



# The Yukon Legislative Assembly

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## **HANSARD**

**Tuesday, November 17, 1981 — 1:30 p.m.**

Speaker: The Honourable Donald Taylor

# Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Grafton Njootli, MLA, Old Crow

## CABINET MINISTERS

<b>NAME</b>	<b>CONSTITUENCY</b>	<b>PORTFOLIO</b>
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 Information Services.
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
Grafton Njootli	Old Crow
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

Clerk of Assembly  
Clerk Assistant (Legislative)  
Clerk Assistane (Administrative)  
Sergeant-at-Arms  
Hansard Administrator

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

**Whitehorse, Yukon  
Tuesday, November 17, 1981**

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

**Mr. Speaker:** At this time, we will proceed to the Order Paper.

Before proceeding with Daily Routines, I should advise the House that there is an absence in the position of Deputy Chairman of Committees. I am wondering if the House could give the Chair direction on this matter

**Mr. Hanson:** Mr. Speaker, I move, seconded by the Honourable Government Leader, that Mr. Bob Fleming, the Honourable Member for Campbell, be appointed Deputy Chairman of the Committee of the Whole.

**Hon. Mr. Pearson:** I second that.

**Mr. Speaker:** It has been moved by the Honourable Member for Mayo, seconded by the Honourable Government Leader, that Mr. Bob Fleming, the Honourable Member for Campbell, be appointed as Deputy Chairman of Committees.

*Motion agreed to*

**DAILY ROUTINE**

**Mr. Speaker:** Is there anything to be done at this time to the Order Paper? Are there any Tablings of Returns or Documents?

**Tabling of Returns**

**Hon. Mr. Pearson:** Mr. Speaker, I have for Tabling a report entitled, Beaufort Development - The Yukon Perspective.

**Mr. Speaker:** Are there any further Documents for Tabling?

**Hon. Mr. Tracey:** Mr. Speaker, I have for Tabling a Report entitled, Transport Public Utilities Report. I also have for Tabling a report entitled, Electrical Public Utilities Report.

**Mr. Speaker:** Are there any Reports of Standing or Special Committees?

Presentation of Petitions?

Introduction of Bills?

Notices of Motion for the Production of Papers?

Notices of Motion?

Are there any statements by the Ministers?

**Ministerial Statements**

**Hon. Mr. Pearson:** I have a Ministerial Statement regarding Beaufort Sea development. Recently, Dome Petroleum had announced that two of its test holes in the Beaufort Sea had delineated potential reserves of up to nine billion barrels of oil. This news, coupled with earlier encouraging test results, has tended to confirm the position that the Beaufort Sea has the potential to become one of the most significant oil producing areas ever discovered, and that the exploration of those reserves could lead to Canadian energy self-sufficiency by the 1990's. Clearly, the development of these resources will be of tremendous significance to the people of Canada. That development will also be of great importance to Yukon.

Over the past year, my officials have been working diligently towards insuring that Yukon participates fully in Beaufort development. Yukon must play such a role. Our off-shore area forms part of the Beaufort Sea and has received considerable attention from the proponents. Our northern coast is being closely examined, with a view towards potential harbour and shore based facilities. The only land link connecting the de-

velopment area with southern Canada runs through Yukon.

The benefits that might accrue to Yukon from Beaufort could be enormous. Similarly, the cost of the environmental and social impacts that might be associated with development could also be significant.

To ensure that the proper balance is struck between costs and benefits we have embarked on a course designed to bring about Yukon's maximum involvement in Beaufort development. In the past year we have met several times with proponents to discuss our desires, rights and concerns. Recently, I personally met with Gordon Harrison, president of Dome Canmar, to explore with him a number of issues in which we have common interest. Our representatives also met with key officials from Gulf Canada and additional meetings are being scheduled. Industry knows who we are and where we want to go. They are most receptive to a continued dialogue on Yukon participation in Beaufort development and recognize and understand our ambitions and concerns.

Mr. Speaker, we have also been an active participant in federal activities, relative to the Beaufort Sea. Our officials have provided input to the Beaufort Sea Task Force, and its successor, the Beaufort Sea Office. We have contributed to the development of the federally sponsored Northern Hydrocarbon Paper, and have made our views known, as a member of the Senior Policy Committee on Northern Resource Development Projects. Furthermore, we have worked closely with the Federal Environmental Assessment Review Office, in assessing guidelines for the review of Beaufort development. The extent to which Yukon is considered by the federal government as an important participant in Beaufort Sea matters is further evidenced by the fact that two Yukoners have been appointed to the Beaufort Environmental Assessment Review Panel.

To consolidate and clarify Yukon's position relative to Beaufort, and in order to ensure that all Yukoners are aware of that position, we have prepared the document now before you, "Beaufort Development: The Yukon Perspective." It represents the general attitude of this government. It reflects, and reaffirms our position that Yukon and Yukoners must be given a high level of consideration in all matters respecting that development. Furthermore, the paper expresses our willingness to work closely with industry and the federal government, to ensure that development proceeds in a timely, efficient manner, that will be in the best interests of all Canadians.

The paper should not be seen as our final word on Beaufort Sea. It is in fact a foundation upon which will be laid our specific positions with respect to a great number of issues.

Wildlife management, for example, will be the subject for a supplementary position paper, in which our very real concern for our wildlife resources, will be very clearly defined. That paper will also identify measures that we feel must be instituted by industry and government, to protect critically sensitive species, and their habitats.

It is our intent to demonstrate through the contents of that paper that while we recognize and appreciate the economic and political benefits to be gained through the Beaufort development, we also recognize and appreciate the tremendous importance that must be attached to the preservation of our wild life and the north Yukon environment.

Just one year ago we addressed the need for a special and co-ordinated approach to land use in the northern Yukon, which set up in detail our views on the steps which needed to be taken in order to ensure that wildlife conservation, native hunting, transportation corridors, and special area preservation are all taken into account as our North Slope moves into national and even international focus. That position as enunciated in the North Yukon Resources Management Model, will be broadened and expanded upon through papers prepared as

appendices to the paper now before you. Similarly, our concerns for the protection of our heritage resources in the region will be defined by way of a supplementary position paper. Other no less important papers will be prepared on such subjects as employment and training, protection of traditional land use activities, and economic and business development. We will also present positions on a range of topics that, while related to Beaufort, will be of much broader significance. These positions will be developed in the context of the continued evaluation and transition of federal-territorial relations. I mean, Mr. Speaker, the continued movement towards greater Yukon self-reliance and away from dependence on Ottawa. One of those topics will be resource revenue sharing, an issue that must be resolved if Yukon is to take maximum advantage of developments such as Beaufort. The supplementary position papers will form the basis of an action plan for our future Beaufort-related activities. They will provide industry and the federal government with a clear understanding of Yukon's concerns and desires. Finally, and most important they will become the framework for the discussions and negotiations required to ensure that Yukon, her people and environment, are treated with the respect and consideration due them Mr. Speaker. This paper I place before you is an example of the work my government is doing. I believe it demonstrates our concern for, and our wish to serve, all the people of Yukon. At this time, when Canadians appear to be coming together on issues which have previously kept them apart it is satisfying indeed to enunciate our approach to Beaufort Sea and northern Yukon development in the full knowledge that what is good for Yukon will be good for all Canadians.

**Mr. Penikett:** I must say that, at first glance, that is probably the most careful and balanced statement on a difficult topic that I think we have heard from the Government Leader.

I am pleased to see the Government Leader has tabled the "Beaufort Development: Yukon Perspective" paper. Unfortunately, the content of the government paper, I presume, is all contained in that document and, even if I were a very fast reader, one would not be able to comment on the policy, as yet.

It has often concerned me, in the past, when I have heard some of the wishful thinking on the part of some people who would aspire to manage and control of the Beaufort Sea Development from Whitehorse, which is clearly an impossibility, I must say I am glad that we are participating in whatever way we can in the development.

There are a great number of obvious truisms in the Government Leader's statement. I think some of the issues that he touched upon are very serious and potentially very contentious. The wildlife ones, as we know from previous discussion in this House, the land claims ones, the energy development questions, the whole economic development questions in the regions, and the conservation issue.

I understand the government will have some particular access to information since I understand that one of the Liberal Government appointees to the Beaufort Environmental Assessment Review Panel is now a Conservative, so they may have some special advantage as a result of that development.

I am glad, as well, that the paper, which we have not had a chance to read yet, is not the final word, because, no doubt, this House will have something to say on it. I am glad, as well, that the North Yukon Resource Management Model will be broadened and expanded, as the Government Leader says, because I certainly think there is lots of room for expansion and broadening, because the first draft that we saw did not impress us.

The mention of greater Yukon self-reliance, I hope that is realized, that the proponents, as it is referred to here, will have a clear understanding of Yukon concerns and desires. Perhaps, once we have got a chance to read the paper, the House will have a clear understanding of Yukon hopes and desires, because I do not think we have yet. I look forward to reading that.

It will not have passed anybody's notice that this statement from the Government Leader is the closest thing that I have heard from the Government Leader that is a sort of co-operative or paternal, or even supportive kind of statement, in terms of federal government energy policy in the area. I am sure he will not have forgotten the certain piece of legislation, referred to as C-48, and I hope that he does not, in his new enthusiasm for co-operation with industry and the senior government, forget there are still some major issues at stake there in connection with the future control of the resources owned by the people of Yukon, for the people of Yukon.

**Mr. Veale:** Mr. Speaker, it is my belief that the Ministerial Statement does hold a great deal of potential for this Assembly to debate a most important issue. I share in the enthusiasm of the Government Leader to look into the issue of the Beaufort Sea development, but I caution that the market analysis of the recent development has not been as favorable as was initially presented by Dome Petroleum, but I think that time will tell regarding the success, or lack of success, in the Beaufort Sea.

I should point out, Mr. Speaker, that I have some concerns about the Constitutional Accord as presented on November 5, 1981, because that Accord has the two provisions in, which I think will not bode well for the future constitutional development of Yukon, and I think that those particular provisions may become a problem greater than the problem of C-48, on which we are all united.

I am in agreement, Mr. Speaker, that the environmental and social impacts will be significant and I think this is one of the most important areas that, as elected representatives in Yukon, we can examine. I look forward to seeing the Yukon Perspectives document and I trust we will actually have an opportunity to debate the contents of that paper and future papers in this Assembly.

Because of the grave importance of the Beaufort Sea development to all people in the Yukon, I assume as well that the Government Leader will be bringing that subject matter up in the land claims negotiations, because one would hope that land claims would be settled and implemented prior to any serious developments taking place. It would also be, I submit, of great advantage to the Indian people, and to all Yukoners, to have a public discussion on the nature of the development and how Yukoners, every Yukoner, will be able to share in the benefits of developing the Beaufort Sea.

I also hope, Mr. Speaker, that the Government Leader will give special attention to the people of Old Crow, because they are the people who probably stand to have some of the greatest burdens imposed on them, and I refer, of course, to the Porcupine caribou herd, if it is impacted by such a development.

All in all, Mr. Speaker, I believe that there is a great deal of potential from the statement made by the Minister, and I look forward to the discussions on it.

#### **Motion of Urgent and Pressing Necessity**

**Mr. Veale:** Mr. Speaker, I rise under Standing Order 31 to present a motion of Urgent and Pressing Necessity, and I will read that motion. I move that in the opinion of this House the Constitutional Accord of November 1981 between the nine premiers of the Provinces and the Prime Minister of Canada should be amended by reinstating an aboriginal rights clause, and by deleting any provisions relating to the extension of the existing provinces into either of the northern territories. That motion is seconded by the Member for Kluane.

If I might just make some brief comments, Mr. Speaker, about the urgent and pressing necessity, the urgent and pressing necessity of this motion, I think is apparent, because the issue of aboriginal rights is extremely important to all people in the Yukon and, indeed, all people of Canada. That issue is coming now before the House of Commons, the Parliament of Canada. The accord is actually being drafted at this time and will probably be tabled in the House tomorrow or Thursday. In my submission, Mr. Speaker, it is necessary for this assembly to give its voice and have that motion transmitted to the federal government in Ottawa, so we are heard before the matter is on

the floor.

**Mr. Speaker:** Such a motion as presented under Standing Order 31 requires unanimous consent of the House. Does the Honourable Member have unanimous consent?

**Some Honourable Members:** No.

**Mr. Chairman:** The Member has not received unanimous consent, and therefore the Motion can not be presented.

**Mr. Speaker:** This then brings us to the Question Period. Are there any questions?

### QUESTION PERIOD

#### Question re: Executive Council appointments

**Mr. Penikett:** I have a question for the Government Leader. In response to questions last week on the Executive Council appointments, he said that four secretaries employed by the Cabinet, at the time the government took office, were given the choice of accepting an Order-in-Council appointment or obtaining their employment under the Public Service Commission. Can the Government Leader explain why these persons were required to make this choice?

**Hon. Mr. Pearson:** Mr. Speaker, I do not want it misinterpreted. There were none of them required to make a choice. They were given the option, if they wished. There was no one required to make any kind of a choice at all. But I can say, Mr. Speaker, that employees that have been hired in those positions since we came into office, have not been given the option of becoming public servants.

**Mr. Veale:** The Government Leader has still not explained why they are no longer public servants or why they became Executive Council appointees. What was the purpose of that? Might I be specific in asking him, for example, if the Oath of Secrecy required for public servants and Executive Council appointees is the same oath?

**Hon. Mr. Pearson:** Mr. Speaker, the Oath of Secrecy is the same one. It is nothing other than we feel that we should be able to demand from those people working in that close proximity to us a certain degree of political loyalty, as well as public service loyalty.

**Mr. Veale:** Can the Government Leader say if it is then a condition of employment that these persons be, in fact, card carrying Conservatives and, in fact, if under the Order-in-Council regulations, these individuals are required to take the Oath of Allegiance referred to, I would like to ask the Government Leader specifically if the Oath of Allegiance is specifically to this Cabinet, as opposed to the Crown?

**Hon. Mr. Pearson:** No, Mr. Speaker, there is only one Oath of Allegiance and it is to the Crown. They are not required to be card carrying members of any party, Mr. Speaker. Some of them may well even be card carrying members of the Honourable Leader of the Opposition's party. I honestly do not know. What we do demand from them, though, is a certain degree of political loyalty.

**Mr. Veale:** Mr. Speaker, I have a question for the Government Leader. In the old Constitutional Resolution, which was jettisoned on November 5 of this year, there was a provision, under part 4 of Section 36, sub 3, which stated that the Prime Minister of Canada shall invite elected representatives of the Governments of Yukon and Northwest Territories to participate in conferences under a section of that Constitutional Resolution. Can the Government Leader tell me if this section is going to be in the Constitutional Accord that will be presented to the House of Commons this week?

**Mr. Speaker:** Order, please. I think the question is really out of order, inasmuch as it deals with matters referred to another House and not matters within the competence of this government, unless I have misunderstood the Honourable Member.

