



# The Yukon Legislative Assembly

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Number 3

2nd Session

25th Legislature

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## **HANSARD**

Wednesday, November 3, 1982 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

# Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Andy Philipsen, MLA, Whitehorse Porter Creek West

## CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government Leader — responsible for Executive Council Office, Finance, Public Service Commission, and Economic Development and Intergovernmental Relations.
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Municipal and Community Affairs, Highways, Yukon Housing Corporation, and Yukon Liquor Corporation.
Hon. Howard Tracey	Tatchun	Minister responsible for Health and Human Resources, Renewable Resources, Government Services.
Hon. Clarke Ashley	Klondike	Minister responsible for Justice, Consumer and Corporate Affairs, and Workers' Compensation.
Hon. Bea Firth	Whitehorse Riverdale South	Minister responsible for Education, Tourism, and Heritage and Cultural Resources.

## GOVERNMENT MEMBERS

### (Progressive Conservative)

Bill Brewster	Kluane
Al Falle	Hootalinqua
Kathie Nukon	Old Crow
Andy Philipsen	Whitehorse Porter Creek West

## OPPOSITION MEMBERS

### (New Democratic Party)

Tony Penikett	Whitehorse West Leader of the Official Opposition
Maurice Byblow	Faro
Margaret Joe	Whitehorse North Centre
Roger Kimmerly	Whitehorse South Centre
Piers McDonald	Mayo
Dave Porter	Campbell

### (Independent)

Don Taylor	Watson Lake
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Clerk of the Assembly  
Clerk Assistant (Legislative)  
Clerk Assistant (Administrative)  
Sergeant-at-Arms  
Deputy Sergeant-at-Arms  
Hansard Administrator

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

**Whitehorse, Yukon**  
**November 3, 1982**

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

**Hon. Mr. Pearson:** I rise today to extend some congratulations that I think are due to the Leader of the Opposition. We all know that he is the President of the New Democratic Party of Canada. I would like to congratulate him, on behalf of all of us on this side, for their marvelous showing in Alberta yesterday, where they doubled their representation in the House from one to two, albeit that our party from this side elected 75.

*Applause*

**Mr. Penikett:** I shall be mindful of the Government Leader's observations on the extent of the Tory majority in Alberta the next time I hear any observations on that side condemning one party states.

I do want to share the Government Leader's congratulations to the new leader of the opposition in Alberta, because, in fairness, he struggled long and hard to achieve that role. It is a matter of some considerable chagrin to us on our side that there were a number of five-way races in Edmonton yesterday where our party took something like 45% of the vote and then failed to win the seat.

Normally, that would be enough.

I accept the Government Leader's congratulations and I am sure, on our side, fairly, we would want to congratulate the once and future Premier of Alberta.

**Mr. Speaker:** Are there any returns or documents for tabling?

Are there any reports of committees?

Petitions?

Reading or receiving of petitions?

Introduction of bills?

## INTRODUCTION OF BILLS

**Hon. Mr. Pearson:** Mr. Speaker, I move, seconded by the Minister of Health and Human Resources, that Bill Number 4, *Fifth Appropriation Act, 1981-82*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Health and Human Resources, that a bill, entitled *Fifth Appropriation Act, 1981-82*, be now introduced and read a first time.

*Motion agreed to*

**Hon. Mr. Ashley:** I move, seconded by the Honourable Minister of Health and Human Resources, that Bill Number 5, *An Act to Amend the Landlord and Tenant Act*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Justice, seconded by the Honourable Minister of Health and Human Resources, that an act, entitled *An Act to Amend the Landlord and Tenant Act*, be now introduced and read a first time.

*Motion agreed to*

**Hon. Mr. Ashley:** I move, seconded by the Honourable Minister of Municipal and Community Affairs, that Bill Number 7, *An Act to Amend the Personal Property Security Act*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Justice, seconded by the Honourable Minister of Municipal and Community Affairs, that an act entitled *An Act to Amend the Personal Property Security Act*, be now introduced and read a first time.

*Motion agreed to*

**Hon. Mr. Tracey:** Mr. Speaker, I move, seconded by the hon. member for Kluane, that bill number 10, *An Act to Amend the Wildlife Act* be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Renewable Resources, seconded by the hon. member for Kluane, that an act, entitled *An Act to Amend the Wildlife Act* be now introduced and read a first time.

*Motion agreed to*

**Hon. Mr. Ashley:** Mr. Speaker, I move, seconded by the Honourable Minister of Education, that Bill Number 11, *An Act to Amend the Insurance Act*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of

Justice, seconded by the Honourable Minister of Education, that an act, entitled *An Act to Amend the Insurance Act*, be now introduced and read a first time

*Motion agreed to*

**Hon. Mr. Ashley:** Mr. Speaker, I move, seconded by the Honourable Minister of Health and Human Resources, that Bill Number 12, *An Act to Amend the Optometry Act*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Justice, seconded by the Honourable Minister of Health and Human Resources, that an act, entitled *An Act to Amend the Optometry Act*, be now introduced and read a first time.

*Motion agreed to*

**Mr. Speaker:** Are there any notices of motion for the production of papers?

Are there any notices of motion?

## MOTIONS UNDER STANDING ORDER 31

**Hon. Mr. Pearson:** I rise at this time under the provisions of Standing Order 31 in respect to an urgent and pressing matter. I would like to read to you a proposed motion that I will seek unanimous consent of the House for, that it is moved by myself, seconded by the Minister of Municipal and Community Affairs, that this assembly adopt the following message of gratitude and congratulations to the Governor and Governor-elect of Alaska and that the said message be transmitted to the Governor and Governor-elect by the Speaker of the assembly: "Whereas a close, friendly and cooperative relationship has existed between the Government of Yukon and the Administration of Alaska, Governor Jay Hammond, for the past eight years, and whereas the commonality of our interests will be served by the continuance of such a relationship; and whereas the term of Governor Jay Hammond is fixed by law and; whereas Governor-elect Bill Sheffield will take office on December 6, 1982; therefore, be it resolved that the Yukon Legislative Assembly extends, on behalf of the people of Yukon, its gratitude and best wishes to Governor Hammond during the closing days of his administration; and that the Yukon Legislative Assembly extends, on behalf of the people of Yukon, its congratulations to Governor-elect Bill Sheffield, together with a commitment to the maintenance of the friendly and cooperative spirit which exists between our governments and our people".

**Mr. Speaker:** In order for this motion to be debated, it will require unanimous consent of the House. Does the honourable member have unanimous consent?

**Some Members:** Agreed.

**Mr. Speaker:** It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Municipal and Community Affairs, that this assembly adopt the following message of gratitude and congratulations to the Governor and Governor-elect of Alaska and that the said message be transmitted to the Governor and Governor-elect by the Speaker of the assembly: "Whereas a close, friendly and cooperative relationship has existed between the Government of Yukon and the Administrator of Alaska, Governor J. Hammond, for the past eight years; and whereas the commonality of our interests will be served by the continuance of such a relationship; and whereas the term of Governor J. Hammond is fixed by law; and whereas Governor-elect Bill Sheffield will take office on December 6th, 1982; therefore be it resolved that the Yukon Legislative Assembly extends, on behalf of the people of Yukon, its gratitude and best wishes to Governor Hammond during the closing days of his administration; and that the Yukon Legislative Assembly extends, on behalf of the people of Yukon, its congratulations to Governor-elect Bill Sheffield together with a commitment to the maintenance of the friendly and cooperative spirit which exists between our governments and our people.

*Motion agreed to*

**Mr. Speaker:** Are there any statements by ministers?

This then brings us to the question period.

## QUESTION PERIOD

**Question re: Aboriginal Rights Conference**

**Mr. Penikett:** According to the Throne Speech, this government now expects its attendance at the Constitutional Conference on Aboriginal Rights to expedite the settlement of the Yukon Indian claim. I would like to ask the Government Leader if this indicates any change in this government's position on aboriginal rights?

**Hon. Mr. Pearson:** No, there has been no change in our position in respect to aboriginal rights. What we are doing is cooperating with both the Government of Canada and those people who are directly affected in this territory. We want to make sure that they are going to be fully represented at those meetings.

**Mr. Penikett:** I am sure the Government Leader will recognize that I ask a serious question.

Since this assembly resolved, in November of last year, that aboriginal rights should be construed as having no more than the legal status of common law rights, I would like to ask the Government Leader if that is still the position of this government?

**Hon. Mr. Pearson:** The aboriginal rights that are going to be discussed at these meetings and at this conference, are exactly there for that reason. That is what is going to be discussed. It may be that after hearing what is discussed at these meetings and at the conference being convened by the Prime Minister, that we would come back to this legislature with some changes in attitude. I am not sure at this point in time but right now our attitude is exactly as has been stated.

**Mr. Penikett:** I thank the Government Leader for his answer and I look forward to developments in this question. Let me be very specific in my question. Will it still be the government's position at the Constitutional Conference on Aboriginal Rights, that aboriginal rights are no more than common law rights — in other words, in some people's opinions, that they do not exist — even though they are now enshrined in the Canadian Constitution?

**Hon. Mr. Pearson:** In fact, aboriginal rights are more than common law rights because they are enshrined in the constitution. We recognize that fact and that is why we are going to go to this conference.

**Question re: Cyprus Anvil, aid to**

**Mr. Byblow:** I, too, have a question for the Government Leader. I seek some clarification on the specific nature of the aid that was offered to Cyprus Anvil and give the Government Leader an opportunity to clarify this.

Yesterday, and in the past, the Leader of the Government has indicated that his government laid the \$1,600,000 on the table, and I learned from company officials that actually only \$300,000 and some was concretely offered, and that was in the form of indirect recreational aid. Exactly what was offered and in what form, so that we could have a clarification for the public record?

**Hon. Mr. Pearson:** I did anticipate this question. I asked for the information, but I do not have it with me.

I am not sure where the gentleman from Cyprus Anvil, who stated that we have not made this concrete offer, has been. We have actually made it public. I issued, myself, a press release outlining all of this. I also know that there was a meeting held in Ottawa, at which one of my officials attended on behalf of this government, where everything was very explicitly laid out.

I do not know whether that gentleman attended that meeting or not, but the fact of the matter is that we have put \$1,600,000 on the table. I will get the specifics for the hon. member, but they were listed in the press release.

**Mr. Byblow:** I do recall the press release. I have a copy of it and it does indicate discussions on a number of areas relating to infrastructure, road, recreation and so on. Certainly, what the Government Leader is talking about in terms of this aid has to do with a number of implications surrounding the municipal revenue and administration —

**Mr. Speaker:** I believe the hon. member is now making a speech. Could he get to his question?

**Mr. Byblow:** Very specifically, could I ask the Government Leader if he has discussed the aid package with the municipal council?

**Hon. Mr. Lang:** That question is more properly directed to myself. I did have informal discussions with the mayor, I believe, and perhaps some of the city councilmen, to indicate that we had discussed the future of the recreation facilities and that if there were any conclu-

sions to the discussions with Cyprus Anvil, which would, of course, culminate in them going to work, then we would sit down with the municipality in respect to the actual financial arrangements that would have to be worked out. I found no objections forthcoming in those informal discussions that I had.

**Mr. Byblow:** It does appear that there is some need to clarify the aid package and, I trust, the Government Leader will be doing so promptly.

Recognizing the extreme importance to Yukon of the Cyprus Anvil operation, and particularly the urgency of getting production back, can the Government Leader indicate what steps his government will be taking to ensure the long-term continuity of that mining operation once it does reopen?

**Hon. Mr. Pearson:** I would like to point out to the hon. member for Faro that he is one of the severest critics about me always asking the federal government for aid and help, and so on and so forth, for this territory.

What I have been doing is saying to the federal government, "you have a responsibility, federal government, to make sure that the infrastructure, particularly in the areas of power and energy, which you control and which you price, are at a price that makes it competitive for Cyprus Anvil to operate in this territory. You also have a responsibility, federal government, to make sure that the transportation costs that they have to pay, which you control, are also competitive".

The fact of the matter is, Cyprus Anvil is required to pay compensatory rates by order of a federal board for a portion of their shipment of ore, and it is on a railway that is the only railway in North America that does not get some kind of an operating subsidy from government.

I have also made it very, very clear to everyone that would listen, that this government, albeit no matter how much they would like, is not in any position to pay operating subsidies to White Pass. The federal government pays operating subsidies to all of the other railways in Canada and I, for the life of me, cannot see any reason why they should not do likewise for this one.

**Question re: Trucking, licensing**

**Mr. Kimmerly:** A question for the minister responsible for Consumer and Corporate Affairs.

B.C. truckers are able to obtain a single-trip permit for freight in Yukon for about \$300.00. Yukon truckers wishing to haul in B.C., by contrast, must not only pay the permit but pay a seven percent sales tax on the value of their truck. In some cases, a fee amounting to \$7,000. Is the minister aware of the situation, and what is the minister doing to correct the inequality, so that Yukon truckers are competitive in Yukon on an equal footing with the B.C. truckers?

**Hon. Mr. Ashley:** The Transport Public Utilities Board is looking at this question, and other questions, and dealing with it. They are developing policy on this and will be coming back to me with it.

**Mr. Kimmerly:** Yukon truckers are allowed only six permit trips per company per year in B.C. B.C. truckers are allowed an unlimited number of trips in Yukon. Will the minister assure the Yukon trucking industry that this inequality will also be looked at?

**Hon. Mr. Ashley:** By all means, it will be looked at.

**Mr. Kimmerly:** It is my information that occasional B.C. trucks are evading fees in the Yukon by using roads without weigh scales. Will the minister undertake to investigate this situation, and take any necessary steps to stop it?

**Hon. Mr. Ashley:** I presume the member opposite is speaking about the Cassiar road weigh scale. If that is the case, that is being looked at, and being dealt with right now. There is a proposal for a weigh scale to be built there.

**Question re: Whitehorse General Hospital**

**Mr. Philippsen:** I would ask the Minister of Health and Human Resources if he could tell this House if he was aware of the talk of the potential closure of the pediatrics ward of the Whitehorse General Hospital?

**Hon. Mr. Tracey:** Yes, I am aware of the potential closure of the pediatrics ward of the General Hospital. In fact, I have had a couple of meetings with them. My department is in constant contact with them. I have been over to the hospital myself with my senior officials and had

talks with the people over there.

I was talking to Mr. Shellenburg, the director, yesterday, and he informs me that perhaps it is not going to be necessary to close the pediatrics ward of the hospital. There is not a final decision yet, but we have stated that our position is that he should look at all other options before he considers closing the pediatrics ward and I am sure he is doing that. The closure of the pediatrics ward would only be taken as a means of last resort. It is the only way that they can cut the costs. The actual budget of the hospital is overrun approximately \$1,500,000 every year. This cannot continue, and the federal government has told them that they have to bring their budget into line. They have to reduce their budget by approximately \$500,000, so they have to find it somewhere.

I only hope, and I am sure everyone in this legislature hopes, that we will not have to close the pediatrics ward.

