



The Yukon Legislative Assembly

Number 16

5th Session

24th Legislature

HANSARD

Wednesday, April 21, 1982 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Robert Fleming, MLA, Campbell

CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government House Leader — responsible for Executive Council Office, Public Service Commission, Land Claims and Intergovernmental Relations.
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Renewable Resources, Tourism and Economic Development.
Hon. Geoffrey Lattin	Whitehorse North Centre	Minister responsible for Municipal and Community Affairs, Highways and Public Works, Yukon Housing Corporation and Yukon Liquor Corporation
Hon. Meg McCall	Klondike	Minister responsible for Health and Human Resources, Education and Heritage and Cultural Resources
Hon. Howard Tracey	Tatchun	Minister responsible for Justice, Consumer and Corporate Affairs, Government Services and Workers' Compensation Board.

GOVERNMENT MEMBERS

(Progressive Conservative)

Al Falle	Hootalinqua
Robert Fleming	Campbell
Doug Graham	Whitehorse Porter Creek West
Peter Hanson	Mayo
Donald Taylor	Watson Lake

OPPOSITION MEMBERS

(New Democratic Party)

Tony Penikett	Whitehorse West
Maurice Byblow	Faro
Roger Kimmerly	Whitehorse South Centre

(Liberal)

Ron Veale	Whitehorse Riverdale South
Alice P. McGuire	Kluane

(Independent)

Grafton Njootli	Old Crow
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Clerk of the Assembly
Clerk Assistant (Legislative)
Clerk Assistant (Administrative)
Sergeant-at-Arms
Hansard Administrator

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

Whitehorse, Yukon
Wednesday, April 21, 1982

Mr. Speaker: I will now call the House to order.
We will proceed with Prayers.
Prayers

DAILY ROUTINE

Mr. Speaker: Are there any Returns or Documents for Tabling?
Reports of Committees?
Petitions?
Receiving of Petitions?
Introduction of Bills?
Are there any Notices of Motion for the Production of Papers?
Notices of Motion
Are there any Statements by Ministers?

QUESTION PERIOD

Question re: Workers' Compensation Board

Mr. Penikett: I had a question for the Government Leader, but in his absence, I would like to put it to the Minister responsible for the Workers' Compensation Board.

Since on April 7th the Minister responsible for the Workers' Compensation Board stated that the final investment capability rests with the Commissioner in Executive Council, is it the Minister's, and Government's position, for the record, that this Government will in no way interfere with the Board's decisions whether or not to loan money to the Territory?

⁰² **Hon. Mr. Tracey:** That subject will be dealt with in the Workers' Compensation Board Legislation. We intend to change the legislation so that the Board has the full authority to invest the money.

Mr. Penikett: I would like to deal with the question that probably will not be dealt with in the legislation. The Minister and the Government Leader have stated that the Board's actuaries advise on investment decisions and would be asked to establish interest rates if a loan were to be made to the Government. Since actuaries are specialists in statistical studies used to establish insurance rates, will the Minister explain why actuaries are advising on investment decisions, which are an entirely different matter?

Hon. Mr. Tracey: Perhaps the word used was the wrong word but the Workers' Compensation Board does have the expertise available to make recommendations on where they should invest the money and they will draw on that expertise before any investments are made.

Mr. Penikett: In reference to the expertise referred to by the Minister, could he tell the House whether the Board has retained an independent investment counsellor or whether this expertise is obtained from the Department of Finance or the Department of Economic Development for the purpose of examining the Compensation Board investment portfolio and advising whether the portfolio suits the needs of the Board and the working people of the Territory?

Hon. Mr. Tracey: I believe that the Workers' Compensation Board does draw on outside expertise as well as using the expertise within the Government. I may be wrong on that, I would have to check with my department to make sure. I am fairly certain that they do hire outside expertise to make recommendations on investments.

⁰³ Question re: Land Use Policy

Mr. Veale: I have a question for the Government Leader regarding the Land Use policy tabled yesterday. Would the Government Leader advise if this document has been or will be tabled at the Land Claims settlement negotiation table?

Hon. Mr. Pearson: I do not know. It will be up to the negotiators to determine whether they would like to table this document and discuss it at Land Claims. I can assure the Honourable Member that it

has been delivered to the Council for Yukon Indians and also it has been delivered to the Federal Government.

Mr. Veale: The Government Leader yesterday also announced that at some stages of the negotiations it would have been premature or prejudicial to present this policy at the time. Could he advise if the Land Claims process has now reached the stage where this type of document is ready for negotiation in order to reach an agreement-in-principle on that issue?

Hon. Mr. Pearson: This document is not perceived by me to be an item of negotiation at the Land Claims table. This document will be an item of negotiation between the Government of Canada, the owners of the land, and this Government, primarily because it is dealing with land that has not been dealt with already at the Land Claims negotiation table.

⁰⁴ **Mr. Veale:** The document contemplates the transfer of land from the Federal Government to the Yukon Government, a policy with which we all concur, as land use plans are adopted by local land use committees. Because that requires the creation of those committees, their appointments and so on, would the Government Leader agree that at least another year or two would be required before that transfer can actually take place?

Hon. Mr. Pearson: I think it all depends upon how constructively the Government of Canada wants to work with us towards this. The worst possible case is that it will not involve any block land transfers. The best possible case is that we are going to be able to sit down, very early on, and get agreement with the Government of Canada that this is a workable policy, and is one that it can see the benefits in for the Government of Canada as well as the people of the Territory, and they then tell us that we had better get our committees into place and get them working so that they can transfer land to us. As to when land will actually be transferred, we found out on the cottage lots, on the recreational land, that we really are at the whim of the Federal Government as to exactly when those transfers will take place. The agreement to transfer those cottage lots that were transferred last week was reached with the Government of Canada in excess of two years ago.

⁰⁵ Question re: MacMillan Pass developments

Mr. Byblow: I have a couple of questions on the same subject but in relation to the MacPass developments and I will direct them to the Minister of Economic Development.

In light of that announced Land Use Policy yesterday and in light of the activity going on within the area, will the Government now be announcing any formation of a land use planning board to address the development prospects of the MacPass area?

Hon. Mr. Lang: No, it is not contemplated at the present time. We have to get the approbation of the Government of Canada to be able to put such a mechanism in place to do the necessary land use planning.

I should say, on the MacPass development, a great deal of the land inventory has been done to date. That can be done very rapidly and the necessary transfers could take place. I think the major point that has to be enunciated here in respect to the land use plan is the fact that we feel very strongly that all people in the Yukon must benefit from the land of the Territory. In view of the process of the Indian Land Claims negotiations it is time that we agreed with the principle, and the Government Canada is responsible to recognize and agree with the principle, that the land also should come to the Government of the Yukon Territory.

Mr. Byblow: Given the Minister's statements and given the Federal Government's approbation, is it the intention of the Minister in creating the land use planning committee for that region to actually compose it as outlined in the Policy tabled yesterday?

Hon. Mr. Lang: I cannot see us deviating from the Policy unless there was a very good reason put forward. If there was, we would be prepared to look at it.

Mr. Byblow: Would the Minister be able to then state who the membership of the Committee will be? I ask that in light of, and with

respect to, the management group of the present task force.

Hon. Mr. Lang: The Member opposite obviously did not hear my response to the first question that he posed to me. I do not intend to set up such a committee tomorrow. It is quite obvious, to me, that we have to get the concurrence from the Government of Canada to go into this type of a land use policy. If we get that, then the necessary decisions will be made.

Question re: Eighth Report

Mrs. McGuire: I have a question for the Government Leader.

A year has passed since amendments based on recommendations contained in the Eighth Report of the Standing Committee on Rules, Elections and Privileges, that were adopted in this House, calling for a permanent Select Committee on Economic Policy and a permanent Select Committee on Social Policy. I want the Government Leader to explain why the establishment of these select committees was not carried out?

Mr. Speaker: I think such a question is for the House to decide and perhaps the Government ought not to be asked such a question. It is up to this House, by motion, or any Member of this House, to bring forth before the Legislature the establishment of any Committee of the House. The question is quite out of order.

Question re: Police Service Contract

Mr. Kimmerly: A question to the Minister of Justice. During the negotiations leading up to the signing of the new Police Service Contract, did the Minister raise the issue of a police commission?

Hon. Mr. Tracey: I do not believe so.

Mr. Kimmerly: Is there a Government policy on the question of a police commission?

Hon. Mr. Tracey: No.

Mr. Speaker: On these questions of policy, I wonder if the Honourable Members could be a little more specific. Questions of policy sometimes require long answers and I think we went through this the other day.

Mr. Kimmerly: Did the Minister instruct members of the department to study the police commission structures of other provinces?

Hon. Mr. Tracey: I do not recall instructing my department to do so. Perhaps one of the previous Ministers has, and I believe the Government Leader, who was acting as the Minister of Justice, can give you more information on that.

Question re: Election date

Mr. Njootli: Because of a certain amount of confusion between the Old Crow people and the Government in relation to election time, I would ask you to allow me to ask questions directed to the Honourable Government Leader. In view of the fact that his Party will have an annual meeting this weekend, and also in view of the fact that he claims to have no candidate to run in Old Crow so far, has the Government Leader any knowledge of a PC nomination date in Old Crow?

Mr. Speaker: I would order that the question is out of order and would ask the Honourable Member to refrain from such a line of questioning as it is frivolous and argumentative.

⁰⁷ Order please.

Question re: Peace bonds

Mr. Veale: I have a question for the Minister of Justice regarding peace bonds that are applied for by people who have either been assaulted by someone or in fear of their personal safety. It is a very delicate situation, I am sure. As the Minister knows the problem relates to people actually being able to have their cases to court. Does the Minister of Justice have a particular policy on whether the cases are handled in the first instance by the RCMP, the Crown Attorney's Office or are put through the Women's Transition Home?

Hon. Mr. Tracey: I would have to take that question under advisement.

Mr. Veale: I would like to ask the Minister to examine this issue as well. A number of cases have come to my attention where people are unable to have the matter brought quickly to Territorial Court. Would

the Minister undertake to determine if the system is working well? If not, perhaps some Committee could get together to determine how to make it work better?

Mr. Tracey: Yes, we have a committee set-up at this time, consisting of all the senior justice officials, the RCMP and the Crown Prosecutor's Office. They meet on a regular basis. This is something we can deal with at one of those committee meetings.

Mr. Veale: As the matter touches directly upon the Women's Bureau, I would like to ask the Minister responsible if she would refer this concern to the new Advisory Council so they can monitor the situation and if necessary make recommendations to the Minister.

Hon. Mrs. McCall: I think that would be a good subject for discussion for the new Advisory Committee.

Question re: Established Program Funding

Mr. Penikett: I have a question for the Government Leader. On April 5th, the Leader said the Government "should anticipate a reduction in our EPF payments in the magnitude of about \$1.5 million dollars next fiscal year". Can the Government Leader, in his capacity as Minister of Finance, state if, to his knowledge, this is still the expected change?

Hon. Mr. Pearson: We are trying at this time to initiate discussions with the Government of Canada as to exactly what is going to transpire for next year in respect to EPF payments. Those discussions have not yet started.

Mr. Penikett: I have a supplementary question on the same subject. At the time of my last question, the Government Leader also stated that he had no indications from the Federal Government at that point, and that "they were prepared to talk to us about substitute funding", to replace EPF. Can the Government Leader state if this is still the case and could he state, for the record, that if there will be no reduction in the EPF grant for this fiscal year, that next year we may have to raise about 60 percent per capita in taxes unless that is replaced by the Federal Government?

Hon. Mr. Pearson: There are other alternatives. One of them would be that we would have to reduce services that are presently being paid for by those EPF transfers. I want to reiterate once again that the best alternative would be, if we can negotiate with the Government of Canada, to offset those reductions that are made to EPF by additional deficit grants, and that is what we will be working at.

Mr. Penikett: Will the Government Leader confirm that the statement attributed to the Honourable Mr. Eric Neilsen, MP, that the Yukon faces a \$600 per capita cut in EPF next year, is exaggerated by at least a factor of 10?

Hon. Mr. Pearson: I cannot confirm that at all.

Question re: Vocational training

Mr. Byblow: I have a question for the Minister of Education. Since the Minister, or the Minister's department, is renegotiating the Federal-Territorial agreement on apprenticeship and training, could the Minister inform the House whether her department has developed a comprehensive plan for meeting the future vocational training needs of Yukon?

Hon. Mrs. McCall: It is being developed.

Mr. Byblow: Since the Minister is indicating that it is not yet developed, could the Minister explain just precisely what her department uses as the basis for negotiation with the Federal Government on this subject?

Hon. Mrs. McCall: The Honourable Member knows full well that there is not a lot of negotiating going on with the Federal Government. The Federal Government tells us how much money we are going to have for training, and so on, and we have to accept it.

Mr. Byblow: I was seeking the position of the Government in developing the requirements of Yukon in the labour needs. Can the Minister, from her discussions to date on development of policy, indicate approximately what proportion of our future skilled workers will be trained in Yukon and what proportion will have to either go outside or be imported?

Hon. Mrs. McCall: That is a rather involved question. I can provide the Honourable Member with some information in writing on

that subject.

Question re: Yukon Housing Corporation

Mr. Kimmerly: A question to the Minister responsible for Yukon Housing. I have given the Minister notice of the question. What is the present status of renovations to the Greenway facility attached to the Senior Citizens complex on Lambert Street?

Hon. Mr. Lattin: I thank the Member for giving me notice of his question. I think I had a question from the Member before.

The complex that we are talking about is referred to as Greenway Place. In Greenway Place there is another part called Greenway House. We were going to do some upgrading on both. We had consultation with the people there. We engaged an architect to do the landscaping. When the estimates came in we did not have enough money to do both things.

What we have done is give out a contract last year for the landscaping, fencing, shrubs and stuff like this. The contract was about half finished last year. It will be completed this spring as early as we can get at it.

In regards to the upgrading of Greenway House, our estimates show that it is in the vicinity of \$35,000. We have consulted with the tenants of Greenway Place. We feel it would be a worthwhile project to utilize the training that we have at the Vocational School. This is part of the training that they do not have much chance to do. Upgrading of establishments in the future, I think, will be a major component of construction. We will try to work it out with the Vocational School, work it out to provide the facilities that they require.

Mr. Kimmerly: I thank the Minister for his complete answer.

My next question is about the labour on the project. I would ask the Minister if there could be consideration given to a special employment program to employ elderly persons on this project?

Hon. Mr. Lattin: That sounds like a good suggestion, but whether it is practical or not, I do not know. It is something that we could consider. Whether or not we could use them on this project, I am not in a position to state.

Mr. Kimmerly: I will ask the Minister if he would make a commitment to also consult with the Golden Age Society on this question?

Hon. Mr. Lattin: Actually, what we are saying here is that I feel that the people who we should be consulting with, are really the people who are tenants of that place. A lot of those people are members of the Golden Age Society, and any time we get any kind of recommendations, we consider them.

