon is, in fact, very similar in its main points to those presented on behalf of the Prairie Provinces when they made their case for joining Canada and, in fact, those opposed have customarily used the same four arguments, with different words to describe them.

Just to refresh Members' memories, I would like to, in fact, just describe these four arguments for a second, because I think they are important.

The first one is that we have too small a population.

The second one is that we have had too little legislative competence.

The third one is that we were too resource rich.

The fourth one was that we were too tax poor.

I would like to say something about each of these arguments because I have been impressed with the audacity of the Liberal Party recently, who, in recent years, have, in fact, used both of the latter two arguments, sometimes in the same sentence. They have argued that we have had a problem with both poverty and wealth, a fairly peculiar situation.

I remember Jean Chretien once said that the North had potentially forty per cent of Canada's natural resources and there was no way that the Federal Government is going to let Yukon or the NWT control these resources.

It is interesting that, just the other day in the House of Commons, and I am not sure I can quickly find the reference, but one of the new Liberal Members of the House of Commons, who represents the seat of Ottawa Centre, one fairly close to what is happening, made a somewhat similar argument.

I would like to, in fact, just quote what he said. "This is closely related to the stated promise of provincial status for Yukon. Does this mean the tiny population of 23,000 people will be given full ownership and control of the vast resources of Yukon, resources which, up to now, have belonged to all Canadians? If so, Mr. Speaker, it is the greatest sell-out of all time and a total derogation of the Government's responsibility to the Nation". That is fairly strong stuff.

At the same time, and I am dealing seriously here with this question, my friend, our friend to my right, the Liberal Leader, said that we could not afford to pay for our own Government. He seems to be saying that we should be keeping provincial-type powers in Ottawa until we can, in fact, change that financial picture.

It was interesting the other night, he argued the same thing in terms of the case of keeping what should be municipal powers in the hands of the Territory. If I follow the logical thread in all that, it seems to me that, on constitutional questions, my friend's argument comes down to a matter of father-knows-best in all these things.

It is an argument, I would point out, that is often used by frightened parents who fear the coming of age of their children.

Now, observant Yukon reporters have always remarked that this Legislature only seemed irresponsible because it had so few responsibilities, that Territorial Councillors or MLAs gnawed on their colleagues because they had nothing better to get their teeth into. In other words, we seemed irresponsible because we had few responsibilities, a fairly circular argument.

One of the things which pleases me about this House is that that grand tradition in Yukon seems to have died somewhat, at least so far.

I think, in terms of the fourth argument, the population, I think Yukoners, of course, have never tired of pointing out that we have more people than Manitoba had when it became a province; however, all these arguments in principle, I have no problem intellectually dispatching. But those questions have serious practical problems in everyone of them.

My Party has always held that the question in principle was one that ultimately could only be determined by Yukoners. In our view, the contrary arguments that I have just detailed ought to be matters of negotiations with the Federal Government only when the people of Yukon have achieved a consensus on the basic questions.

In the past decade, I think it is worth noting that the constitutional consciousness has been expanded in this Territory by the Yukon Indian communities' land claims negotiations and its demand for culturally relevant local political institutions. This development has paralleled the emergence of recently expressed desires by both the national native organizations and, I would point out, the Federation of Canadian Municipalities for a voice in the creation of a new Canadian constitution.

On Monday, the Government Leader quoted a 1905 speech by the Independent M.P. for Yukon, Dr. Alfred Thompson, and I went to Archives and, in fact, got the whole speech out and read it. It is very interesting reading. I do not know how they were ever allowed to speak that long in the House of Commons in those days, because it must have been a five hour speech.

But, the line which he quoted in there, "I submit there is no principle so dearly imbedded in the heart of the Anglo Saxon as that of Responsible Government." was a good choice.

Unfortunately, to my mind, and I say this with respect, the Government Leader missed an obvious point. Yukon Indians are obviously not Anglo Saxons. They are a different culture. They

have, they argue, different political traditions and they argue that none of them are reflected in our institutions.

Now, it seems to me that we should admit of this possibility, that, for example, our committees might well borrow something from the consensual tradition of Yukon's aboriginal people to the advantage of all of us. But most of all, it seems to me we should seize the opportunity presented by our Indian neighbours' critique of our local government institutions to reflect, at this point in history, on the purity and the perfection of government as it now operates here.

It seems to me that such a critique, as they would present, would be a good starting point for our own re-assessment and evaluation of where we are at and where we are going.

At the same time, it seems to me in recent years I have noticed that many people in the Territory, some of them Conservative, some of the Liberal, some of the New Democratic, intelligent people, are having serious reservations about adopting, in total, the institutions and the infrastructure of southern Canadian provincial administrations.

Many people argue that we are already over-governed in the North with the three levels of government and I do not think anything in the experience of any of us leads us to believe that big government is necessarily better government, nor, from my point of view, am I hooked on the need to explode our population to the point where we can "qualify" for provincial status, the kind of argument that I think we would hear from some parts of Canada.

To me, this is a matter of a conscience, because we are an area that has suffered a series of economic booms and busts and I do not think any fair-minded person could argue that the booms we have had have not proved a bust for a fair number of our permanent population.

Ideally, from my point of view, the native and non-native communities in Yukon ought now to be engaged in a relaxed dialogue for the purpose of discussing possible designs for local political structures which suit our small population, our big geography and the diversity of our cultures.

Unfortunately, and I have said this before, natives and non-natives in the North are so colonized that both groups, as we saw last week in Ottawa, have to run to Ottawa with their grievances or their petitions. As a result, all of the major disputes come to rest on the desk of the Minister of that schizophrenic Department, Indian Affairs and Northern Development, or Indian and Northern Affairs as it is now called. This is a patently absurd situation. This motion, I hope, gives us a chance to begin to do something ourselves towards ending this absurdity.

It seems to me that it gives us an opportunity in a small way to start to develop some mature and respectful relationships between the different parts of Yukon communities. I am not just talking about native/white here, I am talking about people in the small communities and the people in this City. It seems to me that to the ordinary non-native citizen in the North, provincial status is a slogan to express the desire for local control of his community similar to that enjoyed by the citizens in the provinces. They do not really know what provincial constitutions look like, or where we fit in the BNA, or amendments to the Yukon Act or Section 16 or all of those things. They have a very down to earth understanding of it.

In the same way, it seems to me, for the average Indian person out in the small communities, Land Claims is the code word to express his desire for something like the same thing. As the Government Leader has said, and I have argued, both aspirations are in some ways being negotiated with the Federal Government. They are, or ought to be parallel processes. However, because of the colonial situation, what is missing in this process with the non-native people negotiating with Ottawa on the one hand, and native people negotiating with the Minister's other face on the other hand, is any legitimate dialogue along the base of the triangle between natives and non-natives about the form of a local government. I am not just talking about when we become a province, or if we become a province, but how we do it. Since the new Minister responsible for the North and for Indian people has said, as I recall a statement he made in Whitehorse, that he will negotiate only a land and money settlement of their claims while, at the same time, and this puzzled me, inviting the National Indian Brotherhood to participate in constitutional discussions in Ottawa. It seems to me that we should be stepping in at this point in time. It seems to me that this House has a very useful role to play.

In my view, as I have said before, for both the principle and practical reasons, we must avoid a BC type situation and settle land claims before provincial status. I was very glad last week to hear the Government Leader's statement that he could not envision that possibility.

I certainly hope his vision is 20-20 and completely accurate.

It seems to me that what we must do is find a reasoned and constitutionally valid means for Yukoners to collectively gain for our peoples the right to determine their future in the Canadian Confederation without automatically imposing superfluous and financially crippling urban government structures on ourselves and on this sparsely settled north. Together, it seems to me, we must decide how and in what way we should become a province, should not be left exclusively to the Federal Government, in concert with its local political allies, to decide if and when this happens.

Last week the various Members of the Government Backbench were making defensive speeches about the Government's mandate and there was a lot of talk about 37 per cents and so forth. I want to say to those Members who spoke right then, that under the parliamentary system, they are quite right that with a majority of seats in this House, they may govern the Territory according to their program. But, the making of a constitution, and that is what we are talking about here, and I think we should understand it, is something that no one party can do without the consent of, if not a the people, a very large consensus of the community.

Rene Levesque can no more take Quebec out of Confederation with 40 per cent of the Quebec votes or even 50 per cent of referendum votes, than the Yukon Government can take Yukon into Confederation with its plurality.

Mr. Speaker, if we are to make a constitution for Yukon, which we all agree, I think, would be unlike any other Canadian Provincial Constitution, this House which represents the whole range of Yukon opinion, ought to first sit down with Yukoners of all opinion and talk toward a consensus on our future. I say this with respect to the Ministry opposite.

If we do not employ all our wisdom and imagination on this question, we may betray the grandest tradition of constitutional conventions which have produced the most eternal of founding documents and I cite for example the American Constitution which is almost Biblical in its stature in that country. One of the reasons I believe that it is so profound and has lasted so long is because they really did gather together the best and the brightest and the most able and the most representative of all the people in the community in the drafting and writing of that thing. It took a long time.

In his announcement on responsible government on July 27, Mr. Epp said that it was his intention to make the proposed measures public in Yukon so that the views of all Yukoners could be obtained prior to cabinet consideration. Mr. Speaker, I did not quite understand that statement and I was confused that, as a representative of one-fifth of the Yukon population in this House, I was not asked for my views. I recall that we really had no debate on this question in this House that could have provided the Minister with our views. I think we need the Special Committee that is proposed here to assemble the views of the Yukon. Then if we desired to do so, the Committee, upon the resolution of this House, could discuss the route and the means to a consensus, the means to achieve the end by which we agree upon.

On the same day as the Minister's statement many of us read the press release by the then Commissioner which said: "The first step is to evaluate what can be done immediately and such a step would not envision constitutional changes. The next, more complicated step would be developing changes that would affect the Yukon Act and Territorial Ordinances. I see this step taking a considerable length of time and involving all the key players: native groups, Territorial Government, municipal and L.I.D.s as well as the public at large. This second step should also lead us to the launching path for provincial status and an evaluation of what that would mean for Yukoners."

I do not know if I entirely share the vision of the then Commissioner but it seems to me that perhaps the Committee that I am talking about could play something like the role envisioned.

However, on October 9, the Minister instructed the Commissioner to do something which, at first glance, appeared to me something quite different. He said, "It is my intention, therefore to convene an early meeting between the Government of Canada, the Government of Yukon and the Council of Yukon Indians to begin identifying these issues and determine a process by which they can be resolved as we move to full and formal responsible government."

It seems to me that that was not clear. Those statements seem to be slightly contradictory. I think the time has come for us to take some action so that we are taking the initiative in this House on the question so that all the initiatives do not come from Ottawa, or at least appear to come from Ottawa.

I believe this very strongly, Mr. Speaker, that the process simply must be determined by this House, the whole House. I will not be insulting the Government Leader when I say that he cannot claim to represent the views of all Yukoners on this question. He does not speak for New Democrats. He obviously does not speak for the Liberal voters in the Territory. He certainly, I do not think, could argue that he is speaking for the Indian people in the Territory.

It seems to me that we should be allowed, given our small population, our small communities, to speak for ourselves. We have some talent and some ability on this side of the House. I believe sincerely that we could contribute enormously to an on-going dialogue in our future, a dialogue, and I want to make this point very clearly, removed from the partisan spats of this Chamber, a dialogue above the political divisiveness that this issue now arouses. Mr. Speaker, what I am doing here is asking the Government Leader, and the Government Members, to trust us a little bit, to trust us as representatives of Yukoners, and by extension, all Yukoners, to open up the debate a little bit, to remove the pressure of deadlines, give us the chance to do this thing right because we will never get the chance to do it again. I think we should do it right from the start, and together. I think we can do a better job of building a constitution for Yukon than any Government in a House divided against itself.

Now, this month in Parliament, the Prime Minister, Mr. Joe Clark, said, "The test of our federalism and its strength is not in the undoubted power of the central government to have its way. Rather, it is in the willingness of the partners to act together. The success of our federalism will lie in our ability to accommodate the different kinds of communities Canadians choose to live in. These communities have different economic potential, different economic strategies and they have different cultural and social goals."

"Can we afford to have Canadians doing different things in different ways in different parts of the country? Not only do I think we can, I believe we must if we are to honour the spirit of this country."

Mr. Speaker, I have been too long in my address, but I have erred against brevity because, at this point in time, there is nothing more important than this matter.

I have also been long because my views are, frankly, not those of the Liberal Party in this House, nor, I submit, entirely those of the Conservative Party in the House.

I do not think that is a bad thing. I do believe that it is not up to Mr. Clark, or Mr. Trudeau, to decide this question.

I believe that, at the moment, the process of constitutional development is flawed. I believe we can do better. I believe we had better do better or we could be in deep trouble on this issue.

I think a referendum is not enough. It may prove nothing. This summer I had a chance to talk to a couple of British Members of Parliament in New Brunswick, and they argued very strongly with me that the referendum that they recently had in Britain, on Scottish devolution, a matter very similar to this, of a referendum on the joining of the EEC, really did not prove anything, because everything is in the way the question is asked.

I do not doubt that I could put a question to the people of Yukon now, such as, are you in favour of controlling your own future within Confederation or within Canada? You would probably get a resounding "yes" vote on that. But it actually meant, the result would be very hard to determine.

Constitutions are not just bits of paper or the stuff of law libraries. They are the plans of the house we must build and dwell in for a long time. If we build without a plan, if we build without rooms for Indian neighbours, if we build it too big or too small for the family's growth, we will regret it.

I submit, Mr. Speaker, it is not a matter of too far, too fast. It may be a question of whether we are heading off into the bush without a map or, in fact, it may be a question of whether we are really going down the right road.

Mr. Speaker, it is a question of "how", not "if" or "when". I do not have all the answers, but I do have lots of questions and I would hope that the Federal and Territorial Governments will listen to me when I ask them.

As I say, I do not have the answers and I really believe in the ability of the people of Yukon to help us find those answers.

I want a province, when it comes, for the people of all Yukon, not a province designed by Ottawa or a paper province which duplicates the processes everywhere else. I want a constitution which will be as admirable and as lasting as, in fact, the people of the Yukon community.

Thank you, Mr. Speaker.

Hon. Mr. Pearson: Mr. Speaker, the Honourable Member is to be commended for putting forward the motion and for his speech to it this afternoon.

We on this side, Mr. Speaker, feel very strongly that now is, in fact, the right time for such a committee to be established. We, too, feel, Mr. Speaker, that we have a responsibility to all of the people in the Territory to really hear what their concerns are, to really find out what their ideas are, and to try and meet the concerns and try and go along with their ideas, because it is going to be something which is very important to everyone in the Territory.

Mr. Speaker, I frankly am going to wind up my few words by proposing an amendment to the motion, but it is designed to broaden the scope of the Committee, I think, so that it is clear to everyone in the Territory that we are hoping to be able to meet with various individuals, groups and organizations in the Territory, anyone who has any input at all that they would like to give to this Committee.

As well, Mr. Speaker, I would like to recommend to the Committee that, as their first order of business, they make themselves aware of the work and the findings of a previous Constitutional Development Committee of this House, of the previous Legislature.

I am aware that this Committee did a tremendous amount of work and I am confident that there is material available for us there that we should be availing ourselves of.

So, Mr. Speaker, I wish to move, seconded by the Honourable Member for Porter Creek West,

THAT Motion Number 30 be amended by deleting the third, fourth and fifth paragraphs thereof and by substituting therefore the words:

"THAT the committee make arrangements to meet separately or jointly with individuals, groups and organizations for the purposes of discussing constitutional development in Yukon."

Mr. Speaker: Order, please. Perhaps the original of that amendment could be delivered to the Chair.

It has been moved by the Honourable Leader of the Government, seconded by the Honourable Minister of Education,

THAT Motion Number 30 be amended by deleting the third, fourth, and fifth paragraphs thereof, and by substituting therefor the words:

"THAT the committee make arrangements to meet separately or jointly with individuals, groups and organizations for the purpose of discussing constitutional development in Yukon."

Hon. Mr. Graham: Thank you, Mr. Speaker. I rise in support of this motion. I supported, in principle, the original motion and I, as does the Leader of our Government, feel that this amendment will broaden the terms of reference of such a Committee, enabling them to not only meet interested groups, interested organizations throughout this Territory, it will also enable this Committee to meet, hold public meetings and hopefully get as broad a cross-section of views of the residents of this Territory as is possible.

I thought it was very interesting, Mr. Speaker, when the Honourable Member opposite made the statement that this Committee would determine how we become a province. I think that that is a goal, as we stated, of this Government, and I think that this Committee should give us not only the how, but the when and the circumstances. It should be able to make the people of the Territory more aware of the consequences and of the benefits and the drawbacks, if any.

I think it is very important that we let everyone in the Territory know exactly what is going to happen and exactly what are the problems associated with becoming a province, the good things that we should have as a result, and I think that the only way that we can have the public determine, through a referendum, whether or not we should become a province is if they are, in fact, very well informed.

I wish this Committee well, whoever these Members shall be. I hope that the Committee achieves the goals that we have set out here and I hope that all Members of this Legislature support this motion and support the amendments thereto.

Thank you, Mr. Speaker.

Hon. Mr. Pearson: Mr. Speaker--

Mr. Speaker: I must caution the Honourable Member that, by speaking at this time, it may close debate on the amendment.

Mr. Byblow: Mr. Speaker, I do not think I am having any difficulty with the amendment. Perhaps, in his closing remarks, the Government Leader might articulate more specifically why he chose to do the substitution of those three sections.

I think that what we have heard, in the last few speakers, is an articulation of a political conscience that the Territory sorely needs and I think we all subscribe to but seldom really practice.

I think we have been saying a lot in the last while about the remoulding of the political and constitutional future of the Territory. I think we are saying that, ultimately, this will result in a more favourable or acceptable marriage with the rest of Canada.

We are voicing a fair amount over the mandate that this House has and that the Government has, to lead Yukon into this marriage that is coming. We are even arguing about which steps in this marriage should come first.

I think that this Committee will bring all the wide ranging and fragmented discussion and attempts into a common consensus.

I think the refinements that are going to come about as a result of this will refine our collective desires. I think we must receptively face all the realities of our political and constitutional situation.

The Member from Whitehorse West articulated them, the Government Leader addressed them a week ago, and I think we can agree that there has been a tremendous amount of progress in the last few months towards this marriage.

I agree that it is no longer a question of "if" or "when", but, in fact, of "how" this is all going to take place.

We are headed into provincial status and how that status is refined has to represent a grass roots conscience. This Committee will, in fact, provide that means.

I suspect, Mr. Speaker, that it could be argued by virtue of the precedent in law, that we cannot acquire any better deal constitutionally than any other province.

I think the original BNA Act gave something like a 49/49 split of powers between the provinces and Ottawa with Ottawa retaining the jurisdiction over unspecified matters.

But, I believe that the nature of the way our constitutional law has evolved on British precedent and the emanation of organic law that came as a result of that, dictates that law is in place by its presence, not necessarily always having to be written.

I think that the past few months show how that, even with law in place, there is a wide-ranging flexibility in change that can take place within the framework of a law.

If, as the Government Leader suggested a week ago, we are in the same place as we were constitutionally 82 years ago as a result of what has taken place in the last few months, then the next while is crucial to our future.

I think we agree and admit that the settlement of Land Claims, the potential of our economy and the fact that our desire for a responsible government is being received, all point towards this as being a prime time for a particularly monumental task ahead of us.