#### Question re: Traplines, registrations

**Mr. Porter:** I have a question for the Minister of Renewable Resources. Yesterday, I asked the minister a question in regards to registered trapline number 100, and I asked if the minister could clarify a statement in respect to the turning over of that trapline, and at the time he was not able to. I ask today, can the minister provide to this House the information regarding trapline 100. Was, in fact, trapline number 100 transferred by your department from an Indian-held trapline to a non-Indian person?

**Hon. Mr. Tracey:** Mr. Speaker, the gentleman across the floor asked me the question yesterday. I told him I would bring the answer back. I do have the answer today. He would not get it any faster by standing up and asking me the same question.

Mr. Speaker, the line in question, line number 200, is actually a line in the Pelly Band area. And it was an Indian line. When that line came open, a letter was sent to the Pelly Band asking if there were Indian people available who would like to trap the line. No one accepted the take-over of that line, so, consequently, a probationary permit was issued to a White man. Now this is only a probationary permit and it leaves the option open to turn this back over to an Indian in the future.

In regard to line 293, which he also asked me about yesterday, the same situation arose in that circumstance. That line, line 293, was owned by a White man. His son, who was a registered Indian, acquired a probationary permit to have that line. He did not fulfil his obligations under that line. Consequently, he lost his probationary permit and the line has subsequently been issued to at least two assistant trappers. It is still not given out to anyone. It is still an Indian line, and all of this is taking place because of the fact that we are trying to maintain the 1978 level of traplines in the Yukon Territory, living up to our unwritten agreement with the CYI and the Indian people regarding the land claims, and we will continue to do so. When a line is available, and there is no one of that race who wants to take the line, we will give a probationary licence to someone who is interested. And, incidentally, I have had numerous complaints about lines that are given to Indian people that are not being trapped. And I think it is imperative, especially in this day and age, and our tough economic times, that these lines be trapped. And I would hope that the member across the floor, when he is speaking to these people, and to the CYI, that he would ask them to have them ask their people to trap these lines so that we can generate some revenue in the territory.

**Mr. Porter:** It should be pointed out to the minister that, in terms of written responses to the individual involved in the Pelly trapline area, that the lady in question is 84 years of age, does not read or write English and was born in 1898, a date, I am sure, that the minister has a great deal of reverence for.

In response to a question I raised in the House yesterday regarding trapline 293, the minister stated that the reason why the trapline was turned over was because it was in conflict with an agreement between his government and the Council for Yukon Indians. I have spoken to the Council for Yukon Indians —

**Mr. Speaker:** Order, please. I believe the hon. member is now entering into debate. Perhaps the member could go to a supplementary question.

**Mr. Porter:** Their interpretation is that it is an Indian trapline. Given this information, is the minister prepared to reconsider his decision with respect to 293?

**Hon. Mr. Tracey:** No, I am not prepared to reconsider my decision in regards to 293. Trapline 293 is considered a White trapline. Under the agreement-in-principle for the trapping agreement, it is a White line. It will be maintained as a White line.

If the gentleman in question is desirous of obtaining that line, he is quite capable of taking out an assistant trapper's licence. My department will review his performance on that line and we will give him the same consideration that anyone else would be given on that line, but, to this date, he has not shown that he is either desirous or capable of maintaining that line.

**Mr. Porter:** Has the minister examined the logical compromise in this issue, which would be to allow the Scarf family to maintain, to hold trapline 293, until a final agreement has been achieved at the land claims table?

**Hon. Mr. Tracey:** I thought I made my position clear. We are holding it, the government is holding it. We are not prepared to give it to the Scarf family under the circumstances. We are maintaining that line and we are allowing assistant trappers to trap that line in order to have it done.

As I said, yes, the person involved, Mr. Scarf's son, is quite capable of getting an assistant trapper's licence on the line. If he is interested in trapping, we will give him an assistant trapper's licence and he will be able to show my department that he is actually interested in and capable of looking after that line. Then, perhaps, when the settlement is all over, we will make the land available to him.

#### Question re: Women's Bureau

**Mrs. Joe:** I have a question for the minister responsible for the Women's Bureau. In the spring session of this year, the minister responsible for the Women's Bureau announced "a review of all Yukon legislation will be conducted this summer to ensure that there is no discrimination on the basis of sex". Now that summer has come and gone, can the minister now responsible for the Women's Bureau tell us if this has been accomplished?

**Hon. Mr. Ashley:** This is still in progress, it has not been completed yet.

#### Question re: Municipal Taxation

**Mr. McDonald:** I have a question for the Minister of Municipal and Community Affairs. As the minister surely knows, the tax rate for Mayo, which until recently has been .93, has been reduced lower to .49. Could the minister explain to this House why the tax rate in Mayo was lowered so significantly, below levels which could support community services?

**Hon. Mr. Lang:** In the preamble of the question put forward by the member for Mayo, I do not think he gave all the information. It was recommended that there be a major increase in the tax percentage in that area. Last spring, the increases were reviewed and they were substantial in some quarters, which I am sure the member opposite would agree should not take place all in one year. We felt that there should be a phasing in period of time in respect to getting an equitable tax rate in the various regions, whether it be Kluane, Mayo, Watson Lake, or wherever the case may be.

I recognize that the local improvement district in Mayo has a problem. I have received the correspondence that was sent to this government. It is presently under review by my department. Once that has been completed, I will be notifying the chairman of the LID as promptly as I possibly can, which I am sure the member would agree would be the proper course to take.

**Mr. McDonald:** I appreciate the answer that has been given by the minister. It seems a little inconceivable to me that a great study period would have to be involved in determining the rationale for this puzzling nature of the evolution of this tax rate design in recent months.

What I would like to know is whether the minister will now agree to provide unconditional grants to make up the necessary revenue, in order that present services will neither have to be cut nor curtailed, as I am sure the minister realizes that there is a time limit involved?

**Hon. Mr. Lang:** Perhaps the member is not that interested in civic affairs, but he only has to look back to 1978 to see the major problems we had with the *Taxation Assessment Ordinance*. I happened to be the Minister of Municipal Affairs who did, in most part, resolve the very real problems faced by the property owners throughout the territory.

In respect to the issue at hand in the Local Improvement District of Mayo, and it also applies, in part, to Haines Junction and Teslin, they are all under review. I received correspondence just in the last month, which was brought to my attention, and I am trying to deal with it as expeditiously as I possibly can. Depending on how long we stay in the House will probably dictate how quickly I can act on the question at hand.

**Hon. Mr. Pearson:** I have the reply now to a question asked by the hon. member for Faro. I would like to give it to him, at this point.

The Government of Yukon has offered the following assistance program to help the Cyprus Anvil situation: (a) a one-time grant of \$353,000 in 1983-84, under the Capital Assistance Program, to the Town of Faro. As well, the recreation centre will be transferred to the Town of Faro, thus allowing the facility to be eligible for normal territorial funding in this regard. Overall, the mine should save in excess of \$300,000 per year in maintenance costs; (b) the purchase at agreed upon prices of surplus housing available at the Cyprus Anvil mine site. This would save the mine up to \$1,200,000; (c) maintain the mine access road under contract to Cyprus Anvil mine, thereby saving the mine \$250,000 annually.

The assistance YTG would provide was outlined to officials of the company and DIAND in Ottawa in August, and reiterated in the Yukon Government submission to the Cabinet Committee on Western Affairs in September.

Overall, the government believes this assistance will save the Cyprus Anvil mine up to \$1,200,000 in capital costs in 1982-84, and up to \$700,000 per year in operating costs. It will cost YTG \$1,600,000 to implement the first item I mentioned, the one-time grant, and the purchase of the housing.

Cyprus Anvil and DIAND have requested Yukon to contribute \$700,000 in a different form. This would be accomplished by extending the boundary of the community to include the mine, thereby reducing the property tax burden by \$670,000 per year. To date, we have not agreed to this suggestion, primarily because any reduction in taxes to Cyprus Anvil must be countered with tax increases to all Yukon citizens. Yukon believes that tax increases would only increase the problem by increasing price levels and penalizing business activity.

We estimate that total revenue accruing to this government, from all forms of tax, amounts to \$9,200,000 a year. We, in return, estimate that Yukon spends over \$8,400,000 of its budget directly on supporting Cyprus Anvil and Faro for education, roads, hospitals, police and so on. As well, it estimates it spends over \$2,000,000 indirectly to provide other government services which would not be required if the mine closed.

#### Question re: Northland Trailer Park

**Mr. Penikett:** I have an easy question for the Minister of Municipal Affairs. I ask it, cognizant of his remarks earlier about how long we might be sitting.

The option to purchase the land required for phase two of the Northland development expired September 1, 1982. Did the owner of the park exercise his options by that date?

**Hon. Mr. Lang:** No.

**Mr. Penikett:** The ministry had previously granted 42 months worth of extensions on the option. To the minister's knowledge, have any further extensions been considered or granted?

**Hon. Mr. Lang:** Not to my knowledge.

**Mr. Penikett:** Has the continuing problem of fire full standard pressures in the city waterline to the property influenced the government's position on phase two of this development at all?

**Hon. Mr. Lang:** It is a question that is definitely a factor that the owner would have to take into consideration and I am sure, if the member is that interested, he could enquire of the mayor of the city in respect to that particular issue itself.

In respect to phase two, the option was not exercised and, subsequently, we did not have to decide whether or not we were prepared to extend or to authorize it, as such. I think we are thinking of a hypothetical situation.

#### Question re: Yukon Hydro

**Mr. Byblow:** I would like to thank the Government Leader for his thorough answer just delivered and, once I have a chance to study the figures, I am sure I will have more questions.

For the moment, I would like to question the Government Leader on the subject of Yukon Hydro. The Government Leader indicated this government's intention to acquire a 50 percent interest in that company which, I understand, supplies in the magnitude of one to two percent of Yukon's normal electrical needs. Can the Government Leader advise at what cost to this government that acquisition will amount to?

**Hon. Mr. Pearson:** No, I cannot advise the House what the cost will be. However, I may well be in a position to be able to do so by the end of the month. As I stated in the Throne Speech, we are in negotiations now. There are considerable discussions going on in respect to reaching an agreement that will allow us, as a government, to purchase 50 percent of the equity of Yukon Hydro.

Along with those discussions, Yukon Hydro is also, of course, seeking the necessary permission from the Government of Canada to proceed with the installation of their third wheel on McIntyre Creek. I would like to advise the House that, so far, there have not been any problems in respect of the Department of Indian Affairs and Northern Development, but fisheries has raised an objection in respect to another fish hatchery. The people of this territory are paying \$1,000,000 in electrical bills to the Government of Canada, through the Northern Canada Power Commission, for the construction of a fish hatchery in respect to the fourth wheel on Whitehorse Rapids, and they are now talking about another fish hatchery at McIntyre Creek.

Meetings have been held, and I have been advised that the people involved in these meetings are optimistic that the fisheries matter will be cleared up. Hopefully, within the next little while, we will be able to see some movement.

**Mr. Byblow:** I appreciate the information the Government Leader gave, even though he was unable to provide any figures related to cost in the acquisition.

Does he have any figures to report with respect to that third wheel on the McIntyre Creek? The total capital cost of that project is \$3,300,000. What will be this government's share in that construction?

**Hon. Mr. Pearson:** Mr. Speaker, if we own 50 percent of the assets, and there is a \$3,300,000 capital project going on, obviously our costs are going to be one-half, or 1,500,000.

**Mr. Byblow:** I assume that that is in addition to the original acquisition cost.

As a final supplementary, I would just like the Government Leader to answer if he can how his government justifies the Yukon Hydro investment, in terms of economic benefits and job creation in this time of recession.

**Hon. Mr. Pearson:** Once again, I must admit that when it came to looking at whether it was going to be beneficial to the people of this territory if we bought Yukon Hydro or not, that the farthest thing from my mind was job benefits. That was not a consideration. I freely admit that.

#### Question re: Yukon Opportunities Plan

**Mr. Kimmerly:** A question for the minister responsible for social assistance and the Yukon Opportunities Plan. There is a considerable national discussion of these kinds of programs, especially in British Columbia, Alberta and Quebec. Some of the programs are voluntary, based on incentives, and some are involuntary. Is the Yukon plan voluntary or involuntary?

**Hon. Mr. Tracey:** I would guess, as a member of the tax-paying public, and I would assume that every other member in here is a member of the tax-paying public, anyone who is drawing welfare of social assistance who is quite capable of working, and refuses a job that we make available to him, they would take a very hard look at it, and so will we.

**Mr. Kimmerly:** Will the minister state, categorically, if there is any pressure under this program put on single mothers with pre-school age children, to involuntarily enter the work-force.

**Hon. Mr. Tracey:** Before anything was done, or anyone was told about a job that was available, everything would be taken into consideration. If a single mother with a child was capable of doing a job, and

was also capable of making enough money to have her child well looked after, I think we would probably consider it. But, in ordinary circumstances, I would suspect that very few single mothers with children would have to go to work, because of the fact that the jobs that we are going to find, most likely, are not suitable for a single mother with a child.

**Mr. Kimmerly:** The minister previously spoke about a coordination with the Department of Manpower and the Vocational School. In light of the previous answer, is there also going to be a coordination with the Daycare Subsidy Program?

**Hon. Mr. Tracey:** Yes, everything will be taken into account. All forms of help available for the people will be taken into account before any decision is made or any offer is made.

**Question re: Porcupine caribou herd**

**Mr. Porter:** My question is, once again, directed to the Minister of Renewable Resources.

Is the Yukon Government and the State Government of Alaska actively involved in negotiations regarding the management of the porcupine caribou herd?

**Hon. Mr. Tracey:** No.

**Mr. Porter:** Does the minister deem it important for negotiations covering the management of the porcupine caribou herd to be necessary in terms of its long-term protection?

**Hon. Mr. Tracey:** Yes, we believe that it is important, basically for the fact that the caribou herd also goes into Alaska. We have had tentative words with Alaska. In fact, I met with Commissioner Ron Scoogs in Skagway about three or four weeks ago and talked with him briefly about it. We are desirous of having an agreement in the future, but it has all been put in abeyance because of the possible land selection of the Old Crow area, and we are dealing with the agreement up in that area at this time, and we have left it in abeyance until these have been resolved. I have informed the people of Old Crow that I am desirous of having an agreement with Alaska, and we will proceed as soon as it is beneficial for us to do so.

**Mr. Porter:** In the determination of the government's position at these negotiations, should they happen in the future, what role does the government provide for the user groups, namely, the subsistence aboriginal groups, to impact the decisions that the government takes and the positions that the government takes to the table?

**Hon. Mr. Tracey:** I am not prepared to sit in here in this legislature and negotiate the land claims settlement. When the land claims settlement for the people in Old Crow is completed, and we know what the Old Crow people are going to have in respect to the management of the caribou herd, then we will be in a position to negotiate with Alaska. Until that time, I am not sure of just what exactly we can negotiate, the same as Alaska is not sure exactly. There is certainly no sense in me making an agreement with Alaska and then have to change it because of the land claims settlement.

