



The Yukon Legislative Assembly

Number 4

2nd Session

25th Legislature

HANSARD

Thursday, November 4, 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
Thursday, November 4, 1982

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

Mr. Speaker: At this time we will proceed to the order paper under daily routine.

DAILY ROUTINE

TABLING OF RETURNS AND DOCUMENTS

Mr. Speaker: I am pleased to table the report on the 1982 General Election from the Yukon Elections Board.

Are there any further documents or returns for tabling?
Reports of committees?
Petitions?
Reading or receiving of petitions?
Are there any bills for introduction?
Notices of motion for the production of papers?
Notices of motion?
Are there any statements by ministers?

QUESTION PERIOD

Question re: Beaufort Sea

Mr. Penikett: I have a question for the Government Leader. Two Beaufort Sea harbour sites have been proposed for the north coast: Kings Point by Dome and Stokes Point by Gulf. Following a Gulf tour of inspection, this summer, the Government Leader was quoted by CBC Inuvik as saying he is convinced that Stokes Point is an excellent harbour. Did he, by that remark, mean to indicate a preference for Gulf's proposal over Dome's?

Hon. Mr. Pearson: No, there have not been proposals received by either Dome or Gulf. If I may, I will take just a moment to clarify the situation. Dome Petroleum has indicated an interest in a deep sea harbour at Kings Point. Gulf, in their travels on that north coast, have indicated that they think that Stokes Point would be a better harbour site, that it has more potential as a deep-water site.

I have been at both places and, in comparing them as a layman, it would seem to me that Stokes Point does have more going for it as a site. From the straight point of view of being where it is at, it does get a considerable amount of protection from flow ice because of Herschel Island.

Even from a point of view of alienated land it is better, in that the land around Stokes Point has been alienated in the past. It is a former Dewline site. It is the old Bar Two site. There is an airstrip there which is usable now but should be upgraded. So I think that probably the most desirable site is Stokes Point.

Where all of this is at the moment is, the Government of Canada has been asked by Gulf to indicate whether Gulf should proceed with making applications for land-use permits, and this type of thing, to develop a harbour at Stokes Point.

Mr. Penikett: Thank you, Mr. Speaker, and I thank the Government Leader for his fairly complete answer.

I would ask him, though, whether it is his tentative position, and I emphasize tentative because obviously he would not have detailed information, that each developer ought to be, or could conceivably be allowed to develop their own harbour site, or is it this government's position that there really ought to be one site which all users would employ.

Hon. Mr. Pearson: I cannot speak for Dome, because I have not talked specifically about this to them, but there is little doubt about it. If Gulf anticipates that should they be the developers of Stokes Point as a harbour site, it would in fact be the deep water site for that whole north coast. At least, for the western half of the north coast. McKinley Bay, as everyone is aware, has been developed by Dome, and is being used by everyone. It is anticipated that either Stokes Point or Kings Point, certainly in my perception, would in fact be the western deep water site and it would be used by all of the exploration companies and

oil companies up there.

Mr. Penikett: Given the condition of extreme restraint under which this government must operate for the foreseeable future, could I ask the Government Leader if we have any capacity at all to conduct the necessary studies, economic, environmental or whatever, on transportation and other issues, to put us in a position to make wise decisions about some of those ultimate development proposals?

Hon. Mr. Pearson: What Gulf has suggested is, if the Government of Canada is agreeable, they will begin doing these kinds of studies. Certainly there is going to have to be a considerable amount of work done by the federal government, and by this government, in respect to making sure that the right decision is made. The ecology in that part of Canada is probably the most fragile anywhere. It is very easy, when you spend some time walking around and looking at it, to see why the Berger Inquiry, for instance, stated that there should not be a pipeline across the north coast of Yukon and the N.W.T.

It is a different kind of ecology and it is one that I am very, very concerned about. I know my colleagues are concerned about it as well. I believe that, somehow or another, if the Beaufort is going to be developed, in the final analysis we are going to have to try and find out whether it is going to be possible to put some sort of a transportation corridor into that area.

Gulf, initially, will be looking at it from the viewpoint of a sea access only, and not from land access at all.

Question re: Yukon Hydro

Mr. Byblow: I, too, have a question for the Government Leader. Yesterday, I pursued this government's justification of its investment in Yukon Hydro and, while the Government Leader said that job creation was not a consideration in the decision-making, he did not clarify to me what economic benefits justified the investment, so I would like to ask him that. What economic benefits can the Government Leader outline that have justified this government's intended expenditure in that utility?

Hon. Mr. Pearson: I recognize that the member for Faro has had a problem with the economics of this territory for a long, long time.

It is a basic fact that one of the very, very important economic factors of Yukon is the production of energy. A government, if it is going to govern responsibly and properly, has to have some sort of control over where energy is produced, how it is produced, and how much it is going to cost. In the final analysis, that is going to be the ultimate benefit to the people of this territory.

The other factor is that if we can encourage anyone, anyone, to produce hydro and get us off of diesel for energy production we should be doing it, I think, as a government policy.