I would simply conclude that, I agree, it is too monumental a task to be scribed by a few. The creation of this Committee will provide what is really needed. I think it will endorse the principles of constitutional reform that we have used in building this country to date. I think it will solicit the wishes of Yukoners. It will articulate a position for Yukoners. I think it will provide that collective political conscience we referred to, and that is a grass roots feeling. I think it will help make the Yukon the better place that we all want it to be. Thank you.

Mr. Fleming: Yes, Mr. Speaker, I have, as the Honourable Member from Faro, a slight problem with just what is trying to be removed from the first motion in the sense that they have decided with this amendment, by deleting the third, fourth and fifth paragraphs. I would hope that the Government Leader, when he does, and I hope he does, stand a second time to explain the real reason, that he may clarify each one of those sections, why they were removed, not just in totality.

Other than that, I, myself, had a little problem with the first motion in the area where it says: "but not restricted to the Council of Yukon Indians" and I always have stood in this House and said that we do not separate a society in any way, shape or form, in this way, speaking of them as something else, and so therefore I would be prepared to vote for this motion. But I would appreciate a little more clarification.

Hon. Mr. Lang: Mr. Speaker, in reviewing the motion before us, and it is my understanding that the Government Leader, who spoke only once will not be able to speak again, so I will take the liberty of going further through the amendments. I think one has to go through the rules. There is, under Beauchesne, a separate section that states how a committee is structured, the authority that they do have.

I think at the same time, Mr. Speaker, that every attempt should be made from both sides of the House here that there should be as

much public debate as possible on any committee that is set up. I think that is important. I do not think that the Leader for the Official Opposition would want to take the position that the idea is totally in camera, which really does come through somewhat in the resolution. The ability does lie with the Committee. The authority does lie with the Committee if they want to have a meeting with an individual or an organization, in camera, if they deem it necessary.

I would like to think that, in respect to the presentation that was put forward by the Member from Whitehorse West which, I must say was very eloquent, and I would also say, at the same time, I think is expressing a need that the people of the Yukon should be coming together as opposed to going apart.

I think that one of the ways that this can be accomplished is through that public dialogue. I think that is an important aspect that anyone who is on that Committee should be attempting to adhere to. I should serve notice to two of the Members opposite that it would be our position, and I am sure that the Government Leader will be discussing with Members opposite the size of the Committee and the composition of the Committee so a resolution could come forward to the House and hopefully be adopted unanimously by all Members with the formation of the said committee.

Therefore, Mr. Speaker, there are reasons for it. The major reason that I see, and I think Members opposite would agree that we should attempt to try to keep it as public as we possibly can. I think that this is where the nuts and bolts of it lie. It allows the people to express their views and I do not think that anyone can be accused of trying to put anything underneath the table.

Mr. Penikett: Thank you, Mr. Speaker. I just want to rise very briefly and say that I have no problem with the amendment. I am sure that the Government Leader and the Minister of Municipal Affairs and the Minister of Education who spoke earlier will understand why in the draft I did put in camera because I had some fear that perhaps the Government would be apprehensive about having wide open discussions about this thing. I say this seriously. I thought, in fact, that there might be some groups as well as the Government who would prefer to meet in camera so I addressed that possibility.

At the same time I want to make it very clear in response to the Minister of Municipal Affairs, I have no problem with the amendment for exactly the same reason. If it is acceptable to the Government, I clearly have no problems.

Thank you, Mr. Speaker.

Amendment agreed to

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

Mr. MacKay: Thank you, Mr. Speaker. I am pleased to support this motion as amended since the notion of this motion did emanate from the Liberal Party. I am therefore pleased to be in a position to follow up the previous speakers and indicate my support to the motion.

I would like to comment on my friend's to the left speech. He made an excellent job of seducing the Members opposite, perhaps by attacking my party, and also I think he made a most eloquent display of fence sitting that has as yet been heard in this House. That is coming from a Member whom I have come to regard as a resident expert in straddling the issues.

It was a successful gambit and I am very pleased that the Members opposite have seen how useful this Committee might be, Mr. Speaker.

I would like to talk a bit about why I support it. I think that it is important to reiterate that constitutional development should be an all-party affair, that a consensus approach to any new development is far preferable to having surprise packages sprung on one side over the other on the first day of the Legislature sitting.

I think that in the evolutionary process of continuing development that periodically you have to go back and get a very broad consensus from all of the representatives of the people before you make the next great leap forward. I think that this Committee will serve to do that.

There was an apparant need that I perceived and our party perceived, last week when this motion was introduced, that this Assembly do take an active part in the constitutional development, and the specific reference to the CYI I felt was useful. I do not think it is any less useful the way it has been broadened at this point, but I think it is important to say that I would hope that this Committee would certainly attempt to get into some kind of open dialogue with the CYI to try and break down what I consider barriers of ignorance that exist between the two parties, not just the CYI camp, but also in this Assembly, Mr. Speaker.

It has been apparent that while this Assembly is only one mile

distance from 22 Nitsutlin Drive that we are separated by far more than a mile. We are separated by a wide gulf of knowledge and experience.

I envision that this Committee will do very useful work. Firstly, its recommendations will surely be heeded far more keenly than those of just a partisan approach.

Secondly, I think the very act of sitting down in a non-public forum with Members opposite — whose rhetoric, I suspect, as well as my own, may well obscure some of the facts to the public as well as from their Members opposite — I think that if we get out of the rhetoric situation and get down to brass tacks the differences between us will appear to become just practical difficulties that have to be solved on the long road.

The Liberal Party in the Yukon has never said that we did not want provincial status. We have merely argued about the timing and the feasibility. I would like to put that strongly on record, Mr. Speaker, that Members opposite may have tried to exaggerate our reluctance to move as fast as they into a position of being opposed, absolutely, to provincehood. That is not the case. I think that we have been consistent in our position throughout, that we want to see where we are going quite a long way into the future before we step out onto that road.

I think that just by sitting down together and asking the same questions and trying to elicit answers to these difficult problems will cause us all to be much more sober and much more keenly aware of the problems that have to be solved.

Fourthly, by initiating discussions with the groups such as are now indicated by the motion, we are going to educate these groups of the constitutional, legislative and political problems that face us. Also, from these groups we will receive their feelings as to where we are going and that interchange is hopefully going to create a consensus as we go along.

I would like to say that I hope that this motion, that this initiative by the Assembly, is not too late in some respects. I think that it is apparent since this motion was introduced last week that very rapid changes have occurred in the situation with respect to Land Claims and the constitutional elements of Land Claims.

One of the things I imagined this Committee would do would be to sit down and discuss these particular issues, at this level, instead of running, as my friend said, to Ottawa to have these problems solved, that we would, in fact, be able to try and find and create the solutions here, as between all Yukoners.

I think that Committee can still do that but I think it has to be formed rapidly, it has to get into action quickly and it has to show an ability to go out and seek answers, to talk to people we have not talked to before and to get down to some very nitty-gritty and precise definitions of what we are talking about in constitutional issues, what we are talking about in constitutional development. It is a very rapidly evolving situation right now, Mr. Speaker, and I think that this motion to establish a Committee is timely, although perhaps a little late and I, therefore, will not take up any more time of the House in debating it so that we can proceed to get it established.

Mr. Njootti: I, too, Mr. Speaker, would like this down in support of the motion as amended. I am quite anxious to see these reports as they will appear on these committees as they are meeting the general public.

I just want to speak on one of the statements that the Leader of the Opposition has made in regard to the motion, Mr. Speaker. He stated that the Members of this Committee will go out and educate the public on constitutional development. What I am afraid of is that, right now, I do not know the lifespan of this Committee and I am reluctant to see that the motion could be used as a tool, if Members opposite are members of it, to be in the way of progress of responsible government in Yukon and try to educate the public so that they use this as a campaign against the referendum, if ever it is called to the public. That is one of my reservations.

Thank you, Mr. Speaker.

Mr. Speaker: Is there any further debate?

Motion agreed to

Mr. Speaker: May I have your further pleasure?

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

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Hootalinqua, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Mr. Speaker leaves the Chair.

COMMITTEE OF THE WHOLE

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

At this time, we will take a short recess.

Recess

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

This afternoon we are discussing Bill 16, Parks Ordinance. Last day, when we left off, we were discussing Clause 6, on page 2. When we had finished, we had not passed this particular clause.

Mr. MacKay: Thank you, Mr. Chairman.

Perhaps, just to refresh my memory because I was reading Hansard early this morning, the Government Leader has indicated this clause would allow this Assembly, then, to have some say in how or which parks might be revoked.

I was wondering if he could just perhaps clarify how that would happen?

Hon. Mr. Pearson: Mr. Chairman, in the first instance, because the Ordinance is such where the regulations and the regulation-making power are so great, because we feel that we do have to have that flexibility, the clause was put in there to ensure that, should land be designated as a park and then a decision taken at a future date to abandon that land as a park, that this could not be done without, in fact, this House finding out about it through the revocation of that designation.

Clause 6 agreed to

On Clause 7(1)

Mr. Fleming: Here I see, "The Commissioner may establish a system of parks to protect the unique natural and historic features and to provide for comprehensive outdoor recreational opportunities." I find it enshrined in the Ordinance, in that section, I would say that we have given the Commissioner the power to establish parks without really going through regulations in that sense.

I feel that because in the Ordinance I find that there is no section that really says that the Commissioner may establish a system of parks by regulation. I find that he is able to do so, after we get farther into it, you will see "by regulation" almost anything which happens in almost all of the Ordinances.

However, I do not really find that specific term in the Ordinance anywhere and I felt maybe here we have enshrined it that he can establish parks without really going through the regulations.

Hon. Mr. Pearson: No, Mr. Chairman, the definitive action that the Commissioner must take in the establishment of a park or a park reserve is an order. That is the only way that it can be done.

Mr. MacKay: Is there any particular meaning to be attached to the words "system of parks"? Why use that instead of just saying "the Commissioner may establish a park"? Is there some design here that we do not know about?

Hon. Mr. Pearson: Mr. Chairman, this is a comprehensive piece of legislation and, hopefully, it is designed for a system of parks in the Territory.

It is not designed for one specific park, big, small or indifferent, but a system of parks in the Territory and it is, hopefully, comprehensive enough that we can entail, under the Ordinance, all of the various kinds of parks that we might have in that system as you will see there, delineated a little further on.

Clause 7(1) agreed to

On Clause 7(2)

Clause 7(2) agreed to

On Clause 7(3)

Hon. Mr. Pearson: Mr. Chairman, if I may, the designation of 7(3)(g), "park reserve" is in error in this particular section.

If it is a park reserve, it is not classified yet as a park and, as a consequence, that just is an error. That should be removed.

So, we will be bringing in an amendment to change that.

Mr. Penkett: Mr. Chairman, could I ask the Government Leader, while we are on this section, if he has resolved the apparent contradiction between "wilderness area", as described in Section 7(3)(a), and the different phraseology, I think, "wilderness preserve", used in the definitions section, page 2?

Hon. Mr. Pearson: No, Mr. Chairman, I frankly just have not had time to do that work. What I was hoping that we would be able to do is go through the Bill, identify these areas of concern and then I will

get together with the responsible people and consider what has been said in the House and will come back.

Mr. Penikett: Mr. Chairman, could we then just agree that, if the Government Leader could just go through these things, that we will, in fact, then stand Clause 7?

Mr. Chairman: It is the intention of the Chair to stand Clause 7, because an amendment has to be brought in.

Mr. MacKay: I have no doubt we will debate this issue more than once this Session, however, we have in Section 7(3), the classic "Parks may be classified", rather than "parks shall be classified" and I note that Section 7(3)(h), allows any. Really, it is an open-ended thing.

So, I am wondering why, in this instance, the word "may" is used instead of "shall", particularly when you look at the previous section, where it actually says "The Commissioner shall determine the classification of each park". It is somewhat of an inconsistency.

Hon. Mr. Pearson: Mr. Chairman, now I cannot be certain on this, however, I think if we said in 7(3): "Parks shall be classified as..." and then listed them, I think we would have to say: "Parks shall be classified in one of these categories" or some such thing. I do not think that we can just arbitrarily change the word from "may" to "shall" in that case.

Mr. MacKay: You do not think that the word "or" in the second last section would serve to indicate that it is any one of these?

Hon. Mr. Pearson: Mr. Chairman, I do not have any strong feelings and I do not know that there is any strong objection to making that a "shall", but we were hopeful of keeping the Ordinance as permissive as we could so that in the establishment of parks, we would have as much latitude as we possible could have to meet the desires of all the people of the Territory.

I will certainly take that under advisement and report back to the House on changing the "may" to a "shall" in that particular case.

Mr. Tracey: Mr. Chairman, my interpretation of this would be that 7(2) says that "a classification shall be determined for each area" and then 7(3) says what you may determine those classifications as. So I do not see why there is any necessity for shelving that 7(3).

Mr. MacKay: Moving onto another point, I presume, in reconsidering 7(3) that the words "multi-use park", as suggested, would be included when it comes back.

Hon. Mr. Pearson: I indicated yesterday that the term "multi-use" may or may not be one that we want to use in this Ordinance and that I am not prepared yet to answer that question to the House. If it is one that is deemed that should go in, then obviously this is one section that it would have to go into. I indicated that, I thought, yesterday to the House.

Mr. MacKay: One final point in this section. The Clause 7(3)(h) says, "such other classification as may be determined." Would this be determined by an amendment to this Ordinance? Who would determine such other classification?

Hon. Mr. Pearson: The Commissioner, Mr. Chairman.

Clause 7(3) stood over

On Clause 8(1)

Mr. MacKay: On Clause 8(1)(a) says that the Commissioner shall establish the purpose of the park. It seems to me that Clause 7(2) already does that. The Commissioner already has established the purpose of the park and this is a redundant section.

Hon. Mr. Pearson: Mr. Chairman, in 7(2) the Commissioner is determining the purpose and the classification of each park prior to establishing it in the system. In 8(1)(a), the Commissioner may, in respect of each kind of park, prescribe the various things from (a) to (f). The word "prescribe" means by regulation. It always does in legislation.

Clause 8(1) agreed to

On Clause 9(1)

Clause 9(1) agreed to

On Clause 10(1)

Mr. Chairman: I direct your attention at this time to a typographical error in (b). The word "analysis" is spelled incorrectly.

Mr. MacKay: First of all, I would like to say that Clause 10(1) is a good clause and requiring an inventory and a detailed description of the resources, I would assume includes not only just the resources from a park point of view but from say a hydro point of view or a mineral point of view. I am making that assumption and I hope that you will confirm that and clarify it. We do not want to lock up everything in a park.

I am also curious about how this master plan will come into force. I think I mentioned that previously, but I have not had an answer yet. "The Director shall prepare and submit to the Commissioner a master plan..."

Where does the Commissioner approve of this? At what point does it become the master plan? Perhaps we could get some clarification of these two points?

Hon. Mr. Pearson: Mr. Chairman, a master plan does not come into force. A master plan is a development tool that is used in the development of the park.

There is not a magic day that all of a sudden the master plan applies. It is something that is developed in the process of establishing a park.

Mr. Chairman, the Honourable Member's assumption, in respect to resources, is correct. Resources means exactly that, all resources. It is not limited.

Mr. MacKay: My concern about the master plan and at what point it becomes the key to future development was triggered off by a section further on, Mr. Chairman, that "The Commissioner may, in respect of any park, construct..." et cetera, et cetera, "...services described in the master plan".

Further on in the legislation, the master plan becomes an action plan and so there surely is some point at which this master plan takes on a fairly substantive purpose.

Hon. Mr. Pearson: Mr. Chairman, I recognize that this has not been the case in all federal matters in respect to parks.

I can foresee, Mr. Chairman, that the development of a park, or the establishment of a park would not happen until you had a master plan. It is an implementing tool.

I say that, Mr. Chairman, recognizing full well that Klwane was established as a national park and then the National Parks have been frantically trying to develop a master plan for it ever since.

I would suggest that that is not the intent in this legislation.

Mr. Byblow: My question relates in part to some of the sections further on, with respect to the boards and committees that are set up for advisory functions or input.

I am wondering if perhaps in this Section 10(1), there should not be a specific that the plans prepared for the development of a park should not include, sort of, the public input of residents of the area, or some evidence of that.

Hon. Mr. Pearson: Mr. Chairman, a master plan is something that is put together by the Parks people, as an objective for the park.

The hearings are then held, in respect to "is this a good idea or is it not a good idea", at that point in time.

It gives you something substantive to hold your hearings on. It gives you something to put before the people as an alternative to what might be at the present time.

Clause 10(1) agreed to

On Clause 11(1)

Mr. Penikett: Mr. Chairman, I would appreciate it if the Government Leader would indulge us just for a minute and give us some idea of the definitions of these zones. I think that I understand most of it. They are fairly obvious, but there are some like "primitive zone" which could cause me some curious speculation. They are not laid out in the definitions, and I do not think that they really need to be.

Section (f) is described as "such other zones as may be necessary", and I assume that they can be created in the current tradition of municipal zoning. They could be created ad nauseam, they have zoning categories to cover just about every circumstance.

I would guess that (c) is probably a question of where it says "integrated use", it presumably is in reference to the multi-use concept which reference was made to earlier. I know what a recreation zone is. The difference between a natural zone and a primitive zone is one that could use the most clarification on if it could be provided.

Hon. Mr. Pearson: Mr. Chairman, I must admit to make that distinction I would be guessing at this point. I am confident that I was told once prior but I will get the answer and bring it back for the Honourable Member.

Mr. MacKay: Perhaps if there was a precise definition available that it should be included in the definitions of the Bill as a further clarification for future readers.

Mr. Falle: On this definition 11(1), I would like it to be held over.

Mr. Chairman: Is it your intention to hold 11(1) over, Mr. Pearson, until you bring the definitions in or do you want to go on?

Hon. Mr. Pearson: Mr. Chairman, it should be stood over.

Clause 11(1) stood over

On Clause 12(1)

Mr. Penikett: Mr. Chairman, this clause is pretty self-explanatory. It says "...and scaled drawing of all roads and facilities..."

One of the things, of course, that provincial parks, especially in provinces like Ontario and British Columbia, do is provide a wide range of recreation facilities, some of which are defined and not defined, not so much in terms of land use but, in fact, more especially in terms of water use.

I know there is a confusion of jurisdictions here, but I would like to ask the Government Leader if the facilities which might be described here might also include docking facilities and whether, in that light also, we might be talking about some parks where motor boats might not be permitted, just canoes and so forth?

That might be covered in another section, but I was just curious on that point.

Hon. Mr. Pearson: Yes, Mr. Chairman, those kind of rules could be made applicable to a park where it was deemed that that was the way to go. If there are, in fact, water facilities for recreation purposes, I am confident that such things as docks would be something that the Parks people would want to provide.

Mr. Penikett: Mr. Chairman, could I just ask this question then, is it a jurisdictional reason that most of the zones and types described in this Ordinance, in fact, seem to describe land uses as opposed to, in fact, having any zones described for water uses within parks?

Hon. Mr. Pearson: Mr. Chairman, I do not think I really understand the question.

A zone could have either land or water use and it could be that a recreation zone could have both land and water recreation uses in that one zone, or they could be separate zones.

Clause 12(1) agreed to

On Clause 13(1)

Mr. Fleming: This is a clause, Mr. Chairman, that always interests me.