**Question re: Recreation, Green Paper**

**Mrs. Joe:** I have a question for the Minister of Education. The recently released Green Paper on Recreation has been criticized for not addressing the concerns of the senior citizens. Can the minister tell the House what plans she has to ensure that the special needs of Yukon's senior citizens will be given proper consideration in developing the recreation policy for the territory?

**Hon. Mrs. Firth:** The disabled persons and senior citizen persons have just had a meeting with the Minister of Recreation to discuss all of their concerns. They have presented a paper and the concerns of these people will be taken into account in the draft of the Green Paper.

While I am on my feet, I would like to clarify a misconception that I may have left with the Leader of the Opposition yesterday in question period. I believe the Leader of the Opposition asked a question regarding the school busing in his constituency, and I will quote his question, "A school bus in my constituency travels from Hillcrest, stops at Northland Park and then goes on by way of the Takhini School to F.H. Collins, but it will not be taking children from Northland to Takhini School as it did last year. I would like to ask the minister if she could provide an explanation of this policy, in light of the fact that there is room on the buses for these kids and, I understand from one of her recent announcements, that where there was room that option would

be made available."

Firstly, there is no room on that bus for children. The bus is extremely full. The Northland Trailer Court is the last stop on the route, and this bus drops children at F.H. Collins, Whitehorse Elementary, Christ the King Elementary and Christ the King High. I did some research work for the member opposite, the city does provide a bus. In fact, the bus stops twice at the Northland Park. One is at 8:03 a.m. and the other is at 8:30 a.m.

**Mrs. Joe:** Being a very new person in the House, I was taken a little off guard by what just happened.

When the Green Paper came out on recreation, I had requested a copy of it and it had been presented to recreation cultural organizations in the territory. I would like to know from the minister if she could let me know if the copies of the Green Papers in full, when they are prepared, will be available to members of the opposition at the same time, or sooner, than when they are released to the public and the media?

**Hon. Mrs. Firth:** Yes, those Green Papers were available to the opposition. The opposition member who is asking the question had, in fact, phoned to get a copy of the Green Paper, and we were about to send one down for her when she appeared at our offices requesting a copy. It was made available to her immediately.

**Mrs. Joe:** It was a copy of a summary, and what I am asking for is whether or not a copy of the full report would be ready, rather than just the summary, or whether it would be available?

**Hon. Mrs. Firth:** I am under the impression that the member has received a copy of the whole draft of the Green Paper.

**Question re: Airport terminals**

**Mr. McDonald:** I have another question for the Minister of Highways and Transportation. For some 50 years there has been scheduled air transportation to Mayo and the current facility for passenger handling, affectionately known as a "shack on skids", is all there is to handle the passenger traffic. Has the government made representations to Transport Canada to have this facility improved?

**Hon. Mr. Lang:** I do know that there was a great deal of work done on the apron on the Mayo airstrip. I believe, last year. We are in the process of ensuring that all our airports have adequate facilities. I am not just exactly sure where the facility at the Mayo airstrip stands at the present time. I would have to check and bring a response back.

**Mr. McDonald:** I am sure the minister will investigate this. Has the government received any direct commitment from the Ministry of Transportation, as I do know that certain discussions have been taking place with the airport branch, to improve the passenger handling facilities, and will they attempt to encourage the federal government to provide a solution as expeditiously as possible?

**Hon. Mr. Lang:** The member opposite is raising the same questions as I have as a member in Whitehorse, as far as passenger and cargo handling is concerned.

**Mr. McDonald:** Perhaps he will take my first supplementary under advisement, in that case.

The second supplementary deals with the ramp leading to this shack on skids, which often becomes a quagmire after heavy rains. Will the government, as part of its Spring Road Maintenance Program, provide minimal resurfacing on this airport ramp until the federal government has had a chance to provide a permanent solution?

**Hon. Mr. Lang:** I would have to check into the situation that the member is referring to. Perhaps, if the member can, with his ability to look into the future, assure me that it is going to rain this coming summer, and perhaps I will have the department look at it and see what could be done about it.

**Mr. Speaker:** We will now proceed on the order paper to orders of the day, address in reply to the Speech from the Throne.

**ORDERS OF THE DAY**

**ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE**

**Hon. Mrs. Firth:** As an elected member of the Legislative Assembly, I would like to take this opportunity to address not only the

assembly but all Yukoners, and share with them some of my thoughts.

I would like to say that I am deeply honoured to have been elected by the constituents of Whitehorse Riverdale South as their representative in the Legislative Assembly. I want to say thank you, and that the trust placed in me by the constituents will be held in the highest regard. I feel that I am here to serve the constituents of Whitehorse Riverdale South and, in turn, all Yukoners.

Also, by my appointment to Cabinet, I am very well aware of the special right bestowed upon me by the Government Leader. As a minister of the government, I will always endeavour to represent Yukon in a manner that will make Yukoners proud.

I would like to assure all Yukoners, of whatever political persuasion, that I will strive always to represent their best interests.

We are reminded daily about the state of the economy by many familiar indicators: rising unemployment, bankruptcy in small and large business and in heavy losses and failures in our major industries. I believe that before we abandon ourselves to biblical despair and lamentations we should view our condition in Yukon against the broad picture so that we have a measure against which we may better judge our own condition.

I know that this government has viewed and judged our own condition. We may yet hope for this improved industry performance by such-and-such a time this year or the next year. Whether we see an improvement or not depends, for the most part, on initiatives taken by the government.

All governments need to reduce spending. We, ourselves, have to trim costs and re-examine budgets and spending plans to see where money can be more productively and efficiently spent. This, of course, results in predictable political objections. Objections are, however, simply an excuse for avoiding the painful task of cutting back cherished government programs. This is not fun, but to continue spending in this manner reduces the availability of funds for productive and efficient programs.

Now, I recognize that some things are beyond our control, but one thing I believe we can and must do as a government is play our part in dampening the expectations, which all of us have been conditioned to expect as normal over the last ten to 25 years, as the case may be.

In June of this year, Yukoners elected a government, a Conservative government, which indicated to me that the electorate judged Yukon's condition also. The electorate chose a government with a realistic, practical and honest outlook, a mature, responsible, unified government, whose philosophy is that the strength of Yukon is not from the government down, but from the individual up.

Speaking of individuals, my colleagues, the members of the government side of the Legislative Assembly, are a great and unique collection of highly individualistic Yukoners. They hail from a variety of backgrounds, but all have lived in Yukon for between 16 and 32 years. My colleagues are practical people in their own fields, which range through almost all the businesses and activities with which Yukoners are familiar; members who have knowledge and expertise in various businesses, such as big game outfitting, mining, agriculture, highway and building construction, the tourism industry, and we have members who are professional people, one of which is a Yukon-born Native actively working in her community. This government represents a cross-section of practical people in tune with the real life of Yukoners, their daily needs and problems that must be faced in these tough times.

We are experienced in the business and activities which Yukoners understand and are affected by. We are not a group of theorists. We are all practical people, who have been well acquainted in our non-public lives with the issues that now confront us in our public ones.

I firmly believe we are, as a government, addressing these issues. We are making responsible decisions, standing by these decisions, and we are identifying Yukon's future needs.

In four months, this government has made many achievements and I would like to share with Yukoners some of these achievements. We have responsibly made budget deferrals and adjustments in order that lay-offs could be avoided. The Government Leader hosted an economic conference at which there was representation of business, labour and other interest groups. Yukoners were asked for input, and we responded with leadership, and the development of an economic strategy for recovery for Yukon.

We have taken steps in improving territorial-federal relationships. Our Government Leader has taken great steps to bridge the communication gap that existed between the federal Minister of Indian and Northern Affairs and the Government of Yukon. Territorial-federal ministers jointly officially opened the Chamber of Commerce building, a project completed under the Canada-Yukon Tourism Agreement. As Minister of Tourism, I responded quickly to the shock of the Cyprus Anvil closure, and upon first meeting the federal Minister of Tourism, expressed to him the urgency of Yukon having a new Canada-Yukon tourism agreement, as all monies were spent. The minister visited Yukon briefly, however, long enough to announce that a new agreement was being drawn up. Also, we again went to the private sector for input and ideas. A tourism conference was held to develop a strategy for Yukon's future tourism needs.

We have met as a cabinet with two federal ministers in Yukon, to present Yukon's case and seek aid for all Yukoners. We will be signing a new national training agreement with the Government of Canada. This has been delayed, but was done so with Yukoners' best interests in mind. The federal government would not accept a "me too" clause in the agreement, so we waited for other provinces to sign their agreements, and added any new clauses the provinces benefited by, to ours, to maximize benefits to Yukoners.

Positive steps have been made in land claims negotiations. Agreements-in-principle now number approximately thirty. We have been in consultation locally with the executives of the Council for Yukon Indians confirming this government's support of the Yukon Native language program in our schools.

We have initiated change in policy and programs after completing cost efficiency exercises in three major departments.

Two new schools have been officially opened. In Old Crow, the Chief Zzeh Gittlet school was opened last month, and was for the people of Old Crow an occasion for celebration and a feast.

Cabinet colleagues, my good friend and colleague, Harry Allen, President of the Council of Yukon Indians and department officials accompanied me to the small northern community.

To give you an idea of the effect the ceremony had on the people, one man I know well in Old Crow said that he had been unable to sleep the previous night because of excitement and nervousness. I feel more such visits to this far northern community are in order. With the help of the member for Old Crow I hope to be always well aware of this community's interests in order that we can serve them.

The warm reception received in Old Crow will always be one of my fondest memories. The wisdom and knowledge these original Native people have to offer Yukon will not be taken for granted.

Porter Creek Junior High School was opened last week. It was a gala affair attended by hundreds of students and parents from all over Yukon. We are so fortunate to have a facility of this high calibre in Yukon. These were community events, attended by appreciative, interested people.

As Minister of Education, I am interested in, and want to provide, quality education for Yukon children and adults. I believe in the basics, but I will not say yes to everything, and I will examine education in terms of, are we providing frills which really do not enhance the quality of education?

Recreation affects almost all Yukoners. We requested, and are receiving, much public input regarding the draft of the Green Paper on recreation. Advanced education and manpower will undertake new initiatives to maintain and improve areas such as apprenticeship training and increase the availability of training in the trades in Yukon. Post-secondary education will be encouraged.

As Minister of Tourism, Heritage and Cultural Resources, I believe we, as government, are here to assist the private industry with the development of their efforts to increase the financial contributions to the Yukon economy from tourism. We are fortunate to have the services available in Heritage and Cultural Resources. I will endeavour to make Yukoners aware of these resources and will encourage them to use them. We, as Yukoners, have to make a greater effort to search out our own unique history. This unique history is the strength within the tourism industry. We are few in numbers, but the better we know the Yukon, the better ambassadors we become.

In conclusion, I wish to reaffirm that these are some of my thoughts



to date. I look forward to much hard work tomorrow in the service of Yukon and Yukoners. Thank you.

**Mr. Falle:** I would like to take this opportunity to address the Speech from the Throne. I did not notice that I am behind the Minister of Education and I had a lot of good things to say about education, but she has seemed to have said them all for me, except for one which I am quite proud of.

This government has made education a priority and I am also glad that she has made a commitment to the people of the Carcross area so that when budgetary restraints comes off we will be able to do something about the Carcross Elementary School.

I would also like to take a minute to congratulate the Minister of Highways. The winter maintenance program has been upgraded and they will be able to get the snow off the road this year when snow is coming down, and we are not stuck with icy road conditions like we had last year. We are trying to do our best in that matter.

There are a lot of things that mean a lot to the people of the Hootalinqua area. One of them is agriculture. I am glad to say that, in this session, there will be a bill presented to us and we hope that it will pass. It is dealing particularly with agriculture. It is the first bill in the Yukon dealing with agriculture and I am very glad to be a part of that.

There are one or two problems that I will be bringing up during the session. One of them happens to be skidoos and all-terrain vehicle type machines. They belong basically to trappers, kids, me, you, everybody with a skidoo that travels along the ditches of the highways. It is potentially dangerous, but we see no other way to get from point "A" to point "B" other than in the ditches, so we have a problem. Most farmers these days are fencing their property to the property line and therefore, there is no place for anybody with a skidoo to get from one place to the other, other than in the ditches. There is a problem coming up, and I will be looking for solutions from this House.

I am definitely not going to pass up this opportunity to congratulate the Minister of Renewable Resources for trying to do something about our wolf problem. The wolf problem is not unique to my area. Maybe we are just one group of people that have to pay a lot for a horse or cow. It means \$1,000, \$1,200 to each and every individual who loses one of these. Consequently, that person gets quite vocal when he does lose one to a predator. I think a resource as vital as wildlife has to be taken care of as well. I do not think there are too many people in this House who will say that wildlife has not been really damaged by the wolves. They are, in my opinion, out of control, and I am sure that our minister is definitely trying to do something about it. We are proposing to deal with them, on a predator control situation, and I hope we can do something about it.

All in all, I am quite pleased with the progress on what we have been doing in the last month and a half that I have been back. I am also very glad to see that the opposition, for the first time since I have been in this House, is really showing constructive criticism, and seems to agree with us every now and then.

Thank you.

**Mr. Porter:** I would like to begin my speech today, first of all, by passing on my congratulations to the member who has just left the chambers on her maiden address to this assembly. I would like to say to her, for when she does return to the House and is able to read Hansard, that I would appreciate it very much if she passed on some of the understanding that she seems to exhibit about Native people to her colleague from Tatchun.

In my address today, I had no intention of replying to Monday's Speech from the Throne in a critical fashion, but remarks from some members of the government, particularly at the ministerial level, have given me no choice.

One of the things I think that we have to be critical of is the negative kinds of statements that have emanated from government, over the last few months, since they have formed the new government, negative statements, I think, about the economy. One of the biggest statements that has been made that has received a lot of public attention in respect of the media was the statement made by the Government Leader and quoted by the CBC, in which they quoted him as having said, in response to Yukon's economic condition, that we, in Yukon, are "desperate beggars".

I think that statements to that effect have not only had an insulting

affect on Yukon people, but they also have a very negative effect in respect to our relationship to the senior government in Ottawa. That relationship, at this point, is a very important one, as we are, in effect, an emerging government that is attempting to obtain a degree of responsibility in respect to the powers that we have in this legislature. Any kind of drastic shift in that psychological game with Ottawa will have, I think, long-term negative benefits because, right now, we do live with a very colonial-type attitude with respect to senior government officials in Ottawa. I think it is the duty of all of us, as legislators, to try and overcome that.

What I think is needed instead of this kind of doom-and-gloom talk that we have heard regarding the government's approach to the media is some very positive, constructive, reasonable approaches in terms of how we see the economy. I think that, respecting the resource industry, there is room for reason, there is room for decent, logical responses that the government can make regarding the future disposition and control of the Territory's non-renewable resources.

In response to the member for Faro, yesterday, the Government Leader stated something to the effect that we do not have the wherewithal to act on equity participation. I think we do. I think that there are a lot of people within the government that do have the smarts to sit down and to examine the constitutional relationship between the two levels of government, that do have the smarts to sit down and plan for the future of Yukon. They do have the smarts to involve the people in Yukon so that they do begin to bring in some revenues, that they begin to share the benefits that will accrue from the disposition of our resources.