**Mr. Veale:** I am asking the Government Leader, Mr. Speaker, if he knows for a fact whether that provision will be in, because it so directly affects this territory.

**Mr. Speaker:** The question seems somewhat out of order, however, I will permit the Honourable Government Leader to answer it.

**Hon. Mr. Pearson:** Mr. Speaker, no, I am sorry, I do not know. My answer to those kinds of questions have to be the same as they were yesterday. The federal government has not deemed it advisable to let anybody know yet exactly what is going to be tabled in the House, in respect to that Accord. I understand, Mr. Speaker, that it is going to be tabled today, if it has not been tabled already by this point in time. It is going to be tabled today. I do not know whether that particular section is still in.

**Mr. Veale:** Would the Government Leader tell me what enquiries, telexes, telephone calls, or conversations that he has made in the last two weeks to determine whether this important provision is still in that Accord?

**Hon. Mr. Pearson:** None, Mr. Speaker.

**Mr. Veale:** Has the Government Leader, prior to the Accord, had any discussions with the Prime Minister, or anyone in his office, regarding the nature of conferences to which the Government Leader would be called to attend, and how the Government Leader would be able to participate in those conferences.

**Hon. Mr. Pearson:** Mr. Speaker, I am not sure. I think I am going to have to ask for some time to answer that question, because I want to make sure that I do answer the question correctly. I have had discussions with people in Ottawa about this particular topic, Mr. Speaker, but the question was so broad in respect to the Prime Minister or anyone in his office, etc., that I really want to see it before I answer it.

#### Question re: Deschenes Report

**Mr. Byblow:** I have a question I will direct to the Minister of Justice. Last Thursday, I asked the Minister several questions surrounding the Deschenes Report. Now that he has had more time to review it, I would like to ask him, again, if he is planning any action at all on any of the recommendations of the report?

**Hon. Mr. Tracey:** There are a couple of recommendations in there that we will likely be implementing. One of the recommendations that I have already instructed my Deputy Minister to implement, is that the Deputy Minister should not be appearing in court before a Territorial Judge.

Regarding the rest of the recommendations, I have not had time to review the report. My department has given me a report on it, but a decision has not been made yet on the implementation of any of the recommendations. It will be a while before we implement any of the recommendations of the report.

**Mr. Byblow:** I would like to say how pleased I am to hear from the Minister that he is, and has, already planned some action. I would raise a concern, cited by the Minister last Thursday, whereby he said that fifty percent of the judges, nationally, disagreed with the report. The fact is, that the only area of disagreement that I could find, respecting the report, relates to budgets.

I would then ask the Minister if he has any information on whether any Yukon judges, past or present, disagree with the report itself?

**Hon. Mr. Tracey:** I did not ask the Yukon judges whether or not they agreed or disagreed with the report. I suspect, considering that it is a Judicial Report, done by the Judiciary, for the Judiciary, that the Judiciary, likely, does agree with it, but I did not take the time to check with them.

**Mr. Byblow:** I appreciate the Minister's answer, and I believe he recognizes that the primary criticism focuses on the influence of the administrative and political arm of government on judicial functions.

I would ask the Minister, in light of his previous answer, whether or not he intends to give a report to the House, after he has had time to review the report, and the rest of the recommendations.

**Hon. Mr. Tracey:** I do not think that I will be reporting to the House. This report is going to take a great deal of in-depth study. There has been much study done by all the governments of Canada. It is a book that is about an inch and a half thick, and I do not expect that I will be able to give them a full report in

this Legislature.

**Question re: Haines Junction Water Supply Tank**

**Mrs. McGuire:** I have a question for the Minister of Municipal and Community Affairs, relating to the Haines Junction water supply tank. The Minister should be aware of the problems encountered with this monstrosity. During the winter, a thickness of up to three feet of ice surrounds this tank. The ice has to be removed periodically by shooting, chipping or melting it off, to keep the tank from toppling off its thirty foot stilts, and therefore endangering the town.

My question to the Minister is, has he given any thought to building a small reservoir and installing a secondary pump near the main pumphouse?

**Hon. Mr. Lattin:** No, Mr. Speaker, we have not come up with any definite plans. We are certainly reviewing this thing. I realize what the Member is saying, but, at this time, we have made no decision.

Mr. Speaker, while I am on my feet, I would like to follow-up on an question from yesterday about the Porter Creek Access Road.

I should first point out that the proper terminology to be used is the Kwanlin Dun Indian Band, and not the Whitehorse Indian Band.

Secondly, the project has been designed and supervised under the direction of the City of Whitehorse, however, I can verify that the proposed alignment will not affect the Qwanlin Dun Indian Band lands.

**Question re: Yukon Economic Review**

**Mr. Kimmerly:** Mr. Speaker, a question to the Minister responsible for the Yukon Housing Corporation. The Yukon Economic Review for the second quarter of this year shows a vacancy rate for rental accommodation in Whitehorse at 3.2 per cent, a very slight increase from 1.2 per cent in the first quarter. I ask the Minister if he sees this as an acceptable situation?

**Mr. Speaker:** I think the Honourable Member is asking a question of opinion rather than for information, however, if the Minister wishes to answer, I will permit an answer.

**Hon. Mr. Lattin:** Mr. Speaker, I was just going to elaborate, but you put the words into my mouth. It is a matter of opinion. My opinion, I am afraid, might differ with somebody else's, but it is still only an opinion.

**Question re: Provision of more apartments by Yukon Housing Corporation.**

**Mr. Kimmerly:** Mr. Speaker, a recent issue of the "Financial Post" reported that with interest rates as they now are, only one in nine renters across Canada can afford to buy a home. To my knowledge, only one apartment building is under construction in Whitehorse and my question is, will this government provide more apartments through the Yukon Housing Corporation to assist those who cannot afford homes?

**Hon. Mr. Lattin:** Mr. Speaker, we have 32 apartment buildings here, and I think that is a condition that we have all over the country. To single out this locality is not very feasible. We are certainly monitoring it, but I do not see us getting into that aspect of housing, at this time.

**Question re: Load limits on Yukon highways**

**Mr. Penikett:** I too have a question for the Minister of Municipal Affairs and Minister of Highways. Previously this year Mr. Speaker, I wrote to the Minister concerning regulations governing load limits on Yukon highways. From the information provided by the Minister, Yukon has the highest load limits in the country. Can the Minister give the House basic reasons for this policy.

**Hon. Mr. Lattin:** Mr. Speaker, the reason that we have higher road limits than other localities is to make our product competitive with other people that we are competing with. Now I am referring specifically to mining ores. I believe that there are other jurisdictions in Canada that are increasing their load limits to the same category that we will be, but the basic philosophy was, in order to ensure that our mines and ore

people could compete with other producers, and that by being able to compete with them, we would ensure employment for the people of Yukon. So, Mr. Speaker, I think that it has been a very good policy and I am all in favour of it.

**Mr. Penikett:** I thank the Minister for his answer and suggestion in that it might be providing a lot of employment with highway maintenance. Let me ask the Minister, given that there is a current problem in Canada and given the twenty year construction schedule of highways, and the fifteen year life time that many of them are experiencing, and given that some of our highways have been showing severe signs of wear and tear recently, how has the Minister seen fit to review the Government's policy on load limits?

**Hon. Mr. Lattin:** Mr. Speaker, not only by road restrictions, but we are continually reviewing our roads in our department, and I am certain that if we felt that the overloading was a cause for deterioration to the roads, we would certainly address it

**Mr. Penikett:** Part of my question to Minister, he did not answer, and that concerned the design standards for Yukon roads. Given that we have higher load limits than the western provinces, do we also have higher design standards for similar classes of roads.

**Mr. Penikett:** We are always looking at design standards. I am certainly not an engineer, so I cannot compare ours with someone else's, but it is something that we are reviewing on a continual basis, and I am certain that if we find our design standards are not adequate that we will certainly take the corrective steps.

**Question re: Constitutional Accord Amending Formula**

**Mr. Veale:** Mr. Speaker, I have a question for the Government Leader, and it relates to the Constitutional Accord and the amending formula in the Constitutional Accord, and particularly, the subsection dealing with the establishment of new provinces, which will now require the consent of seven provinces, as well as the Parliament of Canada.

I understand the Government Leader has taken the position that this is in fact a safeguard of some nature, but would the Government Leader tell the House if he is aware of constitutional precedent, and I speak of Newfoundland, and whether or not when that province came into Confederation that there was any requirement for the consent of the provinces, or whether it just came in on the basis of a referendum, and the legislation on the House of Commons and the Newfoundland Legislative Assembly?

**Mr. Speaker:** I think the question is so broad as to require a rather lengthy answer, so perhaps the Honourable Member, in keeping with the Rules, would rather make that a written question, or perhaps the Honourable Member might like to phrase his question in such a way as to find a very precise and very brief answer.

**Mr. Veale:** I am certainly prepared to ask the question again and be more explicit, but I believe the Government Leader has an answer. If he does not have an answer, Mr. Speaker, I will put it to him again.

My question is simply this, has the Government Leader looked at how provinces in the past have come into Confederation and the steps and procedures by which they have to do that, and if he knows that would he answer that question?

**Hon. Mr. Pearson:** I will try and be brief. I have looked at it very, very closely. Newfoundland, when it came into Confederation, was required to have a referendum and also required to have the approbation of the Government of Canada. At law, that is all they were required to do. But, Mr. Speaker, there has also been a convention of many years long standing in Canada that says that a new province, any new province, would require the consent of all the rest of the provinces of Canada before it came into Confederation.

I know that the consent was sought from all the provinces. Whether that consent was actually given from all the provinces has always been a moot one. There has always been quite a question about that, whether in fact, all the provinces did give their consent.

Mr. Speaker, the Honourable Member is correct in saying that, it is my opinion that it is highly likely that the Accord, the way it is written now, it is a better system, in that that other convention will have gone by the board. You do not need the consent of all of the provinces now, you only need the consent of two-thirds of them.

**Mr. Veale:** If it is not a known fact whether all the consents were given, would the Government Leader tell the House how he knows that, in fact, there is such a constitutional convention at all, because that has not been dealt with at all by any court to establish that there is such a constitutional convention, to my knowledge?

**Hon. Mr. Pearson:** I have learned an awful lot about constitutions in Canada in the short time that I have been in this job, but most of it I have learned from sitting at the feet of what I consider to be constitutional experts. They all tell me the same thing, that the convention of provincial consent has always been one that has been in place in this country.

**Mr. Veale:** Does the Government Leader have any documentation that he can table in this House that would confirm that position, or does he have any authorities that he can refer to, to back up that position?

**Hon. Mr. Pearson:** No, Mr. Speaker, conventions are not written, they are not documents.

**Question re: Future opening of Venus Mines**

**Mr. Byblow:** I have a question I will direct to the Minister of Economic Development.

I note that we just heard a very glowing report from the Government Leader on the Beaufort Sea developments but, a little closer to home, last month we have had a closed Venus Mine operation saying that the sagging gold and silver market said the operation was no longer viable. In light of the government's cited projection last spring, whereby an encouraging market ought to stimulate the mining economy, I would like to ask the Minister if he knows whether or when the Venus operation may re-open?

**Mr. Lang:** Mr. Speaker, in respect to the Venus Mine, I should point out that it never closed, it just never got started. There are major problems with the world prices and that definitely was the major factor in that mine not coming into production.

I should point out, the major factors in respect to the development of mines are the metal markets and the international money market.

Whether or not Venus Mine will open remains to be seen. I am sure it is going to depend on the price of gold and silver and, once it goes up, I am sure it will go into production, as long as it is economically feasible.

If the Member opposite is indicating that perhaps the government of the Yukon Territory should run it, I would say, emphatically, no.

**Mr. Byblow:** On the same general topic, and in the same area, I note that Cyprus Anvil just announced a \$17 million loss for the nine months ending September 30, considerably different from the story a year ago, again, citing metal market as the primary reason. Since all indications point towards a very sluggish mining picture, can the Minister advise whether, in spite of these forecasts, no cutting back exists in the exploration and development plans in the MacMillan Pass region?

**Hon. Mr. Lang:** Mr. Speaker, I cannot see any reason for cutting back the exploration in the MacMillan Pass area or, for that matter, in the Yukon. There is no doubt in my mind that if there was an election in British Columbia tomorrow and the N.D.P. Party was elected, probably we would have an increase in exploration in that area.

**Mr. Byblow:** Extending the same subject, I would like to ask the Minister whether he can report whether or not the task force study into town site versus fly-in operation is completed yet and, if not, when does he expect it?

**Hon. Mr. Lang:** Mr. Speaker, no, it was just commissioned here not too long ago. I expect to see a report probably in the new year.

**Question re: Integration of Alcohol and Drug personnel with social workers.**

**Mr. Kimmerly:** A question to the Minister responsible for Alcohol and Drug Services. On August 25th, 1981 the Minister announced a reorganization of the Department integrating the functions of Alcohol and Drug Services personnel with those of social workers. As she said, "Social workers will be trained and better educated as to how they can best deal with their own clients who have alcohol problems." My question is, what training has occurred?

**Mrs. McCall:** Mr. Speaker, we are short of personnel in that department. We have been trying to fill two positions, which we have not been able to fill. This is one reason that we have not actually got into training. Another reason is that the alcohol conference in the Fall was to discuss this sort of thing, the sort of training that would be most useful. That was one of the things that was going to be discussed. And that conference was put off at the request of certain people who did not want to participate at this time, and this will be an ongoing thing in the Spring.

**Mr. Kimmerly:** I would ask the Minister if in the course of planning this reorganization she consulted with rural social workers?

**Mrs. McCall:** Mr. Speaker, this was a reorganization within the department. Possibly rural social workers were consulted. It was something that was thought to be a better way of reaching into the communities and the communities were consulted.

**Mr. Kimmerly:** Mr. Speaker, I have information that the rural social workers were not consulted and my question is, in the future planning for training, will the rural social workers be consulted?

**Mrs. McCall:** Mr. Speaker, in the reorganization of a department, pertinent personnel are always consulted.

**Question re: Emergency power units at Haines Junction**

**Mrs. McGuire:** My question is to the Minister of Municipal and Community Affairs again and it concerns the inadequate emergency power units at Haines Junction. In emergencies the two 150 watt diesel units produce just enough power to run the water pumping station, leaving the rest of the town without power, including the health station. My question to the Minister is, will he make every effort to correct this situation immediately?

**Hon. Mr. Lattin:** Yes, Mr. Speaker.

**Question re: Workers' Compensation Board rates.**

**Mr. Veale:** I have a question for the Minister responsible for the Workers' Compensation Board and I am sure, he too, will concede the election in B.C. as well as Manitoba like the Minister of Tourism.

