

HOUSE OF COMMONS

Friday, June 15, 1990

The House met at 10 a.m.

Prayers

GOVERNMENT ORDERS

[*English*]

YUKON PLACER MINING ACT

MEASURE TO AMEND

Hon. Gilles Loïselle (for the Minister of Indian Affairs and Northern Development) moved that Bill C-68, An Act to amend the Yukon Placer Mining Act and the Yukon Quartz Mining Act and to make provision for the application of certain orders be read a second time and referred to a legislative committee.

Hon. Shirley Martin (Minister of State (Indian Affairs and Northern Development)): Madam Speaker, Bill C-68, which is presented for second reading today, is necessary to ensure that the Government of Canada can continue to manage public lands in Yukon.

A recent decision of the Federal Court of Appeal has declared that withdrawal orders under Section 23 of the Territorial Lands Act do not prohibit the staking of mining claims in Yukon. This decision eliminates the use of procedures under which the government has, in the past, set land aside, land for future use or to be held pending final decision on the use of that land.

• (1010)

Some of the reasons this government and previous governments have withdrawn lands include: Setting aside three potential sites for an airstrip pending the result of assessments of the sites for their suitability as an airstrip; setting aside lands that have been identified during land claims negotiations for the selection by the Yukon First Nation under a final agreement; and, setting aside lands for right-of-way.

All of these reasons for preventing the creation of new third-party interests in land are essential to good management of public lands. It was, therefore, of great concern to this government that a court declared certain lands open for staking under the Yukon Quartz Mining Act. This is why the Solicitor General, the former minister for northern affairs, stated in this House on February 13 of this year that it is the intention of the government to introduce legislation to take effect from that day, to make the lands withdrawn under the Territorial Lands Act not available for staking under the Yukon Quartz Mining Act.

The bill that we are debating today has been drafted to enact the promise made on behalf of the government. This bill proposes to amend both the Yukon Quartz Mining Act and the Yukon Placer Mining Act. The changes proposed for the Yukon Placer Mining Act affect Sections 17 and 98.

Clause 1 of this Bill proposes amending paragraph 17(2)(E) to make the words consistent with Section 98. Clause 2 of this bill would amend subsection 98(1) by replacing the word "is" by "may be" in the first sentence. This will ensure that the Governor in Council may prohibit entry on several parcels of land where only one is actually needed. For example, various choices for the location of an airport. However, until studies are completed it is not possible to identify which of the several possible sites will be selected.

This change in the wording of subsection 98(1) gives government the flexibility needed to properly manage these lands. It will prevent confusion and protect the lands from third-party conflicts until final selections are made.

Subsection 98(1) is further amended by adding "the settlement of aboriginal land claims" as one of the purposes for which prohibition of entry may be ordered by the Governor in Council. In addition, the purpose has been changed from a "a public purpose" to "a purpose in the public interest" in order to ensure that a broad power is being granted. This could, for example, include a privately-run enterprise such as a forestry nursery or a