This one, I notice, and I have always stood up in the House for the last five years, usually, on these clauses, where "The Commissioner may appoint committees or boards", and so forth and so on and usually there is a number on the committees and on the boards and how many there will be enshrined in the Ordinance so we just do know how many.

I really do not have a question but it is a comment and I would like to make it again, and I wonder where we are going when I see the amount of legislation that comes to the House with this section in it.

I am wondering just how long we are going to have enough bodies to fill these functions, because I was just checking the other day on the appointments to the Territorial Government and it has almost got to be a book now.

If I might just ask, it is just a silly question, maybe, how the Government Leader feels about the situation, if it became a fact that there were so many people on boards that we did not have anybody, hardly, free. If they are all a government employee, more or less, or something of that type, where would we get our representatives to run for this House, or would they be allowed to run for this House, if they were on boards and so forth? Can they?

Hon. Mr. Pearson: Mr. Chairman, I have a pretty tough time with that question because I think a very, very democratic way of governing is with the establishment of a board. You get input that is very much needed. You get divergent points of view. The object for this particular section to be in this Ordinance is, it may well be that for Historic Parks, that an existing board like the Historic Sites and Monuments Board might be one that could be used to advantage by the Commissioner as an advisory board in respect to a particular park or a number of parks.

Again, we are looking for that latitude, but, Mr. Chairman, we will always be looking for public input. The more public input we can get, the better we like it.

Mr. Penikett: Mr. Chairman, this is obviously not the time for me to make a long case on this subject, but I would like to, for the sake of argument, because I think it is useful when we are talking about creating another one of these things, to throw a couple of ideas at the Government.

He may have treated Mr. Fleming's suggestion that we might run out of people for boards and commissions a little frivolously, but I would guess that there is a maximum number of people in the Territory who are willing and able to serve.

Now, we have also heard, and I understand the Government Leader's reasons for this, obviously they want to maintain the

political prerogative of the Government to appoint their supporters to boards. I also understand that tradition. Okay? It does mitigate against that divergent input, though, which the Government Leader just made reference to. Obviously if you want divergent input you have got to go through a wider variety of opinion than is even contained within the Conservative Party, as wide a variety of opinion as there is there, and I grant there is a lot.

The problems of the board, I see emerging, and this is, if you like, a constitutional question, is a problem of accountability, because, you know, we do not have access to them in the House and we do not have the kind of reporting system.

Now, quite obviously Alberta and Ontario are heading in a direction where they tend to appoint backbench government members as chairmen of these various boards and commissions, and one of the reasons that they do this, of course, is that there is some indemnity to the position and it is a way of padding a legislator's salary, and in fact, I do not say it is just padding, because they, in fact, have to do some work in these things. I think that under the rules that Alberta House those board chairmen and so forth are, in fact, accountable to the House and opposition members may, during question period, direct questions at them.

It does occur to me though that we should be perhaps doing some experiments with this type of situation. This refers to a number of boards and committees. It does not seem to me, even with the present size of this House, too improbable that at some point that Government Leader might entertain the notion of either appointing either one of his members to a board, on trial basis, or considering that, or let me cite an extreme case, there may be some of these boards or committees, and this may be so important at some point, that really, if you wanted to have an effective board that really had daily kind of input and really sensitive politically to what was happening in the Territory, maybe the Board might be a subcommittee of this House, a very small subcommittee but one that would justify the Members sitting when the House was not in Session but doing some very useful work in that way.

I am rambling a bit, Mr. Chairman. I am just throwing out some ideas about the committee system because I, for one, think I share with my friend from Campbell that there are some problems about the way it may be developing. And there is a constitutional question that we may be able to talk about at another time and place.

We are at the early stage in the development of parks. At some point that may be a very big business in this Government. We may have lots of parks. We may have a big system. It may be a big system and they may be a fundamental component of the tourist industry. The care and attention to the way they are developed in time may be a very important thing. If we do not have a way, except through the Minister, of reporting back to the House on the day-to-day decisions of boards or committees, which may be making significant policy decisions, the Legislature might feel frustrated by its inability to provide the kind of direction that it wanted to.

There is not a question there, Mr. Chairman. Perhaps I could turn it into a question. I would ask the Government Leader if he would consider those points anyway.

Hon. Mr. Pearson: Mr. Chairman, the object of the exercise is to solicit as much advice as we possibly can when it comes to dealing with parks. What the Honourable Member has said has value in the constitutional context of how government functions. But, these boards are designed as an advisory function to the Commissioner who has to make the final decision in respect to what is happening with these parks. It helps bring in others who are not necessarily in the employ of this Government as well as advisors.

Mr. Chairman, I submit that it is a good system and it does work. We do have an awful lot of boards in this Territory now, but I do not think we have half enough yet. I think there should be more boards. But, we do run into the problem of people that serve on two or three boards, not necessarily because they are in any better position to do so other than that they are willing to. There are people who sit on numerous boards for this Government simply because they do have that inclination and are prepared to spend that time doing it. I think it is something that we should avail ourselves of whenever we do have the opportunity.

Mr. Tracey: Mr. Chairman, I have some problem rationalizing the two different statements that come from the Opposition benches. When we bring a bill in the House, they say, "Have we got enough consultation with everybody? We need more consultation." We put a clause in an ordinance to get consultation from the public and now we are hearing the other side of the story. I cannot rationalize the two statements.

Mr. Fleming: Mr. Chairman, I am afraid I have to oppose that remark. I, in no way, insinuated this sort of thing.

I was very interested when the Government Leader got up and

said that this is the reason for it and this is the kind of answer I wanted. I am merely making a statement as to what could happen and might happen in the Territory.

However, Mr. Tracey misunderstood me. I am sorry.

Mr. Penikett: Mr. Chairman, I get up somewhat reluctantly. I am sure the Member for Tatchun was just trying to provoke us.

There is a big difference between this consulting with interested groups in the community who may not be represented in the Government's Caucus before they impose legislation on them. That is one kind of principle which the Government, in some cases, has done admirably and, in other cases, it has neglected to do.

What we are talking about here, as the Government said, is advisory boards, after the legislation is in effect, to advise largely about regulations and other things.

Now, I made a very serious and polite argument to the Government Leader about some problems of accountability and diversion of opinions, especially if, and at least I state the obvious case, if the Member of Tatchun were the Minister of Renewable Resources and he was responsible for these and he decided to appoint some people who shared his political views and his philosophy of the world. It seems to me the level of consultation that he was seeking under that system would probably be, let me say "muted". I will use a nice word.

We are talking about two entirely different things. If the Honourable Member wants to participate in these kinds of debates, perhaps this is not a good place to do it. I am sure we could find a more fun time to do it and—well, I think he is inviting, I think, some unnecessary partisan and heated kind of exchanges, which probably do not add to the discussion here.

Mr. MacKay: It is not often I can sit in the sidelines as an bemused bystander of these partisan jabs that go back and forth; however, I did intend to address the subject of boards, too, and just to suggest the germ of an idea, or an impression that I have, that Yukon does have an awful lot of boards and that this legislation establishes the possibility of more. Some more legislation, I see that was tabled yesterday, is going to make room for more. I think practice has grown up. It is a sort of Yukon-type sort of practice where we involve as many people as we can in these boards.

But I think it should be remembered that the original purpose or the driving force behind these boards, I think came from a real Commissioner, somebody who was appointed from Ottawa and was afraid that he would lose touch very rapidly with the Yukon political scene, he would not be able to see objectively what the man in the street was seeing, because he was seeing it through Ottawa's glasses.

The practice grew up, I think, and it was a good practice that grew up, to have these boards made up of members of the public who would then be able to advise the Commissioner.

It also had the useful side effect of being like a lightning rod and, should there be some controversial decisions involved, such as an electrical public utilities that we are often faced with, then the lightning would not strike the Commissioner, it would strike the advisory board and be grounded before it got to the source of power.

That being the case, and that being my perception of the history of these things, I wonder about this Government now still continuing to have these boards if, in fact, they are not setting up a little ring of fortifications that will allow any public criticism to be directed from them to the boards.

I throw that out, perhaps, as a provocative idea and I would not want to get the Member from Tatchun too upset about it, but I am just saying that it is my perception of what these boards used to do, that they served a very useful purpose because it kept the government in touch with what the people were thinking.

But now I think that these people are elected over here to be in touch with what the people are thinking and that they should think twice about establishing boards that are actually going to put another layer between them and their electors.

Hon. Mr. Pearson: Mr. Chairman, I am sure we will think twice. The object is not to put layers between ourselves and our electors.

We are dealing with parks, Mr. Chairman. We are dealing with something that is pretty specialized and we should have the capability and want to have the capability of using whatever expertise is available.

If the way that we can get that expertise is through an appointment to a board, again, we want to be able to do that.

Clause 13(1) agreed to

On Clause 13(2)

Clause 13(2) agreed to

On Clause 14(1)

Mr. MacKay: This section is very good insofar as it goes. It provides a mechanism whereby before a park is fully established or master plan is approved or whatever, there is a consultative process allowed for in the legislation.

So, I support the general intent of the clause. However, as I have stated before, I would like to see some way in which, if there was sufficient opinion expressed by the public or the residents of particular area to have a hearing, there was some way they could actually trigger that process.

I suggested earlier, that if five residents of Yukon submitted in writing a request, that this might trigger off such a hearing or meeting.

I know that the Government Leader is going to tell me that his political judgment will be supreme and that he will decide whether there is sufficient outcry about these things. I hope that, should he be sitting over here someday, he will have equal confidence in the Government's ability to be so sane.

So, I am just reminding him that these legislative prerogatives that are being appropriated are appropriated forever and he should bear that in mind.

Hon. Mr. Pearson: Yes, Mr. Chairman, I shall.

Mr. MacKay: Good.

Clause 14(1) agreed to

On Clause 15(1)

Mr. Byblow: I was going to raise a question of this section, again in relation to some sections further on where a park officer has a fair amount of authority, either by regulation or within this Ordinance for the purposes of seizure, search and so on.

Again, I think this perhaps has been brought up before, but would assume that park officers would have some basic standard of qualification to be able to do the other things that they, later on in the Ordinance, are allowed to.

Hon. Mr. Pearson: Mr. Chairman, park officers will be, in most cases, Territorial employees. I submit they are all qualified.

Mr. Penikett: Mr. Chairman, this is, I think, a much more serious question than the Government Leader's answer may have indicated.

We have all talked at various times about the growth of bureaucracy in government departments here. It occurs to me, given some of the park designations here, that the ideal employee to function as a small parks officer might be someone who is now, for example in the Game Branch.

I know, because my brother is in the Parks Service in Northern Ontario, that some of the people have backgrounds in forest technology, others, who are running essentially tourist campgrounds, have different kinds of skills.

It does occur to me that, given the different kinds of parks and the variety of parks doing here, that we might consider one thing, and I am not suggesting an amendment to the Ordinance at all, but it seems to me that we should not be too rigid in departmentalizing these things because it may be that game officers might be very busy, some game officers might be very busy at one part of the year looking after and making sure the hunting laws are observed, they might be ideally equipped, by virtue of their training and ability, to be, in fact, functioning in parks at other times of the year.

There is not that, if you like, fluidity of movement or ability to move freely within the ranks of the government, because of rigid departmental divisions, we might be wasting some time and some money, in fact, by being too departmental.

Hon. Mr. Pearson: Mr. Chairman, I appreciate the comments from the Honourable Member, but classifications of employees are something that are very rigidly negotiated by the appropriate unions and park officers are a classification that fall within the staff establishment.

I am confident, Mr. Chairman, that we will not increase the size of the public service any more than we have to as a result of this. However, we do want to ensure that we do have the properly qualified people and enough of them to enforce this kind of legislation in the future.

Clause 15(1) agreed to

On Clause 16(1)

Clause 16(1) agreed to

On Clause 17(1)

Mr. Fleming: Could the Leader of the Government tell me what he envisions a "commercial recreation service" to be as stated in 17(1)(a)?

Hon. Mr. Pearson: Mr. Chairman, it is conceivable that the Government will contract with a private entrepreneur to provide a commercial service in a park area. That service might be boating; it might be a motel unit. Mr. Chairman, it has to be understood that if it is a park then this becomes alienated land at that point and the Commissioner is going to have to have the ability to give permission to a private entrepreneur to go onto that land and do something if that is part of the master plan for that area.

Mr. Fleming: Yes, Mr. Chairman, I agree with what the Honourable Member has said; however, it also includes something that I think he did not say. The Government could construct such services themselves and run them themselves.

Hon. Mr. Pearson: Yes, Mr. Chairman.

Clause 17(1) agreed to

On Clause 18(1)

Mr. Penikett: Mr. Chairman, I have been asked to ask about this Clause in the same way that I was asking about Clause 3 and Clause 4. As the Clause reads, I would like to ask the Government Leader if he would envision whether, for example, an Indian family who might be traditionally living in an area within a park, if they were going to continue to carry on traditional activities, it may not be trapping but hunting or whatever, would they require a park use permit?

I am thinking, for example, of a case of some people I know who are living out in the bush and may find themselves within park boundaries in years to come.

Hon. Mr. Pearson: No, Mr. Chairman, they would not. They are doing that under a senior piece of legislation to this and there is no way that we can make our legislation senior to that. This is subservient legislation.

Mr. MacKay: Subservient to which legislation?

Hon. Mr. Pearson: Any federal legislation.

Mr. MacKay: Maybe when we get into the Game Ordinance we might have to tackle that again. It is an interesting point.

Clause 18(1) agreed to

On Clause 19(1)

Clause 19(1) agreed to

On Clause 20(1)

Mr. MacKay: I would like to congratulate the Member for Tatchun for the phraseology of that clause.

Mr. Tracey: I thought that maybe the Member of the New Democratic Party would stand up and give us a little speech on opinions here. We have, in this Ordinance, exactly what I was trying to get in one of the previous ones.

Mr. Penikett: Oh well, Mr. Chairman, if the Member insists, would the Government Leader consider an amendment to tidy up the sloppy language in this clause and simply say, "that if a park officer is of the opinion that an offence has been committed against this Ordinance...?"

Hon. Mr. Pearson: No, Mr. Chairman. I am opposed to that. I think, when we are creating legislation like this, giving these powers to people, that we must make it clear that that person is prepared to stand up in court and swear that they, in fact, did believe that an offence was being committed or had been committed. I think it is very, very important. It is a very, very important principle that we are dealing with here.

Mr. Penikett: Mr. Chairman, the Government Leader obviously does not know about an interesting debate we had while he was away. Perhaps he should have a word with the Minister of Municipal Affairs about the Boiler and Pressure Vessels Ordinance.

Clause 20(1) agreed to

On Clause 20(2)

Mr. Penikett: Mr. Chairman, this seems incredibly broad. I was trying to fancy what kind of articles of mine that park officers might be interested in and unless they were very kinky I could not really imagine any.

In what kind of circumstances could the Government Leader see this provision being employed? Are we talking about someone who might have a spear gun sitting beside their campfire? What exactly are we dealing with here?

Hon. Mr. Pearson: Mr. Chairman, it may well be the use of a power boat in a park where the use of power boats is restricted. This Clause is saying that the park officer has the authority to seize that article.

Clause 20(2) agreed to

On Clause 20(3)

Clause 20(3) agreed to

On Clause 20(4)

Mr. Byblow: Am I correct in assuming that any offence committed under the terms of this Ordinance will be spelled out in regulation? In other words, how do you commit an offence?

Hon. Mr. Pearson: Yes, Mr. Chairman, acts committed in defiance of the regulations would be offences under the Ordinance.

Mr. Penikett: Mr. Chairman, is it usual that in such clauses that no specific references made to the fact that the person may be acquitted. I find it an incredible assumption that they would automatically be convicted. Is it just assumed that the article in question, even though it may have died or whatever in the meantime, would be returned to the person following acquittal?

Hon. Mr. Pearson: Yes, Mr. Chairman, I think that is a fair statement that if the person is acquitted then anything that was seized would naturally, in law, be returned to them. However, what this Clause is saying is that if they are convicted of an offence then the justice can consider forfeiture.

Mr. MacKay: I know that the regulations will contain the answer to all of our problems. Can we have an assurance from the Government Leader that where you are going to have regulations governing particular uses that, first of all, they will be well posted in the area that we are talking about and there will be some means of informing the public to ensure that, if you come along and seize a guy's power boat, that he has some way of the guy saying, "Well, I did not know that." You can point to the notice and say, "Well, did you not read the notice?"

I think we have all probably had experiences of meeting a man in a uniform somewhere who is in a bad mood and gets very officious, there should be some protection for the public too where they can be assured that they are not transgressing some obscure regulation.

Hon. Mr. Pearson: Mr. Chairman, I sympathize with what the Honourable Member has to say and I agree with him 100 per cent.

We will not, with this kind of legislation, be looking for entrapment type of things. That is not the object of the exercise at all.

Clause 20(4) agreed to

On Clause 20(5)

Clause 20(5) agreed to

On Clause 20(6)

Clause 20(6) agreed to

On Clause 21(1)

Mr. Penikett: Mr. Chairman, perhaps the Minister could explain why there is a maximum in the fines here, particularly in the case of a corporation?

I thought there was a tendency in recent Federal laws to remove those fairly low ceilings, one, because in these inflationary times they tend to get out of date pretty quickly, and the other circumstance that occurred to me is, let us consider the worst case, where some corporate entity or even an individual came into some park and did an incredible amount of damage, which we might not recover from him. I do not know exactly the circumstance, but I can consider that there could be some. It seems to me that the courts might have a sentencing policy which might seek to recover from the corporation involved, fines commensurate with the damages, and perhaps even in excess of the damages.

To have such a ceiling would suggest to me that if they did serious damage, we might not be able to do that.

Hon. Mr. Pearson: Mr. Chairman, I think I am on a little bit of shaky ground here, I am not absolutely certain, but these maximums, Mr. Chairman, apply to summary conviction.

If, in fact, there was damage, a suit for damage could still be brought. This is if they are found guilty of contravening the Ordinance or the regulations. I do not think, Mr. Chairman, that that would prohibit the possibility of suit for damage as well.

As to why the maximums are \$2,000 and \$25,000, Mr. Chairman, I am sorry, I just do not know. These were the numbers that were suggested to us and they are here.

If Honourable Members would like to see those changed to something else, I would sure like to hear from them.

Mr. Penikett: Mr. Chairman, let me ask a specific question which could quite likely arise.

Someone comes into the Territory who is a visitor, they do not have a hunting license, they do not have any residency permits, they go into some park area, such as is designated, and kill half a dozen large animals.

Now, it seems to me it is very hard for us to assess damages on

those things because I do not think we could easily put a commercial value on them, but we may have a fine, they may be committing offences under the Game Ordinance, too, but say they are convicted under this, because we cannot find the dead animals or we cannot get the evidence of them or something, but the park officer saw them shooting their guns.

It just seems to me a little unwise to have this kind of a low ceiling, because I do not think any of us are under any illusions about the destructive potential of certain kinds of human beings. I think you want to be tough in some areas, especially primitive zones or whatever.

Hon. Mr. Pearson: Mr. Chairman, if it is desired, I will take that section back and we will see what kind of recommendations we can come up with.

Mr. Fleming: Yes, Mr. Chairman, I, also, am concerned with this section and I would appreciate it if the Honourable Leader would take it back and check the real reason for that.

I would like to give you a more specific instance where it could happen that a large company, due to the fact that we are allowing a mining company, for instance, to go into a park zone and put in a large mine and they could possibly pollute in some way, a stream, river or such, to an extent that was far beyond \$25,000 or possibly, due to something wrong in the company or in the works of the company, may set fire to the whole park and we may lose millions of dollars.