Question re: Local Improvement Districts

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

Regarding the incorporation of LID's into municipalities and reincorporation of existing municipalities, the cost of this process, in most cases, will put an added burden on the municipal taxpayers. Is it the Minister's policy that all Yukon communities should begin this new phase of their development on an equal financial footing, as proposed in the recent Association of Yukon Communities' resolution?

Mr. Speaker: The question again asks for a question of policy and I will ask the Minister to please keep it brief. It is the kind of question that could take up most of the time of Question Period.

Hon. Mr. Lattin: I thought it was a question of policy, too. We have had a very good relationship with them and it is something we are discussing. It is pretty hard for me to give a definitive answer on this question.

Mr. Penikett: The question could have been answered "yes" or "no" and perhaps this next one could as well.

Although the new *Municipal Financial Aid Ordinance* provides some help, through an equal operating aid program, has the Government offered to pay municipalities a one-time grant to offset the costs of incorporation?

Hon. Mr. Lattin: This is something that we have discussed with the municipalities. Whether we actually made the offer or not, I cannot say.

Mr. Penikett: Can the Minister say if the implementation of the *Municipal Financial Aid Ordinance* will be affected in any way by the delay in proclamation of the *Municipal Ordinance*, keeping in mind

the particular fact that those LID's that would have become municipalities this year, will now not?

Hon. Mr. Lattin: No. There will be no effect.

11

Question re: Yukon Housing Corporation

Mr. Veale: I have a question for the Minister responsible for the Yukon Housing Corporation. As the Minister is aware, the Federal program for installing insulation and wood stoves now applies to community and public housing. Does the Minister have a Yukon Housing program underway to take advantage of these two programs?

Hon. Mr. Lattin: No, we do not have a program underway. It is something that we are looking at. It is a very new program that has come out. If we are able to take advantage of it, we certainly will.

Mr. Veale: Could the Minister also advise if the Yukon Housing Corporation has a policy regarding the installation of wood stoves at this time? In other words, is that something that is encouraged or discouraged?

Hon. Mr. Lattin: I do know of a couple of cases in our housing that some of the tenants have asked for that. If they meet all the requirements, we have no problem in allowing them to go ahead with this method of heating their homes.

Mr. Veale: I understand that the Minister of the Yukon Housing Corporation will be bringing Whitehorse units onto a fuel quota system sometime during this year. Will the Minister make a commitment to ensure that there will be the incentives to adopt the programs that have now been made available at the time that quota system is adopted?

Hon. Mr. Lattin: We will certainly review it.

Question re: Canadian Constitution

Mr. Njootli: I will direct this question to the Minister responsible for Intergovernmental Affairs. The sense of alienation and frustration towards the Federal Government might diminish if we can amend the Canadian Constitution so that we have an elected Senate instead of an appointed one. I want to know how the Government feels about that?

Mr. Speaker: Order, please. I must rule that question out of order as it is seeking an opinion. I must ask the Honourable Member to please refer himself to Beauchesne and the rules governing Question Period. If this should continue, it may be necessary that the Chair may not recognize the Honourable Member or may not see him rising from time to time.

Question re: Alcohol and Drug Services

Mrs. McGuire: I have a question for the Minister of Health and Human Resources. It has been brought to my attention that Alcohol and Drug Services will be participating in the May 8th Health Fair. Will the Minister inform the House what form of emphasis the ADS presentation will be taking?

Hon. Mrs. McCall: Alcohol and Drug Services will be displaying a variety of educational and awareness resources. These will include library books and library reference materials, film catalogues, alcohol and the unborn baby kit, adjust your nerves kit, drugs and driving manual, and various pamphlets, posters and lapel pins. The objectives will be to distribute these materials where appropriate, to project slides and play tape recordings explaining the effects of alcohol and drug abuse on the body. A resource person will be available to promote Alcohol and Drug Services, to answer questions, to provide assistance and monitor the display. That will be the role that Alcohol and Drug Services will be taking at the Health Fair on May 8th.

The Social Services unit will be providing information and pamphlets for senior citizens on such items as the handy bus, the Pioneer Utility Grant. They will be assisted by the Yukon Council on Aging and the Golden Age Society.

Child Welfare branch will provide information on foster parenting for children in care. Staff in this Branch and members of the Yukon Daycare Services Board will provide information regarding daycare. Health Services Branch will have the senior speech pathologist and the family life co-ordinator present at the fair.

Question re: Canadian Charter of Rights

Mr. Kimmerly: I have a question for the Minister of Justice. The

new Canadian Charter of Rights and Freedoms enshrines the right for anyone charged with an offence to a trial within a reasonable time. Will the Minister be communicating with the provincial counterpart in order to come to a decision or a consensus of the definition of "reasonable time"?

Hon. Mr. Tracey: Yes, I believe my department is presently dealing with all the provinces or attempting to contact all provinces to get some uniform guidelines set down for all of the Charter's freedoms.

Mr. Kimmerly: Will the Government be revising the *Fair Practices Ordinance* to include protection from discrimination on the basis of age, as it is now protected in the new Constitution?

Hon. Mr. Tracey: The Member across the floor is rehashing the question that he asked the other day. At that time I said that we would look at all of our legislation. We have no intention of contravening the Charter of Rights.

Mr. Kimmerly: I have a supplementary to the Minister of Education. The new Constitution also guarantees the right to education in either English or French if numbers permit. Is the Minister studying, or can she state, whether the number of francophones in Yukon is adequate to establish a French class in Yukon?

¹³ **Hon. Mrs. McCall:** It is a very interesting question. I do not know the number of francophones in the Yukon community. I do not think that there would be sufficient numbers to warrant two languages. It would be an interesting thing to explore.

Question re: Coupon Conversion Study

Mr. Byblow: I have a question for the Minister of Tourism.

The Minister made a statement earlier this week about the Coupon Conversion Study and he tabled the study document. My first question to the Minister is to ask him if he can now give us the dollar figure cost of that study? If so, what was it?

Hon. Mr. Lang: I ask for notice of that particular question. I still have not got the information. As soon as I am provided with it the Member opposite will be given it.

Mr. Byblow: In reviewing the study, I note that there were 8,800 visitor parties in 1981, with a further number of 3,500 expected from this program in 1982, giving a total of approximately 12,400 visitor parties. The Minister stated in his address on the subject that the program generated 34,000 visitor parties. Can the Minister explain this apparent 22,000 difference in visitor parties?

Hon. Mr. Lang: No, I can explain one thing to the Member opposite. I will never have another Conversion Study done. I did not think really that Question Period was to be utilized for the purposes of having a debate over statistics.

The point of the Conversion Study was very clear. We wanted to see whether the money that we were investing in the marketing that we were doing was being effectively spent on behalf of the taxpayers of the Territory, and the answer was yes.

If the Member opposite thinks that our marketing is being improperly done, please stand up and say so, or perhaps I would recommend the next time you do not see him rise.

Mr. Byblow: The Minister did not give any explanation for the variance of the figures. I would like to then ask him, because this is what Question Period is about, can the Minister then now confirm that in his statement his 1,200 percent increase in visitor parties as a result of the program is a gross overstatement by at least four times?

Hon. Mr. Lang: No, I stand by the information that was provided to the House. If the Member wants to take tomorrow's Question Period on statistical debate, I am more than happy to, but I think that there are more pressing and urgent matters affecting the Territory that perhaps should be discussed.

¹⁴ Question re: Canada West Foundation seminar

Mr. Penikett: I have a quick and easy one for the Government Leader. Last November, several Yukoners attended the Canada West Foundation seminar in Banff Springs, Alberta. Were any members of the delegation sent at the expense of the Yukon Government?

Hon. Mr. Pearson: No.

Mr. Speaker: This then concludes the Question Period. We will

now proceed to Orders of the Day under Motions other than Government Motions.

ORDERS OF THE DAY

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Mr. Clerk: Item No. 1, standing in the name of Mr. Graham.

Mr. Speaker: Is the Honourable Member prepared to deal with Item No. 1?

Mr. Graham: Next sitting day.

Mr. Speaker: So ordered.

Mr. Clerk: Item No. 2, standing in the name of Mr. Hanson.

Mr. Speaker: Is the Honourable Member prepared to deal with Item No. 2?

Mr. Hanson: Yes.

Mr. Speaker: It has been moved by the Honourable Member for Mayo, seconded by the Honourable Member for Whitehorse Riverdale South that the Report of the Select Committee on Labour Standards on the subject of the "Green Paper on the *Employment Standards Ordinance*" be concurred in.

Motion No. 9

Mr. Hanson: On December 7, 1981, the Select Committee of this House was appointed. The original resolution was for two select committees. Considering the number of people to attend these committee hearings, it was decided to have one such Select Committee at this time. I was appointed as the permanent chairman of that Select Committee. All other members on the Select Committee could interchange with other members of their Parties so that we would always have five members of the Select Committee.

The first project by the Select Committee was on the study of wildlife, submitted last fall to this House. Employment standards are the second such paper to be studied by this Committee.

The purpose of the Select Committee is to have the greatest amount of public input in the study of these papers so the committee could therefore advise the Government as to what the people who appeared before the committee suggested or wanted. The committee met a considerable number of people from the community who had a great deal of input. However, in committees such as this, not everybody got all that they wanted. The committee attempted, in its fairness, to give what we thought was what satisfied the largest number of people.

Before we move too much further along, I would have to, on behalf of the committee, thank the witnesses that turned out for our committee hearings and the staff of this House who aided us in the work of the committee in doing things for the committee that we did not know even had to be done.

¹⁵ Some of the people who attended the meetings came a great many miles to attend the public hearings and had a great deal of input, and went to a great deal of labour and heavy thinking to come up with the papers that were submitted to the Committee. Despite one member of the committee, who has since opposed the work of the committee publicly, I feel that when we are in a committee hearing such as this, the consensus of the committee is what the recommendation should be — not what I think personally, or what any other individual members think, but the consensus of the majority of the committee.

Despite this I feel that the committee did a good job and I am very proud to have served on this committee and several other committees of this House. I feel that, in future, if I should be here and appointed as Chairman of Committee, I will suggest that all executive meetings of the committee should be held in-camera. However, I do not want to speak long on the Bill itself, because the other members of the committee, and other Members of the House, want to speak on it.

Mr. Kimmerly: I have looked at the report very carefully and there are some excellent suggestions which I, and my Party, support. However, there is one glaring fault that moves me to rise to propose an amendment to the Motion. I would move, seconded by the Member for Faro, that Motion No. 9, be amended by deleting the term "be concurred in" and substituting for it the term: "be not now concurred in, but that it be recommitted to the Select Committee on Labour

Standards with instruction that they have power to amend the same so as to recommend that male and female workers should receive equal pay for work of equal value in recognition of the provisions of the Canada Labour Code, the *Canadian Human Rights Act* and the new Canadian Constitution".

16 Mr. Speaker: It has been moved by the Honourable Member for Whitehorse South Centre, seconded by the Honourable Member for Faro, that Motion No. 9, be amended by deleting the term "be concurred in" and substituting for it the term: "be not now concurred in, but that it be recommitted to the Select Committee on Labour Standards with instruction that they have power to amend the same so as to recommend that male and female workers should receive equal pay for work of equal value in recognition of the provisions of the Canada Labour Code, the *Canadian Human Rights Act* and the new *Canadian Constitution*".

Mr. Kimmerly: Speaking to the amendment, I wish to say that it is unfortunate that the Committee came up with a recommendation which, in my opinion, is contrary to the new Canadian Bill of Rights in the new Constitution. In Section 28 of the new Constitution, there is a constitutional guarantee of equality to male and female persons. Also, it is contrary to the previous Federal Legislation on Section 11(1) and 11(2), and also contrary to the Canada Labour Code.

This is a controversial issue and the definitions of the words "work of equal value", the same or similar work and substantially similar work are well-known to most legislators and the committee received a brief from the Yukon Status of Women Council which laid out the various alternatives.

There are two fundamental problems with the wording recommended by the committee. The first one that there are many jobs which are primarily held by men, and other jobs primarily dominated by women. It is frequently the case that those jobs, although of equal value to the employer and of equal value to society at large, are defined as not being of substantially similar work. If the wording is allowed to stay as it is, very many groups and professions that are substantially dominated by women will suffer.

17 So it is well known, and I could quote various figures, although I will not at length, that women earn less on the average than men. In the Yukon, I believe, women earn approximately 58 percent of what men earn on a per capita basis.

The phraseology is open to abuse by employers. The phraseology establishing equal pay for work of equal value is well accepted now in Federal Legislation, it is well accepted by the Labour movement and is accepted and strongly advocated by all credible women's groups who are active in this area.

It is unfortunate that this very outdated, and in my opinion, now that the new Constitution is passed, illegal recommendation has come from the committee and despite the other good recommendations in the committee's report, I would urge all Members to accept the Motion and vote for the amendment.

Mr. Veale: I rise in support of the Motion, Mr. Speaker.

I would say that there has also been a very substantial change in the Yukon since the report came in, I think, which might give the other Members of the committee reason to support this Motion as well. That is the appointment of the new Advisory Council. I am sure that that Council may be making recommendations to the Minister which might come into conflict with that particular statement in the report. I think it would create a very embarrassing situation for the Government and for this Assembly.

We now have an excellent opportunity to reopen the matter. I say reopen the matter because it would allow the new Advisory Council to deal with the issue and make a submission which may be very similar to the submission that was made by the Status of Women in the Yukon. I think that that is something that all Members should give some consideration to.

18 The Member for Mayo mentioned majority and minority situations in votes in the committee. My general feeling is that it is very important that those matters not be in camera secret matters but be matters that can be discussed openly and freely in this democracy of ours. I think it would be a very unfortunate circumstance that a member of the Committee would be obliged to accept the majority view of the committee and not make any comments because a decision was

reached in camera or something of that nature.

I certainly support this, and I hope that all Members will see fit to endorse what is clearly part of the Canadian *Human Rights Act* and part of the new Canadian Constitution, which our Government Leader attended to see brought home. I think it would be very appropriate if we all agreed to reopen this matter.

Hon. Mr. Tracey: On the amendment, this side of the floor has no problem with sending the whole report back to the committee to reconsider. We also might have some problems with some other parts of the recommendations that we would like to have reconsidered as well.

The Member for Whitehorse South Centre made the comment about equality between men and women. We have no problem with equality between men and women. We believe that they should be treated as equals where they are doing work of equal value, they should get paid equally. The problem with the wording, as the Member has it, in my personal opinion, is that it is all subjective. Who decides what is equal value?

I have no problem with it going back to the committee and letting them come up with some changes in it. At the same time if any other Members or the Government have problems with some of the other recommendations, we will also refer them back to have them looked at again.

Mr. Hanson: I see no problem with the amendment. I have listened to the rather long-winded speech from the other side on it. It did not deter me in my thinking about it because I think it is a good amendment and I agree with it, although I must say that sometimes the Member for Riverdale South could give an aspirin a headache.