The government news release of November 10 described reductions in the Workers' Compensation Board assessment rates paid by employers and said, "high interest rates earned on bond investments have also been a factor in allowing us to reduce some rates." Could the Minister guarantee that if interest rates decline, as they did last week, or if they continue to do, that the reduced compensation rates will remain in effect?

**Hon. Mr. Tracey:** One of the reasons the rates declined was that the Workers' Compensation Board made more money from interest. That is not taking interest that is being made today. That is considering the interest that has been made in the past, and it is all taken into consideration, and the rates were lowered. Next year, when they consider it, they will take into consideration the interest that was made over the course of this year.

**Mr. Veale:** And I guess the rates may go up. The release also said employers in the public administration category will experience the large decline in their assessment rates, 36 percent. Could the Minister explain why this group had such a large reduction at this time, and was it, in fact, because they had been overcharged for some previous period?

**Hon. Mr. Tracey:** Mr. Speaker, I will have to take that one under advisement. I want to give the Member the exact answer and I am not sure that I can do so at this time.

**Mr. Veale:** While the Minister is obtaining that information on the subject of Workers' Compensation Board, could he advise the House if, on the instructions of his Deputy, the Workers' Compensation Board were recently ordered to suspend usage of their own logo and to, in fact, assume the use of the government logo instead?

**Hon. Mr. Tracey:** The Yukon logo is to be used by all government departments, of which the Workers' Compensation Board is one.

**Question re: Seat belts on school buses**

**Mr. Veale:** I have a question for the Minister of Education. The Minister will recall her photograph in the newspaper a couple of weeks ago with a small message announcing the school bus Safety Week, certainly, a well-motivated announcement. Would the Minister advise if Yukon school buses are equipped with the modern safety device known as a seat belt?

**Mrs. McCall:** I am not sure.

**Mr. Veale:** I am surprised, and I hope that the Minister will take a trip on a school bus to find that there are not any seat belts on school buses. Has the Minister ever examined the question of why there are not, and how much it would cost to actually install seat belts in school buses?

**Mrs. McCall:** Mr. Speaker, the issue of seat belts in the Yukon is under consideration, I believe.

**Mr. Veale:** I will wait until the Government Leader has advised the Minister.

**Mr. Speaker:** If the Honourable Member has a question, would he proceed with his question.

**Mr. Veale:** I just wanted to be sure the Minister heard it.

It seems to me that the specific issue as to whether seat belts are placed on school buses is a very important one, because it is our children, and I am sure the Minister would agree with that. I am asking the Minister if there have been any specific studies done by the Government of Yukon into the advisability and the expense of putting seat belts in those buses to protect our children.

**Mrs. McCall:** As I said, the issue of seat belts and cost of seat belts are under consideration. I do agree with the Member opposite. It is a very important issue and I will look into it.

**Question re: Improvements to Carcross Elementary School**

**Mr. Byblow:** Also to the Minister of Education. I hope that when she takes her ride on the school bus she can get by the regulations that prohibit adults from riding on the bus. My question relates to another topic. In May of this year the Minister indicated, by letter, to the Carcross-Tagish Indian Band, that it could expect some action on request for improvements to the Carcross Elementary School. Recognizing that it was not announced in any part of the Budget, under education, is the Minister planning to make some announcement in this regard?

**Mrs. McCall:** No, Mr. Speaker.

**Mr. Byblow:** When is the Minister planning to announce the fulfillment of the commitment made?

**Mrs. McCall:** When the plans are in effect, I will be making an announcement.

**Mr. Byblow:** In her letter to the Band, Mr. Speaker, the Minister led the Band to believe that work on the school would begin in the summer of 1982. Is this the case or not?

**Mrs. McCall:** Mr. Speaker, it has not been found, up to this date, that these plans are necessary. As soon as they become necessary I will be making an announcement.

**Question re: Persons involved in Alcohol Counselling in Whitehorse**

**Mr. Kimmerly:** Mr. Speaker, a question to the Minister responsible for Alcohol and Drug Services. Yukon continues to have the highest per capita consumption of alcohol in Canada, and this government has frequently repeated its commitment to dealing with this problem. Can the Minister tell us how many people are currently involved in alcohol counselling in Whitehorse and what is the average caseload of the counsel-

lors.

**Mr. Speaker:** Order, please. Perhaps a question requiring such information should be given in the form of a written question, in order that the Minister can get this information. However, if the Minister has that information I would permit it.

**Hon. Mrs. McCall:** No, Mr. Speaker. I was just going to point that out, thank you very much. It was an administrative sort of question. I will get those details for the Member opposite.

**Questions re: Adults on school buses**

**Mr. Veale:** Mr. Speaker, I have a question for the Minister of Education regarding school buses. Will the Minister confirm that in fact the only adult allowed on a school bus is the driver of that school bus, is that the case?

**Hon. Mrs. McCall:** Mr. Speaker, I do not have the rule book with me, but if the Member opposite would like to write that sort of question down and give me some notice I will have the answers for him.

**Mr. Veale:** Well, I am surprised that the Minister does not have that sort of information at her fingertips but, it is very important to have adult supervision on a school bus, other than the driver of that school bus, because often we have from 30 to 70 students. Will the Minister look into that and give some consideration to the possibility of having volunteers go on the bus, so that it is a low cost to the taxpayer, volunteer parents who are concerned about safety on school buses.

**Hon. Mrs. McCall:** Mr. Speaker, this sounds like a reasonable idea. I will explore it.

**Question re: Resolutions of the Association of Yukon Communities.**

**Mr. Penikett:** I have a supplementary to the same Minister Minister of Municipal Affairs. Has the Minister received and studied the resolutions adopted at the general meeting of the Association of Yukon Communities held in August?

**Hon. Mr. Lattin:** Yes, Mr. Speaker, I have received the information. I have studied it, and have considered it, but I have not implemented it.

**Mr. Penikett:** I have a supplementary to the same Minister or perhaps the Minister wants to move to B.C. One of the resolutions points out that many of the campgrounds are too distant from the communities to produce maximum business and tourism benefits. Has the Minister discussed this issue with the Association, either this Minister or the Minister responsible for parks and campgrounds?

**Hon. Mr. Lattin:** No, I have not discussed it with them. I believe we will be meeting in the near future with the Association and it probably will be one of the topics for discussion. I think, actually, the question should have been directed to my colleague to my far left.

**Mr. Penikett:** I will be happy to address my supplementary to the Minister's colleague. I would like to ask the Minister if he is willing to work the municipalities and the visitors associations in this respect to campground policy, given the express views of the A.Y.C. and C.Y.I. for having campgrounds and parkgrounds located closer to communities.

**Hon. Mr. Lang:** I think we have already answered that question. If the Member would just take the opportunity to go to a number of communities he would see that we have worked in a number of cases with those communities that have requested that service. I take, for an example, Watson Lake. We have discussed it with the Local Improvement District. We are putting a campground in close proximity to that community, which will not only be utilized by the people of Watson Lake, which Mr. Speaker represents, but also by tourists. Also at this same time, we did reach a common understanding with the city of Dawson with respect to campground equipment being made available to that municipality to set up the proper standards for what they would require for a campground within their municipal boundaries. I do not think that there is any question that we are prepared to work on any campground. I think we can state for the whole government that we are pre-



pared to work with any community that has a viable idea, and prepared to work in a co-operative manner with them.

**Question re: YTG Constitutional Committee**

**Mrs. McGuire:** Just a short question to the Government Leader. What has become of this government's Constitutional Committee? Has it been scrapped?

**Hon. Mr. Pearson:** Mr. Speaker, it is most extraordinary that the question should be asked of me. It was a committee of this House. It sat, it performed its duty, it performed its function, and produced a report. I was very, very happy to give it to the Special Committee of the joint Houses of Commons and I do not think it exists anymore.

**Question re: Scheduling of Yukon Alcohol Conference**

**Mr. Kimmerly:** Mr. Speaker, another question for the Minister responsible for Alcohol & Drug Services.

On October 27th, the Minister issued a press release announcing the postponement of the Yukon Alcohol Conference, originally scheduled for this month. On October 28th, the Minister published an amendment to the press release. What was the purpose of the amendment?

**Hon. Mrs. McCall:** Mr. Speaker, I believe that the purpose of the amendment was to enlarge on the reasons for postponing the conference.

**Mr. Kimmerly:** Mr. Speaker, for the record, when is the Alcohol Conference now to be held?

**Hon. Mrs. McCall:** Mr. Speaker, it is to be held in conjunction with CYI's conference on health. I believe the month is about February, sometime.

**Mr. Penikett:** On a point of order, Mr. Speaker. It is a minor point, perhaps, but I am sure the Government Leader would not be left in the position of having mislead the House in respect to the Constitution Committee, which still exists, and the members of which are urgently waiting for the next meeting, which will happen at the call of the Chair.

**Mr. Speaker:** Order, please. The Honourable Member, as he knows, has no point of order.

The time now allotted for the Question Period has expired and we will now proceed to Orders of the Day, under Government Motions.

## ORDERS OF THE DAY

### GOVERNMENT MOTIONS

#### Motion Number 12

**Mr. Clerk:** Item Number 1, adjourned debate, Mr. Veale.

**Mr. Veale:** If I might proceed on the debate, I wanted, at this same time several days ago, to speak about the necessity of having a motion, which the government brings in after seven months of no legislative Assemblies, to talk about all the various things that this government may not have done and should have done, but, I believe at this time that there are two very important issues before this Assembly, before this Territory and even before this country, that I would rather address at this time. Those issues, Mr. Speaker, are the issues of aboriginal rights and the issue of provincial status for Yukon.

Provincial status is one of those issues which gives rise to a great deal of debate in this Assembly, from time to time, and often the debate surrounds questions of timing. When should it take place? What should the mechanism be? What are the preconditions that should take place first? The land claims settlement, resource revenue sharing, and that sort of thing.

There is a consensus in Yukon about Constitutional Development, that is, it should take place and, in fact, that Yukon will one day be a province. From this common ground, I wish to discuss the recent revelations regarding the Vancouver consensus, or what is now known as the amending formula, that the provinces have succeeded in making part of the Constitutional Accord of November 5 of this year. There are two particular clauses, that until last Friday, and also Friday, November 6, two particular provisions that are hardly known about in the territory. One regards the extension of existing provinces into

the territories, and the other regards the establishment of new provinces. The position, basically, under the amending formula is that the Parliament of Canada and seven provinces now have the jurisdiction to determine when a province will expand into a territory, and when a new province will be created. But, I do not intend to impute any blame to the Government Leader, and I mean that, Mr. Speaker, but I find it very odd that the provincial Premiers, who are aware of Yukons desire to be recognized, would reach decisions affecting our future without consulting us through our Government Leader, who was in fact criss-crossing the country and visiting these Leaders. It is not surprising, but it is certainly illuminating. The Yukon, in fact, has no one looking out for it in Constitutional development except the members of the Yukon Legislative Assembly. We are the men and women who represent all Yukoners, and therefore we must speak out on the Constitutional Accord, and how it will affect us and our children. And what is the significance of the two clauses that I have mentioned? Well, the major significance is that these two clauses have never ever been into the Constitution of Canada, and that I think is very significant, because we are now putting into writing a concept that is totally against what this territory stands for, and I am referring specifically to the extension of existing provinces into the Territories. Everyone in this Assembly would take strong exception to that.

My belief is that these two clauses are actually going to spell out the death of Yukon's aspirations to become a province in the future. The Whitehorse Star, published yesterday, had a headline that read, "No Plot to Annex Yukon." Well, there may not be a plot out there, but I believe that we are in a plot. We in fact, are going to be buried by those two provisions in the new Constitutional Accord and I think the issue is fairly cut and dried.

Mr. Speaker, until the new amending formula was concocted by the provinces and agreed in the Constitutional Accord in November, the exclusive jurisdiction for Yukon and Northwest Territories belonged to the federal government. I do not believe there is any dispute over that. We did not like what the federal government was doing in C-48, but legally, the federal government could proceed to accelerate the development of our oil and gas production and there was nothing that we could do about it except to shout and scream, which we did.

Well, Mr. Speaker, the amending formula that is going to be in the Constitutional Accord is C-48 ten times over, because it does not only give the Parliament of Canada what it already has, it gives to the provinces of Canada, written and entrenched into the Constitution, a legal foothold on the Yukon Territory and on our resources. The fight for provincial status is no longer a fight against Ottawa. Indeed, it has become a battle against Ottawa and the ten Premiers. What is the history of the admission of new provinces, Mr. Speaker? The most recent example is that of Newfoundland. The procedure was clearly set forth. There was a referendum, requiring approval, it was voted on in Newfoundland, and then there was legislation in the House of Commons and the Senate, and corresponding legislation in Newfoundland. But was there a federal-provincial conference that took a vote of the provincial premiers and counted heads to see what they thought. Well, Mr. Speaker, I would be very interested in seeing any documentation that that actually place, because I do not believe it did. And would, in fact, would Newfoundland ever have become a province if that procedure had been followed?

Would Newfoundland be the same today? Well, we all know, as a matter of fact, that the Province of Quebec takes great interest in Labrador, which is now a part of Newfoundland. And my submission is that Newfoundland, had it ultimately even been created with the consent of the provincial premiers, would not be the Newfoundland that we know today.

But the interesting thing was that there was no legal requirement at that time for provincial consent. Nor, I submit, was there any established convention, at that time, that all the provinces had to be consulted and consent to the admission of

the new province.

Because the north is the exclusive jurisdiction of the federal government, the provinces have not had, until November 5, any legal right to interfere in the relationship between Yukon and the Parliament of Canada. Now, an argument has been put forward by the Government Leader, and he feels that these two entrenched provisions are going to safeguard Yukon rights. I would like to examine that argument. The argument goes like this, the Government Leader feels, and it is quite the case, that the federal government and one province could actually agree to extend the boundaries of a province. That is true. The safeguard we have there, of course, is that the Parliament of Canada has no interest in extending the boundary of any province into an area of its exclusive jurisdiction. But I ask this House, how does it become a better position to say that we now have to have the consent of Parliament and seven provinces? How does that make our case better? How does that safeguard us in any way? The concept is true, in one respect. There will never be another province, except on terms dictated by those seven provinces. And that is some safeguard, because it seems to me that the indication of what is going to happen in the future in federal-provincial relations is exactly what happened last week. Our Government Leader was not advised of the two provisions in the Vancouver consensus, not advised by any provincial Premier.

But how does the safeguard argument apply to the extension of a province into the territories? The safeguard is apparently with the provinces. The argument goes that if one province wants to annex Yukon or the NWT, the other provinces will say, "No, no, no, you cannot do that." I suggest that the more rational view of federal provincial relations is that provinces wish to expand their jurisdictions and expand their resource bases.

Do we have any evidence of that? Well, certainly in the recent negotiations between the federal government and the provinces, the provinces certainly were not taking any less. In fact, most of the time they were demanding and receiving more.