I would be interested in knowing if this, as you say, is just a summary conviction, that there can be another judgment or, maybe, that we should raise the ante a little.

Clause 21(1) stood over

On Clause 22(1)

Mr. MacKay: Yes, Mr. Chairman, I am wondering if this particular section will be affected by the new definition of "multi-use" and whether or not that it should be stood over until we get that definition straightened out?

Hon. Mr. Hanson: I do not know whether "multi-use" is the right word to use. I think the right words are used earlier in the Section 11, "an integrated use zone".

If you look it up in the dictionary, it is a better word in this case than "multi-use".

Hon. Mr. Pearson: Mr. Chairman, we can stand it over and look at it. It might be that we will have to reflect on that.

If we can possibly make it clearer in respect to the multi-use thing, it may be necessary for a reflection in this section as well.

Mr. Penikett: Mr. Chairman, not being a lawyer I have one area here that I am getting confused about. I wonder if the Government Leader when he comes back to this section might be able to advise me. We talked about some legislation taking precedence over others, obviously some Federal legislation taking precedence over this.

I seem to remember Mr. O'Donoghue, the other day, talking about some pieces of Territorial Legislation which took precedence over other pieces of Territorial Legislation.

I see in this section mention made of fishing. We have some Federal Fisheries laws. Trapping, I assume you have some Territorial laws governing that. I would be interested in knowing how this Ordinance will rank in the hierarchy of those things. In other words, will the trapping laws in the Territory take precedence over this, or will the park laws take precedence over trapping laws? Is it possible to get a clear statement on that kind of thing?

Hon. Mr. Pearson: I think it is, Mr. Chairman. Federal legislation takes precedence over Territorial legislation. That part is clear. Where there are two pieces of legislation, unless the one specifically uses the term "notwithstanding such and such a piece of legislation", then that legislation is deemed operative.

Hopefully, you do not run into a problem where one piece of legislation says that you may do something and another piece of legislation says that you may not do something. The prohibitive section normally is operative.

Mr. Penikett: Mr. Chairman, I have not read either this Ordinance or the Game Ordinance, of which we had the first reading yesterday, carefully enough to know the answer to the question myself. Could the Minister say, for example, since we are dealing with both of them in this sitting, which takes precedence over the other?

Hon. Mr. Pearson: Mr. Chairman, in relation to game, the Game Ordinance; in relation to wildlife the Game Ordinance would take precedence. I do not perceive an instance where this legislation would control wildlife harvesting in any way rather than the Game Ordinance doing it.

Mr. Penikett: I would just like to ask the Government Leader if he would give his commitment to check that a little bit because this clause we have just stood does say: "the Commissioner may make such regulations as he deems necessary to carry out the purposes of this ordinance and may make regulations controlling and regulating hunting, fishing, trapping, discharging firearms," et cetera. That particularly was the area that confused me.

Clause 22(1) stood over

On Clause 23(1)

Clause 23(1) agreed to

Hon. Mr. Pearson: Mr. Chairman, I move that you report progress on Bill Number 16.

Mr. Chairman: It has been moved by Mr. Pearson that I report progress on Bill Number 16.

Any further instructions, Mr. Pearson?

Hon. Mr. Pearson: And beg leave to sit again.

Mr. Chairman: And beg leave to sit again.

Motion agreed to

Mr. Chairman: At this time I will anticipate a very short recess.

Recess

Mr. Chairman: I shall call Committee of the Whole to Order. This afternoon we are going to discuss Bill Number 27, Matrimonial Property Ordinance.

On Clause 1

Hon. Mr. Graham: Thank you, Mr. Chairman. I have a couple of amendments. Most Members should have received a small pile of amendments, but there is one mistake. I am going to distribute a new Page 6, subsection 6(1) to all Members. I will insert it in the official copy if I may.

These amendments are basically wording amendments except for one small policy change, Mr. Chairman. I would like to suggest that we give all Members the evening and tomorrow morning to go through these changes as proposed.

I have also given all Members a draft copy of Bill Number 27, marked in large red letters across the front draft. This is a copy of the draft with all of these amendments in it. This draft gives all of the numbering changes and all of the wording changes that are contained in the 42 amendments. I felt that this was necessary, otherwise, it would be a great problem attempting to go through the original Ordinance and insert the changes where those changes are necessary. I think that this should clear up the problems created by the 42 amendments. Unless there are any other questions about the amendments I will sit down.

Mr. Chairman: Are there any other questions about the amendments?

Hon. Mr. Graham: If there are no further questions, Mr. Chairman, I would move that you report on progress on Bill Number 27, and beg leave to sit again.

Mr. Chairman: It has been moved by Mr. Graham, that I report progress on Bill Number 27 and beg leave to sit again.

Motion agreed to

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

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

Motion agreed to

Mr. Speaker resumes the Chair

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

May we have a report from the Chairman of Committees?

Mr. Lattin: Mr. Speaker, the Committee of the Whole have considered Bill Number 16, Parks Ordinance and directed me to report progress on same.

Also, the Committee has considered Bill Number 27, Matrimonial Property Ordinance, and directed me to report progress on same and ask leave to sit again.

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

Some Members: Agreed.

Mr. Speaker: Leave is so granted.

May I have your further pleasure?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Old Crow, that we do now call it 5:30.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Old Crow,

that we do now call it 5:30.

Motion agreed to

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

The House adjourned at 4:55 o'clock p.m.

The following Legislative Return was tabled October 30, 1979:

79-2-30

Traffic count on Dempster Highway

(Oral Question - Pages 413-414, October 16, 1979)

The October events generated wide interest across the country and left many with the impression that the Yukon Territory was soon to become Canada's 11th province.

Government Leader Pearson was presented with an opportunity to detail the developments, which had led to the 1979 changes, when he was invited to attend the Eighth National Northern Development Conference in Edmonton on November 14.

His topic was to be "Government Structure in Yukon" and it was decided to detail the historical developments which had led to creation of the Executive Council.

A request also came from the Canadian Parliamentary Association for a submission on the changes which occurred in the elected government of the territory.

The two items which follow are a brief description of the political and administrative changes which have affected the Government of Yukon.

NOTES FOR A STATEMENT
BY
YUKON GOVERNMENT LEADER
THE HONOURABLE C. W. PEARSON
ON
"GOVERNMENT STRUCTURE IN YUKON"

PRESENTED TO THE
EIGHTH NATIONAL NORTHERN DEVELOPMENT CONFERENCE
EDMONTON, ALBERTA
NOVEMBER 14, 1979.

I WISH TO THANK THE ORGANIZORS OF THIS EIGHTH NATIONAL NORTHERN DEVELOPMENT CONFERENCE FOR THE OPPORTUNITY TO TALK TO YOU THIS MORNING ABOUT THE GOVERNMENT STRUCTURE IN YUKON.

YOU'LL NOTE I REPRESENT A CHANGE FROM THE ORIGINAL PROGRAMME. THE HONOURABLE BUD DRURY WAS TO HAVE ADDRESSED YOU ON THE TOPIC OF GOVERNMENT STRUCTURE AND I FEEL CERTAIN THAT HIS CONCERN WOULD HAVE DEALT PRIMARILY WITH THE ACTIVITIES WHICH HAVE AND ARE TAKING PLACE IN THE NORTHWEST TERRITORIES.

THERE IS A CERTAIN FRUSTRATION, AT LEAST ON OUR SIDE OF THE BORDER, WHEN CANADIANS TEND TO PLACE THE YUKON AND THE NORTHWEST TERRITORIES INTO THE SAME FISH BOWL FOR EXAMINATION. THERE ARE MANY FACTORS, OTHER THAN BEING NORTH OF THE 60TH PARALLEL WHICH IDENTIFY YUKON AS A DISTINCT AND DYNAMIC PART OF CANADA.

I WOULD LIKE TO WARN YOU AT THE OUTSET THAT MY TALK TODAY IS GOING TO FOCUS ON YUKON BECAUSE IT WOULD BE INAPPROPRIATE FOR ME TO COMMENT ON THE DEVELOPMENTS IN OUR NEIGHBOURING TERRITORY.

LET ME PUT THIS IN A MORE REALISTIC LIGHT. IT WOULD BE INAPPROPRIATE FOR ME TO COMMENT ON THE DEVELOPMENTS IN THE NORTHWEST TERRITORIES JUST AS SOME ALBERTANS WOULD CONSIDER IT INAPPROPRIATE TO LUMP ALBERTA AND ONTARIO TOGETHER AND HAVE THE PREMIER OF ONTARIO SPEAKING ON BEHALF OF THE DEVELOPMENTS AND POLICIES OF ALBERTA AT SOME NATIONAL CONFERENCE ON CANADIAN DEVELOPMENT.

WHENEVER THE POLITICAL FUTURE OF YUKON IS DISCUSSED, THESE KINDS OF QUESTIONS ARE USUALLY ASKED:

- WHERE DOES THE YUKON FIT INTO THE JIGSAW PUZZLE OF THE FEDERAL GOVERNMENT?
- WHAT POWERS DOES YUKON HAVE?
- WHAT IS THE FEDERAL GOVERNMENT'S JURISDICTION IN THE YUKON?
- WILL YUKON EVER BECOME A PROVINCE - WHEN?

COMPARISON WITH A PROVINCE IS INEVITABLE, BUT IT IS IMPORTANT TO UNDERSTAND JUST WHAT THE PRESENT DIFFERENCES ARE AND THE CHANGES THAT HAVE TAKEN PLACE AND THOSE THAT ARE STILL REQUIRED ON THE PATH TO PROVINCEHOOD. FIRST, LET ME GIVE YOU SOME HISTORICAL BACKGROUND SO THAT YOU WILL HAVE AN APPRECIATION OF THE ADVANCES MADE OVER THE YEARS BUT MORE PARTICULARLY SO THAT YOU WILL BE ABLE TO SEE HOW THE CONSTITUTIONAL CHANGES ANNOUNCED RECENTLY BY THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT, THE HONOURABLE JAKE EPP, HAVE DRAMATICALLY ALTERED THE STRUCTURE OF THE YUKON GOVERNMENT AND ITS FUTURE DIRECTION.

TO BEGIN THIS BRIEF HISTORICAL STATEMENT, LET ME TELL YOU WHY THE YUKON WAS CREATED BEFORE I TELL YOU HOW IT WAS CREATED. SOME 82 YEARS AGO, FREDERICK HAULTAIN WAS HEAD OF THE GOVERNMENT OF THE NORTHWEST TERRITORIES, BASED IN REGINA. THE NORTHWEST TERRITORIES AT THAT TIME INCLUDED UNGAVA, FRANKLIN, MACKENZIE AND YUKON, TOGETHER WITH THE DISTRICTS OF ASSINIBOIA, SASKATCHEWAN, ATHABASCA AND ALBERTA.

THE HONOURABLE MR. HAULTAIN GOVERNED WITH AN EXECUTIVE COUNCIL AS WELL AS A LEGISLATIVE COUNCIL, AND IN 1897 HIS EXECUTIVE COUNCIL HAD WON RESPONSIBLE GOVERNMENT FOR THE TERRITORIES. HE, THEREFORE, MAINTAINED THAT THE LIEUTENANT-GOVERNOR WAS OBLIGED TO ACCEPT THE ADVICE OF HIS TERRITORIAL MINISTERS WITH RESPECT TO ALL PURELY TERRITORIAL MATTERS, AND HE INCLUDED AS ONE OF THEM, THE YUKON LIQUOR TRADE.

IT IS ONE OF THE LITTLE-KNOWN FACTS OF CANADIAN HISTORY THAT THIS ATTEMPT BY THE OLD NORTHWEST TERRITORIES GOVERNMENT TO CORRAL THE LIQUOR LICENSES AND LIQUOR REVENUE WAS ONE OF THE FACTORS THAT SPURRED THE FEDERAL GOVERNMENT INTO DECLARING YUKON TO BE A SEPARATE TERRITORY. THE OTHER FACTOR WAS THE KLONDIKE GOLD RUSH AND THE LARGE INFLUX OF AMERICAN CITIZENS INTO CANADA'S NORTHWEST WHICH CAUSED CONCERN IN OTTAWA ABOUT THE FUTURE OF OUR NORTHERN BOUNDARIES.

THE YUKON ACT, ENACTED BY PARLIAMENT IN 1898, CREATED THE YUKON TERRITORY AS A DISTINCT, GEOGRAPHIC AND POLITICAL ENTITY AND PROVIDED FOR A TERRITORIAL GOVERNMENT CONSISTING OF A COMMISSIONER AND SIX COUNCILLORS, ALL APPOINTED BY OTTAWA. THIS FEDERAL ACT CURRENTLY DEFINES THE ROLE OF THE EXECUTIVE AND LEGISLATIVE ARMS OF GOVERNMENT AND THE RELATIONSHIP BETWEEN THE FEDERAL AND TERRITORIAL GOVERNMENTS...IT REPRESENTS AT THIS TIME THE CONSTITUTION OF YUKON.

ONE OF THE BASIC DIFFERENCES BETWEEN THE YUKON AND NWT GOVERNMENTS IS THAT THE NWT GOVERNMENT WAS HEADQUARTERED IN OTTAWA UNTIL 1967, WHEN IT WAS MOVED TO YELLOWKNIFE, WHEREAS THE YUKON GOVERNMENT WAS BASED IN DAWSON CITY FROM 1898 UNTIL 1952, WHEN THE CAPITAL WAS MOVED TO WHITEHORSE.

THE YUKON ACT OF 1898 AND SUBSEQUENT AMENDMENTS RESTED THE ABSOLUTE POWER AND CONTROL OF THE AFFAIRS OF THE YUKON TERRITORY WITH THE FEDERALLY APPOINTED COMMISSIONER. THIS RESULTED IN EVERY ITEM BEING PERSONALLY APPROVED BY THE COMMISSIONER OF THE DAY AND THE PRACTICE REMAINED IN EFFECT UNTIL THE MID-1960'S.

TO PUT IT ANOTHER WAY, THE YUKON AND NORTHWEST TERRITORIES WERE BEING RUN BY OTTAWA AS COLONIES OF CANADA, IN MUCH THE SAME MANNER THAT ENGLAND RAN ITS COLONIES IN THE 19TH CENTURY. THE COMMISSIONER WAS IN FACT OUR COLONIAL GOVERNOR AND HAD A PERSONAL HAND IN ALL ACTIVITIES, WHETHER THEY WERE LEGISLATIVE OR ADMINISTRATIVE DUTIES.

THE YUKON GOVERNMENT WAS ESSENTIALLY OF THE BUREAUCRATS, BY THE BUREAUCRATS AND FOR THE BUREAUCRATS.

THE MAJOR OBSTACLE WAS THAT THE BUREAUCRATS WERE LIVING IN OTTAWA AND DICTATING HOW THE RESIDENTS OF YUKON WERE TO LEAD THEIR DAY-TO-DAY LIVES. THIS INEVITABLY RESULTED IN AN ANIMOSITY TOWARDS MOST POLICIES ENUNCIATED BY THE FEDERAL GOVERNMENT AND ITS OFFICIALS. THE ELECTED TERRITORIAL COUNCIL FOUND ITSELF THE VOICE QUESTIONING ALL POLICIES INTRODUCED BY OTTAWA, AND THIS RESULTED IN MANY HEATED BATTLES OF "US" -- THE YUKON RESIDENTS VERSUS "THEM"-- THE OTTAWA MANDARINS -- IN FACT THE COMMISSIONER AND ADMINISTRATION WERE THE GOVERNMENT AND THE ELECTED TERRITORIAL COUNCIL MEMBERS WERE THE OPPOSITION.

THERE WAS A FEELING, IN OUR END OF THE COUNTRY, THAT OTTAWA WAS SIMPLY ALLOWING PIECEMEAL CONTROL OF LOCAL AFFAIRS AND ANY EFFORTS TOWARDS LOCAL CONTROL WERE TO BE REGARDED AS AN INTRUSION INTO THE ACTIVITIES OF THE FEDERAL BUREAUCRACY. WE WERE BEING LEFT WITH THE IMPRESSION THAT THE YUKON TERRITORIAL GOVERNMENT WAS SIMPLY A SUB-BRANCH OF THE DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS AND COULD NOT BE ELEVATED TO ANY TRUE GOVERNMENT STATUS.

IT HAS TAKEN YEARS OF LOBBYING AND ARGUING TO BRING ABOUT THE CHANGES IN PLACE TODAY. RECENT CHANGES IN OUR GOVERNMENT STRUCTURE WERE NOT SOME OVERNIGHT MIRACLE WHICH JUST HAPPENED, BUT ARE THE CULMINATION OF YEARS OF EFFORT BY YUKON'S ELECTED REPRESENTATIVES TO BRING ABOUT SOME LARGER MEASURE OF LOCAL CONTROL OVER OUR LOCAL AFFAIRS.

WE SHOULD NO LONGER BE CONSIDERED A YUKON TERRITORIAL GOVERNMENT.

WE ARE IN FACT A GOVERNMENT OF YUKON. WE ARE NOT A PROVINCE, WE DO NOT HAVE "DE-FACTO" PROVINCIAL STATUS AND WE STILL LACK MANY LEGISLATIVE AND FINANCIAL POWERS WHICH PROVINCIAL JURISDICTIONS ENJOY.

THE MAJOR CHANGE IS THAT THE POLICIES AND DIRECTION WHICH THE GOVERNMENT OF YUKON WILL TAKE IN THE YEARS AHEAD WILL BE DECIDED BY THE PEOPLE WHO MAKE THE TERRITORY THEIR HOME.

THE TRANSITION FROM A GOVERNMENT OF BUREAUCRATS TO A GOVERNMENT OF ELECTED PEOPLE, ACCOUNTABLE TO THE PEOPLE, BEGAN IN THE EARLY 1960'S WITH THE ESTABLISHMENT OF WHAT WAS KNOWN AS THE ADVISORY COMMITTEE ON FINANCE.

FINANCIAL MATTERS HAD BEEN THE RESPONSIBILITY OF THE THREE TOP APPOINTED PEOPLE IN THE GOVERNMENT -- THE COMMISSIONER AND HIS TWO ASSISTANT COMMISSIONERS.

THEY REVIEWED DEPARTMENTAL BUDGET SUBMISSIONS AND THEN GAVE INSTRUCTIONS FOR THE ESTABLISHMENT OF EACH YEAR'S FISCAL BUDGET.

THE RESISTANCE OF THE ELECTED TERRITORIAL COUNCIL TO THE TABLING OF EACH YEAR'S BUDGET WAS PREDICTABLE. THE MEMBERS ELECTED TO DO BATTLE AND QUESTIONED EVERY CLAUSE AND EVERY DOLLAR IN THE BUDGET. BUDGET DEBATES RAN INTO OVERTIME AND THE MARCH 31 DEADLINE WOULD PASS WITHOUT A NEW BUDGET BEING APPROVED.

INTERIM SUPPLY APPROPRIATIONS HAD TO BE PASSED IN ORDER TO MEET THE GOVERNMENT'S EXPENDITURES WHILE THE ELECTED PEOPLE AND THE ADMINISTRATION WERE ARGUING OVER SUCH MATTERS AS MOSQUITO CONTROL.

IT WAS SOON DECIDED TO ESTABLISH THE ADVISORY COMMITTEE ON FINANCE AND HAVE TWO AND LATER THREE, ELECTED TERRITORIAL COUNCILLORS TAKE PART IN THE FORMULATION OF THE GOVERNMENT'S BUDGET.