I will be supporting the amendment.

Mr. Fleming: I will also rise in support of the amendment. However, I am certainly concerned with the wording as it is in the amendment here. The Member would wish to have equal pay for equal value. That is something that I find is going to be very hard to decide, that is, what type of work is of equal value? Somewhere in the committee's work they will have a problem defining that.

Other than that, I am quite willing to support the amendment. As a member of that committee I will be quite happy to see it go back, and maybe we could find out a little more information from the public before we are finished with it.

19 Hon. Mrs. McCall: I certainly rise in support of this. I would like to say that we are making progress in this way.

Mr. Falle: I would like to rise in support of this Motion. I do not very often support motions coming from the other side of the floor, but I think it is time to support a good motion. I have been a Member of the Select Committee and this is one place in Government where Party lines are crossed, people come up with ideas, we hear from the public and we listen. I think it is one of the most interesting times that I have spent as a Government Member with Opposition Members. We are all trying to do what we think is the best for the people we are supposed to represent. We come in with recommendations and reports. There are no partisan lines. We do what we can to serve the people.

Mr. Njootli: I also rise heartily in support of the amendment due to the fact that there is a possibility the Select Committee might report to the 25th Legislature and therefore may have parts in it where, in a case of an NDP Government coming into power, might be recommended. However, I have just been told by the Member from the Liberal Party that I should not kid myself.

Because my people are not too familiar with this type of law and have problems with their employers, I feel it is time that the Government took into consideration those levels of people and those types of communities instead of going to the big unions. That is why I heartily support the amendment.

20 Amendment agreed to

Mr. Speaker: Is there any further debate on the Motion?
Motion as amended agreed to

Mr. Clerk: Item No. 3, standing in the name of Mr. Falle.

Mr. Speaker: Is the Honourable Member prepared to deal with item No. 3?

Mr. Falle: Yes, Mr. Speaker.

Motion No. 17

Mr. Speaker: It has been moved by the Honourable Member for Hootalinqua, seconded by the Honourable Member for Whitehorse Porter Creek West, that the Assembly urge the Government of Yukon to investigate:

(a) the utilization of alternate energy sources for heating Government buildings; and

(b) the conversion of the Government of Yukon vehicle fleet from gasoline to auto propane.

Mr. Falle: I think it is very appropriate that I have this Motion on the Order Paper as the Canadian Government has come out with some very interesting facts the other day. I see that they are going to give \$10 million to North of 60 to look for alternative energy sources.

The first part of the Motion is basically dealing with heating buildings. I think, in the last 20 years, that most big buildings like garages, the building that we are in right now and other major YTG buildings have gone to steam heating type units, such as a centralized heating unit and uses oil. I really do not know what the consumption of this building would be in the winter, per day, for oil but I would imagine that it would be quite high. There are other buildings as well. When you use oil, the only actual employment you have is the person who is running around filling the oil tanks up and it is just dollars leaving the country.

Modern technology today gives us steam furnaces, either by wood chip or other types of fuel, which can be converted into natural gas, or other types of energy sources. I think it is quite imperative at this time that we try to get away from oil. Oil is something that is in short demand and it costs a lot of money.

I think, when it comes to job creation, as far as the Yukon Territory goes, that there are not many jobs in oil. Oil is being transported in by pipeline. You have a few people at the bulk station and you have a few people delivering the oil.

I think, if we went to wood or wood chips, there will be many chances for employment. On the overall policy, it would still work out to be fairly cheap. At least the money would stay in the Yukon and create jobs.

²¹ The second part of the Motion is the conversion to propane gas. I am thinking of a gas line maybe going by us one of these days where we will have an abundance of natural gas. It is less costly, it is definitely more plentiful, it cuts down on services and it is more efficient. The interesting part is that it makes your engine last about three times longer. These are proven facts, they are not my facts.

I think the new technology in gas conversion and the incentives that the Government of Canada gives to convert vehicles from gas to propane or gas to natural gas will definitely help out the local gas industry as well as make it more economical for people to drive. Today we are told there is a shortage of gasoline.

You never know what the price will be because we do not know what the fellow in Iran is going to charge in the next fuel hike. If we had more stabilization and we had our supply, which we do in Canada, it would be nice to be able to utilize it. I would like to see the Government of the Yukon Territory take the lead in this conversion. There is a lot more I can say about it but I would be interested in hearing what the rest of the Members have to say about this Motion.

Mr. Penikett: Before the Member takes his seat again, I wonder if he would permit some questions on his proposal?

Mr. Falle: Yes, I would be pleased to answer some questions.

Mr. Penikett: I believe, in the life of this House, this is the first time a Member holding the floor has permitted questions during Debate. Perhaps I could facilitate matters by giving all my questions by way of intervention in the speech and the Member, in closing Debate, might like to respond.

I am very interested in the proposal put forward by the Member. I see that, in effect, there are two proposals embodied in the Motion, which seem to be based on recommendations of the Hildebrandt-Young Report. I would be curious to know how many recommendations in the report the Member supports. I would have assumed, and perhaps the Member did not have time to detail it, that he had some idea of the total energy demands of heating Yukon Government buildings at present. Perhaps he might give us some information on that.

Regarding the second part of the Member's proposal, I was curious

about the use of the expression "auto propane" and I wondered if that was some kind of fuel product that was different from regular propane?

²² I was curious if the Member has an estimate of the cost involved in converting a standard automobile to run on propane. I seem to remember a figure of around \$800, but perhaps the Member can confirm that?

He also talks about the possibility of natural gas. I am interested in that because I understand that as cheap as it is to transport — and a proposition like this was ridiculed the other day, I understand the Hildebrandt-Young Report suggested it — the conversion cost per household may run in excess of \$2,000, which is fairly considerable. I wonder if the Member had considered that? I understand you can run automobiles on practically anything. I saw on television some fellow trying to get into the Ontario Legislature who was running his vehicle on alcohol which was distilled on his farm, and had been arrested by the police on behalf of the Ontario Liquor Board, even though he was not drinking it. His car was drinking it, but they found that contravening the *Ontario Liquor Act*. Interestingly enough he was able to achieve fuel efficiency close to that obtained by gasoline at a cost of 23 cents a gallon. There have been cars run on the gas produced from chicken manure. I was interested if the Member, in preparing a motion, had considered these things, and if he considered the possibility of using metaphysical tautologies to achieve some of these objectives.

Mr. Speaker: Order please. I think that I would have to say that with the several questions, rather than the one he was to ask, we must consider the Honourable Member now has spoken in Debate.

Mr. Njootli: I want to tell the House I completely disagree with the Motion. Although I will not propose an amendment, I would like to say a few words on the Motion. Instead of using gasoline or propane, I think that every Government building should be using wood heating. I say that because a lot of Indians would be cutting wood and making a lot of money instead of NCPC. Because of the high wages the Deputy Heads are getting, I think they should be out there cutting wood for their different departments.

Mr. Fleming: I think the Honourable Member from Old Crow may change his mind if he reads the Motion very carefully. I am rising in support of the Motion because somewhere along the line Government has not looked at the possibility that wood burning in a country such as Yukon, where there are millions of acres of it, might be a source of which we have overlooked.

It is very interesting to note that many of the mines in areas where power is not even very expensive turn to steam for the heating of buildings, bunkhouses, the mill itself. There must be reasons for this. ²³ The possibility of having a study of that type I think is well worthwhile to check into. As for the conversion of the Government fleet from gasoline to propane, that is something that would have to be very carefully looked at, of course, although the possibility is there.

There is no doubt that, if something is done like this, you have to be sure that the whole Territory is warned and in conjunction with it and that all the service stations can provide that propane. I have noticed, on the highway today, that many cars from the States now are coming up equipped for propane. I happened to be at a station the other day when a chap came in and we could not give it to him. He was out of it, and it took him a couple of hours to get it. You have to get adapters, et cetera, and it has to be set up just like a proper service station for operation and safety. I am quite prepared to go along with the Motion and hopefully something may come of it some day.

Hon. Mr. Lang: I think the resolution is timely and I think it is a very important resolution. I appreciate the fact that the Opposition has taken it in the manner that they have. A key area, as far as the Yukon is concerned, is the utilization of energy and whether or not we can get onto alternate sources of energy.

One only has to look at the 8 million gallons of diesel fuel that we burn to generate the electricity for NCPC in order to live here year-round. From my perspective, I think, as the Member for Hootalinqua has said, it is a waste of money, and we are in a situation where we are not really reaping any benefits, except on the pipeline and perhaps three or four jobs that are involved with the transportation of the fuel.

It would seem to me that there are a couple of areas, specifically, that one should speak of. Through the Department of Tourism and Economic Development and the Conservation Agreement that we have with

Canada, we are having a preliminary look at the possibility of using the waste heat from the NCPC diesel generators to see whether or not they could be utilized for such a purpose as, perhaps, heating this building.

Once we receive our preliminary report we will see whether or not it is worthwhile going any further in looking at the utilization of that source of energy, which is presently of no value to anyone. Further to that, it should be pointed out that, in the Burwash area, we have, in working with Yukon Electric, been conducting some tests in wind-generated electricity to cut down costs and also use a renewable source of energy, if it proves to be viable.

²⁴ We are also looking at our other buildings such as retrofitting many of our garages, which lose a great deal of their energy at the present time in view of the fact that most of them were inherited from Federal Department of Public Works which was originally the Army. Subsequently were built for the 1948 building standards. Therefore there is work being done in that area.

I should point out that I think that in alternate energy sources, in a broader context, the real area is going to have to be hydro. From the point of view of stabilizing a price as well the work intensive capital nature of such projects, and the fact that once it is a renewable source of energy, I think it is to all our benefits.

On the second part of the Motion, the conversion of Government of Yukon vehicle fleet from gasoline to auto propane, I think it is fairly evident that over the course of the last couple of years we have gone to smaller models of vehicles which then, also, require less utilization of energy. Secondly, the institution of the centralization of the transportation within the Government, I believe, has conserved energy because it is a co-ordinating role that is played. As opposed to five vehicles going down the road there may be five people in one vehicle. I think that that is logical and is a wise use of taxpayers' money and, in turn, conservation of energy.

I do not know enough to really comment in detail on the possibility of conversion from gasoline to auto propane. I think that perhaps it is a good idea to perhaps have a preliminary look to see just exactly what would be the costs related to the conversion itself and also what would be the operation and maintenance costs as time goes on.

It is my information, from discussing with people who have some information on this matter that it can be done and done quite cheaply. One would have to relate the cost of propane up here as opposed to gasoline to see whether or not it would be worthwhile.

From my perspective I think that I do not have any problems supporting the Motion, and I am even prepared to go further to commit the department that I am responsible for to do some work in this area and report back at a convenient time to the House of what our findings are in this area. I should alert the House that we will be looking at other areas as well and perhaps I will have more information in the other variables that I mentioned earlier to report to the House, to see just exactly what can be accomplished within the parameters and financial limitations that we work under.

Mr. Graham: As the seconder of this Motion I will undertake to answer some of the questions asked by the Member for Whitehorse West.

In the first instance, he requested some information about auto propane. Is it the same propane that is used in homes? It basically is, the auto propane system is a system put out by a propane-natural gas distributor in southern Canada. They supply a complete program of conversion. The conversion would cost somewhere between \$1,200 to \$1,800 to \$2,000 per vehicle — but some of that is recoverable from the Federal Government, I believe, \$400 per car.

²⁵ Another question that was asked was the ability to utilize natural gas in automobiles. If Members have been to any Alaskan cities recently, especially Fairbanks, they would no doubt have noticed that almost, I think, every taxi fleet in the City of Fairbanks is operated on liquid natural gas. While I was there briefly this winter, we conversed with a couple of taxi drivers who informed us that it was not only costing them a great deal less for daily operation of those taxis, but they found that they could leave them, when the temperature hit 40 below, idling for days on end with absolutely no problems to the internal workings of their engines. They lasted much longer. They ran cleaner. There was no pollution, very little ice fog, produced as a result of conversion to liquid natural gas. Generally, overall, the automobiles did run equally

as well, if not better, than they did on gasoline.

Those are the reasons that we have asked the Government to at least investigate the possibility of conversion of Government of Yukon cars. In the first part of our Motion, which was to investigate the utilization of alternate energy sources, I will admit to the Member for Whitehorse West, that I and the Member for Hootalinqua have not done any comprehensive study of the total energy requirements of this building at the current time, nor have we attempted to calculate what part of those energy requirements could be replaced by alternate sources of energy. That is what we would like the Government to look at.

We believe that with the railroad running right by the Government building, with the fairly large piece of property that we have here, and with the great number of alternate energy sources within short distance of the City of Whitehorse, we believe that something can be done, be it wood chip, coal, steam from the NCPC dam, we did not know exactly. We would like the Government to find out and report back to the Legislature, at some point in the future exactly what their findings of such an investigation would be. That was the intent of the Motion and I hope all Members support it with that intent in mind.

Hon. Mr. Tracey: As the Minister responsible for the department that both of these points will affect, I can concur very much with the Motion.

My department has started some preliminary work already on converting the motor vehicle fleet to propane. I would caution the Members on the propane. I do not believe that it will turn out to be much cheaper for us to convert to propane. By the time we make up the cost of conversion from gasoline to propane, we probably would not be able to save any money. We would certainly be able to save an awful lot of money if the gas pipeline went through and we could convert the propane back to natural gas.

²⁶ There are other disadvantages, such as having to have service stations throughout the Territory to handle propane. We are looking at it. If it is feasible, we are prepared to do it. We would like to get off gasoline. There are also other businesses interested. One I can think of is investigating making alcohol with wood to see if it would be feasible to put a plant in Yukon Territory methanol. If that were to happen, we would have some cheaper energy source for powering our motor vehicles. We would be willing to work with anyone, any company or any group that wanted to work on that type of proposal.

In conjunction with the Department of Tourism and Economic Development, and perhaps with the Federal Government with the \$10 million they have made available for alternate sources of energy in Yukon, we may be able to do some studies on alternate sources of energy for the heating of Government buildings. We might be well advised to look at something like wood chips for heating the building. In conjunction with the Economic Development Department, we will be looking at that.

I will support the Motion.

Mr. Falle: I think my colleague answered most of the questions the Honourable Mr. Penikett had. In conclusion, as far as energy goes for heating YTG buildings, wood has been around a long time. I heat my house and the buildings I own with wood. It has been around as long as there has been people in North America. It is in abundance. I am not an overly active worker, but in three days I can cut my winter supply of wood. I am sure every person in Yukon can do the same. When it comes to paying for the cost of fuel, unless you are a lawyer or something like that, you are not going to make enough money in three days to convert to oil.

I believe that propane, with the new technology that leaves the gas tank attached, when you run out of propane you switch back to gas and vice versa. It is something that is coming. I am glad the Government of Yukon is seriously looking at it.

²⁷ **Mr. Speaker:** The Member, after having twice spoken has now closed debate. Are you prepared for the question?