What is the history in Yukon? Well, British Columbia tried to annex Yukon before and, fortunately, failed. I think it is well known that the Province of Alberta looks very fondly at the assets of Dome Petroleum and the Beaufort Sea, and there is nothing that that province, with its declining oil and gas production, would like than to have a piece of the action in the Beaufort Sea. Of course, we are all aware that Quebec looks to Labrador and, indeed, I understand, beyond to the Baffin Islands. Mr. Speaker, they all want a piece of the action in the north, and I foresee power plays and plots on the horizon that will boggle our minds.

Yukon, in my opinion, is being burned by this Constitutional Accord and I wish that the Government Leader, and the Leader of the Opposition, would have joined me and gone to Ottawa to let them know what this Accord means for Yukon.

I quote the Government Leader, in his speech of November 12th. He stated, "An elected government does not get results by sitting on the sidelines. We were elected to speak up for Yukon and that is what we have been doing." If that is the case, I would urge the Government Leader to continue doing that.

In the last debate that we had in this Assembly regarding the constitutional resolution, some members mistakenly believed that the two vetoes for the Provinces of Ontario and Quebec that were contained in that package were actually given so that Yukon would not become a province. In other words, if we thought provincehood at some future date, Ontario or Quebec would say no. The fact of the matter is that that Constitutional resolution, which we debated in this Assembly last spring, did not have the two provisions that I am debating now, the two provisions about the extension of existing provincial boundaries into the territories and about the creation of new provinces, they were not there.

There is another side to the no-plot theory, Mr. Speaker. It comes from an unknown bureaucrat named Howard Leason,

from the Government of Saskatchewan. I am sure he will be flattered to know that his name has been raised in the Yukon Legislative Assembly as an authority on the subject. The argument put forward by Mr. Leason is that the requiring of seven provinces to consent to the creation of a new province is apparently designed to prevent Prime Minister Trudeau from creating seven new provinces in the northern Territories.

Such a motivation is hardly worthy of being put into a constitutional document, because the people who deal with constitutional documents, and negotiate them today, are gone tomorrow, and that goes for all of us. What evidence is there to support the position that Mr. Trudeau would create seven provinces in the northern territories. I always thought that the position was that he would not even create one, the province of Yukon. But, now he is accused of wanting to create seven provinces and that is the reason that this section has been put in the Accord.

The safeguard argument implies that the federal government and a province will not be allowed to make the bilateral extension of boundaries. Think about it. Why would the Parliament of Canada make a deal with one province to give up that exclusive jurisdiction that it already has.

The Parliament of Canada is simply not prepared to do that. But, let us take the case of the Parliament of Canada and seven provinces that want to strike a deal about the north. That is the old deal where every province just goes straight up and takes what is above it. I can foresee that kind of proposition, that kind of discussion, that kind of negotiation, taking place.

When discussion was started on the admission of new provinces there was one government's consent that was required. Now, because of this particular Constitutional Accord, we are going to require 10 more governments to be thrown into the mix.

When we talk about safeguards, what is the safeguard that everybody talks about so that the Yukon will not be annexed by the province of British Columbia, as was attempted in the 1960's. The only answer is that the Parliament of Canada is going to safeguard our interests, and my submission is that that is precisely where it should stay.

The Legislative Assembly of the Northwest Territories, in my submission, has the right idea in going down to Ottawa to make the case for all of the north because we will benefit in whatever they achieve. The other cloud on the horizon, because of that Constitutional Accord, is the exclusion of aboriginal rights.

**Mr. Njootli:** Point of Order, Mr. Speaker.

**Mr. Speaker:** Order please, the Honourable Member for Old Crow.

**Mr. Njootli:** I believe the Honourable Member is referring to another motion which is on the Order Paper and he should not anticipate any discussion referring to another motion.

**Mr. Speaker:** I do not think the Honourable Member has made any reference to a motion on the Order Paper so I must rule that the Honourable Member for Old Crow has no Point of Order.

**Mr. Veale:** When one considers the exclusion of aboriginal rights in the same vein as we talk about the inclusion of two new provisions, where does the motivation come from? It is very strange, but the provinces crop up again. They are the ones who are opposed to having that concept that is so important to the people of Yukon. Aboriginal rights are fundamental to Canada and their exclusion from this document is absolutely appalling. I tried on two occasions to have the Assembly debate this matter and vote on it. There is some reluctance, for some reason, to take a strong position and put that position forward in Ottawa before, steps are taken to make it too little too late. The aboriginal rights section that was originally presented, Section 34, in my estimation, was a very important development in this country and a very important recognition of rights that for so long have been ignored. Section 34 reads, "the aboriginal and treaty rights of the aboriginal peoples of Cana-

da are hereby recognized and affirmed," and in Subsection 2, they include among aboriginal people, Indian, Inuit, and Metis people of Canada. The importance of that particular clause is that it is a general statement of aboriginal rights, but it allows for regional variations to be developed and negotiated across this country.

The key feature is that it gives a constitutional guarantee to the Indian, Inuit and Metis people of this country that the Government of Canada is going to negotiate with them, and reach agreements. That is the importance of that section, and that is why it should be in the Constitutional Accord.

I will make reference to the motion tomorrow. I look forward to debating that with the member for Old Crow.

**Mr. Njootti:** I will be looking forward to debating with the Honourable Member, myself.

I would like to speak on the motion at hand now, Motion Number 12, which is to approve in general the operations of our good government. I want to commend the government for carrying out exactly what they were supposed to do, under the direction of the majority of Yukoners.

I say, with great respect what it is like to be a Cabinet Minister. It involves a great deal of work, and much time is used up in conducting the business of the Territory. Not all of us have had the experience of being Cabinet Ministers, and a member of the Government. I think that the Government has acted in an orderly fashion, since the House adjourned last spring.

It has made public various agreements that have been made with the Native peoples in the negotiation of settlements for Yukon Indian land claims. It has worked diligently, in my opinion, and worked as expeditiously as possible when dealing with the Native people, and it has dealt justly with them, and dealt with Native concerns to a very great extent, I think.

I was happy to see the Cabinet when they arrived in Old Crow. Their arrival was, of course, advertised three weeks in advance, before they came up there. I say this because I am the first radio broadcaster up there, on the first Indian FM station in that center.

I am sure that the Honourable Members had the opportunity to speak with the Cabinet Members when they toured other parts of the Yukon. These tours, in my opinion, are designed to reflect upon concerns of Yukoners at the local level, to have the Cabinet Members view these problems, and come back to Whitehorse, to their offices, with feedback from concerned citizens throughout the Territory.

I think that the mission the Government set out to do has been accomplished, and I want to thank the Members for their dedicated efforts. I give an "A" for effort.

Most of all, I want to thank the Government for all of the things that they have done for my community during the summer recess.

At this point, I want to thank the Cabinet for the Yukon flag, which they put up in my riding, at Herschel Island.

Mr. Speaker, I think that this kind of action which has been shown quite openly by the Yukon Cabinet is an act of loyalty to all the parts of the Yukon Territory.

It shows us that they care about Yukon's North Slope, about the breeding grounds of the Porcupine caribou herd, and we must consider, of course, the concerns of my constituents in regard to the beautiful North Slope in northern Yukon.

It is good to hear that the opposition members agree that the government's action on the Capital Budget is a responsible one, that the increase in the Capital Estimates was an increase in their concern for all of us, as well. This is, I think, a very good example put forth by the government.

As far as social services are concerned, I want to commend the government for their actions in regards to assistance to daycare and pharmacare recipients. There is a great need for this type of assistance and this, I am sure, has been met with happiness from mothers who put their children in daycare centres so that they can go out into the work force. Surely, this must have caused a decrease in the pressure that is put upon concerned mothers.

Mr. Speaker, one beautiful Yukon day last summer I noticed that the Cabinet members took a trip to look at Dome's Beaufort Sea operation. It was a trip to look at future Yukon participation in these ongoing developments, possibly to look at how the Yukon Government will be effected when the transportation phase of that big operation has begun. Production, transportation, all these phases will be long-term developments.

Mr. Speaker, I know that the government has considered seriously the federal energy subsidy cut-off. I was very, very happy that this subsidy has been put back onstream until the end of the fiscal year. It was through the request of Yukoners and the government that this action was effectively transmitted to Ottawa and I commend the government for that particular manoeuvre.

Mr. Speaker, the energy subsidy is a must and has to be continued, especially in my riding, where the fuel costs are so high, and other areas, as well, in the Yukon Territory.

So, Mr. Speaker, because the government took the liberty to visit the MacMillan Pass region, and because they have studied the economics of the situation there, I think much can be expected to happen in the future.

The Cabinet, besides looking after the intergovernmental affairs in other parts of Canada, has travelled extensively and, of course, that is for the well-being of Yukoners. In my view, that shows us that much effort has been put forth by the government and this will surely pay off as time passes.

And in many ways Yukoners must realize that this government produces the jobs which were created for young Yukoners, for example. It made me feel proud to walk down the streets of Old Crow, see the people who are working during the summer, to see them working at the sawmill, the skating rink, the river bank construction, the gymnasium, and other areas, the Yukon Territorial garage for example. Oftentimes, I sit here and listen to Members on opposite sides of the Legislature criticizing the government for travelling to a large extent. Some of us do not know how the government operates. We have to travel to accomplish some of the things that have to be accomplished, and this is one way.

I think, that we can learn, through debate in the House, more about the government, and how they operate, especially when everybody is out during the adjournment, between sittings. To maintain close contact between other governments one must travel and personally meet with their counterparts. I might take a quotation here from the Honourable Government Leader, "In Ottawa I met with Mr. Chretien, the Minister of Justice responsible for the Constitution, and the Minister in the present federal government was interested in the knowledge of the Yukon. I have talked to Senator Olsen about economic development in general, and in pipeline, in particular. I have discussed mega-projects with Mr. Gray to solicit his approval to include Yukon more effectively in planning and any consultation processes. I have discussed territorial financing and energy issues with Mr. Munro. I have testified before the Standing Committee on Northern Affairs in Ottawa and I have presented a brief to the Parliamentary Task Force on federal-provincial fiscal arrangements here in Whitehorse. Mr. Speaker, existing unsatisfactory financial arrangements were the main thrust of my presentation when I testified in May before the House of Commons Standing Committee. I put our case for a single block transfer payment annually to cover both Operating and Maintenance and Capital Budgets, eliminating the requirement to go before the Federal Treasury Board on territorial capital projects."

It is at this point, Mr. Speaker, I just want to say that, in return, other governments may wish to come to Yukon as well. The Parliamentary Task Force on federal-provincial fiscal arrangements came here last summer, and for that committee to pay particular attention to the needs of Yukoners in regards to increased levels of fiscal support was emphasized by the Honourable Government Leader on behalf of Yukoners. Because of these joint meetings progress can be made, and I

would like to commend this government in going in that particular direction.

Mr. Speaker, the Department of Education has developed programs which I think are worth noting. In Dawson City, for example, there is a Native language program and a local instructor is utilized there for that particular native program, instituted during the absence of the Legislature. The program has the approval, of course, of the local Indian Band and the school committee, and we have the same program in Old Crow which I am very happy about. And we have a trapping program taught by a local man and we have a girls native crafts program, and a boys native craft program as well. And all our locally developed courses, instructed by persons from Old Crow. What more could we ask for? Mr. Speaker, this government is concerned about decentralization of these programs, and I commend them for it.

Take a look at the Kluane Tribal Brotherhood situation where the Yukon Government designated the native oriented programs, and maybe we will begin to understand the aims and objectives of our government, and at that Tribal School, they cater to the educational needs of students enrolled in the school. Of course, the instructors are from the community. One could examine what is happening in Teslin. The government has incorporated bush craft, wilderness survival, trapping, fishing and some native crafts that are relevant to the ways that the people are used to there. In reference to your good riding, Mr. Speaker, a native language program is in place, where two local people have been working there and one of them works in the City of Whitehorse with John Reeder, who is involved in the Native folklore program, with the idea of putting books and novels with native orientation for grades 4 to 12 in Yukon schools, the education system cannot go wrong.

The publications by C.Y.I., for example, have been given to teachers in support of curriculum adaptation, in trying to continue with these northern studies in these particular schools. Christ the King High School has provided Indian language as an alternative to the French language program. It takes place every day for one and a half hours. So these accomplishments support the idea for local needs at local levels and deserves mention in our debate here today.

As for government activities in regards to local government, I just want to say that over this past year this government has introduced and is now in the implementation stage of major municipal reform measures, which are probably the most innovative and responsive, when compared to the local government system in the country. We are proud of the fact that these reforms have received the utmost public and political scrutiny throughout the process of development, and through implementation, will determine the shape of our local governments in the future.

This surely is an accomplishment that the public would appreciate. The accomplishment with care and consultation with citizens, in and around the Yukon. One day we will live under the same roof, under one government system that will only look like a rainbow stuck together, only with different colours. I personally would like to see this, and as a politician, to be able to be here in the Yukon when that comes about. Certainly this government is progressing in that direction.

I am happy to hear that the government has taken the initiative to establish a task force on the mining industry, and to plan for an orderly and sensitive development in the Yukon Territory, and that the government collected necessary information by undertaking two important studies during the summer, by the Resource Planning Department branch. It is my understanding that in order to have first-hand knowledge, the decision makers, Cabinet, must go on these sites, personally, to look at development, so that these developments can proceed in an orderly fashion.

Before closing, I just want the government to know my constituents have taken advantage of all the programs that were offered to them, and I certainly hope that other Members in other constituencies have accepted these programs provided

by the Government, and taken advantage of them, as well, and certainly would like to support this motion, one hundred percent.

**Hon. Mr. Lang:** I have listened with a great deal of interest, in respect to the words of so-called wisdom coming across the floor from the Members opposite, and I want to quote from the Leader of the Official Opposition, who made the statement at the beginning of this presentation, "I want to tell you sincerely that I do not think the Government Leader's speech will be remembered a year from now, I want to say sincerely that I do not even think the Government Leader will remember his speech a year from now." Well, Mr. Speaker, it is my position, and I have read through the presentation put forward by the Leader of the Official Opposition, and I read his speech, and to be quite frank, Mr. Speaker, I do not think it is going to go any further than Hansard. Going through this particular presentation and the revelation of what was supposed to come forward in respect to Opposition, and what they felt the Yukon should be doing and where it should be going, I do not think there was anything of any merit in what was said. I take a look, Mr. Speaker, at the past record of this Government, in respect to other relationships in the tourism industry with the Yukon Business Association in what we have accomplished in the past year. I take a look, Mr. Speaker, in respect to what we have done in education and the extension of the grades in those communities where it is feasible to do so. I look further to land disposition. We have land on the market that was never there before. The list goes on and on and on, one can look in the Renewable Resources side of the Government, and what we are doing with the management of our wild life, in the priority that we put that area, as well as the campground program that has been put into effect while we have taken office. Well, Mr. Speaker, I take a look at what the NDP have to offer and to be quite frank, Mr. Speaker, it scares me. If there are no ideas from across the floor, then I do not know how to explain it. I take a look, and the NDP talked about goals. I recall an issue not too long ago, when we discussed the C.O.P.E. claim. Every party had the right to stand up and make their position very clear as to what should happen to the northern Yukon, and we had the NDP stand up to say that we were not environmentally concerned enough, so they could not support it, and yet, at the same time, the party the Leader of the Official Opposition is National President of, was asking questions in the House as to why that agreement was not being implemented. Well, I say there are no goals on that side of the House, and I would even go further to say I do not believe that they are coming up right, in respect to major issues that affect this country. For an example, the great organization of the New Democratic Party is having a poll. Oh no, it is not the NDP, oh no. Two days later, it was the NDP. Well, I am wondering who is leading the NDP, but the real problem was the Leader was out of the Yukon. He criticizes the Government Leader for travelling, taking a message, as far as the Yukon is concerned, to the various Government that should be listening to what we have to say and, if possible, put into effect what should be done. But, no, the Leader of the Opposition is outside of the Territory while they are having a poll, and I want to have it put onto the record that I was informed by a number of my constituents that they objected to the way that poll was taken. I have no problem with a poll being taken but, Mr. Speaker, I think who is ever doing it should be up front.