IT WAS THE FIRST MAJOR ROLE REVERSAL FOR YUKON'S ELECTED REPRESENTATIVES. BUREAUCRATS HAD ALLIES AND DEFENDERS WITHIN THE RANKS OF THE COUNCIL WHO SAT ON THE FINANCIAL ADVISORY COMMITTEE.

THIS "FOOT IN THE DOOR" BY THE ELECTED PEOPLE LENT SUPPORT FOR THE CREATION OF THE EXECUTIVE COMMITTEE IN 1970.

THIS QUASI-CABINET WAS ESTABLISHED BY MINISTERIAL DIRECTIVE TO ALLOW REPRESENTATIVES OF THE TERRITORIAL COUNCIL TO PARTICIPATE IN POLICY MAKING AND IN THE GENERAL ADMINISTRATION OF THE TERRITORIAL GOVERNMENT.

THE FIRST EXECUTIVE COMMITTEE CONSISTED OF THE COMMISSIONER, HIS TWO APPOINTED ASSISTANT COMMISSIONERS (BOTH CIVIL SERVANTS) AND TWO MEMBERS OF THE YUKON LEGISLATIVE COUNCIL NOMINATED BY MOTION OF COUNCIL AND SUBSEQUENTLY APPOINTED BY THE COMMISSIONER.

THE COMMISSIONER ACTED AS CHAIRMAN OF EXECUTIVE COMMITTEE AND AS THE CHIEF EXECUTIVE OFFICER OF THE YUKON GOVERNMENT, HE ENJOYED VETO POWER OVER ANY MEASURES PASSED BY THE COMMITTEE.

GOVERNMENT DEPARTMENT ACTIVITIES WERE SPLIT INTO PORTFOLIOS TO BE CARRIED BY THE APPOINTED COMMISSIONERS AND BY THE ELECTED REPRESENTATIVES.

THE FIRST PORTFOLIOS ACQUIRED BY THE ELECTED PEOPLE WERE THOSE WHICH DEALT MOST DIRECTLY WITH THE NEEDS OF THE INDIVIDUALS OF THE TERRITORY. THEY WERE EDUCATION, HEALTH, WELFARE AND CORRECTIONAL SERVICES.

ELECTED PEOPLE WERE NOW BEING CALLED TO THE TASK OF JUSTIFYING AND BEING RESPONSIBLE FOR THE POLICY OF GOVERNMENT DEPARTMENTS.

THE EFFORT OF THE ELECTED REPRESENTATIVES TO GET THEIR "FOOT" INSIDE THE DOOR OF THE TERRITORIAL GOVERNMENT RESULTED IN THE POLITICIANS HAVING SOME INFLUENCE ON THE OVERALL POLICY OF THE ENTIRE GOVERNMENT.

INSTEAD OF THE COMMISSIONER HAVING TO STAND UP AND JUSTIFY THE ACTIVITIES OF HIS GOVERNMENT, THE ELECTED PEOPLE SHARED THE FLAK FROM THEIR FELLOW MEMBERS WITHIN THE COUNCIL.

AS I MENTIONED EARLIER, THE COUNCIL HAD OPERATED ON AN "US VERSUS THEM" BASIS. HAVING ELECTED PEOPLE ON THE EXECUTIVE COMMITTEE AND INSIDE THE POLICY-MAKING OF GOVERNMENT, CHANGED THIS EMPHASIS.

IT WAS NO LONGER A CASE OF THE ELECTED PEOPLE QUESTIONING THE DIRECTION OF THE FEDERAL GOVERNMENT AND ITS BUREAUCRATIC OVERSEERS IN YUKON -- IT WAS NOW A CASE OF THE ELECTED PEOPLE SPENDING MOST OF THEIR TIME QUESTIONING THE ACTIVITIES OF THEIR FELLOW MEMBERS ON THE EXECUTIVE COMMITTEE.

THE SIZE OF THE TERRITORIAL COUNCIL HAD FLUCTUATED OVER THE YEARS AND IN ITS EARLY STAGES CONSISTED OF ELECTED AND APPOINTED MEMBERS. IN 1908, THERE WAS THE FIRST WHOLLY ELECTED YUKON TERRITORIAL COUNCIL OF TEN MEMBERS. AS A NOTE OF INTEREST I SHOULD TELL YOU THAT THE WHOLLY ELECTED YUKON COUNCIL PRE-DATES OUR FRIENDS IN THE NORTHWEST TERRITORIES WHO DID NOT ACHIEVE THEIR FIRST WHOLLY ELECTED COUNCIL UNTIL 1975.

THE YUKON'S POPULATION DECLINED AFTER THE GOLD RUSH. THE POPULATION CONTINUED TO FLUCTUATE OVER THE YEARS AND IN 1918 THERE WAS EVEN A MOVE BY THE FEDERAL GOVERNMENT TO ABOLISH THE COUNCIL. THE SIZE OF THE COUNCIL DROPPED FROM TEN TO THREE MEMBERS AND REMAINED AT THAT SIZE UNTIL THE 1950'S WHEN THE COUNCIL WAS EXPANDED TO FIVE ELECTED MEMBERS.

THE ADVENT OF THE EXECUTIVE COMMITTEE WAS DONE IN CONCERT WITH THE INCREASE TO SEVEN ELECTED MEMBERS DURING THE 1970 TERRITORIAL ELECTION.

THE APPROACH OF THE ELECTED REPRESENTATIVES HAD BEEN ONE OF "ALL FOR ONE AND ONE FOR ALL". THE MEMBERS WERE ELECTED AS INDEPENDENTS AT LARGE WHO JOINED FORCES IN WHITEHORSE TO TAKE ON THE BIG BAD FEDERAL GOVERNMENT.

THE 1970 ELECTION SAW THE ENTRY OF PARTISAN POLITICS FOR A BRIEF MOMENT WHEN SEVERAL CANDIDATES RAN AS LIBERALS AND THERE WERE A FEW NEW DEMOCRATS ON THE BALLOTS.

HOWEVER, THE ROLE OF PARTISAN POLITICS HAD NOT BEEN CLEARLY DEFINED AND THE COUNCIL OF THE DAY OFTEN FOUND ITSELF EMBATTLED IN PERSONALITY CONFLICTS. THIS CONSTANT BICKERING LEFT MANY PEOPLE VERY DISSATISFIED WITH THEIR ELECTED COUNCIL AND THE 1974 ELECTION SAW A CAMPAIGN WAGED AGAINST THE POSSIBLE INFLUENCE OF PARTISAN POLITICS INTO THE AFFAIRS OF THE COUNCIL.

IRONICALLY, THE ATTITUDES OF 1970 TO 1974 IN YUKON WERE QUITE SIMILAR TO THOSE OF ALBERTA AT THE TURN OF THE CENTURY. DURING THAT TIME, THE ATTITUDE ON THE PRAIRIES WAS TO AVOID PARTISAN POLITICS AND TO TAKE ON THE FEDERAL GOVERNMENT AS A UNIFIED VOICE. HOWEVER, PARTISAN POLITICS DID ENTER THE PRAIRIE SCENE MUCH THE SAME WAY IT ENTERED THE YUKON SCENE IN NOVEMBER OF LAST YEAR.

THE SIZE OF THE YUKON COUNCIL WAS INCREASED FROM SEVEN TO TWELVE MEMBERS IN 1974 AND THE NUMBER OF ELECTED PEOPLE ON THE EXECUTIVE COMMITTEE WAS INCREASED TO THREE. COUNCIL CONSISTED OF TEN INDEPENDENTS AND TWO NEW DEMOCRATS.

IN JANUARY 1975, AN ASSISTANT COMMISSIONER RESIGNED AND HIS POST WAS LEFT VACANT. THIS NOW MEANT THAT THE THREE ELECTED REPRESENTATIVES CONSTITUTED THE MAJORITY IN THE EXECUTIVE COMMITTEE.

HOWEVER, WE SOON HAD THE CASE WHERE THE THREE ELECTED MEMBERS OF EXECUTIVE COMMITTEE WERE CONSTANTLY ON THE DEFENSIVE AGAINST THE OTHER NINE REPRESENTATIVES ON COUNCIL. IT BECAME APPARENT TO MANY OBSERVERS THAT THE PRACTICE OF ELECTING INDEPENDENTS AND THE LACK OF SOME PARTY DISCIPLINE, WAS NOT WORKING FOR THE COUNCIL. TOWARDS THE END OF THE FOUR YEAR TENURE, MANY WHO HAD OPPOSED PARTISAN POLITICS IN 1974, WERE NOW STRONGLY ADVOCATING A 1978 ELECTION ALONG PARTY LINES.

THERE WERE SEVERAL OTHER CHANGES WHICH LED TO THE MORE RECENT POLITICAL DEVELOPMENTS IN YUKON.

THE FIRST SESSION OF THE COUNCIL IN 1974 SAW THE MEMBERS RENAMING THE YUKON LEGISLATIVE COUNCIL THE YUKON LEGISLATIVE ASSEMBLY. THE MEMBERS ALSO CALLED FOR THE EXECUTIVE COMMITTEE MEMBERS TO BE KNOWN AND STYLED AS MINISTERS.

THESE TWO MOVES RESULTED IN A BATTLE OF SEMANTICS WITH OTTAWA WHICH WAS NOT RESOLVED UNTIL OCTOBER 9 -- LAST MONTH.

THERE HAS BEEN STILL ANOTHER SLOW EVOLUTION IN THE DEVELOPMENT OF THE YUKON GOVERNMENT AND IT IS IN THE AREA OF FEDERAL-PROVINCIAL AND PROVINCIAL MINISTERIAL CONFERENCES.

THE YUKON AND THE NORTHWEST TERRITORIES GOVERNMENTS HAVE NEVER BEEN PERMITTED TO ATTEND FEDERAL-PROVINCIAL CONFERENCES AS FULL PARTICIPATING DELEGATES. WE HAVE BEEN CONSISTENTLY TOLD IN THE PAST THAT OUR PRESENCE WOULD BE AMONG THE FEDERAL DELEGATES AND THAT WE WOULD BE OBSERVERS. WHERE WE HAVE MADE SOME IN-ROADS IS WITH THE PROVINCIAL MINISTERS CONFERENCES. OUR ELECTED PEOPLE IN THE PAST FEW YEARS HAVE BEEN ABLE TO ATTEND PROVINCIAL LEVEL CONFERENCES AS FULL DELEGATES AND YUKON HAS RETURNED THE COURTESY BY HOSTING SEVERAL PROVINCIAL MINISTERS CONFERENCES.

THESE CONFERENCES ARE IMPORTANT TO US BECAUSE OF OUR UNIQUE SOCIO-ECONOMIC STRUCTURE AND THE FACT THAT THE YUKON GOVERNMENT FOR THE PAST DECADE HAS HAD THE SAME KINDS OF COST-SHARED AGREEMENTS WITH THE FEDERAL GOVERNMENT AS THE PROVINCIAL GOVERNMENTS IN THOSE PROGRAM AREAS SUCH AS EDUCATION, HEALTH AND SOCIAL WELFARE, WHICH ARE UNDER OUR SOLE JURISDICTION.

WE HAVE DEVELOPED SOME UNIQUE PROGRAMS AND KNOW THAT WE CAN CONTRIBUTE MUCH TO EFFORTS OF THE PROVINCES. ON THE OTHER HAND, WE KNOW THAT THE CONFERENCES PROVIDE AN IDEAL MECHANISM TO BRING NEW IDEAS TO THE TERRITORY AND ADAPT THEM TO OUR CONDITIONS.

THE RECENT AWARENESS WHICH HAS DEVELOPED AMONG OUR NATIVE INDIAN PEOPLE HAS ALSO HAD ITS IMPACT ON THE AFFAIRS OF THE YUKON GOVERNMENT.

THE POSSIBILITY OF A YUKON INDIAN LAND CLAIMS SETTLEMENT WITH OTTAWA HAS BEEN AT THE FOREFRONT OF OUR CONCERNS SINCE 1973 -- WHEN THE ORIGINAL LAND CLAIMS PROPOSALS WERE PRESENTED TO OTTAWA BY THE YUKON NATIVE BROTHERHOOD. THE ASPIRATIONS OF THE YUKON NATIVE BROTHERHOOD WERE LATER INHERITED BY THE COUNCIL FOR YUKON INDIANS WHICH WAS ESTABLISHED TO PURSUE A LAND CLAIMS SETTLEMENT WITH THE FEDERAL GOVERNMENT.

THERE HAS EVOLVED A GROWING AWARENESS AND CONCERN TO ENSURE THAT NATIVE PEOPLE HAVE A VOICE IN THE AFFAIRS OF OUR GOVERNMENT AND THAT THE CONCERNS OF THE NATIVE PEOPLE ARE ADDRESSED AND RESOLVED.

WHEN THE SIZE OF THE YUKON LEGISLATIVE ASSEMBLY WAS INCREASED TO SIXTEEN MEMBERS FOR THE 1978 ELECTION, IT WAS YET ANOTHER SMALL STEP IN OUR POLITICAL EVOLUTION. PRIOR TO 1974, WE HAD TO OBTAIN AN AMENDMENT TO THE YUKON ACT, FROM PARLIAMENT, TO INCREASE THE SIZE OF THE ELECTED BODY. PERMISSION WAS GRANTED IN 1974 TO ALLOW THE ELECTED MEMBERS TO DETERMINE THEIR OWN SIZE AND TO ESTABLISH THEIR OWN ELECTORAL BOUNDARIES. HOWEVER, IT WAS NOT UNTIL 1978 THAT WE ACTUALLY WERE ABLE TO RUN OUR OWN TERRITORIAL ELECTION. PRIOR TO THAT TIME, ALL TERRITORIAL ELECTIONS WERE CONDUCTED BY CANADA'S CHIEF ELECTORAL OFFICER IN OTTAWA.

AN INDEPENDENT COMMISSION ESTABLISHED OUR 1978 ELECTORAL BOUNDARIES AND CREATED THREE DISTRICTS TO ENSURE THAT NATIVE PEOPLE WOULD BE ELECTED. THERE WERE OVER A DOZEN NATIVE CANDIDATES -- OR IN SOME CASES, PERSONS WHO STRONGLY ADVOCATED NATIVE VIEWS -- WHO RAN AMONG THE SIXTEEN ELECTORAL DISTRICTS. WHEN THE DUST SETTLED LAST NOVEMBER, THERE WERE ELEVEN CONSERVATIVES -- TWO LIBERALS, ONE NEW DEMOCRAT AND TWO INDEPENDENTS ELECTED TO THE LEGISLATURE. TWO NATIVE CANDIDATES WERE SUCCESSFUL IN THEIR BID FOR OFFICE.

THE 1978 ELECTION OF A CONSERVATIVE PARTY MAJORITY IN YUKON, THE PRESENCE OF A MAJORITY PARTY LEADER ON THE EXECUTIVE COMMITTEE AND THE APPOINTMENT OF A NEW COMMISSIONER BROUGHT ABOUT EVEN FURTHER CHANGES IN THE YUKON GOVERNMENT'S STRUCTURE. PRIOR TO THE 1978 ELECTION, THE EXECUTIVE COMMITTEE HAD BEEN INCREASED TO FOUR ELECTED AND TWO APPOINTED MEMBERS. THE FOUR ELECTED MEMBERS WERE NOMINATED BY THE LEGISLATURE AND APPOINTED BY THE COMMISSIONER.

THE PRACTISE CONTINUED FOLLOWING LAST YEAR'S ELECTION AND ENDED LAST JANUARY WHEN A FIFTH ELECTED MEMBER WAS APPOINTED AT MY RECOMMENDATION AND NOT THE RECOMMENDATION OF THE HOUSE.

LAST JANUARY ALSO SAW AMENDMENTS TO THE TERMS OF REFERENCE TO THE COMMISSIONER. THE THEN MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT INSTRUCTED THE COMMISSIONER TO ABIDE BY THE DECISIONS OF THE EXECUTIVE COMMITTEE IN ALL MATTERS OF A LOCAL NATURE.

THE COMMISSIONER WAS TO BE RESPONSIBLE FOR ALL MATTERS WHICH HAD A DIRECT FEDERAL INTEREST IN THE TERRITORY'S AFFAIRS, SUCH AS NATIVE AFFAIRS, FINANCE AND CONSTITUTIONAL DEVELOPMENT.

ALL OTHER AREAS, IN WHICH THE ELECTED PEOPLE HAD DEVELOPED AN EXPERTISE AND HAD ADMINISTRATIVE CONTROL -- COULD NOT BE VETOED BY THE COMMISSIONER IF THE MAJORITY OF THE EXECUTIVE COMMITTEE GAVE APPROVAL TO ANY MATTERS BROUGHT BEFORE IT.

THE POLICY OF THE YUKON GOVERNMENT, THEREFORE, WAS NOW BEING FORMULATED AND IMPLEMENTED BY THE ELECTED REPRESENTATIVES OF THE PEOPLE.

THE YUKON GOVERNMENT HAS MOVED FROM BEING A GOVERNMENT OF THE BUREAUCRATS TO A GOVERNMENT OF THE PEOPLE.

THE MOST RECENT DEVELOPMENT IN YUKON HAS BEEN THE LETTER OF INSTRUCTIONS ISSUED LAST MONTH TO THE COMMISSIONER BY THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT.

THESE NEW INSTRUCTIONS CALL FOR THE ESTABLISHMENT OF A WHOLLY ELECTED EXECUTIVE COUNCIL TO REPLACE THE EXECUTIVE COMMITTEE. THE COMMISSIONER AND DEPUTY COMMISSIONER DO NOT SIT ON EXECUTIVE COUNCIL AND WILL NOT PARTICIPATE IN THE AFFAIRS OF THE YUKON CABINET THE DEPARTMENTAL PORTFOLIOS WHICH WERE PREVIOUSLY THE RESPONSIBILITY OF THE COMMISSIONER AND DEPUTY COMMISSIONER HAVE BEEN ASSUMED BY THE TERRITORIAL MINISTERS ON EXECUTIVE COUNCIL.

APPOINTMENTS TO THE EXECUTIVE COUNCIL -- OR CABINET -- WILL BE MADE IN THE FUTURE -- MUCH THE SAME WAY THAT APPOINTMENTS TO THE FEDERAL CABINET AND PROVINCIAL CABINETS ARE MADE. THE GOVERNMENT LEADER WILL RECOMMEND THE APPOINTMENTS AND THE COMMISSIONER WILL SIGN THE NECESSARY ORDERS.

ALL LEGISLATION MUST STILL RECEIVE THE COMMISSIONER'S ASSENT JUST AS ALL LEGISLATION MUST BE APPROVED BY THE GOVERNOR-GENERAL OR THE LIEUTENANT-GOVERNOR OF A PROVINCE.

THE EVOLUTION JOURNEY OF THE GOVERNMENT OF YUKON'S STRUCTURE, ADVOCATED SINCE 1898, HAS SEEN THE DEVELOPMENT OF AN UNWRITTEN CONSTITUTION DURING THE PAST TEN YEARS. THE MOVES, WHICH I HAVE JUST OUTLINED, HAVE TAKEN US FROM BEING A GOVERNMENT OPERATED STRICTLY ALONG THE LINES OF A WRITTEN CONSTITUTION -- SUCH AS THE AMERICAN SYSTEM, TO A GOVERNMENT OPERATED UNDER THE TRADITIONS OF THE BRITISH PARLIAMENTARY SYSTEM.