Motion agreed to

Mr. Clerk: Item No. 4, standing in the name of Mr. Graham.

Mr. Speaker: Is the Honourable Member prepared to deal with Item No. 4.

Mr. Graham: Yes.

Motion No. 18

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse Porter Creek West, seconded by the Honourable Minister of Tourism and Economic Development, that this Assembly urge the Department of Indian and Northern Affairs to transfer immediately the full administration and funding of the Small Business Loans Fund from the Government of Canada to the Government of Yukon.

Mr. Graham: In 1977, on the recommendation of, and under pressure from, the Federal Auditor-General, the Department of Indian Affairs and Northern Development requested that the Yukon Government assume the administration of the Yukon Small Business Loans Fund in the Territory. Before agreeing to that request, the Government of Yukon undertook an extensive evaluation of the Small Business Loans program. The conclusion reached from the evaluation was that the program, because of its restrictive loan conditions — which were at the time a maximum \$50,000 loan, ten year repayment period was the longest term available and any business with a gross revenue over \$500,000 maximum was not defined as a small business — the Territorial Government felt the program was not an effective tool to promote economic development in the Territory. As a result of that evaluation and in an attempt to develop an aggressive and effective business policy for the Territory, the Government of Yukon then formulated a new business development assistance program providing for interest rebates, feasibility study assistance and assistance to upgrade and improve infrastructure such as power, water and sewer in high cost remote areas.

In early 1980, the Government of Yukon countered the request from the Department of Indian Affairs and Northern Development to assume the Loans Fund by presenting to the Federal Government a proposal that this Government assume the existing almost \$800,000 in loans currently outstanding under the program and that the remaining \$4.2 million dollars, which remained in the fund, be transferred, or at least made available, to the Yukon Government in order to implement the newly-designed business development assistance program.

Federal Government officials in the Department of Indian Affairs and Northern Development agreed to this request and assured this Government that the transfer would take place promptly. On the basis of these assurances an Ordinance was introduced and passed, but it was not proclaimed in the Spring Session of 1980 to provide for the establishment of the Business Development Incentives Program.

²⁸ After extensive and protracted delays, the Department of Indian Affairs and Northern Development in late October advised this Government that it would not fund the proposed Business Development Assistance Program. Instead, DIAN stated that Government of Yukon must accept the transfer of the loans program by March 31, 1982, or the \$4,200,000 remaining in the fund would be terminated.

When we were faced with this choice, this Government proceeded to negotiate modifications and improvements to the inactive Small Business Loans Fund to improve its effectiveness to Yukon citizens. Despite its apparent agreement with the Department of Indian Affairs on the transfer and the terms and conditions and the department's self-imposed transfer date of March 31, 1982. No action has taken place in this regard.

Given the state of the Yukon economy at the present time and in order to increase job creation and investment actively in Yukon, it is imperative that the Small Business Loans Fund, the remaining \$4,200,000, be transferred to Yukon and placed in operation in the immediate future.

That is the intent of my Motion here today. You will also notice that we have placed before the Legislative Assembly a *Small Business Loans Fund Act* and I am sure the Honourable Minister in charge of that department will speak, no doubt, to this Motion.

Having been involved in the Small Business Loans Fund in the early 1970's, I can assure all Members of this Legislature that at the time it worked reasonably well to bring along small businesses in the Territory. However, the conditions imposed by Ottawa — the \$50,000 maximum, the ten-year term and the gross revenue of \$500,000 maximum condition — in this day and age are totally unrealistic. I believe that with a loan fund of \$4,200,000, the Government of Yukon could implement an effective and active loan fund to businesses in the Territory. I think it is something that we really desire and need at this

time. Consequently I hope that all Members of the Legislature will support this Motion.

Mr. Byblow: We will be supporting this Motion because it is a step towards a commitment to help small business. As the Member for Porter Creek indicated, in our present economic times it is no small matter that small business in the Territory needs help.

It has been my Party's firm position that small business forms a very integral part of every community and that support by government to business will help pull Yukon, and even the country, out of the present economic crisis.

The regrettable observation about the Motion, which calls for a transfer of Federal funding, as the Member outlined, is that it really provides no firm guarantee that any assistance will actually be forthcoming. Further to that, I believe that the presentation of this Motion, at this time, is to a large degree an election ploy and underscores this Government's oscillating and often contradictory positions — if they can be often, or at all, identified in their position on assistance to small business.

²⁹ As the Member for Porter Creek outlined, the history of the progress in the Small Business Loans Program is quite correct. At one time, in 1980, I was quite overwhelmed by the Bill that was brought forth that was to introduce a *Business Development Assistance Ordinance* that, as a result of it, would help stimulate business and investment. It would lead to improved incomes. It would have led to improved employment. It would have led to economic diversification. The Member is quite correct when he outlines the purposes of that original Bill.

It was a good Bill. It had excellent programs towards assistance and towards encouragement. It would have very well applied in our current economic times. But we are looking now, two years down the road, at no funding and a Bill on the Order Paper, as the Member outlined, that calls to revoke that Bill and set up a new program for loans. True to form, that Bill that was originally introduced in 1980 is being revoked and the reason is that the Federal Government will not give us any money for it.

I see here before us a Motion now calling for more funding. In a way it is a form of mythical assistance that we support and we agree with. The timing, as I indicated, is very election orientated. I think from this we have the very apparent posturing of the PC's saying, "here look, we support small business, but the Federal Government will not let us". I find it really interesting that at one time this Government opposed the continuation of the Small Business Loans Program, and I think, for a good reason. As the Member did outline, it was very restrictive, it had quite a few limitations.

³⁰ Now they would create a new program and that too is fine, a program to provide loan money and loan guarantees. As I indicate, the timing of it and the posturing is very suspect.

I would like to pose the question, where has this Government taken a position to small business in the last four years? What firm commitment? What concrete commitment has actually been made? What aid to small business has been put forth? It has been pretty clear that the cry from the small business community has been that they want action and less chatter, and we have had a lot of the chatter. It is not the contradictory or the selective type of assistance that has been provided. Something much more committed than that is necessary.

I read an article recently in the Canadian Financial Times, dated April 5th, and I think it made a very clear point that small business, more than ever, now needs financial aid to help offset the bankruptcy claims, to stabilize their own growth potential, and to simply improve their own viability to remain in business. In other countries, where small business survives in spite of hard economic times, they do so because of Government policies. I do not intend to get into policies of Government on this Motion but I will say that small businesses today are reeling from the combined effects of Conservative high interest rates and the policies and the general recession in place.

In many ways, small business are on the front firing line and they are always first to feel the harsh effects of any economic downturn. They get it coming and going. They pay the highest interest rates when they shop for money and they are the first hit — after people — and the hardest when the consumer stops buying and can no longer purchase their goods and services.

I think that if this Government cannot bring the interest rates down that, at least, something in the form of an interest relief program ought to have been introduced. This was previously legislated. It could have been extracted and put in place. That would have been a firm commitment. To blame Ottawa is fine, but if you are not doing anything concrete yourself, then it borders on hypocrisy.

The Yukon NDP would, without hesitation, establish a small business and co-operative low-interest rate program. It would advance our Federal position on a made-in-Canada interest rate. It would promote revision to the *Bank Act* so that loans could be set aside by the banks — portions of money could be set aside specifically for small business.

³¹ I think we would also introduce a restructuring of the Federal Business Development Bank. We would also provide assistance to small business and marketing.

Mr. Speaker: Order, please.

Hon. Mr. Lang: Point of Order. I wonder if the Member opposite would allow a number of questions?

Mr. Speaker: I would ask that Members not be frivolous at this point.

Mr. Byblow: Of course, in direct opposition to the Federal Liberal program, we would encourage the restoration of the small business development bond. There is a track record that we can look at. In the provincial governments, the record of NDP administration in dispelling the myth that we are in any way hostile to small business and entrepreneurship is a matter of record. It is the way this Government should be going. It should be the position and direction of this Government. In British Columbia, the NDP Government under Dave Barrett, was the first to lower interest rates — the provincial tax rate for small business — from 12 to ten percent. In Saskatchewan, a variety of grants, low interest loans and counselling services combined to provide one of the most hospitable environments for small business in the country. It is one of the most stable governments, in today's economic times, across the country.

One program, in particular, was the main street development program. It helped several small towns revive their business districts through improvement grants and sound business advice. We in the NDP realize the vital role that small business plays in the life of communities of all sizes. Today, small business are the greatest source of job creation in the economy and they remain important sources of new ideas and products. That is a matter of fact. I suggest it is of vital importance in Yukon. Small business are overwhelmingly Yukon-Canadian owned and owned by members of communities. In the longer term, the health and future of small business cannot be separated from general economic performance.

³² Yukon's 1,300 small businesses and their contribution to the economic well-being of the Territory need more than lip service. Their contribution, through providing four out of every ten jobs in the private sector, is too often overlooked. That is something that the NDP would not overlook. While it is fair to place this Motion for support before the House, I would repeat it is, in all appearances, a token gesture and is beautifully timed by this Government, as they admit a lack of policy and a lack of firm commitment to another facet of our economic well-being. While we would like to see something substantial in real terms on this subject, we would do so if we were in power.

We will nevertheless support the Motion and hope that the PC's can generate something more than a myth on the subject.

Applause

Hon. Mr. Lang: I was going to sit back and listen to the debate and see just exactly what new ideas could come forward. I think I have confirmed in my own mind that a rumor that came to my attention a number of weeks ago — that the Member of Faro was thinking that maybe he had made the wrong choice as far as political philosophies and political parties were concerned — I want to say to the Member opposite, if he wishes to withdraw from the Party he has joined, I do not think that anyone would object. That is the Member's choice. I find it totally and absolutely difficult to believe the statements made by the Member opposite in talking about free enterprise and how the NDP believes in small business and believes in large business and believes in everything. Yet, we can have a look at where their opposition to free enterprise, in many cases, has set back provinces, like British Col-

umbia. I maintain, even today, that the economic situation goes back over eight years ago in British Columbia when the problems really started. It was a mismanagement of Government funds.

I have sat here over three weeks and listened to the budget debate. I have looked and checked the various items in the budget that would be increased, if they, as the Member wishfully puts it, were in power, and my calculations, after the speech today, bring me not to five percent sales tax but up to seven percent sales tax, if they were going to introduce all these measures that they say that they could do.

The point being is that from my perspective, and where I sit in respect to the financial situation and the budget that we have before you and we will be discussing further today, is that that is structured in such a manner that we do not want anymore increased taxation. I know that the Members opposite would say to the public they do not believe in tax measures. Yet we have the Member for Whitehorse South Centre, perhaps due to the fact that he is new and perhaps naive, standing up in the House and talking about opening up the *Income Tax Act* — I believe that was on the third day of his first sitting in the House — and the list goes on. The Motion before us is very clear. We have done our homework. We have a commitment that we felt should be brought forward in a measure before this House, in Legislation, to allow us to assist small business.

³³ The Government of Canada has almost \$5,000,000 that is available for that purpose, and the Auditor General, as my colleague for Porter Creek West has indicated and pointed out the procedural and financial problems of where it now sits. It should be transferred to the Government of Yukon.

It would appear to me that prior to debating the Bill, and the contents and the principles of the Bill, we should have the necessary financing to go into whatever program the majority group of Members of this House decide. Therefore, the problem that we have is that we had a political commitment from the Minister of Indian Affairs and Northern Development made — I respectfully say and believe, in good faith — to transfer those monies to the Government of the Yukon Territory. That was in December. March 31st was the cutoff date.

Now I have been notified that it now has to go through two more procedures — I understand, Treasury Board and some Social Planning Committee, and I do not quite understand that — to allow such a transfer to take place. The reason the resolution is before you today is to try to impress upon the Government of Canada the importance of the transfer and the importance that we attach to it in order to implement the necessary legislation.

The Member for Faro talks about no commitment. If he thinks that I like to spend day after day going over legislation for an exercise in futility as we did with the *Business Development Incentive Act*, he has another think coming. I have better things to do with my time than that, believe me.

It takes many hours and it costs a fair amount to prepare legislation of this kind. It just does not materialize as the Member opposite obviously thinks it does. A lot of research goes into it. A lot of departmental staff time goes into it and a lot of Cabinet Committee time goes into drawing up the legislation, bringing it forward, and on top of it, the cost of debating it in the House.

You remember the *Business Development Incentive Act*, we had a couple of days in the House debate on that piece of legislation and that costs money. What I am saying is there is a political commitment here and I think, in fairness to both sides of the House, the political commitment to bring forward the necessary legislation. There is not much point in bringing it forward unless we have the necessary financing to go into the program.

I would ask that if this Motion passes the House, that you would transmit this to the Minister of Indian Affairs and Northern Development on the behalf of the Members of the House so that it impresses upon him the importance of his responsibility to try to expedite this particular program through the various channels that are required by the mandarins in Ottawa.

³⁴ I would like to take a few minutes to talk about the Loan Fund itself. I recognize the Bill that has been tabled is much different than the Bill had been passed a number of years ago by this House. As the Member for Porter Creek West has indicated it was largely done due to the fact that the Government of Canada was not prepared to make the political

commitment to see that that legislation and financing could simultaneously come into effect.

Subsequently, we are back in the House with a Motion before us. I should point out that the objectives of the Loan Fund, if you have had the opportunity of reading it and they are fairly clearly outlined, is to provide for new businesses as well as job opportunities. It would be a revolving fund of approximately \$5,000,000 to provide both loans and loan guarantees. I think that is an important distinction, loan guarantees, which permits us to perhaps double the amount of money that would be generated by the fund, if it were to be set up.

The major problem with the previous loan fund was the fact that it had a \$50,000 limitation. With the new legislation that would be discussed in the House here, it is very clear that it would go up to a maximum of \$250,000. Also, at the same time, it would lengthen the loan period from ten years to twenty years, which I think is very important as far as financing is concerned. The interest rates could fluctuate in a range of prime plus one percent and the commercial lending rate, so there could be a differentiation there as well.

I think the key thing is the idea to qualify as a business, a formula was developed. It was basically that the proposed business would have to have an expected annual gross revenue of less than \$2,000,000 and fewer than 100 employees.

The point that I would like to make is that there is a commitment within the finances that we have to small business. I do not think there is any question about it. The small business corporate tax is one of the lowest in the country. Fortunately there has never been any NDP government here in charge of the income tax. Subsequently we have managed to leave that particular area alone in recognition of small business.

³⁵ Also, I should point out that perhaps Member opposite did not research the history of the Party he recently joined. He speaks of being for small business, yet his Party, along with the Federal Liberal Government, did away with the Conservative Government which was bringing in measures for small business. They went against the principle of 18 cents tax on fuel and preferred the offer of the Canadian blended price, which I believe has exceeded, in a year, 65 or 70 cents. It was good financial management by the NDP when they saw those figures that they went with the Federal Liberal Party and saw fit to take the actions they did.