A definite impression was given to a number of my constituents in Porter Creek East that that poll was being done by the Conservative government, and, Mr. Speaker, I object to that, and I want to go on the record as objecting to it. I think it was totally and absolutely out of line.

Mr. Speaker, further to that, we have the Member for Whitehorse South Centre, who just got elected, who is going to build everybody a house. We have got the Member for Faro, along with an apartment block and everything else, he wants some other major developments going on in his constituency. We also have the official Leader of the Opposition, who is going

to go into more housing, more jobs and the list goes on.

Mr. Speaker, I just want to put this into common reality, where the common man is, the guy who is working for a living. First of all, the Leader of the official Opposition, being where he is, with the NDP Party, did not mention the fact that, right now in today's terms, the ordinary working guy on the street is actually working four months out of twelve months for government. When you take your income tax and you take all the other taxes, the ordinary working man is working four months out of twelve months a year for the government.

Now, Mr. Speaker, what do we have across the floor? They are going to say, "We want more programs." Well, I want to ask you, Mr. Speaker, what does that do for the White Pass truck driver, who is getting up at five o'clock in the morning, getting home, perhaps, at six o'clock at night, if he is fortunate enough to get through without any problems, and comes home and is attempting to raise his family and pay his bills? Do you know what that does, Mr. Speaker, what the NDP are offering to the people of the Yukon Territory? Not only does the White Pass truck driver have to pack his own mortgage, but he is going to have to pack somebody else's.

Well, Mr. Speaker, I will speak on behalf of Porter Creek East, here, and I will tell you this right now, the White Pass truck driver is having a tough time packing his mortgage, and I do not think he wants to pack anybody else's. So, Mr. Speaker, that is why I say to their generalities of what they are going to do, in respect to Yukon. The social planning they talked about, I will be quite frank, I do not mind the Leader of the official Opposition, I think he is a nice fellow, but I will be very frank, I do not want him planning my life. He talks about the great social plan as if the ordinary citizen on the street cannot figure out what he should be doing in his spare time or, for that matter, where he should be working.

Well, Mr. Speaker, I say to you, I think and I believe and I have enough confidence in the working man in the Yukon Territory being able to plan his own life and that he does not need Mr. Penikett and he does not need the ND Party to help plan it for him. Mr. Speaker, an interesting revelation is taking place and I think it should be put on the record. We now know at the national level that we have a commonlaw relationship, in practice, between the New Democratic Party and the Liberal Party, it is fairly evident. But, Mr. Speaker, I noticed a couple of weeks ago a switch in respect to that relationship and we had the Liberal Party's Leader come forward and say that he was going to go into collaboration with the N.D.P. party and it is nice to see that the relationship works both ways. The only difference is it depends on the members in the House. Now, Mr. Speaker, in reference to the comments that were made by the Leader of the Liberal Party, I believe two years ago in election he was opposed to provincial status and now he has the audacity to stand up and talk about being worried about not becoming a province. Now, Mr. Speaker, I say to you, I believe that the Liberal Party has a responsibility to come up front on what their position is. Because one day they are on and the next day they are off. Well, Mr. Speaker, this side of the House has been very consistent. We have put our priorities forward, we have put our policies forward, with respect to what we feel should be done in the Yukon. And paramount in any decision making that we make on this side of the House, Mr. Speaker, is the right of the individual and the right of the individual to make his own decisions and along with that carry his own responsibility. So, Mr. Speaker, all I can say is thank God the Conservatives are on this side of the House.

*Applause*

**Mrs. McGuire:** I move, seconded by the Member for Mayo, that debate on Motion 12 be now adjourned.

**Mr. Speaker:** It has been moved by the Honourable Member for Kluane, seconded by the Honourable Member for Mayo, that debate be now adjourned.

*Motion agreed to*

**Mr. Speaker:** We will now proceed on the Order Paper to Government Bills and Orders.

## GOVERNMENT BILLS AND ORDERS

### On Bill 78: Second Reading

**Hon. Mr. Lattin:** I move, seconded by the Honourable Member for Mayo, that Bill 78 be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Member for Mayo, that Bill 78 be now read a second time.

**Hon. Mr. Lattin:** Under the new municipal legislation, municipalities will be obliged to adopt their own building standards in their community. With the postponement of this municipal legislation until September 1st next, it is necessary to amend the Building Standards Ordinance to ensure that standards continue to apply to Local Improvements Districts, pending implementation of the new *Municipal Ordinance*.

In addition, Mr. Speaker, this Bill will allow the government to modify and lower the standard of building construction from the standards contained in the National Building Code.

For example, this would be particularly necessary in areas where you want a lower construction code, such as the construction of cottages and also in construction of camps out in the hills. The Bill ensures that continuation of building standards in L.I.D.'s for one year, after which, under the newly created *Municipal Ordinance* would adopt their own building standards and it also would allow us to lower the standards for those already in place under the currently adopted National Code.

**Mr. Kimmerly:** Mr. Speaker, I can be as brief as the Minister on this particular Bill. We, on this side, welcome the concept of the Bill, and we welcome the change or the proposed change in the National Building Code to be in effect in certain parts of Yukon. We recommend to the Minister the establishment of a Yukon Building Code, as opposed to simply a lowering of the standards in some rural areas. The intention is not at all to load developers and private people with new regulations or unrealistic regulations, but simply to make the building codes that are applicable, especially in rural Yukon, to Yukon conditions, especially permafrost and semi-permafrost conditions.

*Motion agreed to*

### Bill 71: Second Reading

**Hon. Mr. Lattin:** I move, seconded by the Honourable Member for Hootalinqua, that Bill 71, be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Member for Hootalinqua that Bill 71 be now read a second time.

*Motion agreed to*

### Bill 66: Second Reading

**Hon. Mr. Lattin:** I move, seconded by the Honourable Member for Mayo that Bill Number 66 be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Member for Mayo that Bill Number 66 be now read a second time.

**Hon. Mr. Lattin:** The amendments to the *Municipal Ordinance* which are being submitted for the Legislative Assembly's approval, are an indication of this government's willingness to listen to the public. The decision by the Yukon Government to delay implementation of the Ordinance was conducted in the light of full public scrutiny and there is no reason to spend much time on reviewing the events that led to these amendments being necessary. When the *Municipal Ordinance* was presented last fall, the timing for the implementation was also made public. The government then developed the necessary financial legislation and conducted a series of public meetings in all communities concerned to discuss the implementation of this legislation. However, when proposals for the incorporation of new municipalities were announced in August the Council of Yukon Indians and various Indian bands voiced their objections to being included within the proposed municipalities. Ironically, Mr. Speaker, the proposals were designed to

include Indian bands, since the government felt that it would be discriminatory to exclude them. We also indicated the enquiry process would permit Indian bands to opt out if they so desired. Enquiries were duly held and the Native opposition to the new Ordinance was very strong. Repeatedly, the message submitted to the Inquiry Board of the Yukon Government that implementation of the entire Ordinance should be deferred, to avoid prejudicing the land claims, and that it was not sufficient to just exclude Native areas from the municipalities. At the same time, non-Native residents in many communities were expressing their concern about implementation of the new Ordinance in the face of Indian opposition, since, it was feared that this would further divide the communities on racial lines.

Mr. Speaker, in the interest of improving racial co-operation at the community level and the attempt to facilitate land claims settlements, the government agreed to defer implementation of the *Municipal Ordinance* for one year, in accordance with the Inquiry Board's recommendation. But, we wanted to ensure that local governments were not the ones who had to pay the price for the Yukon government's decision. To avoid this, we have made financial arrangements to ensure that the communities will not suffer financially as a result of the decision to defer the *Municipal Ordinance*, and a guarantee of the government's intention to proceed next September has been written into legislation. The amendments also recognize that while the proposals for incorporation have already been made based on input which the government received from the present councils or boards that there may be some changes in circumstances which may occur prior to next September. These amendments provide that an Inquiry may be conducted if there is such a significant change in the community's circumstances.

Mr. Speaker, we have all worked very hard to ensure that a more effective municipal legislation was prepared, and these amendments will ensure that the legislation which we all supported can be implemented with the least disruption to our present communities. I look forward to all Members supporting these amendments.

**Mr. Penikett:** I thank the Minister for a short address. I would have liked to have heard a shorter address on the previous Bill, too, but most of what I have to say about it can be said in Committee stage.

I somewhat regret the previous Ministers departure from the Chamber with all his synthetic emotions, but I am sure were he here he could certainly divide the House and get everybody shouting at each other about this Bill, too. However, since he is not here, I will moderate my tone. It seems to me that for a new Minister of Municipal and Community Affairs, the Minister probably has had a very rough year. This summer, I am sure, would have tried the most patient of souls. My views on the particular legislation that we are proposing to amend today are well known, and are on the record, and I would not propose to punish the Members opposite by repeating them.

I think that the difficulties we have had here with this legislation were in some ways, if you will forgive me for saying so, pretty predictable. Given the kind of environment we were in, with land claims negotiations and emerging communities, and I think developing perceptions of what was the appropriate forms of local government. And let us be frank, really a situation of two very large solitudes when it came to the perceptions of what life ought to be and the way communities should be run and the governmental traditions of the Indian and non-Indian community in the Territory.

I have read with care some of the observations the Association of Yukon Communities about the Miller Commission, and their criticism of its terms of reference, and the subsequent exchange of views between Council of Yukon Indians and A.Y.C. Let me say, Mr. Speaker, that even though the Minister, I am sure, would not want to claim credit for this, that probably one of the most hopeful and promising signs out of this whole summer, is, if you like, the Constitutional Accord that was reached between A.Y.C. and C.Y.I.

That, to me, at least bodes very well for the future in terms of providing a forum and a medium for and, in fact, resolving some of the very serious and not at all inconsequential differences when it comes to the philosophy of local government.

I and my Party, obviously, are not going to object or oppose this legislation. We do want to express the wish to the Minister, though, that the kind of consultation that has been the recent practice of his Department with both parts of our community continue, that he continue to be extremely sensitive to the difficulties that we face in implementing this legislation and that, if necessary, he should not be hesitant at all about coming back to this House with more amendments to the legislation if they are required and if they seem to be the demand and the wish of the communities that the legislation seeks to serve.

Thank you, Mr. Speaker.

**Mr. Veale:** It has been a hard summer for the Minister and, to some extent, one had some sympathy for the position he found himself in. However, the lesson, in my submission, to be learned is that while the government is negotiating a land claims settlement, that major issues which deal with the government structures and that deal with land and the community affairs should be discussed in that process, at the same time that the government is actually proceeding to bring forward a good piece of legislation. Essentially there was a great deal of agreement in this House last November, that that legislation was a good piece of legislation and there are many people that are upset about the fact that it cannot be implemented in its entirety at this time.

The Minister made reference in his opening remarks to Indian opposition and I would just like to clarify the record. My recollection was that the opposition was a broadly based opposition in each community, coming from Indian and non-Indian people who were concerned. To that extent, it is a lesson in community consultation and it is not an easy one. The government did make attempts during the previous spring, and I give them credit for making attempts with the AYC, to go and explain the legislation.

The fundamental failure, and I hope that it will not happen again, is the situation where legislation that affects Indian people, as well, in a very important way is not put before the land claims process so that the way can be smooth. I am sure that the last thing that the Minister would want is to become an impediment to the land claims process which we are all hoping will come to a conclusion as soon as possible.

The fact that the Association of Yukon Communities is taking an active role has been a very positive step in municipal and community relations with the Government of Yukon. The fact that they did bridge the gap some weeks ago, by having the Council for Yukon Indians and AYC start to talk about the kinds of communities that we should have in Yukon, was an extremely good way to commence a process that will be shortened substantially if that kind of work can be done at the same time the government is proceeding to set up new structures.

I hope, as well, Mr. Speaker, that the one year deferral, which has been referred to, until September 1, 1981, is a firm position of the government; the Association of Yukon Communities has expressed some concern about that.

If the government sticks to that timetable, I think things can be solved, because one of the important things about bringing in the municipal legislation in its complete aspect, is that then communities will have control, at a local level, of recreation to a greater extent than they do at this time.

I would also commend the Minister for having the flexibility to ensure that even though the Ordinance cannot proceed that, in fact, the funding is going to proceed in the same fashion as it would have had the Ordinance been implemented.

Thank you, Mr. Speaker.

*Motion agreed to*

**Bill Number 67: Second Reading**

**Mr. Clerk:** Second reading, Bill Number 67, standing in the name of the Honourable Mr. Tracey.

**Mr. Tracey:** Mr. Speaker, I move, seconded by the Honour-

able Member for Mayo, that Bill Number 67 be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member for Mayo, that Bill Number 67 be now read a second time.

**Mr. Tracey:** Mr. Speaker, the purpose of this proposed legislation is to replace the existing *Bulk Sales Ordinance* with the latest version of the *Uniform Act*.

When a business is sold a buyer ordinarily receives the clear title to the inventory and equipment. However, it often happens that some of the property has been delivered to the business on credit and has not been paid for, and this is an easy way to commit fraud. The owner of the business obtains a large shipment of stock from the supplier on the usual 30-day terms; he immediately sells the business for cash and disappears. The buyer of the business takes clear title, the seller takes the money and the supplier takes the loss.

The *Bulk Sales Ordinance* discourages this sort of operation by imposing on the buyer of the business a responsibility to make sure that the creditors of the seller have been looked after, because the sale in contravention with the Ordinance may be set aside by the creditors. As well, the buyer taking possession of the stock of the business is personally liable to account to the creditors for the money owing.