IT HAS BEEN A REMARKABLE JOURNEY AND WE STILL HAVE A LONG WAY TO GO -- JUST AS ALBERTA AND SASKATCHEWAN HAD TO WAIT OVER 20 YEARS BEFORE THEY OBTAINED FULL PROVINCIAL STATUS WITHIN CONFEDERATION.

I WOULD SUSPECT THAT MANY OF YOU HAVE FOUND THIS SPEECH TO BE SOMEWHAT CONFUSING -- AND IT IS DELIBERATELY SO -- THERE ARE NO REAL SIMPLE SOLUTIONS FOR THE YUKON TERRITORY AND ITS GOVERNMENT STRUCTURE. OUR DEVELOPMENT HAS BEEN COMPLEX AND HAS EVOLVED FROM MANY COMPLICATED FACTORS.

BECAUSE THE PROCESS HAS BEEN EVOLUTIONARY -- INSTEAD OF REVOLUTIONARY -- IT HAS ESCAPED A LARGE PUBLIC ATTENTION. THERE HAVE BEEN NO BANNER HEADLINES OR STATIC NEWSFILM OR RIOTING IN THE STREETS -- MASS PROTESTS -- STORMING OF BUILDINGS -- BURNING OF CARS OR SHOOTING OF PEOPLE.

WHERE ARE WE HEADED?

THERE IS AN OVERLAP BETWEEN SERVICES OFFERED BY THE GOVERNMENT OF YUKON AND THE RESPONSIBILITY OF FEDERAL AGENCIES AND DEPARTMENTS.

THERE HAVE BEEN GRADUAL TRANSFERS OF LOCAL RESPONSIBILITY FROM THE FEDERAL TO TERRITORIAL LEVEL. THE FEDERAL GOVERNMENT HAS JURISDICTION OVER LAND, NON-RENEWABLE RESOURCES AND VIRTUALLY ALL OF OUR RENEWABLE RESOURCES. MOST PROVINCES HAVE THEIR OWN HYDRO-ELECTRIC CORPORATIONS. THE MAJOR GENERATOR OF HYDRO POWER IN YUKON IS THE FEDERAL NORTHERN CANADA POWER COMMISSION. THERE ARE MANY WHO FEEL THAT THAT SHOULD BE CHANGED SOME DAY TO TERRITORIAL CONTROL.

NOTWITHSTANDING THE EXISTING FEDERAL-TERRITORIAL CONSTITUTIONAL AND FISCAL RELATIONSHIP, THE YUKON GOVERNMENT FUNCTIONS WITH A CONSIDERABLE DEGREE OF AUTONOMY AND OPERATES AS A PROVINCIAL GOVERNMENT IN THE PROVISION OF SERVICES AND PROGRAMS. THE YUKON GOVERNMENT HAS RESPONSIBILITY FOR ALL PROVINCIAL-TYPE PROGRAMS SUCH AS EDUCATION, SOCIAL SERVICES, LEGAL AFFAIRS, HIGHWAYS AND PUBLIC WORKS, LICENSING, TOURISM, LIQUOR CONTROL, CORRECTIONAL

SERVICES, MUNICIPAL AFFAIRS, WILDLIFE, TERRITORIAL PARKS AND OTHER MATTERS GENERALLY OF A LOCAL NATURE.

THE PRESENT GOVERNMENT IN YUKON IS CONCENTRATING ON PROVIDING MODERN PROGRESSIVE PROGRAMS TO MEET CHANGING CONDITIONS AND EXISTING NEEDS.

THE CURRENT YEAR'S BUDGET IS \$122 MILLION. OF THIS \$84 MILLION IS RAISED FROM TAXATION, FEES, RECOVERIES UNDER COST-SHARED PROGRAMS, AND A GRANT IN LIEU OF INCOME TAX. \$38 MILLION IS RECEIVED FROM THE FEDERAL GOVERNMENT AS A TRANSFER PAYMENT. THIRTY-FIVE PERCENT OF OUR BUDGET IS ALLOCATED FOR HEALTH, WELFARE, EDUCATION AND CULTURE, 25% FOR TRANSPORTATION AND ECONOMIC DEVELOPMENT, 10% FOR MUNICIPAL AFFAIRS, 20% FOR CAPITAL WORKS AND 10% FOR GENERAL GOVERNMENT SERVICES.

WHAT IS OUR FUTURE DIRECTION?

THE GOAL OF THE YUKON GOVERNMENT IS TO MEET THE CHALLENGES OF GROWTH AND CHANGE PRESENTED BY THE RISING TEMPO OF ACTIVITY IN THE ECONOMIC, SOCIAL AND POLITICAL FACETS OF TERRITORIAL LIFE.

WITH A VIEW OF DIVERSIFYING OUR ECONOMY WE ARE CURRENTLY DEVELOPING SHORT AND LONG-TERM ECONOMIC STRATEGIES. OUR SPECIFIC OBJECTIVES ARE TO ESTABLISH A RATIONAL AND SYSTEMATIC PROGRAM OF DEVELOPMENT AND INITIATIVES WHICH WILL PROMOTE GREATER CERTAINTY AND PERMANENCE IN THE YUKON ECONOMY.

WE ARE DETERMINED TO DEVELOP MEASURES WHICH WILL STRENGTHEN THE GROWTH, VIABILITY AND CONTINUITY OF OUR ECONOMY.

IT IS NO SECRET THAT WE WANT TO ACQUIRE CONTROL OVER OUR LAND AND RESOURCES AND THAT WE ADVOCATE INCREASED AND POSITIVE ECONOMIC DEVELOPMENTS WITHIN OUR BOUNDARIES TO BENEFIT YUKONERS AND ALL CANADIANS.

IT IS ALSO NO SECRET THAT SOMETIME IN THE FUTURE WE HOPE TO TAKE OUR RIGHTFUL PLACE WITHIN CONFEDERATION. THE GOVERNMENT STRUCTURE THAT HAS EVOLVED IN THE YUKON TERRITORY TODAY CAN ONLY HELP US IN ACHIEVING THIS GOAL.

THERE ARE MANY YUKONERS WHO HAVE FOUGHT FOR MORE RESPONSIBLE GOVERNMENT FOR YUKONERS. AT TIMES THEIR VOICES FELL ON DEAF EARS...OTTAWA HAD GREATER CONCERNS AND MORE IMMEDIATE PROBLEMS AND AFTER ALL, YUKON WAS A LONG WAY OFF.

NOW, AT LAST, WE HAVE BEEN BLESSED BY THE FAVOURABLE TURN OF EVENTS WHICH HAS GIVEN US A RECEPTIVE GOVERNMENT IN OTTAWA.

OUR DETERMINATION TO ACHIEVE A JUST AND EQUITABLE SETTLEMENT OF INDIAN LAND CLAIMS ALONG WITH THE PROMISE OF GREAT ECONOMIC DEVELOPMENT IN OUR TERRITORY INDICATES THE TIME IS RIPE FOR CONSTITUTIONAL CHANGES WHICH WILL WORK TOGETHER WITH THESE OTHER FACTORS FOR THE GROWTH OF RESPONSIBLE GOVERNMENT IN YUKON.

THE RECENT DRAMATIC CHANGES IN YUKON MEAN THAT THE ELECTED MEMBERS OF THE LEGISLATIVE ASSEMBLY, THROUGH THEIR EXECUTIVE COUNCIL, NOW HAVE RECOGNIZED CONTROL OVER STRICTLY YUKON MATTERS. THIS IS AN IMPORTANT STEP IN THE REALIZATION OF RESPONSIBLE GOVERNMENT. BUT FULL PROVINCIAL STATUS AS WE KNOW IT IN CANADA, WILL NOT BE ATTAINED UNTIL WE OBTAIN FULL FISCAL RESPONSIBILITY FOR THE FINANCIAL AFFAIRS OF THE TERRITORY. THAT HAS NOT HAPPENED, AND CAN ONLY HAPPEN WHEN YUKON IS GIVEN CONTROL OF ITS OWN RESOURCES. NEGOTIATIONS ARE ONLY NOW BEGINNING, WHICH WILL LEAD TO A REFERENDUM TO BE SUBMITTED TO THE YUKON PEOPLE SOME TIME IN THE FUTURE.

SEVENTY-FIVE YEARS AGO, ONE OF THE FIRST YUKON MP'S, DR. ALFRED THOMPSON, IN HIS MAIDEN SPEECH IN THE HOUSE OF COMMONS, CHOSE RESPONSIBLE GOVERNMENT AS HIS THEME. LET ME CONCLUDE MY REMARKS BY QUOTING WHAT DR. THOMPSON SAID.

"YUKONERS WANT THE RIGHT TO ELECT THEIR OWN REPRESENTATIVES TO GOVERN THEMSELVES...TRUST THE PEOPLE EVERY TIME...GIVE THEM RESPONSIBLE GOVERNMENT AND THEY WILL SHOW THEMSELVES WORTHY OF IT. I DO NOT ASK FOR PROVINCIAL GOVERNMENT BECAUSE WE ARE NOT PREPARED FOR THAT, BUT I DO ASK THAT WE BE GIVEN RESPONSIBLE GOVERNMENT."

THANK YOU.

Dec 17/79
YUKON'S RESPONSIBLE GOVERNMENT--1

The development of responsible government in Yukon has come about in a manner strikingly similar to social, economic and political patterns in Canada's Prairie region at the turn of the century.

Frederick Haultain was head of the government of the Northwest Territories which was based in Regina in 1897. The territories at that time included Ungava, Franklin, Mackenzie, and Yukon and the districts of Assiniboia, Saskatchewan, Athabaska and Alberta.

The Honourable Mr. Haultain governed with an executive council, very similar to the council sworn into office in Whitehorse on October 22, 1979, and with a legislative council similar to the legislative assembly based in Whitehorse.

His executive council won responsible government for the territories in 1897 and he maintained that the Lieutenant Governor was obliged to accept the advice of his territorial ministers on purely territorial matters.

A letter from then Indian and Northern Affairs Minister Hugh Faulkner was issued to Yukon Commissioner Ione Christensen in January 1979 instructing here to accept the advice of Yukon ministers on matters of strictly territorial jurisdiction.

These historical parallels are separated by 82 years and raise the question of why a wholly elected responsible government did not develop in the Yukon Territory until 1979.

The answer is an interesting mixture of political history, economic development, and a growing regional maturity on the part of Canada's north.

Yukon's responsible government.....2

Dawson City at the turn of the century, where it all began, was western Canada's most modern and cosmopolitan centre boasting a population of about 30,000. Most of those residents were of American origin and it was only the presence of the Northwest Mounted Police and one or two Canadian government officials which maintained a Canadian identity in an area commonly considered to be part of Alaska.

An attempt by the Northwest Territories' Council at Regina to corral the liquor licences and liquor revenues in 1897 spurred the federal government into declaring Yukon a separate territory in 1898.

The Yukon Act, in that year, established a chief executive officer known as Commissioner and an advisory group of six appointed council members. The term Commissioner rather than Lieutenant Governor, was adopted because Yukon was still a provisional district of the Northwest Territories and the term Commissioner was in common usage in Yukon to describe the Gold Commissioner, who was appointed the first chief executive officer.

Yukon residents soon began to demand a share in responsible government and the Yukon Act was amended in 1899 to allow for the election of two council members with the same powers and duties as the six appointed members.

The council was enlarged to 11 in 1902, but only five members were elected. The Act was again amended in 1908 to give Yukoners a council of 10, all of them elected.

The decline of activity in the Klondike gold fields, the First World War and the economic depression which followed meant drastic cuts in federal budgets and Yukoners woke up one morning in 1919 to find their council had been completely abolished by the federal government in Ottawa.

Yukon's responsible government...3

It was later restored to three members, one each for Dawson City, Mayo and Whitehorse, after a great deal of pleading on the part of northerners.

The size of the council remained unchanged for the next three decades, through the Second World War, the construction of the Alaska Highway and the Canol pipeline project, until 1951 when the council was expanded to five members.

The next change came in 1960 with the Yukon Act being amended to allow for seven elected members, and a year later three of them were named to the advisory committee on finance to review government estimates with senior administrative officers. This evolved into the budget programming committee in 1968, with elected members actually working on the preparation of the budget. This was the first input by elected representative into the financial affairs of the government.

The real changes in the evolution of responsible government occurred in 1970 with the creation of the executive committee and the first direct participation of elected Yukoners in the executive function of their government. The committee was established by ministerial letter, from the Honourable Jean Chretien on the recommendation of Commissioner James Smith. It consisted of two elected representatives named by their colleagues and three appointed senior civil servants; the Commissioner and his two assistant commissioners.

The elected territorial councillors had been calling for a direct voice in the affairs of government as well as the transfer of territorial responsibilities to territorial control from various federal departments. Some transfers, such as maintenance of federal highways and the administration of justice, did occur.

But the day-to-day affairs of the Yukon Territorial Government were still being run much the same as a colony; Yukon politicians did not hesitate to describe Yukon as a Canadian colony run by Ottawa.

Yukon's responsible government..4

A growing and stable population and a relatively prosperous economy supported the move to more responsible government. New mines were opening up at the start of the 1970s and a mineral staking rush was in progress. New roads were carved out of the wilderness and the modern Anvil Mine town site, Faro, sprang up along the once remote banks of the Pelly River.

Other smaller mines came into production, Whitehorse expanded its boundaries to become one of the largest Canadian cities (in area), the White Pass and Yukon Route upgraded its freight, rail, ocean and trucking facilities and new business opened in Whitehorse to cash in on the boom.

New subdivisions were created, the territorial government embarked on an ambitious program to improve basic services in all the rural communities, a new hydro-electric plant was under construction, tourism was enjoying record numbers of visitors, Kluane Park was created as the second largest national park in Canada, new hotels and tourist facilities were constructed or expanded throughout the territory, and Yukon soon became known for having the fastest growth rate of population in the country.

While many northerners were concerned about the growing economy, others were concerned with obtaining a more direct voice in the affairs of the territorial government.

The Yukon government, the local politicians declared, was essentially "of the bureaucrats, by the bureaucrats and for the bureaucrats". The major criticism was that the bureaucrats were living in Ottawa but dictating how Yukon residents were to lead their daily lives. This inevitably caused animosity towards policies enunciated in Ottawa by the federal government and its officials.

Yukon's responsible government....5

The elected territorial councillors found themselves questioning all policies introduced by Ottawa. This resulted in many heated battles of "us"--the Yukon residents, versus "them"--the Ottawa mandarins. In fact, the Commissioner and administration became "the government" and the elected territorial councillors were "the opposition".

There was a feeling, in Yukon, that Ottawa was simply allowing piecemenal control of local affairs and any real moves towards territorial control were to be regarded as an intrusion into the activities of the federal bureaucracy. The impression was that the Yukon Territorial Government was simply a sub-branch of the department of Indian and Northern Affairs and could not be elevated to any true government status.

The transition, from a government of bureaucrats to a government of elected people began in the early 1960s with the establishment of the Advisory Committee on Finance.

The committee allowed for two, and later three, territorial councillors to take part in the formulation of the government's budget. It brought about the first major role reversal for Yukon's elected representatives and was the foot in the door for the territorial councillors wanting more voice in the affairs of government.

The success of the finance committee, and, later, the budget programming committee, lent support for the creation of the first Executive Committee in 1970.

The Yukon Act authorized the Commissioner to administer the territory. It was a written constitution, but the creation of the Executive Committee by ministerial mandate began the development of an unwritten constitution for the territory.

Yukon's responsible government...6

There was no legislative basis for the creation of the of the Executive Committee, or "ex-com" as it became known locally. The Yukon Act was not amended to allow for appointments to the executive committee and there was always the knowledge that ex-com could be altered drastically by superceding letters from the current minister of Indian and northern affairs.

The creation of the first ex-com permitted two of the seven elected territorial councillors to assume ministerial-styled portfolios for several Yukon government departments, similar to provincial cabinets.

The council had acted as a unified voice of independent members prior to 1970 but became split along partisan and personal lines during the first four years of the executive committee. The 1970 election saw several Liberals and a number of New Democrat Party candidates in the running; the election resulted in four Liberals and three independents taking their seat on the council.

The territorial council's tradition, that of independent members who acted in an advisory capacity to consider legislation introduced by the Commissioner, whose only input into government policy was by way of amendments to government ordinances, was altered forever by the advent of partisan members on the council and the creation of the Executive Committee. Those two steps also affected the outcome of the 1974 and 1978 territorial elections and set the stage for further constitutional changes in the parliamentary tradition.

The first two elected representatives on the Executive Committee were nominated by members of the council and appointed by the Commissioner as were subsequent members. This procedure remained in practice until February, 1979.

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Yukon's responsible government....7

The two elected members on the executive committee found themselves defending government policy and facing continuous opposition from their fellow members in the legislature. But despite internal friction within the council, the members continued to lobby for further constitutional changes.

The Yukon Act was amended in 1974 to allow for 12 elected territorial council seats and promises from the northern affairs minister that a third elected representative would sit on the executive committee. The council also obtained permission from Ottawa to determine its own future expansion of the number of constituencies from time to time, up to a maximum of 20 seats.

The animosity created within caucus in the first four years of the Executive Committee prompted many candidates to run as independents and advocate against partisan politics inside the territorial council chamber. The public appeared to agree with that stand and in 1974 elected nine independents and three New Democrats.

The first sitting of the new council saw the members taking unwritten constitutional matters into their own hands. They voted to change the name of their Yukon Legislative Council to the Yukon Legislative Assembly and they called for their elected Executive Committee representatives to be known and styled as "ministers".

Both steps were ignored by Ottawa and federal ministers and departments continued to address the Yukon House as the territorial council and refused to recognize the title minister. It was argued that the moves were not enshrined in the Yukon Act and were not legal. At one session, the Commissioner was instructed to withhold consent to an Ordinance which referred to Yukon Legislative Assembly.

Yukon's responsible government....8

This reticence on the federal government's part to recognize the changing constitutional pattern, continued for five years. It was not until October 9, 1979 that the minister of Indian and northern affairs announced that the term Yukon Legislative Assembly would be enshrined in the Yukon Act; that an Executive Council would be struck to consist of elected ministers and more direct control of Yukon government affairs would be turned over to those elected representatives.

Meanwhile, the second evolutionary step for the Executive Committee occurred in January 1975 when one of the appointed assistant commissioners resigned his seat on leaving the government service and this permitted a third elected person to sit on the committee. Portfolios were re-distributed and the elected members were assigned departments which directly affected the daily lives of their constituents.

These were health, welfare and rehabilitation (corrections), education, municipal affairs and highways and public works. The appointed federal civil servants retained control over departments directly related to the revenues of the government. These included finance, liquor, tourism, territorial secretary's department and the Public Service Commission.

The structure of the executive committee was further altered in 1977 to allow for four elected and two appointed members but the Commissioner, as chairman, retained a veto over any measure passed in committee.

The legislative assembly was expanded to 16 seats in time for the November 1978 election. This was the first election to be contested by all three national political parties and the campaign resulted in 11 Conservatives, two Liberals, one New Democrat and two independents being sworn in as M.L.A.s.

Yukon's responsible government...9

The change in attitude which prompted the first-ever partisan territorial election campaign came from the elected members themselves and particularly from members who had been opposed to partisan activities during the previous election. Executive Committee members continued to find themselves on the defensive in the expanded assembly, without any solid and or consistent support from fellow members to have government legislation approved.