That is a very critical situation that I think that the government has not reasonably approached. I think that we have seen around us a lot of ideas that can be put into effect. If the government would only look over to the Council for Yukon Indians, I think they have found a very good idea for an approach to resource revenue sharing in Yukon. I think that if a prospective investor were to examine the Yukon, he would see nothing but a chaotic mess. He has got some big green bucks and he wants to put it to work for him, but when he looks up here he sees a government that is screaming for provincehood, for complete control of the resources, saying that we want everything that Alberta has got, and more. Then he looks at the other side of the coin and there are Indian people who are saying, "No, you cannot have any of it because we have aboriginal rights that have not been settled". Then, when he turns to look at the most powerful of the three players right now, the federal government, they are saying, "No, none of you can have that because we have it and we are not going to give it up". That is the kind of situation that a potential investor sees in the Yukon.

I think we have a responsibility to change that kind of direction. I think we have the responsibility and the ability to put in place a reasonably planned approach. One of the areas that can be used is a vehicle that is sponsored by government, such as a crown corporation. The Council for Yukon Indians has encouraged the establishment of the Yukon Resources Corporation to carry out this kind of planning. My party has put forward the idea of a Yukon Development Corporation.

I remember at one time that even this government was talking about a corporation to do exactly those kinds of things, hopefully, in the future, but in this Speech from the Throne we hear nothing of that kind of planning taking place, and I think we have to hear more of that.

Nova Scotia has just recently signed a deal with the Government of Canada that, in effect, gives them a share of the revenues that do accrue from the exploration of their resources, resources that those people own. It is the same thing here in Yukon. We, the people of the Yukon, do have a degree of ownership of the resources of the Yukon, not only the resources that are held in what is geographically mapped out as Yukon in terms of a land base, but also the resources that are offshore in the Beaufort Sea, the oil and gas revenues. I think that we have to start moving in that direction very quickly. I urge the government to seriously look at this situation.

In respect to the question of the land legislation the government intends to bring before this House, in the future sitting of this legislature, I would like to voice a degree of caution in respect to how the government moves in this area. As we know right now, the whole question of land has always been used as an issue that can be put before

the public simply to draw votes but when we examine the nature of land tenure in Yukon, we are able to see that the Yukon Government holds very little jurisdiction of land. The question of land management, land control, the jurisdiction over land, rests totally with the federal government almost in the Yukon, save and except a few square miles that are under the jurisdiction of the Yukon Government. Any kind of initiative that is going to come in respect to the disposition of land, the way land is going to be controlled, the kinds of structures that will be put in place for the management of land, is largely going to come about as a result of federal government initiatives that have to take place at the federal level.

In other words, the Cabinet of Canada will have to make that decision. I think that the Yukon Government, to a degree, is playing at brinkmanship, in respect to this question of land. The whole question of land is now squarely before the negotiators at the land claims process. I would caution this government for moving too quickly and too irrationally in respect to suggesting conflicting uses and conflicting structures of land management before this House that could have the end result of stagnating the land claims negotiating process. With those words of caution I look forward to the initiatives of the government. I hope that they are going to be ones that are going to be of benefit to the people of the Yukon but, again, a word of caution.

I have a feeling of sympathy for the government because, in a sense, they have an enormous responsibility right now. They have an economy that many expert economists describe as one that is very much in a state of depression, and I can well imagine the kinds of pressures that the individual ministers have to deal with on a daily basis in trying to build something out of this very depressing state of the economy, in trying to put something forward. It is for that reason that I think that the government should treat its own citizens with a degree of respect, with a degree of chivalry, and I think that the case of the trapline 293, that the Minister of Renewable Resources and I have been bantering about for the last couple of days in question period, is a prime example.

I think, right now, what has been done to John Scarfe, the present holder of the trapline, is a very serious mistake. I think that the kinds of hard, cold decisions being made by government have a very negative effect on its citizens. I can well imagine that he is not feeling too good about this government right now. He does not feel that this government is indeed responsible. I do not think that he feels that this government is a fair government. From his point of view, that is all he knows, that lifestyle, that ability to go out there and trap.

The member for Klwane, in his reply to the Speech from the Throne, mentioned the fact that he comes from a part of the Yukon that is considered probably some of the most beautiful in Canada. I would suggest that he would probably, if he went on trapline 293 in the Primrose and Rose lake area, agree that this area is equally as beautiful. Not only is it aesthetically pleasing to the eye, but it is also abundant in wildlife. Some of the best area for sheep growth is contained in this area of the Yukon. I have been through much of the country myself, and there is no question that the trapline that is being held is a very good piece of ground. For the Scarfe family, that is all they know. The entire family has been raised on that trapline. That trapline has fed that family and that is all they have depended on. John Scarfe does not have an educational background on which to fall back on, to use to obtain a job right now. Trapping is his way of life. I think that it is incumbent upon the government to examine its decision and to look at what the effect of that decision is. Right now we have a very tough job market and I think that young people like him are having a very difficult time of competing for any available jobs and I would just like to make a direct appeal to this government, on behalf of the Scarfe family, for their livelihood. I think if this government were to, in all reasonableness, re-examine their position and openly admit that possibly what should have been decided would be a more logical, compassionate approach, that they would probably score a heck of a lot more points than by being bullheaded and tough about the whole thing. I think what can be put in place is an agreement to allow the Scarfe family to continue to trap that area until we get a final agreement, and let the negotiating process sort all of that out.

There are very many other pressing matters that I have to be brought before this House and can be talked about, but at this time, I would like to conclude my remarks. Thank you.

**Hon. Mr. Ashley:** As a newly-elected member of this assembly,

embarking on his first term of political office, I would like to first thank the electors of Klondike for enabling me to take my place here, and for the great trust which they have placed in me. I think that I am particularly fortunate in that our Government Leader has done me the honour of appointing me to Cabinet. It is my firm resolve that, as a minister, I will do my utmost to serve the best interests of all Yukoners, regardless of their whereabouts, ethnic origin or political persuasion.

Before I was elected to office, I often had occasion to visit our executive and Cabinet office. I was always impressed by the ease of access which all Yukoners have to their ministers, as well as their elected representatives. Since my election, I have attempted, and will continue to attempt, to maintain an open-door policy in my office. If I sometimes seem inaccessible it is only because my many new responsibilities, in charge of three portfolios, have compelled me to hold numerous private meetings. As I settle down to my new duties, I hope that I shall always, within the constraints of my work-load, be available to Yukoners and able to hear their concerns.

I think that our party's policy of open government is of critical importance to the ordinary citizen, and we, as politicians, must never lose sight of the fact that it is the people who govern, and that we are only elected to give substance to their wishes.

In recent months, almost all the political utterances we have heard have been, to put it mildly, rather gloomy. I think the present state of our economy, the current difficulties we face, have been more than amply described, whereas, in my view, the longer term, really bright and prosperous future awaiting us, has not.

The investment potential of this land is so vast as to be almost beyond description and, Yukoners, as well as investors from outside must be encouraged to boldly embrace our future. Our amendments to the *Partnership Act* will be a help in this regard.

My home is in Dawson City where, across the course of the last sixteen years, I have had a number of business interests but, recently, the industry on which I have relied for my living, has been placer mining. I have been, and remain, optimistic about its future.

There is no doubt that a large part of Yukon's huge potential wealth lies in its great mineral reserves, and while that is of little help in this time of world-wide depressed metal prices, it portends a future of enormous promise. As a placer miner, I am confident that we shall see a constant rise in the price of gold in the near future, but that is a small spot on our bright horizon.

Mr. John Bonus, Executive Director of the Mining Association of Canada, said a short while ago, "Most experts agree that world mineral consumption will double over the next 25 years, and the north is where much of that new production could take place". Notice that he said "...could take place". I would like to go on record now as saying that it is the firm intention of this government that all appropriate actions will be taken to ensure that it, indeed, will take place.

But the bright future of the currently depressed mining industry is not the only source of my unbounded optimism for the future. Our tourist industry, which has flourished during recent years, has an enormous potential for growth. It is estimated that no fewer than 53,000 tourists visited my home city of Dawson this year, and they spent in the neighbourhood of \$5,000,000, even though, as a Dawsonite, I hate to admit that not all Yukon visitors make it to Dawson. It is obvious that tourist expenditures throughout the Yukon far exceed those in my own riding. I am very confident that we shall see the continuing development and evolution of tourist attractions and facilities throughout Yukon, and that the economic contribution of this industry will continue to grow.

Our bright prospects for the future do not end with the optimistic outlook for the mining and tourist industries.

A recent report has stated that the Alaska highway natural gas pipeline can be built with minimal and acceptable environmental impact, and while this in itself does not solve the current financing problems, it does remove one more impediment to the ultimate construction of this project.

We have reason to believe that the long drawn-out Indian land claims negotiations are nearing a conclusion, and will result in the control of non-Native Yukon lands being turned over to the Yukon government. This single act of change will be of great economic benefit to Yukon and is another good reason for us to view our future

with optimism.

Just a few weeks ago, a small barite mine commenced operation, and a mill, to grind its own product, is to be built in Ross River. At the moment, this is a fairly small operation, but it has a very interesting aspect which, I think, can be taken as a firm indicator of what we can anticipate happening in the not-too-distant future. I refer to the fact that the ground barite is to be trucked over the Dempster highway for the use of gas and oil explorers in the Beaufort Sea. The benefits, which will surely flow to Yukon from Beaufort Sea development, have not yet begun to be felt, but I note, with great satisfaction, that an enterprising group of Yukon businessmen are in the area this week seeking out business opportunities.

It has long been my vision that this great, last frontier be developed with care and caution, first for the benefit of all Yukoners, and, secondly, for all Canadians wherever they may be so that Yukon can take its rightful place as a productive and contributing part of Canada, and end forever its role of the mendicant cousin, begging for subsistence, while having its natural inheritance siphoned away.

I pride myself on being a man of action rather than words, and propose to handle my ministerial responsibilities with pragmatism and common sense.

I would like to conclude by repeating some words spoken by George Drew in 1940; words which I believe to be as valid now as they were then, perhaps even more so, "The Conservative Party must stand for all that its name implies. The word 'conservative' suggests stability and security at a time when the whole world longs for stability and security. The word implies sound business methods as opposed to radical experiments. In a world gone mad, the word 'conservative' offers hope of common sense and orderly progress. It is a word which carries into the reach of practical politics the biblical injunction, 'Above all things; hold fast to that which is good' ". Thus shall we realize this great land's true potential, and thus shall we share in its bright and beckoning future. Thank you.

**Ms Nukon:** Mr. Speaker, and members of the Legislative Assembly, it is a pleasure for me to speak to you today. As you know, this is only the second time I have risen to speak. Since the last time, I have had an opportunity to become more familiar with both territorial wide matters and with issues within my own constituency of Old Crow.

First, I want to talk about the economy. Throughout the whole Yukon, everyone is talking about the economy. The major mines are shut down and this affects nearly everything else: the White Pass railway, small businesses, truck drivers, mechanics and even the government. Fortunately, the people of Old Crow are not too much affected by the closure of these mines. This is not to say that we do not have economic problems but, rather, our problems are different. We still have a lot of unemployment and we are still hit by rising costs.

The summer jobs are nearly finished now and we have approximately 25 people out of work during the winter months. This may not sound like a lot when you look at the rest of Yukon, but it is a lot for Old Crow. Hopefully, we can find solutions for this problem when permanent job opportunities are developed in my riding.

I have seen that the prices of things in Whitehorse have started to drop because of the economic state. House prices have come down and there are sales on many things. Unfortunately, prices in Old Crow have not dropped. In fact, they are continuing to rise, as everything has to be flown in.

It might interest you to know that in Old Crow it costs \$6 for a gallon of gas and \$6.50 for a quart of oil. I had a call from Old Crow today and was asked if something could be done about bringing the cost of gas down. People cannot afford gasoline in Old Crow so they cannot go out trapping.

Like the government, I am optimistic that the economy will improve in Old Crow. There has been some talk about the Gulf Oil's proposal to come in and construct a deep water facility at Stokes Point. This project might provide good jobs and help bring down the costs of transportation and goods in Old Crow.

I cannot say too much about this now, however, I have not seen detailed plans of the project, nor have I had a chance to talk with the people of Old Crow or company officials. We have to be careful of these developments. There are disadvantages as well as advantages.

The people of Old Crow are happy to have a few young men working

for companies like Dome Petroleum in Tuk. They work for three weeks and then come home for a week. This works well for the single men, but has not worked as well for men with families. It puts a strain on the family relationship when the husband has to be away for three weeks at a time. I hope that the proposed Gulf project will take these job-related problems into consideration when they hire people from Old Crow.

The government has initiated restraint programs throughout the Yukon. Fortunately it has not caused too much of a problem in Old Crow. The nine-day fortnight does not affect the teachers or the custodial workers, or myself, for that matter.

The new school in Old Crow was officially opened on September 24. Its opening was a highlight in the life of the community and, of course, the people received all of the ministers very well, except for the honourable Dan Lang, who was unable to make it. At this time I would like to give honourable mention to Harry Allen, who was also there for that occasion.

The first time I spoke in this House, I talked about the need for upgrading the roads in Old Crow, the need of a drainage system and the need of a road to the cemetery. Some work has started on these projects. I am hoping that the work will resume in the spring.

I can see that the government has continued along its path of constitutional development and I was proud to see our Government Leader, for the first time in Yukon's history, being invited to take part in the Annual Premiers' Conference this year in Halifax.

It is clear to most of us that one of the main focuses of this government has been on the land question. Although it has not been a big issue in Old Crow, the COPE claim has brought the matter to our attention. The government is now monitoring the claims talks and will hopefully protect the interests of the Yukon Indian people who live and make their livelihood in the northern Yukon, as well as other places.

I am pleased to see that much progress has been made on the other claims. In fact, after many years of apparent little success, the signing of about 30 sub-agreements in two years is a major accomplishment. Credit should be given to the people who have worked hard to find answers to conflicting questions. I refer to the negotiators and researchers of the Council for Yukon Indians, the Government of Canada and the Government of Yukon. I know that the people of Yukon are anxious to see the land claims settled. We in Old Crow also would like to see the results of the land claims made public. It does not help my community, and I do not imagine that it helps others, if they are not settled quickly.

In conclusion, we can see that the territory is going through some hard economic times, but we can also see lots of things that show a bright and optimistic future. Also, in conclusion, I will continue to do my best in giving Old Crow the representation it needs. I would like again to thank those who supported me in the June election, especially those people in Old Crow who also worked hard. I know they have faith in me, or I would not be here. Thank you.

**Hon. Mr. Tracey:** I, like many of the others in the legislature, would like to thank my constituents for re-electing me this time around. We have done many things in my constituency in the last four years, and I will continue to work just as hard for them as I have in the past, and there are many other things I would like to see in my area in the next four years. I pledge to them, as I have in the past, that I will do my best, as I have done in the past.