The effect of this situation, Mr. Speaker, is to protect the supplier and to prevent the drying-up of short-term credit. This is a very important part of a buyer-seller agreement for purchasing a business.

The existing *Bulk Sales Ordinance* was put into effect in 1956, and was based upon an Act recommended by the Uniform Law Conference of Canada for the first time in 1920 and was revised from time to time until 1958. Twenty years ago, the *Bulk Sales Ordinance* was completely over-hauled and the Territory is yet to implement the new *Bulk Sales Ordinance*.

The *Bulk Sales Ordinance* that is before the Members now was only brought into effect in Ontario in 1980 and we will be the second jurisdiction in Canada to apply the new ordinance.

**Mr. Byblow:** My first action upon receiving this bill was to examine it for any small print clauses that might have permitted the bulk sale of Yukon to various governments or organizations.

I also checked on behalf of my Party Leader and was able to assure him that it did not apply to him.

There will be little objection from this side respecting this Ordinance, particularly at second reading. As the Minister has indicated, it is a recent version of the model Act on the subject from the Uniform Law Conference and I think the track record in this House of Uniform Law Bills, numbering in the dozens, has been quite good.

While there will be a number of specifics once the Bill does hit Committee stage, in light of a cursory reading and at this point, we are certainly going to be endorsing it.

*Motion agreed to*

#### **Bill Number 69: Second Reading**

**Mr. Clerk:** Second reading Bill Number 69, standing in the name of the Honourable Mr. Tracey.

**Hon. Mr. Tracey:** Mr. Speaker, I move, seconded by the Honourable Member for Whitehorse Porter Creek West, that Bill Number 69 be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Justice, seconded by the Honourable Member from Whitehorse Porter Creek West, that Bill Number 69, be now read a second time.

**Hon. Mr. Tracey:** Mr. Speaker, the object of this submission is to attain approval for the introduction and passage of *Warehouse Receipts Ordinance*. Warehouse receipts legislation governs the need for and the legal effect of receipts for goods deposited in storage. There is no such legislation in force in the Territory now.

The *Uniform Warehouse Act* was recommended by the Uniform Law Conference of Canada in 1945 and by 1949 it had been adopted by B.C., Alberta, Manitoba, Ontario and a couple of

the Maritime provinces. It seems to me this legislation has wrongly been presumed to be in effect in Yukon. In 1980 it was reviewed by the Special Committee of the Uniform Law Conference, established to review all the *Uniform Acts*; the Committee recommended this *Uniform Act* be retained without amendment.

The legislation will become more important with the growth of the Territory's economy. It applies not only to the storage of household goods, but also to the conduct of commercial transactions involving the transfer of goods from one person to another, through delivery of a document of title, without the necessity for actual delivery of the goods themselves.

The legislation is contemplated by the new *Personal Properties Security Ordinance*. Indeed, without the *Warehouse Receipts Legislation*, the financing of Yukon businesses, through the creation of security interests in documents of title may be prejudiced.

The standard forms used by trucking companies and warehouse in the provinces are based on this legislation and no special adaptation of the Act is needed to make it suit the Territory.

Thank you, Mr. Speaker.

*Motion agreed to*

**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 resolve to 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 to Committee of the Whole.

*Motion agreed to*

#### **COMMITTEE OF THE WHOLE**

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

We will be discussing Bill 70 right after a short break.

*Recess*

**Mr. Chairman:** I would like to refer Committee Members to your green Capital Estimates book, page 15. We will be considering Health and Human Resources. Is there general discussion before we go on to the line items?

*On Health and Human Resources: General Debate*

**Mrs. McCall:** Mr. Chairman, I would just like to say a brief few words. Most of the capital for Health and Human Resources is for equipment, furniture, some upgrading of facilities, a little bit of renovations and that is about it.

**Mr. Kimmerly:** Mr. Chairman, I thank the Minister for her brief opening statement and I can advise her that I was going to say exactly that at the beginning, meaning that this is a capital budget for a few odds and ends, furniture, reconstruction or renovation and, because of that, it is inadequate.

There should be expenditures in this Capital Budget for a group home for mentally disadvantaged people and mentally disturbed people who do not need to be hospitalized. There should be evidence of a mental health plan for Yukon for the addition of facilities over time. There should be capital funds for an expanded detox program as the existing centre is vastly overcrowded and overused and the facilities are not adequate for the existing need. For Senior Citizens there should be increased capital funds for more senior citizen housing and for recreational facilities for senior citizens, and I would make a specific reference to the old Bishop's House on the Lambert Street home, which is not now renovated as the residence of that home, as I understand it was going to be by agreement with the government.

I made reference earlier to the lack of a social service plan, and this Capital Budget is clear evidence of the lack of a plan for responsibly adding facilities, over time, for social care, especially rehabilitative care, and mental health care in Yukon.

**Mr. Veale:** The budget does not give a great deal of detail as to what specific items are involved under any of the line items.

A great deal of concern was expressed by the Minister and the Government Leader, in the last Session, about the 70-30 ratio with the federal government on putting in new equipment. I would be interested in hearing some general comments from the Minister on what has transpired and whether the Yukon is getting input into purchases of equipment and facilities and how that has expanded or not expanded.

The medicare fund might be something that the Minister could address at this time, too, in terms of how the medicare fund is doing. I know that that is an Operations and Maintenance matter, perhaps, but I wonder if the Minister has any idea as to where that sits in terms of the increase in premiums and whether it is meeting the increased health care costs.

I would also appreciate having the Minister indicate what developments are taking place in the Detox Center, in terms of actually improving the facilities or adding to facilities; it appears to me that it is replacement items more than anything else.

I would appreciate it if the Minister could give some indication of the group home policy that has been established and how much of that group home policy is government run, specifically, and how much is run on independent contract, and perhaps how the new group home that has people that stay for a long term in order to be rehabilitated back into society and be independent is doing.

**Hon. Mrs. McCall:** Mr. Chairman, there are a number of questions involved in the Honourable Member's comments but, first of all, I would like to answer Mr. Kimmerly.

As far as new facilities are concerned, we have just recently opened new facilities under Health and Human Resources, replacing the Wolf Creek facility into residential facilities. This was quite expensive, but I think it is going to be a very, very good arrangement.

The therapeutic group home was something that we have opened in the past year for exactly the purpose that Mr. Kimmerly mentioned.

Mental health facilities are a federal responsibility, as you know, and, as for lack of a social service plan, I think the Member opposite is quite wrong, there is a social service plan and it is being implemented as we go along, little by little.

To answer some of Mr. Veale's questions, with cost sharing, Health and Human Resources have been hopeful of getting a better arrangement with cost sharing and we believe that we will have that. This is just coming through from Ottawa right now, so it is not quite through but, we believe we are going to have a very good arrangement.

The medicare funds, as you say, are O and M and what we are doing with that is just covering our deficit. We are not making any money on it or anything else, we are just simply paying our bills.

There are no plans for the moment to add to Detox. Group home contracts are different for each group home and if the Member would like to hear more about the contracts I can supply him with some details.

**Mr. Chairman:** There being no further debate, I would like to refer Members to Furniture and Equipment, in the amount of \$134,000.

#### *On Furniture and Equipment*

**Mr. Veale:** That is a substantial increase from 1981-82 and perhaps the Minister could outline some of the areas that that is going into. Is it going into office equipment or are we talking about actual equipment in communities or group home equipment?

**Hon. Mrs. McCall:** Mr. Chairman, these funds are to replace furniture and equipment in the five government-owned group homes, in the two youth services facilities and the two senior citizens lodges.

**Mr. Veale:** Could the Minister indicate the process by which the government arrives at replacement of various items in either group homes or the senior citizens or youth services? What is the mechanism that the Minister uses to determine the needs and establish the priorities and then make decisions?

**Hon. Mrs. McCall:** Well, Mr. Chairman, I think that the director of the facility is made aware of the furniture and furnishings that need replacing just by looking at the equipment and making sure that it is in good condition; it is just a matter of care.

**Mr. Veale:** With specific respect to the senior citizen homes, is that something that is done by consulting committees of senior citizens to determine what their priorities are in the particular homes?

**Hon. Mrs. McCall:** Yes, Mr. Chairman, as far as I know. We have someone whose job it is to look after the facility and the furnishings and he does this in consultation with the director of each facility.

**Mr. Veale:** Not to belabour a point with the Minister, but my specific question is are there committees of senior citizens that are created from within that make recommendations to the Department as to what their needs are rather than what the Department may see their needs as?

**Hon. Mrs. McCall:** No, Mr. Chairman, I do not think there is a committee, it is an informal arrangement. I am sure that the people who live in the facility participate in a democratic sort of arrangement with the director whereby the people who live there can say, "This is worn out", and the director agrees and they get in touch with the person who is in charge in the Department. It seems to be quite a solicitous arrangement, as far as I can see, and has been working very well.

**Mr. Veale:** I take it, then, that the Minister does not have it as a formal committee arrangement; it is an informal arrangement that works, depending on the ability of a particular director to communicate and receive communications from senior citizens.

**Hon. Mrs. McCall:** There may be an arrangement, within the facility that I do not know about, but the process that I described is the way that things come about normally and it works very well. Unless the Member opposite has some information to the contrary, I am told that we have not had a problem with it.

**Mr. Kimmerly:** I intend to ask about the furnishings at the old Bishop's House attached to the Lambert Street senior citizen's complex. Is that under this item or the next item?

**Hon. Mrs. McCall:** I did not know where the last item that was talked about fell, but I am told that it comes under Yukon Housing.

#### *Furniture and Equipment agreed to*

#### *On Renovations—Group Homes and Senior Citizens' Lodges*

**Mr. Chairman:** Renovations—Group Homes and Senior Citizens' Lodges, in the amount of \$36,000.

**Mr. Kimmerly:** May I ask in which of the senior citizens' complexes is that money going to be spent?

**Hon. Mrs. McCall:** We are going to upgrade kitchen facilities in the Liard Road Group Home to provide for more adequate storage and working space. We are going to replace windows in the Lowe Street Group Home which are currently not up to scratch and cause considerable heat loss and, within Macauley Lodge, fresh air vents are going to be installed in the workshop and in the basement lounge to meet the required health standards. Macauley Lodge is also going to have fire doors with automatic closures installed and renovations done on the entrance foyer and in the supervisor's suite, providing a large amount of recreation area for the residents.

**Mr. Kimmerly:** I would ask the Minister, as no funds are being allocated to the Alexander Street senior citizen complex, which is the oldest and perhaps the most inadequate of the buildings mentioned, does this indicate a policy to gradually phase out that building?

**Mrs. McCall:** No, I do not know of any plans at the moment to phase out Alexander Street.

**Mr. Kimmerly:** Is the Minister aware of the current type of renovation needs in that particular building?

**Mrs. McCall:** Alexander Street Lodge is under Yukon Housing, as well.

#### *Renovations - Group Homes and Senior Citizens' Lodges*



agreed to

*On Detox Centre—Equipment and Furniture*

**Mr. Chairman:** I refer Committee to Detox Centre, Equipment and Furniture, in the amount of \$6,000.

**Mr. Kimmerly:** I would refer to my comments earlier and ask the Minister if she is satisfied that the existing facility is fulfilling the present need and, specifically, why are there no plans to expand the facility because of the use of the facility or to, perhaps, build a bigger better one.

**Mrs. McCall:** With all budgets, as the Member opposite knows, there is only so much money to go around. At the present time, the building we are concerned with is the Crossroads building and once we have come to some conclusions about Crossroads, perhaps we will take another look at Detox. I realize that it is very overcrowded and will require some changes at some time, but until we have finished dealing with Crossroads we will not be addressing the Detox Centre.

**Mr. Kimmerly:** I am fascinated by the reference to the Crossroads building. Are there funds being allocated to renovate the Crossroads building?

**Mrs. McCall:** I hope to have some announcements regarding Crossroads before long. I am afraid I am not permitted to say anything at this time.

*Detox Centre Equipment and Furniture agreed to*

**Mr. Chairman:** We shall now consider the \$15,000 for Northern Health Services, Construction.

*On Northern Health Services - Construction*

**Mr. Byblow:** I would be curious as to what particular projects are being identified with that \$15,000 and what is the present arrangement of cost-sharing on these projects.

**Mrs. McCall:** Cost sharing with the federal people is 70/30. The \$15,000 under Construction for Northern Health Services is for minor renovations to several of the Health Stations around the Yukon.

**Mr. Veale:** Is there any anticipated construction of new health stations for the Yukon at all.

**Mrs. McCall:** No, Mr. Chairman, not as far as I know, but the federal people do not ask us. They just tell us when they are ready.

**Mr. Veale:** We have been through that before. Has not the government been able to negotiate any new arrangements so that when a new facility is going to go in there will be advance notice to the government and actually discuss the facility, where its location will be?

**Mrs. McCall:** Mr. Chairman, we are working on a better relationship with the federal people but they are not amenable to being that cooperative, so we have not come to a better arrangement yet. We are still striving for it though.

*Northern Health Services - Construction agreed to*

*On Northern Health Services - Equipment*

**Mr. Chairman:** We shall discuss Northern Health Services — Equipment, in the amount of \$165,000.

**Mr. Veale:** Are we talking now about equipment primarily for hospitals or are we talking about health stations. What is the bulk of that expenditure going to be on?

**Mrs. McCall:** It is for health stations, not for the main hospital. It is for just normal equipment replacement in the health stations.

**Mr. Veale:** Is there a line item for hospital equipment, or is that not cost shared?

**Mrs. McCall:** There is nothing for the hospital at all.

**Mr. Kimmerly:** Mr. Chairman, I am fascinated by the comment that this is just normal items. This is \$165,000, and I would ask the Minister where are these normal items going to go and, at least by category, what are they. Is it, x-ray equipment, or what?

**Mrs. McCall:** Mr. Chairman, perhaps the Members opposite do not realize that our relationship with the federal people is a very unsatisfactory relationship. They tell us that we have to spend \$165,000 on the health centres and that is about all they tell us. We are not consulted, we are not asked for priorities. Nothing at all, it is really a very, very frustrating experience

dealing with them.

**Mr. Kimmerly:** Can the Minister say if she knows what the money we are voting for is, in fact, for?

**Hon. Mrs. McCall:** No, Mr. Chairman, I can just tell you that the only information I am given is that it is for normal equipment replacement, and it says that there is no major equipment acquisition, or construction. That is all the information that I am given.

**Mr. Penikett:** Mr. Chairman, perhaps we can get this straight.

What happens? Does the Federal Government install equipment, and then send the Minister the bill, or do they send a bill for part of the equipment that they install? Exactly how does this work?

**Hon. Mrs. McCall:** It is not done with any consultation with this government.

**Mr. Penikett:** That was not what I was asking. I was not asking if the billing was done with consultation with this Government or not. I was asking the Federal Government makes a decision, and because of some old contractual agreement, or obligation, or understanding, they simply send us the bill? Are we picking up a share of the total cost of this equipment, or is that the total bill? What is the arrangement? And if it is still the 70-30 ratio, do we have no discretionary power over this expenditure?