During the short time the Conservative Government was in power, we did receive full co-operation from the Government of Canada. One only has to look at the placer miners and the effect that that Government had to that industry as opposed to what has been taking place in the last two years.

It seems to me the Member opposite should recall vividly what he and his Party did to the people of the Yukon Territory when they accepted the Canadian blended price for small business and all people in the Territory as opposed to an upfront cost.

The principle behind the Motion is timely. If we can receive the approbations of the Members of the House it will emphasize to the Minister of Indian Affairs and Northern Development the importance we attach to the transfer we have requested. I would like to think the Small Business Loans Fund could come into effect this year. It will depend on the transfer of the money. I say, not from a partisan point of view, but from an administrative point of view, if this could be done it would be in the best interests of the people of the Territory.

³⁶ **Mr. Penikett:** I was not going to speak until the Minister began to commit a number of serious errors of fact which I know, Mr. Speaker, you would want corrected so they did not become part of history that the Member claims to know. The Minister knows so little history, and that probably means, according to Harry Truman's dictum, he will be doomed, for the short time he is in Government, to repeat all the history he does not know.

Let me introduce a few facts since the Member obviously does not have any to contribute to the debate. Let us talk about the record of small business failures in Saskatchewan, comparing the NDP Government and the Liberals. You will find the record of small business failures increased dramatically during the time there was a right wing Government there. That was also the case, from the records, small business failures, since the Socreds came back into power, on an annual basis, has doubled since the time the NDP was in power. The

Member may not like that fact, but it is a fact.

He might be interested to know the lowest unemployment rate, as of this morning, in the country is Saskatchewan, which is a tribute not to the kind of policies the Member would propose but to the record and the programs of the Government. Saskatchewan's population is increasing right now, unlike the population of Yukon, where people are being given a choice of saying good-bye to Yukon or good-bye to the Tories. It is the only choice they have right now.

The Minister of Economic Development claims to have done his homework. Well, he may have done his homework and worked his little head off, but fortunately he cannot pass the test. In 1978, this Government Party promised in full page ads in Whitehorse Star only a Progressive Conservative government will fight inflation, unemployment and rising prices. They did not even know that inflation and rising prices is the same thing. It shows the level of economic literacy opposite. Based on that promise, in three and a half years of Tory management of economy, we now have record inflation and record unemployment in the Territory. And that is the record of the Minister of Economic Development, of which he is proud.

The Minister, interestingly enough, referred to Manitoba, which is an interesting case. There was a Conservative Premier there and a man of the Minister of Economic Development's ilk, a right wing, hairy-fisted Tory. He did so much damage to the Manitoba economy in his brief three and some years that the people have expressed their opinion on his management very briefly and very soundly. I think the people of Manitoba made the right decision in the recent election there.

³⁷ The Minister complains about the NDP voting against that wonderful Joe Clark government. Pierre is pretty bad, but the only two people in the world who make Pierre Trudeau look competent are John Diefenbaker and Joe Clark. He talks about this wonderful Tory government, a Tory government who could not even count its own MP's. They did not even know how many guys they had on the floor of the House. If they had a Yukon Erik Nielsen there, they would have gone on strike for a couple of weeks and avoided the vote. The only strike I ever heard of when strikers received full pay while they were out.

Mr. Speaker: Are we not digressing from the subject material at hand?

Mr. Penikett: I apologize for straying slightly from the text of the Motion before us, but you will understand that the subject matter is sufficiently broad, it causes one's mind to wander fairly loosely across the political landscape.

I am fascinated when we hear references to the wonderful Tories. Tory economics are an interesting thing. For the first time since the Second World War, there are Tories in control of some of the major economies in the western world. I mean real Tories, not your Bill Davis type Tories, your aggressive, Liberal Conservative types, not your sort of wishy-washy Tories like the guy who was there before Schreyer or the people who managed England for part of the 1960's. What you have now are your real down-to-earth Tories. These are the guys like Ronald Reagan, who wants to take us back to the early 17th century, people like Margaret Thatcher, who has now 3 million unemployed. These people have so devastated the economies of the United States and Britain that at the first possible opportunity, the people of those countries are going to say good-bye to the Tories for a long, long time.

The Minister opposite wants to talk about economics. He wants to talk about the support of my Party for other Parties from time to time. Let me give the Member opposite another fact, because he does not like facts, his education did not extend that far. It is a matter of record that the Liberals and Tories vote together in the House of Commons more often than the NDP votes with either of the other two Parties. The fact of the matter is, if the Federal Government gives the money asked for in this Motion, it would be a good thing.

³⁸ However, I have heard the Government Leader say, on many occasions, that the Federal Government does not have any money to give us for anything. But, as they say, there is no harm in asking. If the Members opposite think that it will help if our voices join theirs in asking — because I understand that we do articulate things more clearly and more precisely and more resonantly than them — we would be glad to add our voices to that call and, if the Federal Government comes through with our money, we will, no matter how much the

Member opposite objects, be willing to take our share of the credit.

Hon. Mr. Tracey: It is very entertaining listening to all the election speeches from across the floor today. They must think that an election is going to be called. I am a small businessman. I have been for quite a few years and I am, like the Member from across the floor, reincarnated. I support very much the bringing of small business loans to Yukon, regardless of what the Leader of the Opposition says about the Federal Government not giving us the money or whatever. The money is there, the program is already sitting there in Ottawa gathering dust. The money is doing absolutely nothing. What we are saying is, give it to us, we can use it. We will help small business.

We do not have a firm guarantee that we are going to get it. That is why we want a unanimous vote in this House to tell the Federal Government that we want that money. We can use it. With the help of all the Members we could probably get it.

The Member for Faro says that this Government has not supported small business in the Territory. I would hate to disagree with him, but on this I certainly would have to. Just in the last three years, we have spent \$6 million supporting small business in the Yukon Territory through the Tourism sub-agreement. He says, Federal money. Most of the money that we get has to come from the Federal Government because we do not have any other way of getting money. All the money that should actually accrue to this Territory goes to the Federal Government with the support of the NDP in Ottawa. We do not get control of that money.

It really interested me to hear the Member across the floor speak about changing FBDB or lowering the bank rates. I do not know who the Member thinks he is, or what he thinks this Government is, but I can assure him that this Government will never change the bank rates in Canada. The *Bank Act* is a Federal Government Act and it certainly has nothing to do with the Territorial Government.

I would like to recall British Columbia when Dave Barrett's government was in. That was the biggest boon for the Yukon Territory that we have ever seen. They drove small business out of British Columbia up to here. It was great for the Yukon Territory. As bad as it sounds, it would probably be beneficial if the NDP got back into British Columbia to help us out again. We could certainly use the help.

I would like to also say that I think farmers are small businessmen and I think the Members across the floor would have to agree with that.

³⁹ Today, in Saskatchewan, the NDP Government is the biggest landholder in Saskatchewan. They own a big share of the farmland. Is that support for small business? It does not sound like it to me. It sounds like socialism, the government collective. That is exactly that the NDP would bring in in the Yukon Territory. If the NDP was elected in this Territory, we would never see control of our land. The Government would get it all right, but we would not see private ownership of land. The NDP would hang right onto it. The evidence shows that it is true. Let us look at Saskatchewan. They are the biggest land owners...

Mr. Speaker: Order, please.

Mr. Penikett: Would the Member permit a question?

Mr. Speaker: Order, please. I ask again if Members would not make speeches in debate at this point.

Hon. Mr. Tracey: I support this Motion very much. As I said earlier, I am a small businessman. I own a small business and I feel that if the money is available for us to help small businesses in the Territory, to either maintain their business or to expand their business or to start a new business, I would certainly like us to be in a position where we could do that.

Mr. Fleming: I have listened, with amusement at times, however I am rising to support the Motion. I must say that I commend the Members of the NDP for their support in the Motion. I think it shows that they are willing to learn. In the first place, I think the Motion is pretty straightforward. The very fact that we know that the Government of Canada is the Government that has the money and it is the Liberal Government today which cannot be helped right at the moment. There could possibly be something done later. We know that there is possibly enough money there for us, so we are merely asking for it.

As far as being serious about the Small Business Loan Fund, I have to be in total agreement with it for small business in the Territory. However, I did take exception to some of the comments by the

Member for Faro. He said, the NDP — of course, it was not a political speech, although actually I felt it was, but he did not seem to think it was — thought that this Government was being political and trying to make an election gimmick of this Motion. I think that it is pretty smart that he agreed with it at this time.

⁴⁰ However, he says the NDP will, providing they get into power, work towards lowering the interest rates. It came out a little stronger than that. I see this monstrous Party over there attacking the Bank of Canada. There are 2,000,000 people out there, and all of a sudden they are going to do it. I wonder just how they figure they are going to do that.

The NDP would have a small business loans fund. I guess that they would not go to the Government of Canada for it, but I do not know where they would get it.

I like real genuine facts. I would like to see the NDP in the Yukon lower the interest rates just in the Yukon Territory. All of a sudden you can go down to the bank and get your money for less than the bank is loaning it out for to business everywhere else. I wonder how far you could go with something like that before somebody would have to pay the bill. If the Member for Faro had \$10,000 in the bank and he was getting 18 percent and I wanted to borrow \$10,000, the picture would be entirely different. I cannot see it at all.

The NDP in this House remind me of the three musketeers. They are out of ammunition, out hunting, firing blanks and going bang, bang, bang and wondering why nothing falls.

Mrs. McGuire: I rise today to say that the Members in the Liberal Party here support this Motion. Unlike the other two Parties in this House, we will not be doing any campaigning today.

Mr. Njootli: Like all things, there is good and bad. In regards to Motion No. 18, I think there are some good and bad points. We all like the transfer of responsibilities from the big Government 3,000 miles away.

⁴¹ The mover of the Motion stated some history on the fund itself. I remember back in 1972 and 1974, I ran a Pipeline Information Program along the McKenzie Valley because of the possibility of pipeline construction in that valley. At that time there was a majority of Indian people in the valley and, because of that, the Indian people had first priority in the Small Business Loan Fund during those years. With the Motion at hand, in the '80's, I am not absolutely sure how this is going to affect the Indian people and their priority in this particular fund because of the racial population in the Yukon Territory.

Because of industry and the possible pipeline and the possibility of setting our own interest rates, decentralization, bringing the small business loan fund closer to home, having less bureaucracy and red tape, Yukoners lending money to Yukoners, helping Yukoners, including Indian people, I would like to tell the Government to, if possible, be careful if the Motion itself brings the fund home to the Yukon.

I agree with the Member for Faro 100 percent when he referred to the timing as being wrong because of the fact that the Minister of Renewable Resources said that there is a possibility that this fund may be transferred this year. I am not sure what CYI will say about that. If it is transferred before the Land Claims are settled, I am not quite sure what type of situation that could bring about in the Yukon in regards to the small business loan fund. I must tell the House that I agree, in principle, with the Motion.

Motion agreed to

Mr. Clerk: Item No. 5, standing in the name of Mr. Graham.

Mr. Speaker: Is the Honourable Member prepared to deal with Item No. 5?

Mr. Graham: I am.

Bill No. 19

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse Porter Creek West, seconded by the Honourable Member for Campbell, that this Assembly urge:

(1) the Government of Canada to implement a residential mortgage interest deductibility plan; and

(2) the Government of Yukon to investigate the possibility of implementing a Territorial residential mortgage interest deductibility plan.

42 Mr. Graham: During the past few weeks I have had reason to visit a great number of constituents, both in my riding and in other ridings around the Territory. The comments that I have heard with respect to the situation concerning residential mortgage rates presently being paid in Yukon have ranged from "its legalized robbery", to simply "I cannot afford to live in my own house anymore".

Let me give you a case in point. A young couple in my riding bought a house four and one-half years ago. They paid approximately a \$5,000 down payment. They obtained a mortgage for the remainder of the cost and were quite prepared to pay a monthly payment of some \$600 to \$640 per month, as long as both of them were employed.

Four and one-half years later, this young couple decided to start a family. After carefully calculating their monthly budget to ensure that they could exist on one income. Their current situation, after making that decision some time ago is this. The young lady is going to have a baby this summer. Hydro rates recently announced by NCPG are going up by one-third, at least. Their mortgage, which is now up for renewal, will increase from some \$640 per month to \$952 per month, beginning some time this summer.

Their situation is not serious, it is critical. Their choices are quite simple, as they explained them to me, to come up with the extra \$312 per month, and that is impossible because the money simply is not there in a single paycheque. Secondly, they could sell, but with the housing market as soft as it is right now in the Whitehorse area this is not really an option. Finally, they can pay as much as possible each month on their mortgage and default the rest, thereby increasing the possibility of foreclosure with the consequence of not only losing their home but they would also lose their down payment and the total investment that they had made in that home over the last four and one-half years.

This probably is not the only story such as this that you will hear in the Yukon today. I only relay it to you and to other Members in the Legislature to indicate the severity of the situation. As I looked for possible solutions to this young couple's problem and the problem that not only faces them but many other home owners in the Territory, I considered first the simplest solution, lowering interest rates, the favourite topic of the last debate here.

I would like to quote you a passage from a recent speech made by the Governor of the Bank of Canada, Gerald K. Bouey. Mr. Bouey stated "Many farmers, small businesses, large businesses and home mortgage borrowers are facing interest rates that are extraordinarily high by historical standards and they are having a very rough time. To many of these people, their problems appear to have been caused by the policy of the Bank of Canada, a policy they believe the Bank could easily alter substantially any time it chose to without causing serious damage to the economy. I can well understand why many people desperately want to believe that there is some way for the Bank of Canada to bring down interest rates sharply and quickly. That is why we have to explain why that is not practical. In a free society, interest rates have a role to play and their level cannot be fixed arbitrarily. They rise from the real productivity of capital and they provide a return to those who save for the future. In the normal course of events they are positive when the value of money is stable and they are above the general tendency of inflation where there is inflation."

43 The very unfortunate consequence of this kind of twisted thinking in my opinion is that the people who can least afford the increases caused by high interest rates are the ones that do not have money in the bank to collect interest. They do not have a whole lot of assets they can sell in times of inflation that they can use for a pool of liquid cash. They do not have any assets to fall back on to take them out of the problem period. They are the ones that have already been hit so hard by inflation that there is simply nothing else to draw on when interest and mortgage rates rise. We can expect no help from the Bank of Canada, and I believe that the chartered banks are much the same. We can expect no help from them.

They are willing to do things like capitalize your interest rates, make the total amount of money that you borrowed initially seven years ago higher after you paid on the mortgage for 20 years. I do not really consider that an option. I also do not consider it an option for governments to legislate the fact that a Bank can charge only a set interest rate and add the rest of the interest rate to the principle. That is not really a

solution. All that is doing is postponing the inevitable.

I think the chartered banks have made it clear to one and all that they do not see high interest rates as a problem which they should be forced to deal with. This then leads one to believe that other solutions are necessary in order to combat the problem. One possible solution is the first part of my Motion, for "the Government of Canada to implement a residential mortgage interest deductibility plan", much like the plan that the short lived Conservative Government proposed.