We are in very tough economic times with the mine closures — Cyprus Anvil, Whitehorse Copper, United Keno Hill — but we should not just look at the bad side. I think that when this is all over with, the Yukon is going to be better for it. We have gone through tough times before. The people who stay are the best of them and the Yukon benefits from them.

As I said, we have had closure of the Cyprus Anvil Mine and the United Keno Hill Mine, but we have also had a mine open up. We have another coal mine that is potentially going to open. We have three or four other small mines that are on the verge of opening. They are doing exploration work, so it is all not doom and gloom in the territory.

The member for Faro said that we did very little to help Anvil. I think the point has been made today that we actually have. By keeping Cyprus Anvil Mine open, if it is kept open, we will have a lot of money invested. He says, on the one hand, that \$1,600,000 is a token gesture

and then he says for that token gesture we should tell Cyprus Anvil that they have to remain open. I do not know where the member gets his ideas from. If it is only a token gesture, then certainly we cannot request that they have to stay open in order to get it. We certainly hope that they would stay open.

He says it is a waste of money to keep the Dempster highway open. I just mentioned Yukon Barite Mine. I do not know where the barite would be going if it was not going up the Dempster highway. It provides jobs for 30 or 40 people. In the years ahead, it will probably provide jobs for perhaps hundreds of people. We do not know yet. It depends on the development of the Beaufort Sea, but certainly the Dempster is the transportation artery that is going to make it all possible. I cannot understand the member from that side, who has the area right next door to him, complaining about the Dempster highway being open. It is benefiting him as much, or more, than anybody else.

He wants us to take an equity position in Cyprus Anvil Mine. I do not know where he thinks we are going to get the money. We have pared our budget down to the basic minimum and tried to keep people off of the welfare rolls, and yet he says we should come up with the money to purchase an equity position in Cyprus Anvil Mine. I would like to know where it is going to come from. Perhaps the NDP and their partners in Ottawa, the Liberals, can come up with the money.

The member for Whitehorse Porter Creek West made a remark about a geriatric facility, a nursing home for the old folks. That is one of my major priorities. I already have my department working on it now and I would certainly like to see, in the next four years, that we are capable of putting in this geriatric facility. It is number one on my list in Health and Human Resources.

He also mentioned property rights in the constitution and I think that it is something that all of us should have had when the constitution was brought in. I do not think there was any argument about it. I am very surprised that it was taken out of the constitution, and I certainly hope that we manage to get it back in.

The member for Whitehorse North Centre gave us a compliment on the jail. I would like to thank her very much for that, and I would like to compliment Phil Durrant, the Superintendent of the jail, who did extensive work on plans last year and early this winter and brought them to me. We approved them and were able to upgrade that jail within our existing budget, and having done this work, it is probably going to save this government in excess of one million dollars.

The member for Whitehorse South Centre said we are in an economic depression because money is going to the third world. I wonder why it is going to the third world. He says because they do not have the labour laws over there and that they do not have environmental controls. I agree, they do not have the labour laws and the environmental controls and that is one of the main reasons why they are going there. They are also not being strangled by government rules and regulations, environmental regulations and all the other regulations that are forced on companies. I am not saying that it is all the fault of labour, but certainly labour is a very big part of it. Companies have to accept some of the responsibility for it, but when you look at things like the fringe benefits that labour gets today, the housing and travel expenses, medicare, 15 percent holiday pay, clothing allowances, fuel and utility allowances, all of these piled up on top of the actual production costs of any business, I do not think it is too hard to understand why businesses are leaving this country.

Sure, we are in an age of fundamental change, as the member across the floor has said. We are going to have to change our method of operation in Canada if we are going to survive in this world. We have already dropped from third to fourteenth or fifteenth, and we are on our way down and, if we continue the way we are going, we are going to be much further down.

I have already mentioned that the companies that are having a very hard time to operate, what with environmental controls, with labour laws, with every kind of law, it does not matter, they are boxed in so that they cannot turn a wheel without answering a dozen environmental assessment review panels, or something like that. These all cost money, which raises the cost to these companies, and they have to leave the country.

They also pay tremendous taxes, as all of us do, to pay for social services in this country. I think it is time that we started to reassess the social programs that we have in Canada today. It is all great and

wonderful to say that we have an obligation to look after the people who cannot look after themselves, and I agree. I think it is incumbent on us to look after the people who cannot look after themselves, but I say to you that we are looking after a great many people who are capable of looking after themselves and they are not doing so.

The member across the floor also said that in the old style Yukon we were self-sufficient. Well, we were self-sufficient and why were we self-sufficient? We were self-sufficient because we were living off the land, we were trapping and hunting, had small mining operations. We were either living off the land or we were digging our money right out of it. We were digging gold, and that was the same as money, so we could live off the land and we could afford to be self-sufficient.

We are not in that situation today. We are in a situation today where we are controlled by companies and governments, mostly in central Canada, Ottawa or Toronto. We have very little to say about what is going on here in the territory. That is why it is necessary for us, very necessary for us, to have constitutional development in the territory. We cannot do anything of our land and without control of some of our resources, especially the land.

As the member who has left the House said, we control very little of our land. Certainly, we control less than one-fifth of one percent of the land in the territory.

Why? That is a question that we ask. Why do we not control it? It is ours, we live here. We have to live off of that land. Why do we not have control of that land? All the arguments in the world cannot overcome that argument. It is ours because we own it, we live on it, we use it. We have a perfect right, or should have a perfect right, to say how it should be used. The legislation that we are bringing forward in this session is going to lay out the manner in which we are going to do the studies to assess how it should be used, how it shall be protected.

It has also been said that we are not self-reliant and we are always asking for assistance. It is not a case of asking for assistance. We have a right to demand assistance. If we do not have the control of the resources to raise the revenue, then we certainly have the right to demand that we get the money for those resources, so that we have the ability to take care of ourselves. If they do not want to give us the resources to let us look after ourselves, then we have the right to demand of them that they look after us. Now, we do not do that very often, but in tough economic times like today, when we ask for assistance, we have a perfect right to ask for it.

As I said, we need the resources. That is the only way that we are going to become self-sufficient. There is absolutely no other way of becoming self-sufficient without control of our resources and until we get them we are always going to be in this colonial position.

I would like to deal with the member for Campbell, who has left the House, but he will certainly read my remarks in Hansard. The member for Campbell came into this House when the session opened and he started out with a very belligerent attitude. He had to be knocked down a peg the first day he got up to make a remark. He has been acting the same way ever since, and if that is the way he is going to continue to act, I think he is going to get treated the same way.

In regards to the Scarfe trapline, about which he made very disparaging remarks, that man in question was sent by this government to Edmonton in order to learn how to trap. He did not even complete the course. He was gone most of the time he was there. As I stated earlier, he was given a probationary licence so he could have that trapline and he made very bad mistakes on the line: he did not pick up his traps and many other things. The line was taken away from him for very good reasons.

I do not like to be told that we do not have any compassion for these people. We have tried to look after that man as much as possible. We do not owe him the guaranteed right to have that trapline. We do not owe anybody in this territory the guaranteed right to any trapline. They have to earn the right to have it and look after it.

There was a remark made yesterday by one of the members of this House that I think fits the occasion very well, and that is that if this House was a bunch of farmers, at least this side of the House would have the horse manure on the outside of our boots. I think that refers exactly to where that member comes from.

I would like to reiterate once again that I do my best for my constituency, and I will do my best for every person in the territory. As a minister of the government, I am constantly trying to find better ways

to save money, to look after other people so that we can have more programs, and I will continue to do so.

**Mr. Penikett:** I wonder if the member who has the floor, before he relinquishes it, would permit a question or two?

**Hon. Mr. Tracey:** I think the member across the floor has pulled this thing off very often. He does not impress anybody with it. It certainly does not impress me and I do not think it impresses anybody in the territory. He has a perfect right to stand up and make his remarks at any time.

To get back to what I was saying, I have done my best for the people of the territory. I will continue to do it, and I thank them very much for placing their confidence in me. Thank you.

**Hon. Mr. Lang:** This is the first time I have stood up to speak to the Speech from the Throne since the last election and I find it very difficult in the fact that the most senior member of this House is the Speaker himself, and then comes me, as for time spent in these chambers. I do not want to give my age away, but I would like to say that I have had the pleasure before of representing Porter Creek for two terms, going on to my third term and I would like to think that I have worked very hard on their behalf. When I look back, and for those members who have not been here all that long, when you look back 20 years and see the start of the area that is called Porter Creek and compare it to what it is today, we have gone a long way.

It was with a great deal of pride that I attended, along with the member for Porter Creek West, Mr. Philipson, and the Minister of Education, the opening of the junior high school in Porter Creek. A lot of work, a lot of time and a lot of effort went into it by the parents of the area and the Department of Education, along with Public Works, and I think we have a school that we can be very proud of, not only for today, but 20 years down the road.

There are a number of improvements that have been made in the area I think are worth noting. There is the completion of the street lights along the highway from Kopper King to what is termed Rabbit's Foot Canyon. I think they have made an improvement in safety for the travelling public in that area. We have also, over the course of the past three to four months, worked very closely with my colleague, Mr. Philipson, and have managed to put in passing lanes at Super A, Clyde Wann and a new approach into Crestview, which also has been a positive factor as far as safety for the travelling public is concerned.

For those members across the way who do not get the opportunity to go into God's country once in a while, I should point out that it was very dangerous, at one time, when you were trying to turn into some of the accesses that go into Porter Creek.

Another improvement that has been made, which has not been completed, but is well on its way, is the Porter Creek Access Road, which I think the Leader of the Opposition sometimes refers to as Lang's boulevard. The Vocational School has completed the first phase and I must say that I commend the work of the instructors and the students who have gone through that course. It is going to be definitely advantageous for the City of Whitehorse once it is completed. I intend to be working with the municipal council over the course of the next year to see how many more improvements can be made to the point where we can utilize it on a day-to-day basis. It is not only going to help the public travelling to and from work from a safety point of view, but also from a point of view of energy conservation, because it is going to cut down a fair amount the distance that has to be travelled between Porter Creek and the centre of town.

One area I look forward to working in with my colleague from Porter Creek West, and with the municipal council, is some sort of a program for the application of bituminous surface treatment in the Porter Creek area. We are in a situation now, with asphalt being as expensive as it is, and the financial restraints we are under, where I think we should be looking at a program which will provide a means of dust control and also be advantageous to the homeowners in the area. We will be working on that over the course of the year and, hopefully, we can come to some agreement with the municipality in this area.

I want to make a couple of comments respecting the position that was taken by Mr. Kimmerly, in his reply to the Speech from the Throne, where he talked about responsible government and inferred, at least the way I took it, that this side of this House and, for that matter, this legislature, was not necessarily being responsible in respect to the financial situation that we find ourselves in.

I think it is important for the members opposite and the public to realize that the reason we are in the financial situation we are confronted with at the present time is that we raise, on the operation and maintenance side of our budget, in the area of 35 to 45 percent of our revenues. When you get into a situation where our resource base is presently paralyzed — and really not that much is taking place over the course of the last six months — we are in a situation where our revenues are not coming in. I am not taking a partisan point of view on this, all members in this legislature and the past legislature, I believe, have been responsible in recognizing that we have to raise a certain amount of our own revenues if we are going to go towards more responsibility, and that means more decision-making locally.

What the effect of that has been, as I indicated earlier, is that our revenues have not come in as projected. It is, indeed, unfortunate, and at least this side of the House is not happy about developments, and the way they have taken place over the last six months.

I also think that I would like to make a point, and I am not doing this from a combative point of view, but I think it is a valid comment. I find it disheartening sometimes when I hear the opposition making comments, almost smugly, saying that I told you so that this was going to happen. Nobody had an Ouiji board, nobody could forecast, not only what the economic situation in Yukon was going to be today, last spring, nor, for that matter, in Canada. The point I am making is that if the Leader of the Opposition, who states, as I said, fairly regularly, "I told you so", knew so much, then I would have expected him to ask for a review of the constituencies throughout the territory last spring, because the MLA from Mayo has indicated that he no longer has a constituency base and, subsequently, would be reflected in the dollar amounts that the taxpayer is paying for representation in the House.

It is unfortunate that we are in the situation we are in. I do not think anybody could forecast the degree of the problem we are confronted with but, at the same time, I think it is safe to say, as the Throne Speech has indicated, there is no question Yukon will go ahead. We are on a set-back at the present time, but if one looks at the general situation in the territory, we have major developments in the offing in the Beaufort Sea which are going to have ramifications to Yukon business, which means people, children, people building homes and making their lives here. You have a situation where you have a proven mine in the MacPass area and Amax, with the possibility of Pan Ocean and the Hudson Bay property in that area also making a silver-lead mine. We also, as we know, have in the process of being developed, a barite mine. I just want to touch on that for a minute. I had the opportunity to go up there not too long ago. Most of the people there working on the property were long-time residents of the Yukon. In fact, I was pleased to see quite a number from my constituency, which is pure coincidence. It is very heartening to see things happening.

They are in a very difficult situation, there is no question. They had signed agreements with Gulf and Esso in September. Subsequently, they are fighting the weather, which is too bad they could not have avoided, because it would have made it much easier in respect to getting the barite down to Ross River and putting it in the mill. Their plans are to build their mill this fall, which is going to provide jobs, and also to deliver, on site, in the Mackenzie delta, the composition of barite which is necessary for making mud in the Inuvik-Mackenzie Delta area. I think it is encouraging to see things happening so quickly.

The member for Campbell talked about planning. That is fine, for the long term, but there are things that should be allowed to proceed, and proceed fairly quickly, to get away from the red tape of government, to get on and get the job done. That means people who are working and paying their taxes and making a living in the territory. I think sometimes we, as legislators, get wound up so much in the planning and studying, through the bureaucracy, that we finally sometimes lose sight of what the ultimate end is, and that is to allow people to develop and to provide for their families.

I caution members on the opposite side, when they talk to any great degree about their planning exercises, that we should be looking for time frames and decision-making to be done quickly. I want to give an example. The Yukon Hydro Corporation that has applied for the right to go ahead with McIntyre 3, which is three-quarters of a megawatt of power, which would be built here locally, and would also ensure that there would be less fuel consumption for the purposes of power, went through a regulatory body, the Water Board, a federal board that has

representatives from the public, but also from the federal civil service.

It had a fair hearing. Now, we are looking at a situation where it apparently had the approbation overall of a generally acceptable power development within the territory, and now it is being held up because somebody in Ottawa, I gather, has decided that maybe it is just not quite good enough.

That means jobs. That means carpenters, building on the site itself, no matter how small it is, putting in concrete, putting in the necessary infrastructure and, just as importantly, as an end result we will have a development that will pay for itself and provide another method of getting off oil.

When you look at that, and you look at the red tape that is involved, I have to say to myself I think perhaps we should be making the decisions here. Now, the member for Campbell talked about the northern Yukon and said that we should have a degree of influence in that area. I, as a member of this House, say to you, as a Canadian citizen and as a Yukoner, I want the right to say eventually what is going to take place, not only on behalf of the constituents of Porter Creek, but I believe the duly elected member for Old Crow and, for that matter, the member for Campbell, should do the final decision-making in this room here. That should be the long-term objective of all members in this House, because that is our future. Our future, as the member for Tatchun has said, is our resources. We are not begging for monies from the feds.