**Hon. Mrs. McCall:** That is correct, Mr. Chairman.

**Mr. Veale:** Mr. Chairman, what efforts had the Minister made, in terms of actually arranging a meeting with the Health Minister, or the officials in that department to go and resolve this situation?

I mean, it has carried on since the spring, and there has not been any advance. I find it unbelievable, and it would seem to me that it would be in the interest of everyone, including the Federal Government, to have an appropriate method of consultation.

**Hon. Mrs. McCall:** Mr. Chairman, it is promises, promises, and that is about it. The Government Leader is just itching to get on his feet, and tell you more. It is a very, very difficult situation.

**Mr. Penikett:** Far be it for me, Mr. Chairman, to suggest to the Minister the way in which she should run her department, but I have always found it a useful practice in obtaining a conversation that someone else is reluctant to have, in these kind of matters, if you simply refuse to pay the bill. They tend then, to want to discuss it with you fairly quickly.

**Hon. Mrs. McCall:** I appreciate the Honourable Member's good advice. We have contemplated that as well.

**Hon. Mr. Pearson:** Mr. Chairman, the Members opposite must know that we have done that, to the tune of some \$3 million, with the Department of National Health and Welfare. This is on the Operations and Maintenance side of it.

Mr. Chairman, the Members opposite must know as well, this is all Federal money. There is no Territorial money in here. This is all Federal money, and what we are told, is that they intend to spend \$15,000 on Northern Health Services construction, and \$165,000 on Northern Health Services equipment. Please put that in your budget. That is their appropriation to us.

Mr. Chairman, we could not vote it. It would not really mean anything, because then the Minister of Indian Affairs and Northern Development, in fact, would have it voted in his appropriations in Ottawa. We went that route once, some years ago, with the Police Services Agreement. It is the same kind of a deal. This money is there. This is what they have said that they are going to spend in the Territory. We put it in our budget.

Mr. Chairman, it is a very, difficult situation, one that we have been trying for a very long time, for much longer than a year, to get around. I believe that some progress is being made, but, it is a slow process. The C.Y.I. have also raised the issue of program delivery, and I think it is a valid issue, in respect to land claims and what should happen with the various health programs. That particular problem has yet to be re-

solved. So, the whole situation is really in limbo at this point and we must live with it until such time as it can be answered at the program level. The other alternative is to takeover one half of the program, just the acute care facilities, and I would respectfully suggest that this is not the appropriate time to do that, just because the federal government simply has not spent enough money to keep those facilities in good repair, and we are after them at the present time, literally begging them, to please spend some more money in the Territory on the acute care facilities, and try and upgrade them.

**Mrs. McGuire:** I would like to ask the Minister if you do have the privilege of distributing this money because you seem to know, in furniture and equipment, exactly what you were going to buy for the group homes. Why does not the same thing apply here?

**Hon. Mrs. McCall:** No, the group homes are under the Yukon Territorial Government. It is just the health stations that are under federal jurisdiction, the last two, at the bottom of the page.

**Mr. Veale:** When was the last time that this Minister met with the Federal Minister, her counterpart, and when will the next meeting take place?

**Hon. Mrs. McCall:** Well, Mr. Chairman, I have a letter going out in the mail today to the federal Minister. Let me see, when was the last time I met her, just a couple of months ago, and there is an anticipated meeting again, possibly before Christmas, possibly during this session.

**Mr. Veale:** What will the position of the Yukon Government be and what proposal is the government going to be making to have a more equitable system of spending capital for health services and health stations?

**Hon. Mrs. McCall:** We are asking very little. We are just asking for some co-operation, some consultation, and to be allowed to make our own priorities.

**Mr. Veale:** What mechanism is the Minister suggesting be established? Has the Minister come up with a plan, whether it be a joint committee with the federal government, or whatever the situation. What specific mechanism?

**Hon. Mrs. McCall:** The specific mechanism, Mr. Chairman, is that my officials are invited to confer with the federal officials.

**Mr. Kimmerly:** This is not really a question, but it forms part of the debate. I would like the Minister to know that when she meets with the federal officials, if she promotes a facility which should probably be called a group home, which is designed as a psychiatric facility, or a place where Yukoners can be housed who do not need complete residential treatment in psychiatric institutions, that the Members in this Party will fully support those negotiations.

**Mrs. McCall:** Mr. Chairman, I would like to thank the Member opposite for that sort of support. The lack of mental health facilities concerns me very much, and we have talked many times to the federal officials here about this and got nowhere at all, I am afraid. This is something that we find a high priority and at the present time are working on some arrangement perhaps for a psychiatrist to come to the Yukon, and having some success we hope.

**Mr. Chairman:** I would like to inform the Honourable Members that the topic under discussion is Equipment for Northern Health Services.

**Mr. Veale:** Mr. Chairman, dealing with the hiring of psychiatric equipment. I am a bit out of order, but I am interested, is there a possibility that we are going to get a psychiatrist? Can you answer that? Is there some hope in that?

**Mrs. McCall:** I assume you are talking about a psychiatrist. Yes, Mr. Chairman, there is a little hope on the horizon. We will know, perhaps, within a week or so.

*Northern Health Services - Equipment agreed to  
On Computer Terminals*

**Mr. Chairman:** We will now consider Computer Terminals, in the amount of \$8,000.

**Mrs. McCall:** Mr. Chairman, I think there is a mistake in

the way that it was put into the budget and it is going to be transferred over to the department of government services, so this probably ought not to be in this department, although we are computerizing health services.

**Mr. Chairman:** The Chair would just like to have something straightened out here. If that amount is coming out and it is going to affect the total.

**Hon. Mr. Pearson:** I seem to be having some trouble getting some recognition from the Chair. Mr. Chairman, there is absolutely no reason why we cannot vote on the appropriation right here. It is strictly an administrative matter to take it, and move it afterwards. It does not have to be done at this time and it would foul up everything, literally, to do it now. The other computer terminals are, in fact, all reflected in government services. That is an administrative decision to put that kind of funding all together in one place, so that it can be readily identified for the whole government. This one, for one reason or another, got by us. It is irrelevant whether we vote it here or in government services. The main thing is that we, in fact, vote the \$8,000. I would respectfully suggest that we should do it right here.

**Mr. Chairman:** You will have to correct me if I am wrong. In normal procedure, according to Standing Rules for the Committee, it is not proper to transfer monies from one department to another once it has reached Committee from the House. However, if unanimous consent is given, and I am puzzled about this ....

**Hon. Mr. Pearson:** I am sorry, Mr. Chairman, you are in error on that. I would suggest you recognize the other Member.

**Mr. Penikett:** Mr. Chairman, I might take small issue with some of what the Government Leader said in that it is simply an administrative matter. Let me say that if the money is being voted on for a specific purpose and is spent for that purpose, there is no problem. However, it is not simply an administrative matter to transfer money from one vote to another, because that is something that we may want to discuss or argue about at some point. I am not competent at all to comment on the procedural acceptability. It seems to me, though, that the Minister may have, in fact, in terms of these proceedings, made an unfortunate omission in saying that it was really meant to be somewhere else, because it really does invite someone to propose amendments on that score. However, as I understood it, there would have to be some kind of notation made of the transfer between votes, but I do agree with the Government Leader, as long as the money is not being spent for some other purpose other than which it is voted, then the House cannot take issue with that.

**Mr. Veale:** Being that it is an item in this budget, I would appreciate some assistance from the Minister to determine precisely what it is being spent for. Are we talking about computerizing health premium billings, or what, exactly. It says for the computerization of health services.

**Mrs. McCall:** Yes, Mr. Chairman, the Member is correct, it is for computerizing health billings. In fact, it is computerizing the entire Health Services department.

**Mr. Kimmerly:** Is any portion of that money going to be transferred back to us from the federal government under the cost sharing agreement for Medicare?

**Mrs. McCall:** No, Mr. Chairman.

*Computer Terminals agreed to*

**Mr. Chairman:** Shall the total of \$364,000 carry?

*Agreed*

**Mr. Chairman:** I would like to refer to page 19 of the green book. We shall now have general discussion on Municipal and Community Affairs.

**Hon. Mr. Lattin:** It is great pleasure that I will be able to present the House with a capital budget for the Department of Municipal and Community Affairs. As the Honourable Members know, the Association of Yukon Communities has presented us with its first consolidated submission of municipal cabinet projects, as prepared by the Members of the Committees. While we are not able to assist in financing all the projects

in the coming year, we have been able to increase our financial aid substantially.

It should be noted, Mr. Chairman, that the list the Association submitted to us has been used as a guide in determining priorities although it must be recognized that the Association of Yukon Communities is not representative of all Yukon communities. Excluding the \$3,500,000 relating to land development which I will address later, the budget represents a program of \$9,300,000 in direct aid to communities.

Prior to April 1st next, in some cases, further detailed estimates of project costs must be done, as well as municipalities having to fine tune their own priorities. I will be pleased to outline in detail the projects which may reasonably be anticipated to be undertaken.

Mr. Chairman, as the Honourable Government Leader has indicated earlier, we are satisfied that our past efforts have resulted in having a fairly comfortable inventory of urban residential land in most communities. While some of the \$3,500,000 in this project relates to completion of some of the prior projects, we are intending to devote a considerable amount of money towards meeting the demand for cottage lots and rural residential parcels.

Again, Mr. Chairman, I will outline our anticipated expenditure plan in detail during the budget review. Thank you Mr. Chairman.

**Mr. Penikett:** I would thank the Minister for his introductory remarks. The Minister, in referring to the Consolidated Submission on Municipal Capital Projects, 1982, from the Association of Yukon Communities, did not mention one point which I thought was interesting, as I understood that the Association had, in fact, presented sufficient copies of this request to the Minister for distribution to all Member of the House. I am not sure if I am accurate about that request but I know that I did not receive my copy through the Minister's office. It is a small point.

Before I get into specifics, I want to ask the Minister about the method by which he and his officials made the final choice of the capital projects. As he knows, the Association of Yukon Communities' total request list was almost \$27 million worth. His final list was around \$13 million, or half that. Their request, in line with the new financial arrangements of the Ordinance, has split their projects into basic and special projects, and they defined basic projects as those which were required to provide the basic services that the municipalities now provide, and special projects are those which they describe as contributing to the quality of the life within the community.

The AYC, within the special projects group, identified unfinished projects. They did not give any priority rating to the basic projects. They have been all viewed as equal urgency, but they did prioritize the special projects.

There is a fairly long list, as the Minister knows, including basic projects for most of the larger communities and special projects for most of the larger communities, as well. I have their complete list here. I know that they mesh in some places. The dollars do not always match. If the Minister would care to take the time, I would appreciate him explaining it, because it seems to me that, potentially, the AYC process of consolidating this is a very useful one. There is the problem, as the Minister noted, that not all communities may be represented and there may also be the problem of the legitimacy, if you like, of an association like that, which, perhaps, has no mandate, determining the outcome. I understand the government's sovereignty must be maintained in this regard, but I would like him to take us through the steps of why some projects met with his approval and some did not. What was the kind of criteria. Was it simply a case of balancing the money in an even way around the Territory? Was it based on some kind of historical assessment of one community having had a lot in the past and wanting to even things out?

His priorities, as expressed here, are not the same at all, as he will understand, as those expressed by the communities. I would appreciate if, in the general debate section, he would

take some time to explain the process by which he reached his decisions.

**Mr. Veale:** I could just add a note along that line and assist the Minister. It seems to me that there has been a problem with priorities, and actually having the Capital Budget followed through each year, so that projects initiated in one year are actually completed in the next. Projects of that nature, which I would ask the Minister to address, are the arena in Watson Lake and the arena in Dawson City. Now, I know there is a special problem, recently, with the arena in Watson Lake, but the problem over the years has been that it got to a stage of construction and then the community is left without any capital funds to actually complete it, and they have to have work bees to try to get minimal standards for hockey dressing rooms, or whatever the purpose. I do not understand why there are such gaps in the Capital Budget, that those important things cannot be completed.

Another example that we are coming into now, which I am sure the Minister wants to address, is the Whitehorse swimming pool. What is going to happen to ensure that that necessary facility is built? The other area that the Minister could assist me on is that I did not notice any comments at all in the Capital Budget about funds to be spent on the repair of the Dawson City sewer system. That, perhaps, is an item coming under the general Community Assistance Program, I am not clear, but it would be very useful if we could have some indication of how this Capital Budget is going to make provisions for that.

**Hon. Mr. Lattin:** Mr. Chairman, I will address some of the questions asked by the Opposition Leader. I thought the AYC Report to be a very valuable exercise, whereby the Association can address their problems and give themselves some guidelines by which to set their priorities. We had received their priorities when they were fairly well into the planning process for this budget this year. As the Member opposite mentioned, there was quite a discrepancy between the money that was available and the money they desired, so, because there was a shortage of money, we have to try to treat all the municipalities in Yukon as equally as we can. I realize that we cannot always achieve this, but we try to upgrade all the communities together so that, as the communities' lifestyles and facilities are upgraded, we try to bring all the Yukon communities in Yukon along together. Considering that, we sit down and we make a lot of decisions ourselves, using their report as a guideline.

Our relationship with the AYC over the past couple of years has been very good, and I am very happy about that. I always enjoy meeting with them. Hopefully, in next year's Capital Budget, we will have even more consolidation and, probably, they will appreciate which way we are going, and I am certain that we will be guided by them as to the direction we should go when we are preparing the budget.

We always have to remember, though, that the bottom line is the bucks available. This is something that at no time will we be able to go completely with their directions, but I think this is a very good process.

Now, there was another question raised about the arena in Watson Lake. At that arena they were allowed so much money. The people in Watson Lake knew what capital they were going to get with which to perform a certain amount of work. Unfortunately, due to people moving, which happens, particularly in Watson Lake, they did not perform the work that they had said they were going to. The Watson Lake arena has given us a lot of problems. We had to look at it very carefully. We realize that probably that was not the right approach at that time. This was before our time and I think in future that when we construct any capital project we have to ensure that the whole project is funded, so that we do not end up with a project that is not finished and it is of no use and, as it is the taxpayers money, and everybody walks by it and get very perturbed when they see it, especially in the small communities where they see a structure which is not completed and it does nothing but breed poor

relationships between the community and the Territorial Government. I believe also that when we bring in the new Municipal Ordinance next year that alot of these priorities, on some of these things, can be addressed by the Local Improvement District. I am sure that on the line items we will get a lot input from the Local Improvement Districts, and again, Mr. Chairman, when we get these line items we are going to have to set our own priorities.

**Mr. Kimmerly:** I thank the Minister for the comments about the relationship with the AYC, and I am sure that AYC also is very pleased that their document, or their statement of priorities, is seriously considered. The capital money allocated, albeit a lesser amount, but are not allocated in same priority as is recommended by AYC, and I would ask the Minister why can he not, after he knows the total money to be allocated in this area, negotiated again with AYC and consult with them as to their priorities.