This proposal, very basically, would have allowed any residential homeowner who lived in his or her own home to deduct from his or her Federal income tax a portion of the interest paid on that person's home mortgage. It seems to me to be an exceptional fine program — with flaws, but which would have helped to ease the unnecessarily high burden caused by interest rates in Yukon and in Canada as a whole.

The first part of my Motion then dealt with the residential mortgage interest deductibility plan from the Federal Government's point of view. I hope that all Members join with me to urge the Government of Canada to implement such a plan as quickly as possible to save some of the people that are, in the Minister of Finance's words, in dire straits here in the Territory at the present time.

44 The second part of my Motion reads "that this Assembly urge the Government of Yukon to investigate the possibility of implementing a Territorial residential mortgage interest deductibility plan" is a positive step if the Federal Government will not come up with a mortgage plan. If they do, it will be a mortgage plan sure to include imputed rent. That is really no problem to the solution of high interest rates. If the Federal Government is not willing to act now or in the future to help homeowners in Canada and Yukon then I would like to see the Territorial Government investigate a homeowner interest deduction plan on Territorial income tax. To be fair, a percentage of such a plan, which would be applied to Territorial income tax exactly the same as it was intended to apply to Federal income tax could be applied also to persons who rent premises in Yukon. I think that not only are our homeowners in tough shape in the Territory, but I believe to a certain extent that homerenters are in the same position. Their rents are increasing at a phenomenal rate as well. I think some sort of income tax credit plan, much like a homeowner interest plan, would be an extremely good idea at the present time. I think that neither of the suggestions I am putting forth would be as tremendous a benefit to Territorial taxpayers as the Federal tax rebate would be. I think that the Territorial tax credit system would be a start, and would show our concern as a Government to residents of the Yukon Territory.

I made some rough estimates of the cost of such a program to Territorial taxpayers. My estimate, based on the limited statistics I have available, would probably cost us somewhere between 7.5 to 12 percent of the total Territorial income tax paid in any one year. Whereas it sounds like quite a chunk out of any Territorial budget, I have a number of suggestions that I would like to point out, they are strictly my suggestions. I have not discussed them with any other Member of this Legislature. I would like to see them checked out for their feasibility.

In my concluding remarks, I would bring forward those suggestions. I look forward to hearing from other Members of the Legislature what they think of the Motion I have brought here today. I hope all Members will make some constructive suggestions and support the Motion when it is time to come to a vote.

45 Mr. Kimmerly: I am very pleased to enter into the act on this third election Motion today. It is interesting to see the Conservative back-benchers approach the NDP Policy book in a positive light. I compliment the Member on his sensitivity to the plight of some constituents where the mortgage interest is at an atrocious rate. I compliment the Member for being aware of that and for raising the problem in the House. It is interesting that the problem is raised in the dying days of this Assembly just before an election by a Government back-bencher with lines such as "investigate the possibility" and "urge the Government". This Government could have imposed these kind of measures a long time ago.

In the province of Saskatchewan in 1979, three years ago, exactly such a proposal was put into effect. The specific proposal in Saskatchewan is that 25 percent of \$1,000 of mortgage interest paid is deductible as a deduction on personal income tax. All of Ontario, Manitoba,

Alberta, British Columbia and Quebec have personal income tax credit for the property owner. The system in Ontario, Quebec and British Columbia also includes a rate for renters. Indeed, even Alberta has a measure of a tax break for renters. The front-benchers of the Conservative Party have had four years in which to bring forward this Motion in legislation and they did not do so. The Federal Conservative Party, who campaigned on this issue through two elections, did not make good on their election promise in the first budget.

46 This is a good concept. It was put in place in Saskatchewan in 1979 by an NDP Government. An NDP Government certainly would study this extremely carefully, depending on the particular costs, of course, and we welcome the Motion. We support it but only with the reservation that it is untimely and that it should have been brought years ago and it should be legislation as opposed to a loosely-worded motion by a Government back-bencher.

Mr. Veale: We can certainly support this resolution and urge the Government to investigate everything, especially as they will not have any time to investigate a thing in the next week or two.

On a serious note, I think that the major concern about mortgage interest deductibility is that it does not help those who are not homeowners and it may result in a very substantial reduction in general revenue. I was interested in the approach that was taken in terms of seven and a half or 12 percent in terms of revenue deductions that are going to take place. The concern that I have is that the ultimate reduction in revenue is going to far exceed the benefits and is not going to affect people very seriously. In any event, let us investigate it. I hope that the Government will be around to do the investigations.

Motion agreed to

PUBLIC BILLS AND ORDERS OTHER THAN GOVERNMENT BILLS AND ORDERS

Bill No. 102: Withdrawal at Second Reading

Mr. Clerk: Second reading, Bill No. 102, standing in the name of Mr. Kimmerly.

Mr. Kimmerly: I would ask for unanimous consent to withdraw the Bill as there is a similar Bill on the Order Paper which has already received second reading.

Mr. Speaker: Does the Honourable Member have unanimous consent to withdraw Bill No. 102?

All Members agreed

Mr. Speaker: So ordered.

GOVERNMENT BILLS AND ORDERS

Bill No. 11: Third Reading

Mr. Clerk: Third reading, Bill No. 11, standing in the name of the Honourable Mrs. McCall.

Hon. Mrs. McCall: I move, seconded by the Honourable Member for Mayo that Bill No. 11 be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Health and Human Resources, seconded by the Honourable Member for Mayo that Bill No. 11 be now read a third time.

Motion agreed to

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mrs. McCall: I move, seconded by the Honourable Member for Mayo that Bill No. 11 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Health and Human Resources, seconded by the Honourable Member for Mayo that Bill No. 11 do now pass and that the title be as on the Order Paper.

Motion agreed to

47 **Mr. Speaker:** May I have your further pleasure?

Mr. Graham: I move, seconded by the Honourable Member for Mayo that Mr. Speaker do now leave the Chair and that the House dissolve into Committee of the Whole.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse Porter Creek West, seconded by the Honourable Member for Mayo 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 will now call Committee of the Whole to order. After a brief recess will be going into Bill 101.

Recess

48 **Mr. Chairman:** I now call the Committee of the Whole to order.

Bill No. 101

Mr. Chairman: We will be discussing Bill 101, *An Ordinance to Provide for Freedom of Information*. General Debate.

Hon. Mr. Lang: I guess I could report progress on the Bill, now that I am on my feet but I wanted to make a couple of comments on the general principle of the Ordinance.

I have looked at the Bill, and I do not think there is any question that there is going to be a requirement, the way this is laid out, for certain administrative responsibilities, and the judiciary comes into it. The Bill itself is designed for freedom of information, which is going to incur certain costs on the general populace of the Territory. The Member sponsoring the Bill, of which I am very surprised but I would assume is probably an apropos, in view of the Party that he represents, has come forward and said he really did not know how much it was going to cost if we put this legislation into play.

I think we have to seriously consider just exactly what the ramifications are and if there are any other alternatives. I would like to throw out to the Member opposite sponsoring the Bill and I am not doing this facetiously. I think it is a viable alternative.

Looking at our new *Executive Council Ordinance*, under the concept of freedom of information, it would require certain responsibilities of an Executive Council Member if one were refused information from the Government. I would assume an individual who was refused information would be refused at an administrative level.

I am talking about political accountability, where in law you would make it a requirement and one could discuss the details of it, but generally, if information was denied a person and if he approached a Member of the House or the Executive Council Member directly, that the Minister responsible would have a responsibility to look into the situation himself, in view of the public trust and the authority he holds. It would be a requirement that he or she directly correspond with the individual in respect to the information being requested, whether it be on the positive side or the negative side. If it is the negative side, then clearly spell out in correspondence why certain information was being turned down.

It would seem to me, looking at the principle of freedom of information, and I think of the few years I have had in political life, I really cannot think of that many situations where someone was denied information. We have a population of 25,000 people. We have access to elected Members, in most cases, at a minute's notice, or very rarely it goes beyond a day's notice, to get in contact with a Member of the House or, for that matter, a Minister of the Crown directly. It would seem to me that if we designed a Bill on the principle of freedom of information, making it a political responsibility of an elected Member to either deny or permit information that had initially been denied by the administration, it would seem to me, in part, that it would solve what is perceived as a problem in the ability to get information from our Government and I think it would solve the problem that I think we all have, the question of administration and what are those costs that are incurred?

49 One will say that there is no appeal procedure. We cannot go to the courts. I personally have a lot of problems with a lot of things that we make a responsibility of the court to decide. In cases such as this, I think it is a question of political responsibility. We are forced, and committed, once every four years, to go to the electorate and you stand or fall on your our personal record as far as serving the Government and the people of the Territory. The people, in the final analysis, are

the judge. It would seem to me, with the access that we have to elected Members, I would say that this could be a viable alternative, legislating that responsibility with the responsibilities that the elected Members have, rather than to go the route suggested here, with a combination of administrative responsibilities as well as judicial responsibilities.

I would like to hear the sponsoring Member of the Bill speak on that subject. I recognize that I do not have all the details here in front of me. It was an idea that came to my mind a couple of days ago, of what other alternatives we have to reach the same objective. I think it is a viable alternative that can be looked at. If we were to take the tack at looking at the alternative of Members taking the political responsibilities for freedom of information, I would suggest that a bill of this kind could really be worked at in the Rules, Elections and Privileges Committee, as long as there is no formulas for pay that would have to be considered, so we would not make any mistakes.

It would seem to me to be an idea and I would like to hear some discussion on it. I do not think that any Member in the House wants to incur \$50, \$100 or \$150,000 of costs to the general public. Yet, at the same time, we would like to accomplish the principle in law of what the procedure is for freedom of information.

Mr. Penikett: I thank the Member for his contribution to the general debate on this Bill.

⁵⁰ The question he raises about what the price of freedom is, I suppose has been a subject of some of the most serious discussions throughout the history of political democracy. I think on a serious point because I, obviously, do not have the capacity to talk about dollars and cents. I think there is a very effective argument to be made that it is no more expensive to make information available than it is to make it unavailable.

I think, with respect to the Member's suggestion, and it might be worthy of some more discussion, that essentially what he is proposing is a slight variation on the status quo. He is still closing in the final analysis executive control of information. The problem with that is that some of the information that citizens might most earnestly desire, or even opposition might most earnestly desire, may from time to time prove embarrassing to the Government. With the regime he would propose, which is a slight variation of the present system, we will have a situation much as we do now when we file a Notice for Motion of Production of Papers — or in any Legislature in the country where such motions are noted — routinely the Executive will, with the support of the majority, deny access to that information. They will simply say, "no, you cannot have it", or "you cannot have it now", or "we will get it later".

Several times in the last week Ministers in this House have told Members opposite they cannot have information. Some of that information that they said we could not have, might have been information that we might not have been entitled to have according to this Bill, but others, we would. One of the nice things about a legislature is that we can ask for the information even if we will not get it. We can ask and the Ministers can say no. Their saying no might become an issue. But the number of occasions when that will become an issue, I suspect, are rather small. The number of times where the import of the information is so great that it would cause the media to take an interest would be pretty rare, even in a small community.

I want to emphasize, and I do not want to suggest any discourtesy to the Member opposite's suggestion, the key principle in this Bill is the one that we establish a clean break with the traditions of administrative secrecy. We reverse the traditional idea. Instead of all-Government information being secret, except when those in authority deem it appropriate to make it public, all-Government information should be available to the public except when it falls into certain exempted categories. These categories should be defined as precisely and as narrowly as possible. When we arrive at that Clause, I am quite prepared to admit there could be improvements in it, as there can be in others.

On appeals, I should tell him the key policy debate on freedom of information, when the legislature was debated in the United States and the Scandinavian countries when they adopted it — in most of the provinces it has gone through debate now, but they do not have legislation — the argument has come down to a debate between who

has the final say. I gather the position of the Government of Ontario now is that the Cabinet should have the final say, but the Conservative Party, where it is in opposition, such as in Ottawa, has said — and Wolfred Baker was quoted recently as saying, "well that is a totally a medieval notion of freedom of information" — you cannot have freedom of information if the Cabinet has final say as to who gets it.

⁵¹ The Cabinet will never provide any information which they do not think is in their interest to provide. This Bill does take an opposite principle. It says it shall be available except when there are compelling reasons for it not to be. I think, with respect, that is a better principle.

Hon. Mr. Lang: I would disagree with the Member opposite. First of all, I want to impress upon the Member — and I was hoping that he would not get into that tone of debate — that I was implying that I was putting a price on freedom. I said that we all agreed with the objective. A little further on, in speaking to the principle, he stated that the media might not get interested. My point of view is that the idea is to try and get information to people if they need it, if they desire it and if they require it wherever possible.

I would be prepared to look at alternatives where in law you use the Member Services Board, for an example. The Speaker, the Leader of the Official Opposition and the Leader of the Government. Where a request comes up for information, you have the arbitrator of this House along with two partisan Members of this House who could review the files in an in-camera situation. I did not say it necessarily had to be the Cabinet. I would be prepared to look at alternatives so that you would not only have, from your point of view, the perception, but that you would have an unbiased, non-partisan look at the information that was being required.

I cannot see why we, in Yukon, cannot devise something in such a manner that it will serve the public, and at the same time meet the requirement of the political responsibility and public trust that goes with having information. I would be prepared to look at other alternatives in respect to who actually makes the final decision of information and legislate it.

I think that there has to be a final decision made, and I would be quite satisfied, as a Member of this House, no matter where I sat, that anybody who is asked information from such a board as that — for example, which is already set up in the purview of this House — have an honest assessment from a non-partisan point of view. I do not think that the Member opposite should just dismiss the idea lightly, because I recognize that there has been a certain amount of work done on this particular Bill.

⁵² What I am searching for is an alternative, on the same principle. I personally think, as an idea — this is the idea of general debate to generate ideas — that it has some justification that it should be looked at and not dismissed entirely out of hand. That way, it would seem to me, that you could get to the same objective and you would legislate it. At the same time, you would not have the requirement — that I had been led to believe — that would require more administrative work by people. That means, more people, more taxpayers' dollars and whatever. The other point I want to make, as far as legislation of this kind, is that I question how many people have been denied information if they really pushed to get information from this Government.

Now the Member for Riverdale South will say, what about the proposed policy paper on wilderness. That would be exempt by this legislation anyway and he got it. In fact, I thought that someone had taken my bill and, with the freedom of information, I thought that it was really getting loose but I was very pleased to find it in my binder.

I just feel that there is some validity to looking at this. I do not think that you should just dismiss this out of hand because they did it in the United States or because they did it in Sweden. The Member opposite talks about being innovative. Here is an innovative idea. I think that it should be explored.

Mr. Penikett: I think that it is an excellent idea that the Member Services Board might be the final court of appeal and I would be prepared to entertain an amendment, in Section 6, to do exactly that when we get to it.