I am going to have to point out that though the member for Campbell has relied on the CBC for his information, or whatever news media he listens to — and I can vouch that the Government Leader did not say that and, in fairness to the Government Leader, he did not stand up on a point of privilege and make an issue of it — but, we have the right to demand at this time that we get some support during the present difficulties we are experiencing. I do not think anybody in this House can argue that. We are Canadians and we are Yukoners and we have contributed to the overall GNP of Canada for many, many years.

Nobody ever talks about the natural gas field that is in the southeast corner of the Yukon, which has projected something like \$13,000,000 in royalties. That is a lot of wheat in anybody's bin, a lot of wheat.

When we face this financial situation as a government, the Government of Canada should not only morally, but also responsibly provide what revenues we need to proceed over the forthcoming winter. There is no question that I have to agree with some of the comments opposite, that we do have a bright future. I would not live here if I did not think we did. I would not be prepared to raise my children here if I thought it was a dead end street. I live here because I like it, because I think that there is room for the people of the territory, and we are fortunate that we have the wildlife and the beauty that the member for Kluane so eloquently spoke of yesterday.

I think one area that I want to raise, that I think is important and I want to get it on the record, is what I heard on the CBC this morning, in respect to agriculture and the conflict with wildlife. Well, I am here to tell you the wolf problem has not come about because of the agriculture that has happened in the territory. The fact is, there are too many wolves. There is no food for them, and I am not a biologist, but I take a look at what developments have taken place on the Mayo road in the past ten years, and it has not been that much, as opposed to what was there ten years ago.

So I have to come to the conclusion that the wolf population has increased to the point that they are forced, out of survival, to come closer to civilization. The previous member from Campbell, Mr. Fleming, raised questions last spring, when he came to us and said that they would see a wolf pack of thirty to forty wolves just outside of Teslin. So these are not incidents that are isolated to the hot springs. You have incidents in Beaver Creek. You have incidents in Teslin. And even any members of this House who have gone hunting have realized that there has been something happening as far as the game population is concerned. And the member from Hootalinqua spoke of it in his reply to the Speech from the Throne and said that it is very much a major concern. And it is. It is a tough one to grapple with, and I sympathize fully with my colleague, the Minister of Renewable Resources with how we are going to deal with it. But we are going to have to face it, because it is real, and it is here.

It is too bad that it has got to the point where it is today. I want to say, as the previous Minister for Renewable Resources, that I had no

technical people coming forward to me, as the minister or as a member of this House, saying that there is a problem being created. The people who were bringing the problem to me were the members of the Fish and Game Association, the odd trapper, the member from Campbell. These were the people who were bringing up this very real concern, and looking at this exploding population. And now we are in a situation where we have to deal with it, and we have to deal with it quickly.

It can be dealt with. Alaska faced the problem, and it is interesting to note that almost six, seven, eight years have gone past since they had the predator control program put into effect. Those areas that they did put it into effect are to the point now that they can increase bag limits significantly. In fact, their harvest has gone up tremendously in view of the increase of their moose and caribou population.

I want to go back to the member for Campbell's comments about the northern Yukon, and I want to say, as a member of the Conservative Party and the MLA for Porter Creek East, I am proud of the position of our government in respect to the COPE Land Claim. We recognized, two years ago, the ramifications of it throughout Yukon if we were to simply roll over and let it happen. In fairness to the Government of Canada, I think they are recognizing our arguments, and I think they are rightfully justified. I think the member for Old Crow spoke about the concerns that she has in respect of how it could adversely affect the people of Old Crow and, in turn, the people of the territory.

I am proud to be part of the government's side of the House that stood up and took a position, not only in these chambers, but in the hustings, and said this is what we stand for. That goes further, when we spoke up in our election campaigns, not only this one past but previous ones, that we feel land should be there for all Yukoners. We feel that we have a right, and I have a right, and I would like to think that the member for Campbell would think the same, as a Canadian citizen, as a Yukoner, as a person who pays taxes in the region of Yukon, to control the land of the territory. When there is a problem, we should be sorting it out in the Yukon, we should not have to go to big brother to see whether or not I can get a piece of property to put my horse on.

I think that question should be rightfully answered and should have to be addressed in this House, if that problem arises, and the minister responsible should have to say this is the reason why or this is the reason why not. Right now, we do not have that. If you take a look at the land situation in the territory that the member for Campbell referred to, you take a look at the territory land that we have, I think we have managed it and managed it well. We have provided commercial, industrial, residential, country-residential, and are in the process of fulfilling the rural-residential land requirements. We will continue to do that because we believe we have a mandate to do that.

It seems to me that if we can do it, within the parameters of the City of Whitehorse or the parameters of Haines Junction — in which, incidentally, it took seven years to get 13 acres so we could provide 25 lots — or Watson Lake or, for that matter, the community of Faro, or the community of Teslin, I think that we can do the job. We do not need big brother to tell us how to utilize and manage our land.

I am not saying that the Government of Canada does not have a responsibility and should not be playing a part in looking at the overall global situation as far as the territory is concerned in the transfer of land. For all people in the territory, Native or non-Native, I look at them as Yukoners, and I believe they have a right to their land, they have a right to own their land, and they have a right to use this great land.

**Mr. Penikett:** I move, seconded by the member for Faro, that debate on the Speech from the Throne be adjourned.

**Mr. Speaker:** It has been moved by the Honourable Leader of the Opposition, seconded by the hon. member for Faro, that address in reply to the Speech from the Throne be adjourned.

*Motion agreed to*

**Mr. Speaker:** We will now proceed to public bills and orders other than government bills and orders.

## PUBLIC BILLS AND ORDERS OTHER THAN GOVERNMENT BILLS AND ORDERS

**Bill No. 101: Second Reading**

**Mr. Clerk:** Second reading, Bill No. 101, standing in the name of Mr. Kimmerly.

**Mr. Kimmerly:** I move, seconded by the member for Whitehorse North Centre, that Bill 101 be now read a second time.

**Mr. Speaker:** It has been moved by the hon. member for Whitehorse South Centre, seconded by the hon. member for Whitehorse North Centre, that Bill 101 be now read a second time.

**Mr. Kimmerly:** This bill has already received a significant amount of media attention and also it is interesting, I would say, that there is another bill on the order paper dealing with the same principle, and I will speak about that a bit later.

I have circulated to all members, and to members of the press, the previous debates on this same principle. For the sake of people reading the debate, they are found on December 16, 1981, at page 482 of Hansard, and March 31, 1982, at page 55 of Hansard. I am not going to go through all of the arguments that I made at those times, as they have previously been made and I have circulated the comments to all members previously.

I would like to refer, though, to the December, 1981 debate. The Minister of Justice at the time stated that the government was going to wait for the recommendations of the committee, the Impaired Driving Committee. Subsequent to that, the committee reported, and there was a government bill in the last session of the last legislature, which died on the order paper.

Also, subsequent to the last bill, which died on the order paper, the committee has met again and has made recommendations to the government, and the recommendations are contained in the minutes of the committee of September 28th, 1982, and a copy of the minutes has also been circulated to all members. It is interesting that the committee is composed of representatives of all the government agencies, and indeed, some non-government agencies, who are affected by, or who deal with, the problem of drunk driving. It is indeed the best informed group of people on the issue in the Yukon, and I would venture to say, probably one of the best informed group of individuals on the issue of impaired driving in the whole country.

I would also add that the question of impaired driving and the current sentencing practices of the Yukon courts has already received extensive study, and excellent scientific study, and a report of May, 1980. There is also a phase two and a phase three of the same study, with phase three presented in February of this year.

In Yukon, the question of impaired driving is probably studied better than in any other jurisdiction in the country. The reason for that is probably the relatively small numbers, because of the smaller population.

After all the study, the recommendations of the study group are almost precisely the terms or the principles of the bill before us today. The study group's recommendations are closer to the private member's bill than to the government's bill.

I wish to emphasize one particular point, and that is that the granting of restricted licences, and indeed, the length of term of the suspension of licences for second and third time impaired drivers, is the most devastating problem. It is the most serious problem and the scientists who have reported already have clearly stated the problem of some impaired drivers slipping through the system and being allowed to drive when they are clear dangers to the public. I have previously quoted the statement in these chambers twice, so I will not do it a third time. It is on page 483 of the last Hansard.

The system of suspending licences for drunk drivers for Yukon is the most lenient in Canada. The present system is, after a conviction for drunk driving there is a mandatory suspension for one month and, on a second or subsequent conviction, for two months. Those are the minimum suspensions. No other province in the country is that lenient. In B.C., the period is three months and also in Ontario. In Newfoundland, it is four to six months and in every other jurisdiction in the country, it is six months or greater. In Manitoba, it is a more complicated system, with in excess of six months in some cases.

I wish to say on this issue that it is my personal view that the suspension period ought to be six months. In the bill before us the term is three months and I have put that in because it is in accordance with the recommendations of the study committee, and it is in accordance with the previous government's previous bill. Frankly, I thought it had a better chance of passing, however, I would welcome an amendment

to increase it to six months.

I wish to talk just very briefly about recent information about the extent of impaired driving or drunk driving. I read from a September 13, 1982, issue of Newsweek magazine, in the United States, and I quote, on page 34, "More Americans have died at the hands of drunk drivers during the past two years than were killed in Vietnam. On average, about three Americans are killed and 80 are injured by drunk drivers every hour of every day."

The Canadian statistics are almost exactly similar. In the last edition of Macleans magazine, on page 58, I can quote, "Last year, 5,370 people in highway accidents and 50 percent of the drivers killed had a blood alcohol level above the legal limit." That is 2,685 deaths in Canada last year.

The Yukon rate of impaired driving is a little over three times the Canadian national rate. In my previous employment as a judge of the territorial court, I was a judge for just under three years, and eight times it was my duty to sentence an impaired driver or a drinking driver for an offence resulting in a death.

This is an horrendous problem and I wish to quote from some citizens as to what we ought to do about it. Recently, I placed a newspaper ad asking for public input. I received a great deal of response, and it is still coming in so I cannot give a statistical summary, although I would like to quote one or two comments from the public. From a person in Porter Creek East, "Operating a vehicle with any alcoholic intake ought to be illegal, no exceptions". From a person in Porter Creek West, "One thing I would like to see instituted regarding suspensions is that a person suspended from driving should not be granted the right to drive for employment reasons...", and the person goes on. From a person in Riverdale South, "Why don't you run an ad informing some of the potential killers of the punishment in other places: from five years and death?". From a person in Kluane, "For any offence, a suspended licence for life and 30 days on the woodpile".

Every single responder is in favour of stiffer suspended sentences. I also appeared on the open-line shows in Whitehorse and, of approximately 35 callers in total, only one was not in favour of a stiffer suspension.

This is an extremely important issue and ought to be dealt with in a very, very serious way.

I would like to comment about the procedure. There are obviously two bills on the order paper with the same principle. In American legislatures this is extremely common. In Canadian legislatures, it is something of a novelty. The bills are obviously very similar, in that both of them are substantially the same as the last bill of April, 1982, which died on the order paper. The specific terms of the provisions are different in each of the bills and I would recommend to all members that, regardless of which bill goes forward, on each of those questions there ought to be a vote on the particular issue in question in committee.

If my bill does not go forward, I will promise the assembly to present an amendment to the other bill and, if my bill does go forward, I would welcome an amendment to it. I would recommend to all members that it would be more democratic and would result in a better bill in the long run if the votes were free votes, as opposed to party votes. I would recommend that the procedure which ought to be followed is that a free vote, as opposed to a party vote, ought to occur in this issue, as it is not an issue of primary government policy. It is an issue of responsible social legislation that we can do something about in the assembly, and I would recommend the maximum possible degree of democracy on the question.

**Hon. Mr. Lang:** I am rising, not only in my capacity as Minister of Municipal and Community Affairs, but also as House Leader, to inform the member opposite that, basically, in the principle of the bill, where he talked about procedure and the handling of it, he can rest assured that there will be a bill dealt with over the course of this session, as I am sure the member will find out in due course.

Further to that, I wanted to point, respecting a free vote, the member for Whitehorse South Centre will not determine, for this side of the floor of the House, whether or not it will be a free vote. I want to inform members opposite that this has been discussed by all members on our side of the House and we have come up with the consensus that we deem this to be government policy, we deem any policy coming

forward to be government policy, and should have wise and sound judgement put forward to it as a party, as well as all members. I think we have done that.

I would, therefore, move that we adjourn debate on Bill Number 101, seconded by the Minister of Justice.

**Mr. Speaker:** It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Minister of Justice, that debate be adjourned on Bill 101.

*Motion agreed to*

**Mr. Speaker:** We will now proceed to government bills and orders.

## GOVERNMENT BILLS AND ORDERS

### Bill Number 2: Second Reading

**Mr. Clerk:** Second reading, Bill Number 2, standing in the name of the honourable Mr. Pearson.

**Hon. Mr. Pearson:** Mr. Speaker, I move, seconded by the Minister of Health and Human Resources, that Bill Number 2, *An Act to Amend the Legislative Assembly Act*, be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Health and Human Resources, that Bill Number 2 be now read a second time.

**Hon. Mr. Pearson:** I do not have difficulty speaking to the principle of this bill because what is happening is that, because of recession, we have found it necessary to limit the salary increases to all employees of this government. Although I am the first to recognize that members of this legislature are not employees of the government, they are paid by the taxpayer and I would respectfully suggest to them that we should be the ones that do show the way.

What this bill proposes to do is, effective November 11th, reduce our salaries and indemnities by the 10 percent that we were granted by legislation on April 1st, 1982.

*Motion agreed to*

### Bill Number 13: Second Reading

**Mr. Clerk:** Second reading, Bill Number 13, standing in the name of the honourable Mr. Ashley.

**Hon. Mr. Ashley:** I move, seconded by the Honourable Minister of Municipal and Community Affairs, that Bill Number 13 be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Justice, seconded by the Honourable Minister of Municipal and Community Affairs, that Bill Number 13 be now read a second time.

**Hon. Mr. Ashley:** The amendments to the *Motor Vehicles Act* are being introduced for three basic reasons. First and foremost, of course, is this government's concern with impaired driving and its consequences. As members are aware, the bill was tabled in the spring session of the assembly, providing stiffer penalties for impaired and related offences. The bill before you incorporates some of the provisions contained in the earlier bill and also provides even more severe penalties in some cases.

Available evidence indicates a serious and continuing problem in Yukon. It is hoped that the penalties being proposed will act both as a deterrent to potential impaired drivers and as a factor in reducing the damage and suffering caused to potential accident victims. Effective upon proclamation of the act, minimum suspension upon conviction for impaired driving and related offences will be three months, with no provision for a conditional licence during that period.