It was realized that the only system which would work in the legislature was the traditional party system to guarantee the government enough voting strength for the passage of new policies and programs.

The election of a Progressive Conservative majority in the Yukon legislature in November, 1978 permitted the party members to form the government and nominate their fellow members, and their party leader, to positions on the executive committee.

The minister of Indian and northern affairs permitted a fifth elected member to be appointed in January 1979 and the nomination came from the government leader and not by way of an legislative assembly resolution. The appointment was made by the Commissioner and another piece in Yukon's growing but unwritten constitution was in place.

The minister brought in further political changes when he issued a new letter of instructions to the Commissioner in January 1979. The Commissioner was to abide by all decisions of the executive committee which were of strictly territorial jurisdiction. However, the Commissioner would retain a veto over matters of direct federal concern, including finance, constitutional development and native Indian affairs and continue to be the senior federal representative of a number of government departments in Yukon,

Yukon's responsible government....10

The change of government in Ottawa following the May, 1979 national general election opened new opportunities for the continued evolution of responsible government in Yukon and the territorial government leader personally delivered a letter to Indian and Northern Affairs Minister Jake Epp when they met in Vancouver, June 18.

This letter outlined to the minister how the development of responsible government could be continued and these measures included the establishment of a wholly elected Executive Council to replace the Executive Committee; the transfer of the Commissioner's portfolios to Executive Council members; the elimination of the Deputy Commissioner's post and instructions to the Commissioner reducing the formerly predominate role in the day-to-day administration of the Government of Yukon.

It was the Yukon government's view that the Commissioner should be directed to follow the same constitutional practices followed in comparable situations by the Lieutenant Governor of a province, and that the elected government leader should assume the chairmanship of the territorial cabinet.

The minister concurred with those desires when he issued a new letter of instruction October 9, 1979. The steps were initiated October 22 with the swearing in of the first wholly-elected Yukon Executive Council by Yukon Administrator Doug Bell, who had been deputy commissioner.

The nominations for membership on the Executive Council were presented by the government leader and appointed by the administrator, acting in the absence of a Commissioner.

Yukon's evolutionary journey has not ended, but has gone from being a government operated strictly along written constitutional lines, as the American system is to a government operated in the tradition of the British Parliamentary system.

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Yukon's responsible government..../11

Full provincial status, as we know it in Canada, will not be attained until Yukoners have acquired complete fiscal responsibility and full control of our natural resources - two requirements tied very closely with current developments in the expansion of northern energy projects.

Meanwhile, the five Yukon men and women on the Executive Council are working hard to prove that local, elected representatives are responsible and can operate the Government of Yukon in a competent manner.

As Lord Durham wrote in his famous report on the problems of Upper Canada in 1834, "The colonists may not always know what laws are best for them, or which of their countrymen are the fittest for conducting their affairs; but at least they have a greater interest in coming to a right judgement on these points and will take greater pains to do so than those whose welfare is very remotely and slightly affected by the good or bad legislation of these portions of the Empire."

CONSTITUTIONAL DEVELOPMENT IN YUKON

CHRONOLOGY

- 1895 - Yukon first defined as a separate geological entity when made a provisional district of the North-West Territories.
- 1897 - A judicial district is formed to permit more effective control of the flood of people pouring into the region as a result of the discovery of gold in the Klondike in 1896.
- * June 13, 1898 - Population of the region warrants the creation of a new territory by Act of Parliament (Yukon Territory Act). The local government provided under the Act is to consist of a Commissioner (the chief executive of the territory) and a council of not more than six members appointed by the federal cabinet.
- 1899 - Act amended to provide for an appointed council of seven members.
- 1902 - Act amended to give the appointed council a total membership of ten.
- * 1908 - Yukon's first fully-elected council is constituted and a speaker is provided for. The Council was henceforth to sit separately from the Commissioner.
- 1918 - Yukon's population diminishes, and the Act is amended to enable the federal cabinet to abolish the elected Council and substitute an appointed council of two or more members.
- 1919 - Federal cabinet has a change of heart, and the ten-member Council is replaced by an elected council of three members.
- 1951 - Council is increased to five elected members.
- 1953 - Yukon Territory Act and its amendments are replaced by an entirely new statute, the Yukon Act. The Commissioner, appointed by the federal cabinet, remains the chief executive officer and administers the Territory according to instructions received from time to time from the Minister of Northern Affairs and National Resources (now the Dept. of Indian Affairs and Northern Development) and the federal cabinet. The Council remains fully-elected, consisting of five members.

- 1960 - Yukon Act amended to permit the Commissioner to sit with Council and offer immediate assistance and advice. The Advisory Committee on Finance is formed, consisting of three members of Council appointed by the Commissioner on the recommendation of Council. Instructions to the Commissioner from the Dept. of Northern Affairs point out, however, that only the Commissioner has the legal authority to present estimates of expenditures and appropriations to Council.
- 1967 - Budget Programming Committee is established, (Consisting of the three members of Council sitting on the Advisory Committee on Finance, the Commissioner, and two assistant commissioners) to further the input of territorially elected officials in financial planning.
- * 1970 - The Executive Committee is established, (consisting of two members of Council, the Commissioner, and two assistant commissioners) to provide territorially elected officials with direct input in executive matters (i.e., the operations of the Government). Two Council members are appointed to the Legislative Programming Committee (already consisting of the two assistant commissioners and the Territorial Government's Legal Advisor) to aid in the preparation of legislation. The Yukon Council is increased from five to seven elected members.
- 1974 - Yukon Council is increased from seven to twelve members, and members of Council on the Executive Committee is increased from two to three.
- 1978 - Yukon Council (now known as the Yukon Legislative Assembly) is increased from twelve to sixteen members and elected officials on the Executive Committee is increased from three to four. The Government of Yukon is granted permission by Ottawa to run its own territorial election, which for the first time is run on political party lines.
- * October, 1979 - A wholly elected Executive Council, appointed by the Government Leader (leader of the majority party) is established to replace the Executive Committee, and is styled along the lines of a federal or provincial cabinet. The Commissioner no longer sits on Executive Council (nor the Cabinet committees dealing with financial and legislative matters) and does not participate in the affairs of the Yukon Cabinet. Departmental portfolios (formerly the responsibility of the Commissioner and Assistant Commissioner) are assumed by territorial ministers on Executive Council. These changes remain to be incorporated into the constitution of Yukon, the Yukon Act.

* significant dates

And finally, no publication would be complete without a copy of the Yukon Act for reference.

It is anticipated that several amendments will be submitted to the House of Commons in Ottawa to enshrine the recent constitutional changes into law. It is anticipated that the changes will be proposed sometime in 1980 or early 1981.

Y U K O N A C T

OFFICE CONSOLIDATION

YUKON ACT

Chapter Y-2

Revised Statutes of Canada, 1970

as amended by

R.S.C. 1970 (1st Supp.), c.48

S.C. 1972, c.17

S.C. 1974, c.5

S.C. 1976-77, c.25; c.34

AN ACT TO PROVIDE FOR THE GOVERNMENT
OF THE YUKON TERRITORY

Consolidated to August 9th, 1978

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OFFICE CONSOLIDATION

YUKON ACT

AN ACT TO PROVIDE FOR THE GOVERNMENT

OF THE YUKON TERRITORY

Short Title

1. This Act may be cited as the Yukon Act. Short title

Interpretation

2. In this Act,
- "Commissioner" means the Commissioner of the Yukon Territory; Commissioner
- "Commissioner in Council" means the Commissioner acting by and with the advice and consent of the Council; Commissioner in Council
- "Committee" means the Advisory Committee on Finance established pursuant to section 12; Committee
- "Council" means the Council of the Yukon Territory; Council
- "Court" means the Supreme Court of the Yukon Territory; (1972, c.17) Court
- "intoxicant" includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks, drinkable liquids, preparations or mixtures capable of human consumption that are intoxicating; Intoxicant
- "Minister" means the Minister of Indian Affairs and Northern Development; Minister
- "ordinance" includes an ordinance of the Territory passed before or after the 1st day of April 1955; Ordinance
- "public lands" means any lands, in the Territory, belonging to Her Majesty in right of Canada or of which the Government of Canada has power to dispose; and Public lands

"Territory" means the Yukon Territory, which comprises the area described in the Schedule.

Territory

Part I

Government

Commissioner

- | | | |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| 3. | The Governor in Council may appoint for the Territory a chief executive officer to be styled and known as the Commissioner of the Yukon Territory. | Commissioner |
| 4. | The Commissioner shall administer the government of the Territory under instructions from time to time given him by the Governor in Council or the Minister. | Administration |
| 5. | The Governor in Council may appoint an Administrator to execute the office and functions of the Commissioner during his absence or illness or other inability or when the office of Commissioner is vacant. | Appointment of Administrator |
| 6. | The Commissioner and every Administrator appointed under this Act, shall, before assuming the duties of his office, take and subscribe such oaths of office and allegiance in such manner as the Governor in Council may prescribe. | Oaths of Commissioner and Administrator |
| 7. | The Salary of the Commissioner and of the Administrator shall be fixed by the Governor in Council and shall be paid out of the Consolidated Revenue Fund of Canada. | Salaries |
| 8. | The seat of government of the Territory shall be that prescribed by the Governor in Council and may, from time to time, be changed by him. | Seat of Government |
| 9. | (1) There shall be a Council of the Yukon Territory. (1974, c.5) | Council |
| | (1.1) The members of the Council shall be elected to represent such electoral districts in the Territory as are named and described by the Commissioner in Council. (1974, c.5) | Election of Council |
| | (1.2) Subject to section 9.1, the Council shall consist of twelve members. (1974, c.5) | Basic size of Council |

- (2) Every Council shall continue for four years from the date of the return of the writs for the general election and no longer, but the Governor in Council may at any time, after consultation with the Council where he deems such consultation to be practicable or, otherwise, after consultation with each of the members of the Council with whom consultation can then be effected, dissolve the Council and cause a new Council to be elected. (1970 1st Supp. c.48)

Duration of Council

- 9.1 The Commissioner in Council may make ordinances to increase or decrease the number of members of the Council, but the number of members shall not be fewer than twelve or greater than twenty. (1974, c.5)

Size of Council may be changed

- 10. Each member of the Council, shall, before assuming the duties of his office, take and subscribe before the Commissioner, such oaths of office and allegiance as the Governor in Council may prescribe.

Oaths of Office

- 11. The Commissioner shall convene at least one session in every calendar year so that twelve months shall not intervene between the last sitting of the Council in one session and its first sitting in the next session.

Yearly Session

- 12. (1) There shall be an Advisory Committee on Finance consisting of three members of the Council to be appointed by the Commissioner upon the recommendation of the Council.

Advisory Committee on Finance

- (2) Two members of the Committee constitute a quorum.

Quorum

- (3) The Commissioner shall consult with the Committee in the preparation of the estimates of the expenditures and appropriations required to defray the charges and expenses of the Public Services of the Territory for each fiscal year.

Commissioner shall consult with Committee

- (4) Repealed (1970 1st Supp., c.48)

- 12.1 (1) The Council shall elect one of its members to be Speaker. (1974, c.5)

Speaker

- (2) The Speaker shall preside over the Council when it is in session. (1974, c.5)

Speaker to preside

- 13. A majority of the Council, including the Speaker, constitutes a quorum.

Quorum

- 14. The Commissioner in Council may prescribe
 - (a) the qualifications of persons as electors and the qualifications of electors to vote at an election of members of the Council;
 - (b) the qualifications of persons as candidates for election as members of the Council; and
 - (c) the reasons for which an elected member of the Council may be or become disqualified from being or sitting as a member of the Council. (1970 1st Supp., c.48)

- 15. (1) Subject to subsection (3), each member of the Council shall be paid out of the Yukon Consolidated Revenue Fund such annual indemnity and such travelling and living expenses for each session of the Council as the Commissioner in Council may prescribe. (1970 1st Supp., c.48)

Sessional indemnity and expenses

- (2) Subject to subsection (3), each member of the Advisory Committee on Finance and of any other committee of the Council shall be paid out of the Yukon Consolidated Revenue Fund, in addition to his annual indemnity, such indemnity and such travelling and living expenses as the Commissioner in Council may prescribe. (1970 1st Supp., c.48)

Indemnities and expenses of Committee members

- (3) The Commissioner in Council may prescribe the terms and conditions on which the indemnities and travelling and living expenses prescribed pursuant to subsections (1) and (2) shall be paid to members of the Council or any committee thereof. (1970 1st Supp., c.48)

Payment of Indemnities

- (4) The first one thousand dollars of the indemnity paid to a member of the Council under subsection (1) in any year is not income for the purposes of the Income Tax Act.

Indemnity not taxable

Legislative Powers of Commissioner in Council

- 16. The Commissioner in Council may, subject to the provision of this Act and any other Act of the Parliament of Canada, make ordinances for the government of the Territory in relation to the following classes of subjects, namely,

Legislative powers

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|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (a) | direct taxation within the Territory in order to raise a revenue for territorial, municipal or local purposes; | Direct taxation |
| (b) | the establishment and tenure of territorial offices and the appointment and payment of territorial officers; | Territorial offices |
| (c) | municipal institutions in the Territory, including municipalities, school districts, local improvement districts and irrigation districts; | Municipal institutions |
| (d) | election of members of the Council and controverted elections; | Elections and controverted elections |
| (e) | the licensing of any business, trade, calling, industry, employment or occupation in order to raise a revenue for territorial, municipal or local purposes; | Licences |
| (f) | the incorporation of companies with territorial objects, including tramways and street railway companies but excluding railway, steamship, air transport, canal, telegraph, telephone or irrigation companies; | Incorporation of Companies |
| (g) | the solemnization of marriage in the Territory; | Marriage |
| (h) | property and civil rights in the Territory. | Property and Civil rights |
| (i) | the administration of justice in the Territory, including the constitution, maintenance and organization of territorial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those courts; (1970 1st Supp., c.48) | Administration of justice |
| (j) | the establishment, maintenance and management of prisons, gaols or lock-ups designated as such by the Commissioner in Council under paragraph 44(1) (b), the duties and conduct of persons employed therein, or otherwise charged with the custody of prisoners, and all matters pertaining to the maintenance, discipline or conduct of prisoners including their employment outside as well as within any such prison, gaol or lock-up; (1974, c.5) | Prisons |
| (k) | Repealed (1970 1st Supp., c.48) | |

- (l) Repealed (1970 1st Supp., c.48)
- (m) Repealed (1970 1st Supp., c.48)
- (n) Repealed (1970 1st Supp., c.48)
- (o) the issuing of licences or permits to scientists or explorers to enter the Territory or any part thereof and the prescription of the conditions under which such licences or permits may be issued and used; Scientists and Explorers
- (p) the levying of a tax upon furs of any portions of furbearing animals to be shipped or taken from the Territory to any place outside the Territory; Fur tax
- (q) the preservation of game in the Territory; Game
- (r) education in the Territory, subject to the conditions that any ordinance respecting education shall always provide that a majority of the ratepayers of any district or portion of the Territory, or of any less portion or subdivision thereof, by whatever name the same is known, may establish such schools therein as they think fit, and make the necessary assessment and collection of rates therefor; and also that the minority of the ratepayers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and, in such case, the ratepayers establishing such Protestant or Roman Catholic separate schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof; Education
- (s) the closing up, varying, opening, establishing building, management or control of any roads, streets, lanes or trails on public lands; Roads
- (t) intoxicants; Intoxicants
- (u) the establishment, maintenance and management of hospitals in and for the Territory; Hospitals
- (v) agriculture; Agriculture
- (w) the expenditure of territorial funds and such portion of any moneys appropriated by Parliament for the Territory as the Commissioner is authorized to expend by and with the advice of the Council; Expenditure of Territorial funds

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|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|
| | (x) generally, all matters of a merely local or private nature in the Territory; | Local and private matters. |
| | (y) the imposition of fines, penalties, imprisonment or other punishments in respect of the violation of the provisions of any ordinance; and | Fines and penalties |
| | (z) such other matters as are from time to time designated by the Governor in Council. | Matters designated by Governor in Council. |
| 17. | (1) Nothing in section 16 shall be construed to give the Commissioner in Council greater powers with respect to any class of subjects described therein than are given to legislatures of the provinces of Canada under sections 92 and 95 of the British North America Act, 1867, with respect to similar subjects therein described. | Restriction on powers |
| | (2) Notwithstanding subsection (1) but subject to subsection (3), the Commissioner in Council may make Ordinances for the government of the Territory, in relation to the preservation of game in the Territory, that are applicable to and in respect of Indians and Eskimos, and Ordinances made by the Commissioner in Council in relation to the preservation of game in the Territory, unless the contrary intention appears therein, are applicable to and in respect of Indians and Eskimos. | Game Ordinances in respect of Indians and Eskimos |
| | (3) Nothing in subsection (2) shall be construed as authorizing the Commissioner in Council to make Ordinances restricting or prohibiting Indians or Eskimos from hunting for food, on unoccupied Crown lands, game other than game declared by the Governor in Council to be game in danger of becoming extinct. | |
| 18. | The Commissioner in Council may make ordinances authorizing the Commissioner to enter into an agreement with the Government of Canada under and for the purposes of any Act of the Parliament of Canada that authorizes the Government of Canada to enter into agreements with the provinces, but no such agreement shall be entered into by the Commissioner without the approval of the Governor in Council. | Agreements with Government of Canada |

Amended Nov. 25/77

- 19. (1) The Commissioner in Council may make ordinances Borrowing and lending
 - (a) for the borrowing of money by the Commissioner on behalf of the Territory for territorial, municipal or local purposes;
 - (b) for the lending of money by the Commissioner to any person in the Territory; and
 - (c) for the investment by the Commissioner of surplus money standing to the credit of the Yukon Consolidated Revenue Fund.
- (2) The payment of all money borrowed under the authority of this section and interest thereon is a charge on and payable out of the Yukon Consolidated Revenue Fund. Charge on Yukon CRF
- (3) No money shall be borrowed under the authority of this section without the approval of the Governor in Council. (1970 1st Supp., c.48) Restriction
- 20. (1) A copy of every ordinance made by the Commissioner in Council shall be transmitted to the Governor in Council within thirty days after the passing thereof and shall be laid before both Houses of Parliament as soon as conveniently may be thereafter. Ordinances to be laid before Parliament
- (2) Any ordinance made after the 25th day of June 1970 or any provision of such ordinance may be disallowed by the Governor in Council at any time within one year after its passage. (1970 1st Supp., c.48) Disallowance
- 21. Notwithstanding paragraph 13 (1) (b) of the Public Service Staff Relations Act, a person is not ineligible to hold office as a member of the Public Service Staff Relations Board by reason only of holding office as a member of any board that may be constituted by the Commissioner in Council with powers and duties similar to those of the Public Service Staff Relations Board. (1970 1st Supp., c.48) Person is not ineligible to hold office

Laws Applicable To Territory

- 22. (1) Subject to the provisions of this Act, the laws relating to civil and criminal matters Existing laws continued

and the ordinance in force in the Northwest Territories on the 13th day of June, 1898, shall be and remain in force in the Territory, in so far as the same are applicable thereto, and in so far as the same have not been or are not hereafter repealed, abolished or altered by the Parliament of Canada, or by any ordinance.

Existing laws continued

- (2) All laws of general application in force in the Territory are, except where otherwise provided, applicable to and in respect of Eskimos in the Territory.