Hon. Mr. Lang: That is not the principle. I was not saying that should be the final source of appeal. I was saying, in respect to the exemptions you have in this Bill, that you are bound to this law here — and I recognize that the Member has never been part of government —

you are going to be requiring certain administrative responsibilities to be carried out. It seems to me that we could prepare a Bill in such a manner that we could take responsibility here in a Freedom of Information Bill and with the Member's responsibilities and declare you are delineating the responsibilities. I think that we would accomplish the same end.

I wish the Member opposite would not be so flippant. He has a tendency, any time I speak the way he speaks, to get quite irate. I am trying to be non-combative so that I will not cause any problems as far as upsetting the Member opposite and I would like to hear other Members that are, perhaps, not so hard and fast with their ideas as the Member across the way, speak on this subject.

⁵³ **Hon. Mr. Tracey:** I think the Minister of Tourism and Economic Development has a fairly good idea. I think it is worth considering.

I would like to quote from an article that deals with Ontario. I will read the quote and I think you should consider both of the ideas in here. I think it is very relevant. Mr. McMurtry said in his letter that "Ontario still has concerns that the Freedom of Information Legislation may be used, as has happened in the United States, by organized criminals or by businessmen looking for information on their competitors". That has happened on numerous occasions in the United States. Businesses had countless people investigating the private business of their competitors and criminals did the same thing. That is something that has to be considered.

I said a little earlier that people had been murdered. The Leader of the Opposition says that, and I will quote him here, "the Minister suggested that somehow freedom of information could result in the murders of informers and so forth. It might be a real civil libertarian concern but it is hardly something that ought to concern us". I think it ought to concern us, not so much the fact of murder. I do not think that we will have murder but the fact that informers will not come forward and law enforcement uses informers to a great extent.

I think we have to give serious consideration to the fact that our law enforcement agencies do use informers and they would not be able to use them any more.

I will go with this item from the paper, "The Ontario Government has repeatedly promised to introduce Freedom of Information Legislation but has delayed because of the Secretary of Justice, Norman Sterling's reservations about putting the final decisions on what should be made public in the hands of an impartial body or a judge. He insists that the final say must rest with the Cabinet". That is exactly what the Minister of Tourism and Economic Development is suggesting, that we represent the people. We are here to see to the peoples' wishes. We do not feel that it should necessarily go before a judge.

⁵⁴ The ability is here, the final authority and the final appeal should be to the Cabinet, who makes the laws. Last week when we were dealing with this item, the Member also said that I calculate, based on the approximate things, that the cost to each citizen in the United States was perhaps 10 cents per person. If you multiply that out and use Yukon Territory's population, that is \$2,400.00. I can assure you that there is no way that this Government is ever going to investigate and research all of our documents to find out what should be released for \$2,400.00 or \$24,000 or probably \$240,000.

It is going to be very costly. There is no way we can get around the cost if we bring a Freedom of Information Bill in, as Members have put forward here. It is going to mean a tremendous cost.

He also made the statement in rebuttal to my opening remarks that the Yukon public might clearly argue that they have already paid for this information through their tax dollars. They have already paid for the gathering of the data and therefore it ought to be theirs as a matter of right. We do not disagree with freedom of information but who is going to pay for the research. Who is going to pay to find out what we should release to the public and what should not be released. What is private information? That is not paid for already. Somebody has to pay for that. The argument that the taxpayers have already paid for it does not necessarily hold water.

I have had my department research and study this Bill. They have done a fair amount of work on it. There is much more to do. They have not spent that much time at it. They have given it a fairly good once-over. My department has a lot of problem with the writing of the Bill. The Member from across the floor says he had expert writers. No

he did not say that, but I will tell you exactly what he said. "I think the person who did the mechanical drafting did an excellent job".

My department says that it was a terrible job. Frequently, its meaning is ambiguous, its scope unclear. For example Section 4(1)(d) is a glaring example of ambiguity, if you compare 4(1)(d), 3(1), 5(1) and then you look at Section 2(1) you will find that the Members across the floor do not know really what they want to release to the public or who is going to release it, and what should be private information and what should be public.

⁵⁵ There has not been enough work done on the Bill. It creates procedural nightmare. For example, Section 6, about Appeals to Court, is a very complex appeal procedure. My department suggests to me that an application to the Court alone would have been sufficient without going through all of the rigamarole that the Members have in here.

Section 5 creates an apparently unjustifiable difference between "individuals" and "all persons including corporate bodies". Surely, if privacy is recognized at all, when any corporation limited deserves it then Joe's private industry without a limited behind it should also deserve it.

Mr. Chairman: Order. Mr. Tracey, please, do not refer to too many clauses in the Bill in general debate.

Hon. Mr. Tracey: The point I am trying to make is that there are many sections of this Bill that need a lot of work done on. We do not disagree with the idea of freedom of information. We try to be as free as possible. I think the Minister of Tourism and Economic Development has brought forward something we should consider. While we agree with the Bill, we will have problem agreeing with it in the format it is presently in.

Hon. Mr. Lang: I had another idea. You could legislate a very basic principle that all information is available to anyone. If it is denied, one of the politicians becomes involved and then you go to the appeal procedure I outlined earlier. Under guidelines, it would be set in legislation.

⁵⁶ I think there is a lot of validity to it. I think as far as our small Government is concerned, we could cope with it adequately. I think a little work should be done seeing whether or not such an idea could be brought forward as far as legislation is concerned. I have to relate to the Minister of Justice, who has had people looking at it from the administration point of view, the costs are high. I am wondering if the alternative I have will minimize costs.

I recognize the Member from Whitehorse South Centre is from the legal profession. He may think that it is a funny idea to have political accountability. It seems to me we have not looked at all of the alternatives that could be put into law as opposed to looking at the documents we have here. I thought that was the original purpose of the Bill. I would like to discuss it further, rather than dismiss it right out of hand.

Perhaps the Member from Riverdale South could add something to it.

Mr. Penikett: I agree with the general propositions put across the other side. I agree this Bill may need this work so I say let's go to work. The Members opposite are free to propose amendments and I will consider them with a free and open mind.

Let me deal with, what has become known in this business, as the McMurtry response, which the Minister quoted. I have been provided with a copy of a letter from the Attorney General of Manitoba to the Honourable Francis Fox, dated February 19 of this year, which deals with the subject matter raised by the Minister. I would like to read a passage from that letter, "Dear Mr. Minister: I have recently received a copy of a letter dated January 20, 1982, addressed to you from Mr. R.R. McMurtry, Attorney General of the Province of Ontario, in which he raises the possibility of obtaining a consensus for the development of uniform freedom of information statute. In the event of such a consensus were obtained, Bill C-43 would be put on hold. I note further that speaking in the House of Commons on February 12, 1982, you advised the House you were waiting for replies from other provinces to see whether or not this proposal of Mr. McMurtry's is one they would endorse. I wish to advise you that the Province of Manitoba does not endorse the proposal of Mr. McMurtry. In our view an attempt to obtain uniformity between the eleven jurisdictions in an area which has already indicated some considerable difference of

opinion would mean a minimum of three to five years further delay in the passage of the Federal Bill. This, the Government of Manitoba, cannot support." It goes further on in the letter. Near the end, it says, "Manitoba intends to introduce its own freedom of information legislation in the fall of this year. While it may differ in structure and detail from the Federal Bill, I do not perceive that this lack of uniformity presents any problem in the administration of justice in this country."

In addition to that, I have a letter from a colleague in my Party, a senior Member of the Ontario Legislature who has for ten years trying to get a freedom of information bill through that Legislature.

I would like to quote a passage from his letter on that subject. It said, "last June, Mr. McMurtry came up with another excuse, 'Name me the freedom of information which jeopardized law enforcement by revealing information that would inhibit policy work.' That question had also been studied by the Royal Commission and dismissed. The latest flyer by the Minister now responsible for freedom of information, Norman Sterling, recently elevated from Minister without portfolio to Provincial Secretary for Justice, was that his recommendation to Cabinet will be that the final step in third-party adjudication of any refusal to accede to requests for information would be referenced to the Cabinet. Can you think of anything more incestuous and that we are to believe will represent independent assessment?"

That is a strongly held view, which I suspect would be shared with the great Conservative father of freedom of information, Mr. Gerald Baldwin. I think there are, in dealing with specifics, some real serious questions which have been raised by Members opposite about the particulars of the Bill and I would very much like to deal with those particular problems as we go through it clause-by-clause.

Hon. Mr. Lang: I just wanted to ask a question of the Member opposite. I noticed in the copy of the article, provided by the Minister of Justice, it states that New Brunswick and Nova Scotia have implemented freedom of information legislation. Does the Member opposite have copies of that legislation?

Mr. Penikett: No, but I can quote from an Ottawa letter, dated recently, Volume 15, No. 68, Page 537, an article entitled, "Freedom of Information Law Dead?". It says, "the likelihood of the Federal Government being able to draft freedom of information legislation that would also apply at the provincial level seems to have been scuttled by opposition from at least six provinces: Ontario, Saskatchewan and Prince Edward Island..."

Hon. Mr. Lang: Point of order. The Member is rambling. I asked a very specific question. New Brunswick and Nova Scotia, according to this article, have implemented freedom of information legislation so that it has passed their Legislatures. What I asked the Member opposite was did he have copies of that legislation and did he utilize that information as a source of information? Perhaps the drafter could speak. He has the ability to speak in the House.

Mr. Chairman: I do not think that the Honourable Member was rambling. He was answering your question before you interrupted him.

Mr. Penikett: I was answering the question. Unfortunately the Member was not turning his mind to listening, as usual, but was looking to waste some more time. The answer, as I was reading, "Ontario, Saskatchewan and Prince Edward Island support the concept." That is three provinces. Nova Scotia has not indicated on which side of the argument it stands. That is four. There is opposition from six provinces, which includes he says...

Hon. Mr. Lang: I am not talking federal, I am talking provincial.

Mr. Penikett: That is what I am talking about. Provinces. If the Member would listen, he would hear me. The question is whether they will go for a uniform bill. If the Member wants to read provincial legislation, he may be able to find it in the Law Library. Unfortunately he will not be able to find it in this legislative library, since this legislative library does not contain statutes from all the other provinces.

Hon. Mr. Lang: The Member opposite was not, obviously, listening to my question. I was not referring to Bill C-43, or whatever the federal legislation was, but made the statement that the provinces of Nova Scotia and New Brunswick have passed and implemented freedom of information legislation in their legislatures for their pro-

vinces. That is what you are asking us to do for the Territory. My question to you is do you have copies of that legislation? If not, I would like to know why not? In your research, I would have thought that you would have ensured that you looked at all available legislation across the country to try to glean whatever information you could from them to bring forward and provide all Members of this House with the best possible drafted Bill that you could, recognizing the limitations that you must work under.

Mr. Penikett: The reason that I have not obtained copies of that legislation is because this Government has not seen fit to make it available in either the public or legislative libraries.

Hon. Mr. Lang: Has the Member ever asked for it?

Mr. Penikett: Yes. I have communicated with my Party's officers in every one of the provinces and asked for copies of all the legislation in place.

Hon. Mr. Pearson: I just wanted to point out to the Leader of the Opposition, and reiterate, that I, too, am very much in favour of the philosophy of freedom of information legislation. However, I want to state that it is very tough legislation to put in place and there are some people who have been looking at this for a long time and they are still having major problems with it.

It is interesting, and timely, that we are discussing this today. It happened to catch a little bit of the Question Period in the House of Commons today, and in reply to a question from one of the Leader of the Opposition's colleagues, to the responsible Minister, the Secretary of State, Frances Fox, he replied that he has now ascertained that only Manitoba is in agreement with the Government of Canada in respect to the proposals that they have been setting out. They have run into a snag in all of the provinces now, saving Manitoba.

He indicated that the Federal Government was going to continue its work to try and determine what, in fact, would be acceptable uniform legislation in Canada. He suggested that the committee set up by the Federal House would probably have something substantive to say by this coming Fall. There is a lot of work being done and I would respectfully suggest that we, being the size that we are, will be better off if we can take advantage of all of the discussion that is held, and all of the expertise that is being garnered, on this subject.

I have to agree with the Minister of Justice when he says that a major concern of ours has to be the administrative impact and the cost that this kind of legislation would have on this very small Government. We looked into this subject seriously about a year ago and found we just could not afford it. We also do not feel there should be any price tag on freedom. We wanted to know specifically if anyone was being refused information and what the reasons were for being refused that information. We have a procedure in place in this Government whereby Ministers are advised, as a matter of course, if the administration feels they must refuse anyone any information so that we can take a look at it. We have been and continue to be an open government. If we can put into place legislation that will not be excessively costly to the Territory then I think we have a responsibility to do that.

Mr. Penikett: I appreciate the intervention of the Government Leader and the general positiveness and open mindedness with which he seems to approach this subject. I would say to him that there is already in Canada, the Commonwealth and the United States, in the English language, piles and piles of material on this subject, some of which he will find may be available through the Commonwealth Parliamentary Association in respect to legislation that may have been considered by very small jurisdictions, sister jurisdictions, within the Commonwealth of ours. He will know that if there is interest on the other side in obtaining detailed information on this subject and having available some of the Royal Commissions that was done in New Zealand or in Ontario on this subject, and the national studies that have been done, they will not be too hard to get. I would recommend reading them. I think it would not be terribly useful for me to Table what I have, unless Members want me to do it. Most of the information that I have is readily available from public sources.

I do want to say that I think that the subject is worth discussing here, in the Committee of the Whole of this House. I do not care if, at some future point, we end up discussing it in another committee. That is fine with me because I think it is thoroughly appropriate. The kind of considerations that are being made today and the kind of objections,

with the exception of a few of the ones made by the Minister of Justice, are ones that properly concern legislators rather than bureaucrats. I say this with the greatest of respect. While there might be some reasonable administrative considerations that we should properly pay attention to, our principle concern should be the concerns of citizens, the people we represent, and our ability to represent them.

Let me also say to the Government Leader that I know his belief in the openness of this Government. I do not want to get into recitations, but we continually on this side run into problems obtaining information.

Some of them are problems with the questions that we ask. Sometimes we do not know the way to ask a question or to get the answer. I recognize that the problem is not entirely on that side, it can be on our side too. I recognize that there is limited ability in a small government to instantly provide the kind of information that might be available elsewhere.

However, I persist in thinking that this is not nearly as costly a business as some people would suggest. What I am really after, and most profoundly committed to, is the notion of a new principle here. That is what I continue to press for.

Being in mind of the time, I would ask that you report progress on Bill 101 and beg leave to sit again.

Hon. Mr. Lang: I was wondering if the Member opposite would allow me one question prior to putting the Motion forward?

Mr. Penikett: On condition it does not run us into adjournment.

Hon. Mr. Lang: My question is very pointed. I would appreciate the information that the Member has for background on this particular piece of legislation. I am wondering if he is prepared to table that information in the House?

Mr. Penikett: I would be more than prepared to table all the information I have at my hand. I do not have all the information that I have in my possession here in the House now, but I would be more than prepared to table it as I gather it.