A second concern of the government has been with the required liability insurance coverage for motor vehicles operated on our highways. In recognition of the escalating health costs and increased minimum requirements in several of the provinces, we are increasing our required coverage to \$200,000 from the existing \$75,000. As most drivers already carry coverage above the minimum requirements, the additional cost resulting from this amendment should be minor. The amendment will, however, provide some additional guarantee of protection to the public who may suffer from injury, death or property damage arising from automobile accidents. Complementary amendments to the *Insurance Act* have been introduced today.

Recent court opinions affecting the *Criminal Code of Canada* and our *Motor Vehicles Act* have necessitated new provisions respecting

driving while suspended. The amendments before you establish serious penalties for driving while suspended for impaired driving and related offences under the *Criminal Code*.

It is hoped that these will serve as deterrents to possible offenders and will increase the safety of our highways. Additional amendments of an administrative or housekeeping nature have been included in the bill, altering service requirements in the case of licence suspensions by the Registrar or Driver Control Board, eliminating the special licensing provisions for government vehicles and changing or deleting references to the Commissioner.

Our primary concern in developing this legislation, however, has been with impaired driving. As the minister responsible, I believe the bill before you is a serious and well-considered attempt to deal with that problem.

**Mr. Kimmerly:** This is a good bill and we are going to be supporting it. I do wish to make a few comments about it and I will develop these in the committee stage.

It is clear, from what scientific evidence is available to us, which admittedly is fairly scanty, that the most important deterrent for this kind of crime is the perception of the offender as to the likelihood of being caught. That factor is much more important than the magnitude of the penalty. That can be scientifically demonstrated as far as any court sentencing practice can be scientifically demonstrated. It means, of course, that the enforcement is probably more important than the terms of punishment or the terms of deterrent. I will be speaking about that at the committee stage, probably in a little more detail.

The second thing is what amounts to a scientific fact, in my belief, although it is controversial to some degree among some of the scientists. Yukoners ought to be proud because it was our studies that emphasized this phenomena as much as is in any other jurisdiction, although there are excellent studies in western Europe. The phenomena is that the problem of impaired driving is more a problem of the alcoholic driver than the occasional drunk driver. That is, the frequency of accidents or the frequency of evidenced danger to the public is substantially increased with an increasing number of convictions. I am going to put that a little more simply. We can say that, for a convicted impaired driver, the chances are approximately one-third in Yukon that he or she is going to be convicted again in Yukon, within the next five years.

For a second time offender, within five years, the chances are approximately 80 percent that the person is going to be convicted a third time. Looking at those figures, it is obvious that after a first offence, that is, on the second offence, we have a problem on our hands, probably a problem drinker. Those people who have two impaired driving offences within five years are almost universally serious alcoholics. There is an exception or two, but it is very, very rare.

When we know there is an alcoholic driver who has already been convicted twice within five years, I say a one-year suspension of the licence is not protection enough. The suspension ought to be greater. If there is a person with three convictions within five years, I say that person is a danger and should not be allowed on the roads. The suspension ought to be for life.

I will put the minister on notice that, as the bill goes through the committee, those amendments are going to be proposed. I will ask for a recorded vote on the amendments.

*Motion agreed to*

**Mr. SMPEAKER:** May I have your further pleasure?

**Hon. Mr. Pearson:** I move that Mr. Speaker do now leave the Chair and that the legislature resolve itself into Committee of the Whole.

**Mr. Speaker:** It has been moved by the hon. Government Leader, seconded by the hon. Leader of the Opposition, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

*Motion agreed to*

## COMMITTEE OF THE WHOLE

**Mr. Chairman:** I call the Committee of the Whole to order. Looking around me I perceive an eagerness to carry on with the



business at hand. Unfortunately, I have to take a short break.

#### Recess

**Mr. Chairman:** I will call committee back to order.

**Hon. Mr. Lang:** Mr. Chairman, it will be our intention to proceed with the *Act to Amend the Partnership Act*, *The Act to Amend the Yukon Legislative Assembly Act*, and it was our original intention to proceed with the *Motor Vehicles Act*, but Mr. Kimmerly has asked if we could delay it until perhaps tomorrow and we have agreed to do that.

#### Bill No. 6

**Mr. Chairman:** We will begin with Bill No. 6, *An Act to Amend the Partnership Act*. We were on clause 16, dealing with sub-section 88(1)(b) and (c).

#### On Clause 16

**Mr. Chairman:** Subsection 88(1)(a) and (b).

**Hon. Mr. Ashley:** In answer to the questions from Mr. Kimmerly yesterday, I will read the questions out first and give the answer.

"Subsection 88. This is one section that I have some confusion about. Specifically, in the powers of the director. Would the minister inform the House as to the intention of 88(1)(c) and the necessity for subsection (c)? Specifically, why is the registrar given the power to deny registration under a name for any other reason? That is extremely wide power and would effectively bar any action of a limited partnership to enforce a registration. Why is it made that wide?"

"In Section 88(1)(c) the registrar is given power to not register a certificate 'for any reason'. Why is that power made so general and so broad? What sorts of reasons are contemplated?"

Then following, "I have another question that perhaps the minister could take notice of and that is, the use of the word 'deceiving'. This is not an information question, it is a substantive question. The law of patents and trademarks, of course, is a very extensive body of law and the tradenames, company names and partnership names are normally very serious matters for business people to consider. The word 'deceiving', especially the phrase, 'in the opinion of the registrar, is deceiving' is unusual to me. The normal kind of phrase, I believe, involves a similarity of the proposed name with existing names. For example if I want to join a partnership and want to call it Dome Petroleum partnership, it would probably not be registered as it is too similar to any existing company, and the similarity and the lack of confusion is the real issue to be gotten at in this section. I believe the word 'deceiving' is a little unusual. I would ask for an explanation about that."

In response to those questions, the wording of subsection 88 follows the wording of section 17 of the *Companies Act*. It is important that both sections contain virtually identical provisions, as companies can always register a trade name and conduct business under that name. If the provisions of the *Partnership Act* are more lenient than the provisions for the *Companies Act*, the trade name can be used to circumvent the prohibitions against certain corporate names in sections of the *Companies Act*. This accounts for the use of the word 'deceiving' and the phrase objected to 'by the registrar for any other reasons'.

Both are prominent in section 17 of the *Companies Act*. Neither ought to be changed until the wording of section 17 of the *Companies Act* is changed. Recognizing that this is a circular argument, let us look at each one separately.

'Deceiving'. This word is used to cover situations when companies submit names which are deliberately designed to use or are inadvertently formulated, and which have the effect of using the good will of another company to make money for the 'Johnny-come-lately'.

In your example of yesterday, would not the reason for selection of the name 'Dome Petroleum Partnership' be to take advantage of the good will of Dome Petroleum? If this example took place a few years ago, the issue would be more of a confusion.

I also note that 'deceiving', or similar wording, is used in Ontario, New Brunswick and *Canadian Business Corporations Act* sections dealing with selection of corporate names.

'Objected to by the registrar for any other reason'. This particular phrase, or one very similar, is found in virtually all companies and

business corporation acts in Canada. It has been the experience of those who administer the companies legislation that corporate names will be used in a myriad of different ways, which will be against public policy. If there is no direction, no general discretion, to disallow, some bright person will think of a way to get around the specific exclusions and they will be able to compel a corporation with that name.

A recent request was for the University of Whitehorse Limited. In Ontario, there was a Ku Klux Klan. Who knows what their request would be tomorrow.

It should be noted as well, that one bad, non-specific name, can ruin matters for ten good names, because the good names are too similar in general. This is one area in which the discretion is exercised by the registrar.

Your statement, if I might paraphrase, "the power is extremely wide and would effectively bar any action of a limited partnership to enforce registration" is without foundation. If taken to court, I am sure that a judge would interpret the section to read that the registrar must have some cogent reasons for refusing the name and, at most, the limited partnership would have to change its name to one which was acceptable. It cannot be used to thwart a registration.

*Clause 16 agreed to*

*Title agreed to*

**Hon. Mr. Ashley:** I move that you report Bill No. 6, *An Act to Amend the Partnership Act*, without amendment.

*Motion agreed to*

#### Bill No. 2

**Mr. Chairman:** I now refer Committee of the Whole to Bill No. 2, *An Act to Amend the Legislative Assembly Act*.

#### On Clause 1

**Hon. Mr. Pearson:** As I stated at second reading, the bill is quite short, quite straightforward and very much to the point. Salaries and indemnities for MLAs would be rolled back to the level that they were at on March 31, 1982, effective November 11, 1982, should this bill receive the approval of this committee today.

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*Title agreed to*

**Hon. Mr. Pearson:** I move that Bill No. 2, *An Act to Amend the Legislative Assembly Act*, be reported from committee.

*Motion agreed to*

#### Bill No. 13

**Mr. Chairman:** We will now move to Bill No. 13, *An Act to Amend the Motor Vehicles Act*. Is there any general debate?

#### On Clause 1

**Mr. Penikett:** I could just, on a point of order, anticipate perhaps some intervention by my colleague from Whitehorse South Centre in general debate. Having given two speeches on this subject today, I cannot possibly imagine what else he would have to say, but since he has almost a passionate interest in this subject, it is quite possible that he may have something else to say before we clear clause 1.

I would ask if I could have the Government Leader's undertaking, or the House leader's undertaking, just on a procedural matter, that when we come to the clauses that he may wish to introduce amendments on, we could at least stand those, or perhaps complete our hearings on the next sitting day of this bill.

**Hon. Mr. Lang:** We have no problem with that.

**Mr. Chairman:** Is there any further debate on clause 1?

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

**Mr. Chairman:** Clause 6 has subsections (1) and (2). In subsection (2) on the first line (5.1) it should say "Subsections" not "Subsection". It is a typographical error.

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Clause 8*

*Clause 8 agreed to*

*On Clause 9*

*Clause 9 agreed to*

*On Clause 10*

*Clause 10 agreed to*

*On Clause 11*

*Clause 11 agreed to.*

*On Clause 12*

*Clause 12 agreed to.*

**Mr. Chairman:** On clause 13, it says 'he earns income' is substituted for 'he earned income', and the '-ed' should be removed from 'earned'. It should say 'he earn income'.

*On Clause 13*

*Clause 13 agreed to.*

*On Clause 14*

*Clause 14 agreed to.*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

*Clause 16 agreed to.*

*On Clause 17*

**Mr. Chairman:** Is it agreed that clause 17 shall stand over?

**Hon. Mr. Pearson:** I would be most anxious to hear what the hon. member has to say about these clauses. I think it is a great idea that we hear as much as we possibly can tonight. At least it gives us some time to think about them as well.

**Mr. Kimmerly:** The intent of the section is obviously to replace the current law, which is the old section number 28, I believe, of the old act, and the current law is that on the first offence, the driving licence must be suspended by the judge for a minimum of one month and there is no maximum given. A maximum by court interpretation is life.

On a second or subsequent offence, the current law is that the judge is required to suspend the driver's licence for a minimum of two months and a maximum of life.

The sentencing practices in the Yukon courts has changed over the years. Perhaps I can, very briefly, give an outline which I am sure will be a non-controversial outline. I will state it conservatively, in the small "c" sense.

The sentencing practice of the Yukon Territorial Court changed in late 1977 as a result of several appeals by the Crown Attorney's office to the Supreme Court. The Supreme Court outlined a new standard for sentencing of impaired driving. It mentioned also the licence suspension as well as the fine. At the time, the standard fine was \$250 or thereabouts. The Supreme Court, Mr. Justice Maddison, imposed a fine in one case, I believe, of \$1,400 and in another case, \$750. The penalty changed from approximately \$250 to in the neighbourhood of \$1,000. That was in 1977.

In 1978, as a result of a change in personnel in the Territorial Court, the sentencing practice for a very brief period, in fact, changed and the average sentence was more in line with the national average. At the time, the national average was approximately a fine of \$300. In the Maritimes it was very much lower; in Alberta and B.C. it was \$100 or \$200. At the time the provinces were busy amending their *Motor Vehicles Ordinance* increasing the suspensions for impaired driving. The suspensions in the Yukon, which I should have mentioned earlier, increased in 1977 from one month to approximately three to six months on the first offence and that continued throughout until fairly recently.

In late 1978, the Territorial Court changed the sentencing practice by three judgements outlining a new policy of the court. The policy of the court was that the licence suspensions after a first offence were three to six months, an average of approximately four months, and on a

second offence within five years were two years, and a third offence within five years were five years, and on a fourth or fifth offence were life. The court at the time laid out policy guidelines in court judgements.

At the same time, in the same month, the Territorial Court outlined new policy directions in the form of court judgements with regard to the restricted drivers licence. A restricted drivers licence is a novel thing. No other jurisdiction in Canada has laws in place allowing restricted drivers licences. What it means is that if the licence is suspended, there is a power in the suspending judge to grant a licence to drive in the course of employment, or any other terms or restrictions. It was frequently used and, indeed, the scientific data indicate that in 1978 and 1979 a little over one-third of all suspended licence holders were granted a restricted licence to drive for work purposes.

**Mr. Chairman:** Excuse me. It is my understanding, one, that the territorial government has nothing to do with the size of the fine that is imposed on a person. Monetarily, that is the federal government and, two, I do not believe that in this section it is talking about a conditional licence. I thought we were debating clause 17. Would it not come later that you may wish to discuss that part?

**Mr. Kimmerly:** No, Mr. Chairman. In the bill, I believe, there is no provision at all for a restricted licence. I was responding to an invitation to give information. If it is out of order, I will stop.

**Mr. Chairman:** No, it was just for my own clarification. Thank you.

**Mr. Kimmerly:** In 1978, the Territorial Court established guidelines about restricted licences, which was never done before, as a matter of fact. The guidelines, very briefly, were that a restricted licence would only be granted for driving in the course of employment, firstly, and it was necessary that the person involved provide evidence that he would lose his job if he did not get the restricted licence. It was not granted as a matter of convenience, only if he would lose his job.

A second principle was that there was no licence granted to drive to and from work unless it was impossible to make other arrangements. There were some cases where the licence to drive to and from work was given and they were for medical reasons, the lack of a bus service or any public transportation, and the lack of another family member who could drive.

The law also provided ability of a judge to change the suspension at any time and a third principle was laid down in the case law that a change would only occur on a substantial change in the person's circumstances and not simply on an application. Those were the three principles.

The present sentencing structure is that the fines are between \$600 and \$1,000, in that range. The average fine is \$700 or \$800. The practice of the court at the present time, on a first conviction, is to give a one month suspension and to be stiffer on the restricted licences.

For a second offender, it is most frequently the case, that is more than 50 percent of the time, that the suspension is for two months. On a third or subsequent offence, it is generally much longer. There are some offenders in Yukon with a large number of offences. The record, I believe, is 22, but there are people in excess of a dozen convictions in the last eight or ten years or so.

That is the sentencing practice now and the bill, if it is passed in these terms, will substantially change the present practice of the court. The effect is that the judge will not deal with the restricted licence unless he wishes to increase it. Under the provisions the present bill, the possibility of a restricted licence is taken away, or taken out of the law and, on a first offence, it is three months; a second offence, one year; and a third offence, two years.

