

*Yukon Minerals Act*

**Mr. Nielsen:** I am very interested to hear that the minister is amenable to a suggestion, but obviously he must be tired because he is not looking at all the facets of the suggestion. I admit that is one possibility, but what I meant was that out of the royalties even now paid into the federal treasury, why isn't a portion given to the Indian peoples and tribes in the Yukon Territory? If it is the intention of the government to insist that these royalties now, or in some minor adjusted form be paid into the federal treasury, why doesn't it give the Indian people of the territory a right to a portion of those royalties? I am not suggesting an additional royalty be added to that already imposed.

**Mr. Chrétien:** That is the case in Australia.

**Mr. Nielsen:** I didn't hear the minister.

**Mr. Chrétien:** I said that is the case in Australia. It is an added royalty.

**Mr. Nielsen:** No, no. As I understood the policy, in Australia a mining company, before it goes into production, has to enter into a lease agreement with the Australian government. It is in that agreement that these royalties are negotiated and spelled out at some length. But it does not follow that the government figures out the royalties it wants, and then adds to that sum a further royalty for the aboriginal people. In any event, even if I am wrong on that, it is long past the time when the Canadian government should have guaranteed to our native peoples a portion of the royalties that are now being received by the federal treasury. It is their moral right, without imposing on the Indian people of the Yukon the obligation of going to all the expense and difficulty of proving their claims in court.

Surely, there is a moral obligation to satisfy the legitimate demands of these people, particularly in an area where there have been no negotiations with the Indian people. There are no treaties with the Indians in the Yukon. It is not the case, as it is in the provinces, where treaties have been negotiated with the majority of the Indian tribes and where, under those treaty arrangements, the Indian people are entitled to their quid pro quo, meagre as it might be. Here in the Yukon you have a situation where the government of Canada has presumed to assume control over all of these lands without a yes, no, or by your leave from any of the Indian peoples.

The minister knows that it is the specific desire of the Yukon Native Indian Brotherhood, which he himself has been instrumental in funding, that there be some recognition extended of these rights, but there has been no scintilla of assurance from the minister that they will ever be given any recognition of their rights. That is something that should be done through this legislation, all the more so because the provisions as presently worded are in breach of the specific trust imposed by the Parliament of Canada to ensure that these rights would be guaranteed to the native peoples. What they require now is a statement from the minister that this kind of policy will be the policy of the government. If the government does not come out with a statement such as that, it will be confronted at a crucial time with actions taken

through the courts. Injunctions will be obtained and major projects will be held up. I give the minister fair warning that this is going to happen. I think he knows it is going to happen. But all this could be circumvented by the minister saying that the moral obligations—indeed there is a good argument to be made that it is a legal obligation—of the government of Canada to recognize the rights of the native peoples of the Yukon will be honoured.

All he has to say is that it will be the policy of the government to ensure that a portion of these royalties will be put into a fund designated for the benefit of the Yukon Indian peoples. It is a very simple matter, but I very much doubt that he will do it. Indeed, if one can rely on the statements of the Prime Minister (Mr. Trudeau), something which it is becoming increasingly difficult to do these days, we have his assurance, given two years ago in British Columbia, that there will be no more treaties, no agreements that amount to treaties with the Indian people of Canada. As a result, it is a very short and unbright future which the Indian people have to look forward to, particularly those in the circumstances in which the Indian people of the Yukon Territory find themselves as well as a good many of those in the Northwest Territories.

There is one other objectionable feature of the bill. I mentioned that there were four. I have mentioned royalties, the lack of judicial appeal, and the regulatory power. The fourth objection that I have, and which I raise on behalf of the industry and of the people of the Yukon, is the fact that the provisions of this bill, as can be seen easily even if hon. members only browse through it, place wide discretionary powers in the hands of such persons as the mining engineer, the mining recorder, the minister, the deputy minister and the myriad of officials who go to make up the empire of Indian Affairs and Northern Development. All of these officials, in each of their capacities, are empowered to make decisions anywhere along the line from exploration to production, which can vitally affect the question of production itself. With this kind of lack of security, with this kind of broad discretionary power there can be no reliance whatsoever placed upon a continuing set of circumstances by any of the planners involved in the mineral resource development industry.

What may be valid today at the point where the first prospectors go into the field, might very well be altered tomorrow. The minister knows that it takes around three years to go from the exploration stage to the development stage of any mine. If people in the industry do not have the guarantee of rules written into the statute, rules that will govern their activities from exploration to production, they will just not get involved. For instance, there have been strong statements made such as the one which was made by the President of Anvil Mining Corporation, that if the same legislative prospects had been before them when they made the decision to go ahead with their \$100 million development at Faro in the Yukon, that decision would not have been made.

Yesterday the hon. member for Gander-Twillingate (Mr. Lundrigan) said a similar statement was made with