General Territorial laws applicable to Eskimos

Yukon Consolidated Revenue Fund

23. (1) All public moneys and revenue over which the Commissioner in Council has the power of appropriation shall form a fund to be known as the Yukon Consolidated Revenue Fund.

Yukon Consolidated Revenue Fund

- (2) The Commissioner shall establish, in the name of the government of the Yukon Territory, accounts with such banks to which the Bank Act applies as he designates for the deposit of public moneys and revenue.

Establishment of bank accounts

24. It shall not be lawful for the Council to adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue of the Territory, or of any tax or impost, to any purpose that has not been first recommended to Council by message of the Commissioner, in the session which such vote, resolution, address, or bill is proposed.

Recommendation of Commissioner

25. When any sum or money is granted to Her Majesty by Parliament to defray expenses for any specified public service in the Yukon Territory, the power of appropriation by the Commissioner in Council over that sum is subject to the specified purpose for which it is granted.

Appropriation of moneys granted by Parliament

Territorial Accounts

26. (1) A report for each fiscal year of the Territory, called the Territorial Accounts, shall be laid before the Council by the Commissioner on or before such day following the termination of the fiscal year as the Council may fix, and the Council shall consider the same. (1970 1st Supp., c.48)

Submission of Territorial Accounts of Council

- (2) The Territorial Accounts shall be in such form as the Commissioner may direct; and shall include
- (a) a report on the financial transactions of the fiscal year;
 - (b) a statement, certified by the Auditor General, of the expenditures and revenues of the Territory for the fiscal year;
 - (c) a statement, certified by the Auditor General, of assets and liabilities as at the termination of the fiscal year; and
 - (d) such other information or statements as are required in support of the statements referred to in paragraphs (b) and (c), or as are required by Ordinance or by the Minister.
- (3) The fiscal year of the Territory shall be the period from the first day of April in one year to the thirty-first day of March in the next year. Fiscal Year
- (4) The accounts and financial transactions of the Territory shall be examined by the Auditor General who shall report annually to the Council the result of his examination, and the report shall state whether in his opinion Examination by Auditor General
- (a) proper books of account have been kept by the Territory;
 - (b) the financial statements of the Territory
 - (i) were prepared on a basis consistent with that of the preceding fiscal year and are in agreement with the books of account,
 - (ii) in the case of the statement of expenditures and revenues, give a true and fair view of the expenditures and revenues of the Territory for the fiscal year, and
 - (iii) in the case of the statement of assets and liabilities, give a true and fair view of the affairs of the Territory at the end of the fiscal year; and

(c) the transactions of the Territory that have come under his notice have been within the powers of the Territory under this Act and any other Act applicable to the Territory;

and the Auditor General shall call attention to any other matter falling within the scope of his examination that in his opinion should be brought to the attention of the Council.

(5) The Auditor General has in connection with his examination of the accounts of the Territory, all the powers that he has under the Auditor General Act in connection with the examination of the accounts of Canada. (1976-77, c. 34)

Powers of Auditor General

Judicature

6.1 (1) The Governor in Council shall appoint the judges of such superior, district or country courts as are now or may hereafter be constituted in the Territory. (1970 1st. Supp., c. 48)

Appointment of judges

(2) The judges of the superior, district and county courts in the Territory shall hold office during good behaviour but are removable by the Governor in Council on address of the Senate and House of Commons and cease to hold office upon attaining the age of seventy-five years. (1970 1st. Supp., c. 48)

Tenure of office of judges

PART II

ADMINISTRATION OF JUSTICE

Supreme Courts

27. (1) Repealed (1970 1st Supp., c.48)
- (2) A judge of the Supreme Court of the Northwest Territories is ex officio a judge of the Supreme Court of the Yukon Territory. (1972, c.17) Judge of Territorial Court NWT ex officio judge
28. Repealed (1970 1st Supp., c.48)
29. (1) The Governor in Council may appoint any person who is or has been a judge of a superior, county or district court of any of the Provinces of Canada or a barrister or advocate of at least ten years standing at the bar of any such Province to be a deputy judge of the Court and fix his remuneration and allowances. Deputy judges
- (2) A deputy judge may be appointed pursuant to this section for any particular case or cases or for any specified period of time and his appointment shall be terminated at the pleasure of the Governor in Council. Tenure of Office
- (3) A deputy judge shall be sworn to the faithful performance of his duties in the same manner as a judge of the Court and shall, during his appointment, temporarily have and may exercise all the powers, authorities, and functions of a judge of the Court and the expression "judge of the Court" shall be deemed to include a deputy judge of the Court. Powers
30. Repealed (1970 1st Supp., c.48)
31. Repealed (1970 1st Supp., c.48)
32. Unless the Governor in Council, by order, otherwise provides, the judges of the Supreme Court of the Yukon Territory, other than ex officio judges and deputy judges, shall reside in the city of Whitehorse or within forty kilometres thereof. (1976-77, c.25) Resident

- (15)
33. (1) Repealed (1970 1st Supp., c.48)
- (2) The Court may sit in the Northwest Territories for the purpose of hearing a civil case other than a civil case where the Court sits with a jury. Court may sit in NWT for Civ cases
- (3) When the Court sits in the Northwest Territories, the court has and may exercise all the powers, duties and functions in the Northwest Territories that it has and may exercise when sitting in the Yukon Territory. Court has full power when sitting in NWT
34. Repealed (1970 1st Supp., c.48)
35. (1) to (4) Repealed (1970 1st Supp., c.48)
- (5) The Court of Appeal may sit in the Territory or in the Province of British Columbia. Sittings
- (6) to (14) Repealed (1970 1st Supp., c.48)
36. (1) Whenever it appears to the satisfaction of the Minister of Justice that it is expedient to the ends of justice that the trial of any person charged with an indictable offence alleged to have been committed north of the 65th parallel of latitude, in the Yukon Territory should be held in some district or place other than that in which the offence is alleged to have been committed or would otherwise be triable, the Minister of Justice may order that the trial shall be proceeded with in the Northwest Territories before the court or judge named in such order, and thereupon the court or judge so named has jurisdiction to try such person. Power to order trials for offences in Yukon to be held in NWT
- (2) The provisions of the Northwest Territories Act apply to such trial.

Police Magistrates

37. Repealed (1970 1st Supp., c.48)
38. A police magistrate has and may exercise the powers, duties and functions of a justice of the peace or any two justices of the peace under this Act or any other law or ordinance in force in the Territory. Powers

39. Repealed (1970 1st Supp., c.48)

40. Repealed (1970 1st Supp., c.48)

Justices of the Peace

41. (1), (2) Repealed (1970 1st Supp., c.48)

(3) Every Justice of the Peace in and for the Territory shall, throughout the Territory, have and may exercise the powers, duties and functions of two justices of the peace under any law or ordinance in force in the Territory. Have powers of two justices of the peace

(4) Repealed (1970 1st Supp., c.48)

Other Officers

42. Repealed (1970 1st Supp., c.48)

Oaths of Office

43. Repealed (1970 1st Supp., c.48)

Confinement of Prisoners

44. (1) The following places in the Territory are prisons, gaols or lockups for the confinement of persons charged with the commission of any offence under a statute, ordinance or other law in force in the Territory or sentenced thereunder to a term of imprisonment not exceeding two years, namely, Prisons in the Territory

(a) every guardhouse, guardroom or other place of confinement that is maintained or managed by the Royal Canadian Mounted Police; and

(b) every building or part thereof or other enclosure, other than those referred to in paragraph (a), that is designated as a prison, gaol or lockup for the purposes of this section by the Commissioner in Council.

(2) Where it is impossible or inconvenient, by reason of absence or remoteness, to confine a person referred to in subsection (1) in a prison, gaol or lockup, such person may be sentenced or directed by a judge or the Court, police magistrate or justice of the peace, as the case may be, to be placed and kept in the custody of the Royal Canadian Mounted Police. Idem

45. (1) The Governor in Council may make rules and regulations for the management, discipline and policy of guardhouses, guardrooms or other places of confinement referred to in paragraph (a) or subsection (1) of section 43, for the duties and conduct of persons employed therein or otherwise charged with the custody of prisoners and for all matters pertaining to the maintenance, discipline or conduct of prisoners including their employment without as well as within any such guardhouse, guardroom or other place of confinement. Regulations respecting RCMP guardhouses etc.

(2) Repealed (1974, c.5)

PART III

General

Lands

46. The following properties, namely, Power to hold lands
- (a) lands acquired before, on or after the 1st day of April, 1955 with territorial funds,
 - (b) public lands, the administration of which has before, on or after the 1st day of April, 1955 been transferred by the Governor in Council to the Commissioner,
 - (c) all roads, streets, lanes and trails on public lands, and
 - (d) lands acquired by the Commissioner pursuant to tax sale proceedings,

are and remain vested in Her Majesty in right of Canada, but the right to the beneficial use or to

the proceeds thereof is hereby appropriated to the Commissioner and is subject to the control of the Commissioner in Council; and any such lands, roads, streets, lanes or trails may be held by and in the name of the Commissioner for the beneficial use of the Territory. (1974, c.5)

Reindeer

47. (1) The Governor in Council may make regulations Regulations
respecting
reindeer
- (a) authorizing the Minister to enter into agreements with Eskimos or Indians, or persons with Eskimo or Indian Blood living the life of an Eskimo or Indian, for the herding of reindeer that are the property of Her Majesty, such agreements, if deemed advisable by the Minister, to include provisions for the transfer of such portions of the herds as may be therein specified to the herders upon satisfactory completion of the agreements;
 - (b) for the control, management, administration and protection of reindeer in the Territory, whether they are the property of Her Majesty or otherwise;
 - (c) for the sale of reindeer and the slaughter or other disposal of surplus reindeer and the carcasses thereof; and
 - (d) controlling or prohibiting the transfer or shipment by any means of reindeer or their carcasses or parts thereof, whether they are the property of Her Majesty or otherwise, from any place in the Territory to any other place within or without the Territory.
- (2) Where a peace officer or any person who Seizure
is a game officer under any ordinance has reasonable grounds for believing that any reindeer or part thereof has been taken, killed, transferred, shipped or had in possession in violation of the regulations or that any vessel, vehicle, aeroplane, firearm, trap or other article or thing has been used in violation of the regulations, he may, in the Territory, without a warrant, effect seizure thereof.

(3) Every seizure made under subsection (2) shall be reported as soon as practicable to a justice of the peace who may, upon satisfying himself that the reindeer or part thereof of the vessel, vehicle, aeroplane, firearm, trap or other article or things has been taken, dealt with or used in violation of the regulations, declare it to be forfeited to Her Majesty and, upon such declaration, it is forfeited. Forfeiture

(4) The Game Export Act applies to reindeer or the carcasses or part thereof and for that purpose, "game" under that Act shall be deemed to include such reindeer, carcasses or part thereof, "killed" to include the taking or capture of or dealing in live reindeer and "export permit" to include a permit or licence issued under the regulations made pursuant to this section. Application of the Game Export Act

Intoxicants

48. (1) No intoxicant shall be manufactured, compounded or made in the Territory or imported or brought into the Territory from any place outside the Territory, whether it is in Canada or elsewhere, except by permission of the Commissioner or a person authorized by him. Manufacture and importation of intoxicant
- (2) Intoxicants manufactured, compounded or made in the Territory or imported or brought into the Territory are subject to the customs and excise laws of Canada. Subject to Customs & Excise laws
- (3) Where a peace officer has reasonable grounds for believing that any intoxicant has been manufactured, compounded or made in the Territory or imported or brought into the Territory from any place outside the Territory in violation of this Act or that any vessel, vehicle, aeroplane, appliance, article or thing has been used for any of the above purposes in violation of this Act, he may, in the Territory, without a warrant, effect seizure thereof. Seizure

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| (4) | Every seizure made under subsection (3) shall be reported as soon as practicable to a justice of the peace who may, upon satisfying himself that the intoxicant or the vessel, vehicle, aeroplane, appliance, article or thing has been manufactured, compounded, made, imported, brought in or dealt with or used in violation of this Act, declare it to be forfeited to Her Majesty and, upon such declaration, it is forfeited. | Forfeiture |
| (5) | The Importation of Intoxicating Liquors Act does not apply to the importation, sending, taking or transportation of intoxicating liquors into the Territory. | Importation of Intoxicating Liquors Act not applicable |

Mentally Disordered Persons

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| 49. | (1) The Commissioner may, subject to the approval of the Minister, arrange with any province of Canada for the admission to mental institutions, asylums or other suitable places in the province of | Arrangements for transfer to provincial institutions |
| | (a) mentally disordered persons and for the confinement, care and maintenance of such persons until the pleasure of the Commissioner is made known or until they are discharged by law; | |
| | (b) persons in respect of whom the Court, a police magistrate of the Territory or a justice of the peace in and for the Territory has ordered that a psychiatric examination be made, for the purpose of such examination; and | |
| | (c) persons in respect of whom the Commissioner has approved psychiatric examination and treatment, for the purpose of such examination and where necessary, such treatment, | |
| | and for the compensation to be paid to the province in respect of the confinement, care, maintenance, examination and treatment of such persons. | |

- (2) The compensation to be paid to a province under subsection (1) shall be paid out of the Yukon Consolidated Revenue Fund. Payment out of Yukon Consolidated Revenue Fund

- 50. (1) Where a mentally disordered person has escaped from a mental institution, asylum or other place of confinement, within or without the Territory, any person employed therein or connected therewith or other person requested by the person in immediate charge or control thereof may, within forty-eight hours after such escape, without a warrant, retake the escaped person and return him thereto, or may, at any time after such escape up to the time specified in the warrant, do so if a warrant is issued to him for that purpose. Recapture of escaped mentally disordered persons

- (2) A warrant may be issued for the purposes of subsection (1) by the person in immediate charge or control of the mental institution, asylum or other place of confinement from which the escape was made and shall contain the name and description of the escaped mentally disordered person, the name and office, if any, of the person to whom it is issued, the place to which and the person to whom the escaped person is to be returned and the time, not exceeding three months, for which the warrant is valid. Warrants

- (3) An escaped person who is returned to custody under this section shall remain in custody under the authority by virtue of which he was detained prior to his escape. Custody of recaptured persons

Neglected Children

- 51. (1) The Commissioner may, subject to the approval of the Minister, arrange with any province of Canada for the removal of neglected children from the Territory to foster homes or suitable institutions in that province, for their care, education and maintenance therein and for the compensation to be paid to that province in respect of the care, education and maintenance of such neglected children. Arrangements for care in provincial institutions

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| (2) | The compensation to be paid to a province under subsection (1) shall be paid out of territorial revenues. | Payment out of the Territorial revenues |
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Archaeological Sites

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| 52. | (1) The Governor in Council may make regulations for the protection, care and preservation of sites, works, objects and specimens of archaeological, ethnological or historical importance, interest or significance and explorers' cairns and explorers' documents. | Regulations respecting archaeological sites, etc. |
| | (2) Where any peace officer has reasonable grounds for believing that any object, specimen or document has been removed, taken, shipped, had in possession or otherwise dealt with contrary to the regulations, he may, in the Territory, without a warrant, effect seizure thereof. | Power to seize |
| | (3) Every seizure made under subsection (2) shall be reported as soon as practicable to a justice of the peace, who may, upon satisfying himself that the object, specimen or document was removed, taken, shipped, had in possession or otherwise dealt with contrary to the regulations, declare it to be forfeited to Her Majesty and upon such declaration it is forfeited. | Forfeiture |

Offence and Penalty

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| 53. | Every person who violates a provision of this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding one year or to both fine and imprisonment. | Offence and Penalty |
| 54. | (1) Every person who exports or attempts to export from the Territory any gold that was obtained from placer mining operations and with respect to which any royalty imposed by law has not been paid, is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three years or to both fine and imprisonment. | Export of gold without payment of royalty |

- (2) Where a person is convicted under subsection (1) the convicting magistrate or justice may in his discretion order that the gold in respect of which the conviction is had is and thereupon the gold shall be forfeited to Her Majesty. On conviction gold forfeited to Her Majesty
- (3) Every person about to export such gold from the Territory shall upon demand produce to any peace officer a certificate from the Commissioner of the Territory or person authorized by the Commissioner certifying that the royalty with respect to such gold has been paid and failure to produce the certificate upon such demand is prima facie evidence that the royalty has not been paid. Production of certificate that royalty paid
- (4) Where any peace officer has reasonable and probable grounds for believing that any person has committed or has reason to believe that any person is about to commit an offence described in subsection (1) or has in his possession or in his belongings any such gold in respect of which the royalty has not been paid, such peace officer may without warrant search such person and his belongings and any articles believed to be his belongings and may seize such gold found upon such person or in such belongings. Search without warrant and seize gold
- (5) No female shall be searched pursuant to this section except by a suitable woman who is a peace officer or is authorized by the peace officer to make the search. Search of females
- (6) Any gold seized pursuant to subsection (4) may be detained for a period of six months, and if before the expiration of such period any proceedings with respect to such gold are taken under this Act may be further detained until such proceedings are finally concluded. Detention of seized gold
- (7) For the purpose of this section the expression "peace officer" means a peace officer as defined in the Criminal Code. "Peace Officer"

SCHEDULE

The Yukon Territory shall be bounded as follows: On the South, by the province of British Columbia and the United States Territory of Alaska; on the west by the said United States Territory of Alaska; on the north, by that part of the Arctic Ocean called Beaufort Sea; and on the east by a line beginning at the intersection of the north boundary of British Columbia with a line passing through a boundary pipe post set in concrete, trench and mound, numbered 600, planted by the British Columbia-Yukon-Northwest Territories Boundary Commission approximately 1 chain westerly of the left bank of the Liard River, said line having a bearing of 309° with reference to the meridian through said post; thence northwesterly along said line to a point on the line of watershed separating the streams flowing into the Liard River below the La Biche River or into the Mackenzie River from those flowing into the La Biche River, or into the Yukon River; thence northwesterly along said line of watershed to the line of watershed of the basin of Peel River; thence northerly along the line of watershed between the Peel and Mackenzie Rivers to the sixty-seventh degree of north latitude; thence westerly along the parallel of the sixty-seventh degree of north latitude to the line of watershed between the Peel and Yukon Rivers; thence northerly along the said line of watershed to the trail across the portage in McDougall Pass between Rat and Bell Rivers; thence due north to the northern limit of the Yukon Territory; the said Territory to include the islands within twenty statute miles from the shores of the Beaufort Sea as far as the aforesaid due north line from McDougall Pass.

YUKON ACT - COUNCIL REFERENCE

p.1, Sec. 2	: definitions
p.3, Sec. 9-13	: Council established
9	: elected Council, duration thereof
9.1	: size of Council
10	: oaths of office
11	: sessions
12	: Advisory Committee on Finance
12.1	: Office of Speaker
13	: quorum
p.4, Sec. 14-16	: Council's jurisdiction
14	: elections
15	: indemnities & expenses
16	: legislative authority
pp.5,6,7 Sec. 16	: Council's legislative authority continued
p. 7,8,9 Sec. 17-21	: Council's jurisdiction
17	: restrictions on legislative authority
18	: agreements with Canada
19	: borrowing, lending and investments
20	: Parliament's authority over ordinances
21	: Public Service Staff Relations Board eligibility
p.9, Sec. 23-25	: Yukon Consolidated Revenue Fund
24	: authority to introduce money matters
p. 10, 11 Sec. 26	: Territorial Accounts to Council
p. 15, 16 Sec. 46	: Lands - Commissioner-in-Council