

Government Orders

fish hatchery which could be considered in the public interest.

Clause 2 of the bill also proposes to amend subsection 98(2) to make the language consistent with the changes proposed for subsection 98(1) of the bill. As I explained earlier, this provides for flexibility and proper land management.

Clause 3 of the bill proposes changes to the Yukon Quartz Mining Act by the addition of a new Section 14.1 which would have the equivalent effect in the Yukon Quartz Mining Act as Sections 17 and 98 do in the Yukon Placer Mining Act, as amended. Specifically, this would provide powers to withdraw lands from disposition by Orders in Council.

Clauses 4 and 5, are very important amendments. They permit the proper management of territorial lands by validating all current withdrawal orders under the Territorial Lands Act or the Yukon Placer Mining Act.

The concluding clause of the bill provides that Clauses 1 to 3 inclusive come into effect on February 13, 1990, as announced by my colleague, the Solicitor General. If this bill should meet with the approval of Parliament, the authority delegated to the Governor in Council, will be no greater than what earlier governments of Canada have, in good faith, believed they were exercising before.

It is important to remember this point, because prior to the Halferdahl decision, the Crown believed it had properly protected these lands. There is a need to set land aside while decisions for its use are being made. The government has been negotiating aboriginal land claims in the Yukon for several years. Government negotiators promised to set aside land, which had been identified by the Yukon First Nations for future land claim settlements. This was done in good faith by the government. However, the effectiveness of these actions was challenged with respect to the Yukon Quartz Mining Act.

Land claim negotiations have been going on in Yukon for many years. We are now in the final stages of a settlement and the government must ensure protection of selected lands so that negotiations would not suffer a major setback. The government is now asking Parliament to provide the proper authority so that the government's

promise to the Council for Yukon Indians can be fulfilled.

The question of retroactivity of this bill was given careful consideration before the bill was prepared. The government decided that the then Minister of Indian Affairs and Northern Development should announce this in the House, that a bill would be introduced to take effect from the date of this announcement. There is a question: if the Council for Yukon Indians were promised by negotiators for the Crown that certain lands will be withdrawn from disposition, with the intention of protecting them from further alienations, why not keep that promise? The answer is that we will keep the promise to the extent authorized by law. Federal lawyers have filed an appeal of the court decision. In addition, I am now asking Parliament to make a new law that will allow proper management of lands in Yukon, but which would also protect the existing rights of third parties under the law.

I would be remiss if I did not acknowledge the support that I have received from the Yukon mining industry, following Minister Cadieux's announcement. The representatives of the industry support the settlement of Yukon aboriginal land claims and have written to support making specific changes to the acts, so that the failure to proceed with this bill would not be a reason for failure to complete a land claim settlement in Yukon.

In closing, I urge members of the House to support the bill for good land management in the Yukon and to meet our commitments to the Yukon First Nations and provide better administration of Yukon land for all Yukoners.

Mr. Jack Iyerak Anawak (Nunatsiaq): Madam Speaker, I am pleased to have this opportunity to speak on Bill C-68, an act to amend the Yukon Placer Mining Act and the Yukon Quartz Mining Act and to make provisions for the application of certain orders. This is a rather long title for a rather simple bill.

This bill clarifies a situation in respect of lands that are withdrawn for the purpose of aboriginal land claims settlements in Yukon. It protects these lands from encroachment by other interests. According to the government's press release, the changes will firmly establish the Crown's right to prohibit disposition of mineral rights on Yukon lands which are required for a purpose that the government believes to be in the public interest.