**Hon. Mr. Lattin:** Mr. Chairman, I thought I had answered that particular question. I said that we had received their priorities when we were in the midst of the budgeting process, and I also indicated I am sure, that in future we would probably have a lot more consultation, and I perceive next year when we are here again to present a Capital Budget, that we will have had a lot more opportunity in that particular budget, to have had a lot of input with AYC. I am sure that we will probably address a lot more other priorities than we have at this time. You must remember this is a new process. The AYC have suddenly becoming involved in setting their priorities. Before we have never had this direction. Now that they are starting to give us that direction, or what they perceive is the way we should go, I am very sure the next Capital Budget we get before us, we will see that we will probably have done a lot more of their recommendations than probably we will be perceived to have done in this particular one.

**Mr. Penikett:** I appreciate the Minister's commitment to the making of priorities in capital spending in his department in consultation with the Association of Yukon Communities.

I would like to ask him a couple of small detail questions, not so much about next year, but about this year. I notice that the Association of Yukon Communities deliberately did not rank their priorities in the basic projects, perhaps because that would have been far too difficult for the communities to agree on. The Minister, however, has made some decisions on that. He indicated that they were based on some kind of assessment of community need, and perhaps the present level of community services.

Could I ask the Minister if he could give us some further idea about what kind of criteria he used? Did he grade the types of services that were more important? I mean, did he put sewer and water services at a higher grade than perhaps road services?

Would I be correct in saying that basic services had a higher priority than special services, in most cases? I know there are some exceptions to that rule. Could he give us some indication about the guidelines he used, in making those decisions?

**Hon. Mr. Lattin:** Mr. Chairman, if you will recall back, when we were discussing the *Municipal Ordinance*, and also I believe it was referred to in the Green Paper I had on it, that there are certain basic services that we believe should comprise a minimum of services for all communities. We have attempted to upgrade these basic services throughout the Territory.

Mr. Chairman, to me basic services are the essential things for everyday well-being of the people in these municipalities, and I believe that they should have the top priority.

Mr. Chairman, the day will probably come, I hope, in the foreseeable future, where all these basic services in all communities will be up to a level that is very acceptable to everyone, and then it will probably be at that time, that we can address the other needs of these communities.

**Mr. Penikett:** The Minister's answer is very clear, and I appreciate his frankness on that point. The policy, as I under-

stand it, will be to make sure that every community has its level of basic services, wherever they are, and I would understand, from what the Minister is saying, that will be a goal of this Government, whatever the priorities of the Association of Yukon Communities. I would like to ask the Minister what his position is in the case of a community that may ask for their own stated priorities, services that are not in the basic services list?

Let me give you the kind of example I mean. We may have some rural communities developing as the rural lifestyle, rural residential, land thing develops. We could have a group of farmers in some areas incorporate. We could have some Indian communities decide at some point, as the result of land claims negotiations, that they want to, one way or another, comes under this *Municipal Ordinance*, or an amended *Municipal Ordinance*.

It is conceivable to me that their highest priority might not be sewer and water, sidewalks and roads. They might like some other priority. It might be some recreational facilities, for example. Given the Minister's stated commitment to provide those basic services, would it still be his duty, even if the community wants something other than basic services as their priority, is it the view of the government that the basic services must be provided first. Is that the Minister's position?

**Hon. Mr. Lattin:** Well, Mr. Chairman, basically it is our position that the basic services should be provided first. But I think when you are looking at say, a rural community, I think this government has showed its flexibility, and I am pretty flexible myself, and I think that if we consult with the people, it would seem apparent to us that it would be improper to insist on basic services when there are some other needs that they would probably prefer. I think those are all cases you have to consider in isolation. But, if I was the Minister at that time, and I know our government feels that way, that if it is a desire of the people for something else, and they make a good enough case and it seems acceptable, I would have no problem in addressing the needs of that community. All communities have different needs. When you look around the communities in the Yukon, they all have different needs, and some of the things we have in one particular municipality, they may not have those basic needs in another remote municipality within the Yukon. So we have to look, to a degree, at each one in isolation with the basic philosophy that basic needs is what we are trying to provide, and bring them all up to a certain standard.

**Mr. Veale:** The Minister talked a bit about the problem of what I would call 'white elephants' around the Territory, where big structures are built and communities are unable to maximize the use of those facilities because they are uncompleted for one reason or another. The specifically occurred in the Dawson City sewer and water project, where there were cost overruns, which is quite different from under capital funding, which was the problem in the arenas in Watson Lake and Dawson. What mechanism does the Minister now have in place in his department to avoid the problems of massive cost overruns, or simply not being able to assess what the true cost of a project will be, so that it remains in an uncompleted form? Has the Department hired the necessary civil engineers that we talked about in the Spring Assembly to assure that there will be an independent evaluation by the department of whatever reports it gets from some architect or other body that has created a report that says it will cost "x" dollars?

**Hon. Mr. Lattin:** Mr. Chairman, when we are talking about cost overruns, I am not quite sure what the Member is asking me, whether he is talking about the capital costs or the operating and maintenance costs. It seemed to me that he was touching on both phases. Because we are talking about capital now, I will address the capital side of it.

Mr. Chairman, we utilize consultants, we have engineering firms in some cases, not all cases, that are supervising the work. The project, whatever it may be, and I will talk specifically about the Dawson City water and sewer system, was tendered. The tender was reviewed. The tender was awarded

to a construction outfit. I do not know whether there are any overruns, I am not that sure, I do not have the figures available. That is the process of doing it. Now, what I think the Member is alluding to is the apparent excess costs of operation. I might also say that these figures are bantered around, but, there is one thing I would caution all Members to remember, is that we are comparing 1981 dollars, which is the cost today, and we are also talking about 1975-76-77 dollars and, true, they are dollars, but the value of that dollar is infinitely different than it was at that time. So I think sometimes when you hear it bantered around what the operation of that project was costing in 1977, you have to be realistic and honest enough to translate that into the dollars it is costing today. You would find that on the Dawson situation, that with the work that had to be done, and revaluing the dollar from that time, that this system today is very competitive. In fact, it is a saving to the people of Dawson over what it would be if we had left the old system in, which did not work and would not work.

**Mr. Veale:** Thank you for your answer. What I am driving at specifically though, is the creation of an independent capability of the government to assess reports that are put forward by someone on contract. Let us take the Dawson City sewer system. An independent civil engineering capability that we discussed in the Spring Assembly to assure the taxpayers that we can have a body of knowledge. The Minister has indicated that the major priority for his government is basic services, and it seems to me that we can actually develop some expertise within government to assess these systems, so that we are not constantly in position of accepting a report from a particular consultant and having long term problems, for example, in the Dawson City water and sewer system. Has the Government made any moves in that regard?

**Hon. Mr. Lattin:** Yes, Mr. Chairman, in regard to the reports, as I said before, we had these engineering firms, we have on our staff, I believe, four engineers, right now. We are very aware of the problems that have arisen in the past. We are directing our engineers to review these more carefully. Of course, Mr. Chairman, there are only so many people that we can hire because of money restraints, but the direction of the department for major projects, we are certainly scrutinizing them more than we did before. On the other hand, you hire a recognized engineering firm and they are supposed to have the expertise. On a lot of these projects we would have to have a geotech, we would have to have soils men, we would have to have so many engineers that we find that we would have an overabundance of staff that we would only need on certain projects. So, in fact, getting the best dollar value for our money, I cannot see, because of our small population, in the near future, that we could exclusively rely on our own staff, because it would be uneconomical to provide the staff that we would need, with all that expertise, to just consider a few jobs every year. As far as the department is concerned, with the available manpower that we have at our disposal, and the experience and the expertise that they have, we are certainly reviewing them. I think it is a consulting process, because if you have an engineering firm on a particular thing, you have problems, you identify these problems, you go back to them, and they have the expertise and you get the answers to your questions. I think the end result is a better project.

**Mr. Penikett:** As Socrates said, I think there are consultants and there are consultants. I am going to ask one last general question, I think I quoted Socrates correctly. I could be wrong. There are a number of projects I see on the list which interest me from a different point of view than we have been discussing so far. The problem of the unfinished project has been raised. There is another problem with the ones that may never get started. I want to ask a question about the relocation of that money, the departments policies and practices in that regard. To my great regret, the number one stated priority of the City Council of Whitehorse, the swimming pool, may not come to pass for any number of reasons, most of them financial. There is a million dollars allocated for that project. We

have AYC's list of priorities, we have had the statements from the Minister about the method by which his decisions were made in deciding among AYC priorities, which projects were to go and which were not. I would like to ask the Minister if, when money is not expended on this list, if he is open to some other expenditure for that same amount of money from the same community for some other project on their list, perhaps the next priority, or if the money is re-allocated, is the Minister looking to not necessarily spending it in the same community, but perhaps re-allocating it for another project on his master list of priorities. I ask the question because there are a number of items here, he will understand, that for various reason may not come to pass. The bid prices might come in higher than expected, the Government Leader may not be able to turn his silver tongue on the Treasury Board and come up with sufficient supplementaries. All sorts of things are possible in this world, and I would like to ask the Minister what he intends to happen to that money, any monies not spent in this list?

**Hon. Mr. Lattin:** Mr. Chairman, I think it depends a certain amount on what the monies are we are talking about. If it is a line item like the Whitehorse swimming pool, if that money is not spent on that particular project, or on that line item, it has to be revoted again. But on some of the other projects, and the smaller things, where we have the ability, we have a certain amount of flexibility for emergencies. We have the ability on smaller projects, but on line items it is a different kettle of fish altogether. It is voted for that particular line item, and if the money is not spent in one year, then we have to ask for it again and have it revoted.

#### *On Fire Equipment*

**Mr. Chairman:** If there is no further general discussion, let us carry on with the Municipal and Community Affairs Department, and we shall now consider Fire Equipment, in the amount of \$141,000.

**Mrs. McGuire:** Does fire fighting equipment include gas masks or smoke masks? Is that a compulsory item in the government camps?

**Hon. Mr. Lattin:** I believe the question was are gas masks a compulsory item? I am not dead sure whether it is a compulsory item, but I am pretty sure that we have them there. I will get the information and bring it back to the Member.

**Mrs. McGuire:** Perhaps it is part of the standard equipment. I was wondering also, in the government camps in the outer areas how often are inspections made on the fire equipment?

**Hon. Mr. Lattin:** I believe it is on an annual basis, and probably in certain circumstances, more often. I could bring the answer back to the Member. When we are talking about the fire equipment in this particular budget it might be helpful to the members if I just gave them a run-down of what we had anticipated doing. We might change the amounts from one to another, but it will all be in fire equipment. For construction of a training room in Teslin Fire Hall we have identified an expenditure of \$40,000. Renovations to existing halls, clothes racks, sinks, sump pumps, for the various communities, we have allotted \$6,000. This might answer the question that was just asked before, but I will still check to see if it is compulsory, because in the next item I have hoses, breathing apparatus, protective equipment, portable pumps, miscellaneous equipment, chairs, blackboards, notice boards for training processes, for \$10,000. We have some renovations to do in the Mayo Fire Hall. We have allotted \$5,000 to that. In Beaver Creek we need a fire truck. That is one of the major items, \$65,000, and we have to have some various alterations and various modifications on the alarm systems throughout the communities, and that is allotted to \$15,000. So the total of those figures is the total that we are discussing right now, which is \$141,000.

**Mr. Veale:** The issue of fire equipment for the areas surrounding the City of Whitehorse was discussed in the Spring Assembly. Is any of this equipment going specifically for that, and has there been any change in the arrangement between the government and the City of Whitehorse on fighting fires out-

side the municipal boundaries?

**Hon. Mr. Lattin:** No, Mr. Chairman, there is no difference, as far as I am aware, between the City of Whitehorse and the actual fires outside the perimeters of the City of Whitehorse.

**Mr. Veale:** Was any of this equipment going for the surrounding areas?

**Hon. Mr. Lattin:** Mr. Chairman, perhaps the Member misled where I said most of this equipment was going, but the majority of it I identified as going to communities outside Whitehorse. I think the nearest fire equipment that we really have is about 100 miles away. At least, what I am thinking about 100 miles from Whitehorse. If you were referring specifically to 30 miles around Whitehorse, no, that is not so. Basically, one of the problems we have, is that we have fire equipment in various parts throughout the Yukon. There is usually some core of community there that can handle it. In the area surrounding Whitehorse, there is really no structure, and I do not know how we could operate it. In the case of most of these fire halls, and it has worked very well I might say, we operate the volunteer system, where there is some close proximity of people. I may refer back to the prairies where the farming communities do not have any particular facilities. It is pretty hard to organize anything out of the core block of Whitehorse, so this money that we are spending right now is definitely not for that. Most of it has been identified for communities that have existing facilities set up in those areas?

**Mr. Veale:** The Minister's department is, in fact, embarking on programs of setting up rural residential acreages. There is a substantial number of people on Carcross Road, Cowley Lake, and so on. Is the Minister making any plans to have facilities set up in those areas?

**Hon. Mr. Lattin:** No, Mr. Chairman, at this particular time we are not. Mind you, Mr. Chairman, we are considering it. I use the word quite loosely, monitoring it, but at this particular time we have not. I think the cost factor, the distance element, and these other things, are relevant and will be making anything that we could probably come up with not very effective for fighting fires. You must realize, with the fighting of fires, it is the first fifteen or twenty minutes that are important period, whether you have the control of the fire or whether it gets out of hand, and the structure that is being burned will be burned. Because of these factors and the distance of these places, I do not see, right now, any real solution to the problem. We are certainly monitoring it, but there are no plans at this time.

*Fire Equipment agreed to*

**Mr. Graham:** Mr. Chairman, I move that you report on the progress of Bill Number 70, and beg leave to sit again.

*Motion agreed to*

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

*Motion agreed to*

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

May we have a report from the Chairman of the Committee.

**Mr. Chairman:** Mr. Speaker, the Committee of the Whole has considered Bill Number 70, *First Appropriation Ordinance, 1982-83*, and directed me to report progress on same, and beg leave to sit again.

**Mr. Chairman:** You have heard the report of the Chairman of Committee. Are you agreed?

*Agreed.*

**Mr. Chairman:** Leave is so granted. May I have your further pleasure?

**Mr. Graham:** Mr. Speaker, I move, seconded by the Honourable Member for Mayo, that we do now adjourn.

*Motion agreed to*

The House adjourned at 5:20 p.m.

**The following Sessional Papers were tabled Tuesday, November 17, 1981:**

81-4-26

Beaufort Development: The Yukon Perspective (Pearson)

81-4

27

Transport Public Utilities Reports (Tracey)

81-4-28

Electrical Public Utilities Board Report (Tracey)