I would ask your indulgence, Mr. Chairman, to stand the matter over, because I wish to present an amendment for the consideration of the committee to amend the section to be, for a first offence, six months; for a second offence, two years; and a third offence, life. I will be in a position to present a written amendment tomorrow, or any subsequent day that the committee wishes to deal with the question.

The reason that I make the amendments are that, on the first offence, to make the provision six months brings it into line with the majority of provinces in Canada and it is a substantially greater deterrent than three months would be. The six months provision, I believe, would be an improvement in the present law.

The second and third conviction within a five-year period are really

on a different principle, in that it is probably fairly easy for most members to conceive of a situation where a person goes to a wedding, birthday party or celebration and drinks a little too much and drives home and he really is not a bad person, he is simply taking an unacceptable risk. Those people do kill other people and themselves, but much less frequently than the problem offenders. It is perhaps more understandable to think of those people and give them a chance.

However, if there is a second offence, after giving a person a chance, the vast majority of those people, almost without exception, are serious problem drinkers, or alcoholics, in most people's terminology, and probably frequently drive drunk. The information out of the impaired drivers course indicates that for people on a second offence it is extremely rare that a non-problem drinker is caught a second time. If you faced the problem once and, being dealt with by a severe fine, attendance at an impaired drivers course, which is now a full two-day course, and a restriction, that the lesson is learned. If you do not learn your lesson after the first time, you are probably a problem driver and drinker and it is my view that second offenders ought to be removed from the road, and two years is a better protection than one year.

On a third offence, the argument is simply much stronger. Upon three offences within a five-year period, the person is obviously a serious danger to the innocent users of the highway and I would like to present amendments, perhaps three separate amendments, along that line, for the consideration of all members.

**Mr. Chairman:** Is there any further discussion on clause 17?

**Hon. Mr. Tracey:** I am having a little problem with the member across the floor saying that it should be not less than two years, two years, one year, or six months. I think that it is very clear in here where it says 'not less than'. Really, what the problem is that he does not want the judges to make the decision, he wants us here in the legislature to set the sentence. The capability is there for the judge to make it two years or anywhere up to life if he wants, even for a first offence. I fail to understand why he would want to change it so that it has to be a fixed amount. We have made it flexible enough for the judge to make his own decision.

**Mr. Kimmerly:** There is a myth that legislatures make the law and judges enforce it. In fact, if the legislature leaves the provisions of the law very, very wide or does not address it, the judges make the law. The account that I just gave was an example of a judge-made law in that the policies of the judges frequently come into play if the legislature does not spell out the guidelines clearly enough.

In the present law, the judge could give a two-year or a five-year suspension on the first, second or third. However, they most often do not. It is a well-honoured principle of law that the parameters of the penalty are a guideline by the legislature to the judiciary. Another example is in the game laws. If the penalties are substantially increased, with regard to a maximum with no minimum, it is settled that the proper interpretation for judges to take is that the average fine ought to go up as well.

The increase in the maximum penalty is a legislative guideline as to the seriousness of the particular crime and the penalties ought to reflect that. It is almost completely analogous that in the federal *Criminal Code* the penalties are up to two years in jail and up to a \$2,000 fine with a minimum \$50 fine, or both. It is very infrequent that a first offender goes to jail.

Because of the policy, or the past practice of the courts, on a second offence, the minimum is fourteen days and the maximum is two years. I venture to say that eighty percent of the sentences are fourteen days, and one or two percent of the sentences are a year or more. A sentencing in court clearly takes the minimum sentence as a guideline set by the legislature.

In this case, all we are doing is setting the guideline. And if we make it six months as opposed to three months in practice, what is going to occur is that ninety-odd percent of the time the restriction is going to be six months and occasionally, it is going to be greater. And similarly, on a second offence, it is contrary to the past practices of all the courts in the country to establish a new, very severe minimum and expect the courts to generally give a higher suspension or a larger penalty. They will take the guideline of the legislature in the same way as past guidelines have been given, and the procedures have already been established. If it is left as it is, in fact, it is very safe to predict that the penalties in ninety percent of the cases, or perhaps more, are going to

be the minimum suspensions. The present practice is that the minimum suspensions are being given perhaps eighty-odd percent of the time. The figures are approximate, but in the vast majority of the cases, in any event, the element of discretion is, I believe, good. But it is the duty of the legislature to establish the seriousness of the crime, and instruct the judges accordingly.

**Hon. Mr. Pearson:** Mr. Chairman, if I may make one comment before we go on with debate, just so that we are both on the same wavelength on this, I think the hon. member is really losing sight of one very, very pertinent fact. This legislation is taking away the discretion of the judges to grant the restricted licences. There will be no more restricted licences. Those 30 percent of that 80 percent he was talking about, who originally got minimum sentences, with a restricted licence, are now going to get a very severe penalty because, for some of them, it is going to mean their jobs. That is a fact of life.

This is very restrictive legislation for this territory and I think we should view it that way, just the process of taking away the restricted licence. The hon. member was absolutely correct when he said that we are the only jurisdiction in Canada that allows restricted licences and our information is that that is where a major part of our problem lies.

**Mr. Chairman:** There will be no further debate on this at this time. It is now 5:30 and this committee will recess until 7:30 tonight.

*Recess*

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

**Hon. Mr. Ashley:** I move you report progress on Bill Number 13, *An Act to Amend the Motor Vehicles Act*.

*Motion agreed to*

**Hon. Mr. Pearson:** I move that the Speaker do now resume the Chair.

*Motion agreed to*

*Mr. Speaker resumes Chair*

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

May I have a report from the Chairman of Committees?

**Mr. Philipsen:** Mr. Speaker, the Committee of the Whole has considered Bill Number 6, *An Act to Amend the Partnership Act*, Bill Number 2, *An Act to Amend the Legislative Assembly Act*, and directed me to report the same without amendment.

Further, the Committee considered Bill Number 3, *An Act to Amend the Motor Vehicles Act*, and directed me to report progress on same.

**Mr. Speaker:** You have heard the report of the Chairman of Committees, are you agreed?

**Some Members:** Agreed.

**Mr. Speaker:** We will now proceed to Government Motions.

## GOVERNMENT MOTIONS

### Motion Number 1

**Mr. Clerk:** Item Number 1, standing in the name of the Honourable Mr. Pearson.

**Mr. Speaker:** Are you prepared to deal with the motion?

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

**Mr. Speaker:** Could I have a seconder for this motion.

**Hon. Mr. Lang:** I will second it, Mr. Speaker.

**Mr. Speaker:** It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Municipal and Community Affairs, that this house approves in general the budgetary policy of the government.

**Hon. Mr. Pearson:** Mr. Speaker, it is a privilege for me to have the opportunity of presenting this government's first budget to the new legislature. As you know, I tabled the operations and maintenance estimates for 1982/83 last March, but dissolution for the June election took place before they could be fully reviewed and approved. It is my intention, therefore, to present to you a new revised budget, taking into account our considerably altered economic circumstances. Before commenting in greater detail on the contents of the budget, I would like to outline for you some of

the principle economic factors, which have determined our approach. One of the basic indicators of economic activity is employment. Between 1977 and 1978, employment rose by only 1.2 percent, because the otherwise buoyant economy was sharply affected as a result of the closure of Clinton Creek Mine. Total full employment remained virtually unchanged in 1979, but the small growth in 1980 was followed by an accelerated performance in the first three quarters of 1981.

By the end of September, 1981, this amounted to an increase of 21 percent from September 1980. Employment in the mining industry in 1981 as a result of the expansion of the Cyprus Anvil work-force and renewal of placer mining and exploration activity. All other sectors showed increases as well, particularly, the service sector, which grew by 1,500 employees. Commensurate with the increase in employment in the territory since 1977, was an increase in the number of companies operating in Yukon. This number rose from 904 in 1977 to 1,410 by September, 1981, an increase of 56 percent.

Most of this improvement took place during 1980 and 1981. As a reflection of expanding employment and investment in the territory, the population of Yukon grew by 12.5 percent between 1977 and September, 1981, representing an average annual growth of three percent, which was more than double the national average of 1.2 percent.

As the preceding examination of Yukon's economic activity makes clear, the Yukon Government had every reason to believe that the economy in 1982/83 would continue to be strong. During 1981, Yukon experienced solid economic growth and in January and February of this year, when the revenue forecasts were being made for the 1982/83 fiscal year, there was no indication that we would be caught up in the kind of a decline than has materialized over the past spring and summer.

The unpredictability of this situation is reflected in the estimates tabled last March 25th, when the forecasted revenues, recoveries and transfer payments were shown at \$122,198,000. These are now estimated at \$110,800,000 in the budget I am tabling today. This drop of approximately \$11,500,000 represents the extent to which the recession has affected our financial situation.

A decline of projected revenue of this magnitude leaves us, essentially, with only two options: to increase revenues, or, to reduce expenditures. Increasing revenues would require a raise in taxes, and we do not feel that this is a time to add to the economic burden of Yukoners. Therefore, we are faced with the absolute necessity of reducing expenditures, which, as you have seen in the Throne Speech, we have very effectively done.

We are dedicated to a policy of limiting government expenditures wherever possible. We are equally dedicated to maximizing employment where government initiative can offer a solution.

In this connection, I am pleased to announce that we are entering into an agreement with the Canada Employment and Immigration Commission to establish an employment bridging assistance program for the purposes of making enhanced unemployment insurance benefits available to unemployed residents of Yukon. This program, with initial funding of \$1,000,000, will support the Unemployment Bridging Assistance Program, create additional incremental jobs for workers whose unemployment insurance benefits have expired and permit the establishment of a job retention program for small business.

In addition to this job creation programme, it is the intention of my government to advance the start of as many capital projects as are practicable from 1982-84 into the current fiscal year. We are injecting immediately up to \$500,000 to enable these projects to start as soon as possible and intend to sustain them to the end of the fiscal year, up to a total of \$2,000,000, as additional funds become available from the federal government.

A number of these programs were planned to have been started last summer, but were deferred because of the shortage of cash. All of the projects we are now proposing to start have been designed to make them as labour intensive as possible in order to maximize employment.

Although there are some signs of economic recovery in the United States, it is not expected that there will be an appreciable

upturn in the North American economy for several months. The immediate reality is that high interest rates, continued inflation and falling metal prices have left the territory with much of its economy shut-down for the winter.

The problem in the mining industry is not unique to Yukon. The North American mining industry is currently operating at about 50 percent capacity. The revenue projections we have made, therefore, have been based on the assumption that the economic situation will not improve appreciably before the spring. We are clearly in a position where we cannot make any other assumption, in spite of our endeavours and optimism that special arrangements can be worked out with the federal government and industry which will make it possible for Cyprus Anvil to resume operations.

During the first quarter of 1982, unemployment rose to 15.5 percent, compared with 8.8 percent during the last quarter of 1981. This trend is reflected in the number of allowable unemployment insurance claims which increased by 86.3 percent between June of 1981 and June, 1982. The increase from the first to the second quarter of 1982 was 15.7 percent, illustrating dramatically the impact of the mine closures during the spring of 1982.

In terms of employment losses, there has been a reduction of 3,709 jobs in 1982, which represents a decline of 30 percent from the previous year.

It is revealing, as well, to look at the relationship between Yukon wages and prices and the national figures. From December, 1981 to March, 1982, average weekly earnings in Yukon fell from \$569 to \$527, while the average Canadian wage increased over the same period. This decline was accompanied by a more rapid increase in Yukon prices than occurred in Canada generally, 12.5 percent versus 11.6 percent.

We have to be cognizant of the limitations within which we are obliged to operate. The budget I am tabling today reflects not only an appreciation of our limited financial resources, but also represents the results of a major review of our programmes to reduce operating costs and to make available as much money as we can for job creation. Without authority to borrow for operating purposes, and recognizing that layoffs in the public service will only compound our economic difficulties, we have adopted a policy of holding the growth of government at zero percent for the balance of the fiscal year.

In spite of our efforts to reduce costs, some increases in expenditure have been unavoidable, particularly in those areas where additional support has been necessary to mitigate hardship resulting from the recession. Most notably, social assistance has been increased by \$1,000,000, and additional monies are invested in education in order to widen opportunities for vocational and technical training. Supplementary funding has also been incorporated in the main estimates for the land claims secretariate to facilitate a conclusion to claims negotiations.

The overall effect of the government's restraint programme and the reallocation of fiscal resources to grapple with unemployment and economic hardship is an expenditure budget of \$116,500,000, with revenues and recoveries estimated at only \$110,800,000. We are left with an anticipated shortfall of \$5,500,000. The effect of the operating shortfall in this budget is to reduce our estimated cash position at the end of the fiscal year to approximately \$2,000,000. Of this, as was explained earlier, one-half is being dedicated to job creation and employment, leaving the balance to handle unanticipated cost variations, and other contingencies.

I do not think that I need to emphasize to hon. members how narrow this safety margin is. We are determined, however, that we will do everything possible to avoid layoffs in the public service, and combat our difficult economic circumstances. We cannot, in these hard times, let fiscal caution prevail over the needs of the community at large.

We are doing this with the clear knowledge that this will virtually exhaust the remaining financial resources of the territorial government. We also recognize that we could be faced with insufficient income to finance our expenses if projected revenues decline further.

We are satisfied, nonetheless, that the federal government is aware of our dilemma and is prepared to assist us between now and

the end of the fiscal year.

Fiscal and social responsibility have always been the guiding political philosophy of this government, and this has been the guiding principle underlying the preparation of this budget. I commend it to the consideration of all hon. members. My colleagues and I are at your disposal for whatever questions and discussion you may require.

Thank you, Mr. Speaker.

**Mr. Penikett:** I move, seconded by the member for Faro, that debate on the motion be now adjourned.

**Mr. Speaker:** It has been moved by the Honourable Leader of the Opposition, seconded by the hon. member for Faro, that debate be now adjourned.

*Motion agreed to*

**Hon. Mr. Lang:** I move, seconded by the Minister of Justice, that I request unanimous consent of the House to revert to Daily Routine for the purpose of introducing a bill.

**Mr. Speaker:** Does the hon. member have unanimous consent?

**Some Members:** Agreed.

## DAILY ROUTINE

### INTRODUCTION OF BILLS

**Hon. Mr. Pearson:** I move, seconded by the Minister of Municipal and Community Affairs, that Bill Number 3, *Second Appropriation Act, 1982-1983*, be now introduced and read a first time.

Mr. Speaker, along with it is the Estimates of the Operation and Maintenance Budget for the territory for 1982-83.

**Mr. Speaker:** It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Municipal and Community Affairs, that a bill, entitled *Second Appropriation Act, 1982-83*, be now introduced and read a first time.

*Motion agreed to*

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

**Hon. Mr. Lang:** I move, seconded by the Honourable Leader of the Opposition, that we do now adjourn.

**Mr. Speaker:** It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Leader of the Opposition, that we do now adjourn.

*Motion agreed to*

**Mr. Speaker:** This House now stands adjourned until 1:30 p.m. tomorrow.

*The House adjourned at 7:47 p.m.*