On that note, I would move that you report progress on Bill 101 and beg leave to sit again.

Mr. Chairman: You have heard the Motion, are you agreed.

Motion agreed to

Mr. Chairman: We will now recess until 7:30 p.m.

Recess

Mr. Chairman: I will call Committee of the Whole back to order.

Mr. Graham: I move that you report progress on Bill No. 5 and beg leave to sit again.

Mr. Chairman: Are you agreed?

Agreed

Mr. Graham: I move that Mr. Speaker now resume the chair.

Mr. Chairman: It has been moved by Mr. Graham that Mr. Speaker 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. Fleming: The Committee of the Whole has considered Bill No. 101, *An Ordinance To Provide For Freedom of Information*, and Bill No. 5, *Second Appropriation Act, 1982-83* and directed me to report progress on same and beg leave to sit again.

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

Agreed.

Mr. Speaker: Leave is so granted.

May I have your further pleasure?

I believe at this time it is the intention to receive in the House Mr. Administrator in his role as Assistant Acting Lieutenant Governor, so at this time we will have Assent to Bills.

Mr. Administrator enters the Chamber announced by the Sergeant-at-Arms

Mr. Chairman: May it please your Honour, the Assembly has at this present Session passed a number of Bills to which, in the name and on the behalf of the Assembly, I respectfully request your Assent.

Mr. Clerk: *Fourth Appropriation Act, 1981-82; Loan Agreement Act 1982, No. 1; An Act to Amend the Electoral District Boundaries Act; An Act to Amend the Transport Public Utilities Act; Executive Council Act; An Act to Amend the Yukon Council Act; An Act to Amend the Pioneer Utility Grant Act; Seniors' Income Supplement Act.*

02

Mr. Administrator: I hereby give my Assent to the Bills as enumerated by the Clerk, with one exception.

I have been instructed by the Honourable John Munro, Minister of Indian Affairs and Northern Development, pursuant to Section 4 of the *Yukon Act*, to reserve Assent to the Executive Council Bill because, on the basis of legal advice given to the Minister by the Department of Justice, he has grave doubt as to the authority of the Yukon Legislature to enact legislation which modifies the powers and office of the Commissioner as constituted under Sections 3 and 4 of the *Yukon Act*.

Mr. Administrator leaves the Chambers escorted by the Sergeant-at-Arms

Mr. Speaker resumes the Chair

Mr. Speaker: I will now call the House to order.

May I have your further pleasure?

Mr. Graham: At this time I would ask the unanimous consent of the Legislature to return to Daily Routine on the Order Paper.

Mr. Speaker: Does the Honourable Member has unanimous consent?

Agreed

DAILY ROUTINE

Hon. Mr. Pearson: I would like to beg your indulgence to introduce some special guests in the House. We have Scout Leader Stan Marinoske and the Fourth Whitehorse Scout Group. I think we should welcome them and recognize them here tonight.

Mr. Speaker: Are there any Documents or Returns for Tabling? Reports of Committees?

Petitions?

Reading or Receiving of Petitions?

Are there any Introduction of Bills?

INTRODUCTION OF BILLS

Hon. Mr. Pearson: I move, seconded by the Minister of Municipal and Community Affairs, that Bill No. 31, *Yukon Heritage Savings and Investment Fund Act* be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Municipal and Community Affairs, that Bill No. 31, *Yukon Heritage Savings and Investment Fund Act*, be now introduced and read a first time.

Motion agreed to

03 **Hon. Mr. Tracey:** I move, seconded by the Honourable Member for Mayo, that Bill No. 25, *An Act to Amend the Landlord and Tenant Act*, be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Mayo, that Bill No. 25, *An Act to Amend the Landlord and Tenant Act* be now introduced and read a first time.

Motion agreed to

Hon. Mr. Tracey: I move, seconded by the Honourable Member for Porter Creek West, that Bill No. 19, *An Act to Amend the Workers' Compensation Act*, be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill No. 19, *An Act to Amend the Workers' Compensation Act*, be now introduced and read a first time.

Motion agreed to

Hon. Mr. Tracey: I move, seconded by the Honourable Member for Campbell, that Bill No. 30, *An Act to Amend the Partnership Act*, be now introduced and read a first time.

Mr. Speaker: It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Campbell, that Bill No. 30, *An Act to Amend the Partnership Act*, be now introduced and read a first time.

Motion agreed to

Mr. Speaker: Are there any further Bills for Introduction? Are there any Notices of Motion for the Production of Papers? Are there Notices of Motion? Statements by Ministers?

MINISTERIAL STATEMENTS

Hon. Mr. Pearson: Yesterday I released the Government's land use policy proposals. These proposals clearly show our commitment to the principle of land for Yukoners. They have also placed before the public practical and reasonable means for us to carry out the responsibilities of administering our Yukon land once it is transferred from Ottawa.

Today I want to talk about some other aspects of Yukon land. In the course of doing so, I will demonstrate that our initiative in developing the land use proposal by no means constitutes a special or isolated case. When it comes to land, initiative is the key word. Without it, Yukon would actually have lost some of its control over the Territory in recent years.

¹⁴ I would even go so far as to say that without our elected Government that would have happened. When the Government took office in its own right three years ago, we faced what seemed, at first, to be a *fait accompli* with respect to COPE. In 1978, the Government of Yukon, together with the Council for Yukon Indians and the people of Old Crow, had asked Ottawa for assurances that Yukoners would have input at the negotiating table. In 1979, we were presented with a signed agreement-in-principle which gave COPE rights over thousands of square miles of Yukon Territory which curtailed Yukon's jurisdiction over game, which prejudiced the use of land by the people of Old Crow, which called into question our capacity for development and which established the precedent of extra-territorial claims. This was the situation which faced our Government.

Soon after I took office I decided that we must oppose the COPE agreement-in-principle in every way open to us. It was late in the day. The previous appointed Yukon Executive had been out of the picture in which the Honourable Hugh Faulkner's team of Ottawa bureaucrats and COPE, and reached the agreement. Incidentally, it was initialled, in haste, just hours before the 1979 election.

They reached that agreement without any participation from representatives, elected or appointed, from the Government of Yukon. We spoke out and we were criticized, at the time, by certain Members opposite. We warned Yukoners that we were dangerously close to becoming the victims of a land grab by the Federal Government in collaboration with residents outside the Territory. I authorized an information program. I spoke across Canada as one means of impressing our concern and determination upon the Federal Government, and we lobbied in Ottawa itself.

We lobbied successfully. The result, of course, is that the Federal Government finally agreed to renegotiate the COPE agreement-in-principle. This time with Yukon's participation. At no time did we attempt to deny that the Inuvialuit has certain legitimate wildlife and wildlife-related interests in Northern Yukon. Once we established the renegotiation of the COPE agreement-in-principle, we began to build a constructive and comprehensive alternative. As a result, in October 1980, we published the Northern Yukon Resource Management model. Our model provided wildlife rights for the Inuvialuit. It provided for a northern wilderness park. It provided, as well, for a territorial park on Herschel Island. It provided for a wildlife management regime. It did so in a way that guarantees the integrity of the Yukon Government, maintains access to our northern coastline and maintains the existing rights of Yukoners within Yukon.

¹⁵ In May 1981, the Department of Indian Affairs and Northern Development presented what it called a discussion paper. That paper kept alive some of the provisions in the original agreement which we found so totally unacceptable. For example, it proposed that titled land in Yukon would be granted to COPE in relation to an access corridor to the north coast. We reacted appropriately. Since that time, there has been almost no progress on the COPE claim.

We regret this lack of progress, but I must repeat what I said nearly a year ago. Our constructive proposals of October 1980 are our bottom line. We are not prepared to bargain away our Native people's future. We are not prepared to compromise further over matters that affect Yukoners future for generations to come.

Members will also recall our position paper on resource development in the Beaufort Sea. We had been concerned about the ever-increasing impact of the Beaufort work on the social, economic and environmental interests of Yukon. I directed that a multi-departmental task force be set up. The group produced a practical policy guideline to ensure Yukon benefits to the fullest extent possible from Beaufort activities. That policy is comprehensive.

The question of protecting traditional land use patterns, which was addressed in the North Slope model, was given further consideration by the Beaufort task force. The paper has been well-received by the Federal Government, as well as representatives of industry with whom we have met. At present, we are preparing to appear before the Senate Pipeline Committee.

Turning now to agriculture, the Government is convinced that, while Yukon will never be the bread basket of the North, there is definitely an agriculture potential which should, and can, be tapped. Of course, there are special problems which must be faced realistically. All of us live with special problems, of one kind or another. That is Yukon. We have obtained a wide range of advice. As a matter of fact, we are proceeding with the benefit of the best advice, based on the actual agricultural experience that exists in the Territory to date. We have been putting together a practical and sensible policy.

Today, I can give the House certain basic guidelines that are included in that policy. First, I should say that it will not be possible for non Yukoners to go into the farming business in a big way or, indeed, in any way.

¹⁶ There will be a residence requirement. The Agricultural Development Council will provide application forms setting out clear terms and conditions for farming. There will be minimum parcels required for agricultural development. For the most part these will be relatively small units. The initial undertaking must be of proven viability before any expansion will be permitted, but there will be tax incentives during initial development periods. We will be enlarging on our policy for agricultural land in the weeks ahead. Incidentally, it is a policy which springs from the grass roots of our Party and for which there has been long been a demand.

It is not my intention to go into any great detail tonight on the subject of the Land Claims negotiations itself. We had a round on that subject two weeks ago. I repeat today what I said then. Agreements which have been reached at the negotiating table can only be made public with the concurrence of all the parties. I am pleased to note that the Council for Yukon Indians has since confirmed exactly what I said here on April 7th. The Member for Whitehorse South Centre knows very well how negotiations are conducted. At least he should know because he worked on behalf of the Council for Yukon Indians some years ago. He knows that confidentiality can be absolutely essential to progress and success, yet here we had the Member talking about an air of secrecy as if all the parties were in some kind of a conspiracy. That turned out to be nothing more than a cheap, despicable attempt to score political points out of the Land Claims negotiations...

Mr. Speaker: Order, please. Point of privilege, the Honourable Leader of the Opposition.

Mr. Penikett: I do not mind the Government Leader giving an election speech but he is imputing motives to a Member of this House and I submit that that is not permissible by the rules of the House or by the precedence of the House and if you find that we have a *bona fide* Question of Privilege, I would move, seconded by the Member for Faro, that the matter be referred to the Rules, Elections, and Privileges Committee.

Mr. Speaker: The Chair will take the question under advisement.

Mr. Kimmerly: On the Question of Privilege, I would also add that the language is unparliamentary.

Mr. Speaker: The Chair, as stated, will take the matter under advisement.

Hon. Mr. Pearson: I may well get more unparliamentary tonight.

If there is anything that Land Claims must not become — this was my next note, a very important one, I will submit — they must not become a political football and that I feel is what is on the brink of happening in this House. Four years ago, as the Member for Whitehorse South Centre knows very well, there was little or no progress in the Land Claims. There has been steady, undeniable progress since we became involved.

⁰⁷ Four years ago, people in this Territory had to line up for land, if there was any to be had, for housing. We eliminated that shortage. We established an adequate supply for the near future. We most recently brought down a residential policy that will make it easier for every Yukoner to have a home.

What do these related issues have in common? Why have they demanded so much of our time and human resources? And why, in some cases, has progress been frustrating? The answer, of course, is that all are dominated by the Federal Government. The Federal Government owns and controls 99.8 percent of all land in this Territory. My purpose in highlighting our work on these issues is to illustrate how unfinished is our struggle for meaningful, responsible Government, how much remains to be done, how powerful are the obstacles in our way.

Even after we obtained the renegotiation of the COPE Agreement, even after the wide-range of opposition became clear, even then the Federal bureaucracy published a paper which demonstrated that either Ottawa had not received the message or else it chose to ignore the combined wishes of Yukoners. All of our experience now confirms that we must present the strongest possible case on COPE and renew our determination. All of our experience suggests that we must present the strongest possible case for our share of the Beaufort development. We must stand together on the whole approach to land, whether it be Land Claims or Yukoners' claims.

As you know, Mr. Speaker, we are required by the *Yukon Act* to hold an election no later than December 12th of this year. I have decided that the election should be sooner rather than later. After three short years as a fully elected Cabinet, my colleagues and I welcome the challenge that an election will present to us.

As far as I am concerned, the election campaign will be about the future. It will be constructive and positive and it will be about some basic public issues. We have compromised as far as we can on the COPE matter. We will ask Yukoners for a mandate, a mandate which sends a clear signal precisely at the time when Ottawa is preparing another determined effort to resolve the COPE business.

⁰⁸ We have successfully pursued the Land Claims settlement. We will be asking for a mandate, a mandate which tells Ottawa that Yukoners want an expeditious settlement, together with land for all Yukoners. Ottawa wants the first part of that equation. We believe they do want a Land Claims settlement. We are by no means sure that Ottawa understands the second part. We must move before it is too late, before Ottawa's position hardens.

The Federal Government's land use proposals of last summer suggest to us its unaltered intentions to retain ownership and control of land. Now is the time to take a strong stand for our future. We would be remiss in our duty as the Government of Yukon if we went into an election campaign without making public our own land use proposals, proposals which are the fruit of so many of our efforts these last three years.

We are at a crossroads for Yukon. I personally believe it is the most important time in the history of Yukon. We have had what I must admit to all Members was an unprecedented demonstration of the colossal insensitivity of the Government of Canada tonight. I was on the phone as late as 4:30 this afternoon, Ottawa time, with the Minister of Indian Affairs and Northern Development's cohort, the Senator from Vancouver, Senator Jack Austin, who is the Secretary of State and has responsibility in this Territory. It is obvious that the Administrator had his instructions prior to that time. I am appalled, and I am sure all

Yukoners, except possibly some Members opposite who thought it was kind of funny - they laughed. I am insulted that the Minister of Indian Affairs and Northern Development would have the unmitigated audacity at this time to withhold Assent by the Commissioner of Yukon to a Bill that has legitimately been passed by this House.

There is, in fact, a procedure in place for every Legislature in this country. If the Minister of Indian Affairs and Northern Development wants that Bill disqualified, he can do so but he has to do it in the House of Commons. I respectfully suggest that he does not have the guts to do it. He did it this way. I, on behalf of everyone in Yukon, intend to challenge him head-on on this matter.

Today, I have asked — because that is what I am required to do — the Governor-in-Council for a dissolution of this Legislature effective Thursday, April 22, so that writs may be issued on Friday by the Commissioner for an election on June 7th, 1982.

We will take our case into every home and we will confidently ask Yukoners to join us in building Yukon together. Mr. Speaker, I therefore move, seconded by the Minister of Tourism and Economic Development, that this House be now adjourned.

⁰⁹ **Mr. Speaker:** It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Economic Development, that this House do now adjourn.

Motion agreed to

The House adjourned at 8:00 p.m.