Mr. Byblow: I think the Government Leader will admit that power costs will be affected by control of rates, and I would like to inquire of him just who will be the beneficiary of the acquisition by this government in that company? In other words, when this government buys into Yukon Hydro, who will receive the acquisition money?

Hon. Mr. Pearson: I would assume that what he is looking for as an answer is that it would be money that would go to what is now Yukon Hydro's shareholders. They have agreed to sell us 50 percent of the shares in Yukon Hydro. Is that the answer he is looking for?

Mr. Byblow: I was seeking, for the public record, and from the Government Leader's knowledge, some more details on that subject. Who, then, are the owners of Yukon Hydro? Is it a Yukon company? Who are the shareholders? Are they Yukoners? What relationship does Yukon Hydro have with Yukon Electric? Who is the government buying out?

Mr. Speaker: Order, please?

Hon. Mr. Pearson: The honourable member should know that if he wants a straight answer from me, all he has to do is ask a straight question.

At the present time, Yukon Hydro is owned by Alberta Power.

Question re: Yukon Opportunities Plan

Mr. Kimmerly: A question to the minister responsible for the Social Assistance Plan and the Yukon Opportunities Plan under that legislation.

The minister has previously talked about a coordination with the

federal Department of Manpower. What coordination is being done and, specifically. Is it the government's proposal that welfare recipients receive priority over non-welfare recipients?

Hon. Mr. Tracey: Perhaps I missed part of that question. The Yukon Opportunities Plan, and the coordinator of that plan, will work together with Canada Manpower to get all the statistics of jobs available, and perhaps where jobs might be coming up. The idea is to try to get people off welfare one way or another. Whatever this coordinator can come up with, as jobs, in order to get people off of social assistance, will be done. That is the reason why we are putting this person on staff. Part of his or her project might be to contact business associations to see if there is some way that we can get people off of the social assistance rolls. That is the job, the job description, and what is supposed to be done. As far as coordinating with Manpower, it only goes so far as to try to find work for these people.

Mr. Kimmerly: The supplementary is a clarification. Are there any other sources, aside from Canada manpower, to which the coordinator is looking as job sources?

Hon. Mr. Tracey: For example, the make-work projects. If all of these jobs are not filled by people volunteering to take the jobs, that coordinator would certainly be looking at that program in order to put people to work. Whatever type of work that can be found that is available, he will be looking at.

Mr. Kimmerly: I would ask a similar question about the coordination with the Vocational School previously spoken about. Are positions at the Vocational School, where there is a waiting list, going to go to welfare recipients in priority over non-welfare recipients, or not?

Hon. Mr. Tracey: I do not recall speaking about the vocational centre previously, but under any circumstances, priorities would not necessarily be given to people who are on social assistance. Everything would be taken into consideration, as I have stated earlier, and once all of the information is available, a rational decision will be made. If perhaps it would be more beneficial for this person who is drawing social assistance to go under the Vocational School plan, perhaps that is what will happen. I cannot guarantee right now just what will happen. All the information will be taken into consideration.

Mr. Brewster: I would like to direct my question to the Government Leader. On Tuesday, in my Speech from the Throne, I indicated my deep concern over the labour dispute in Haines, Alaska, and its effect on the consumers of the Yukon Territory. Could the Government Leader please advise this House if there has been any progress to resolve this situation.

Hon. Mr. Pearson: The affected unions in Alaska and the White Pass and Yukon Route are in fact involved in a court case now. White Pass is seeking a temporary injunction to have picketers at Haines removed so that they can continue off-loading the ship that is docked there now, loading it up again and getting it back on its way. And at the same time, they are suing the unions for some damages.

I was in contact with Mr. Tom King, the President of White Pass, who is in Anchorage now. It is anticipated that the actual hearing of the court case will be over today and that the judge will issue a judgement tomorrow in respect to the injunction. If that injunction is favourable, of course, the picket lines should come down virtually immediately, so that White Pass can get the freight that is in Haines moved over here to Whitehorse.

It is all Whitehorse freight. There are so many circumstances involved in this. The Department of State is involved, in that these are Canadian goods being shipped by Canadian carriers. That is a factor that is evidently one that has to be very seriously taken into consideration by the court when they make their decision.

I am hopeful that by tomorrow, at the latest, we should have some definitive word in respect to the freight that is at Haines. Now, if the injunction is not lifted, I would respectfully suggest then that Yukon is going to have to look at a very dramatic and quick shift in its supply route. It is also going to be very, very expensive because everything is going to have to be brought in by truck.

Question re: Trapline 293

Mr. Porter: I have a question for the Honourable Minister of Renewable Resources in regard to registered trapline 293.

I wonder if the honourable minister is aware that, during the winter,

John Scarfe did hold a probationary certificate on the family trapline, that his father, Leo Scarfe, died a lingering death and that John Scarfe spent much of his time during that winter by his father's bed? Was the minister aware of that?

Hon. Mr. Tracey: I was aware that during the winter Mr. Scarfe's father had died. That still does not justify, in my mind or, I think, the minds of any other person in this territory, that traps should be left until spring with more than a foot of snow on them. I think the man had the obligation, when he did have some time, to go out and at least spring the traps. There is no excuse for that not happening.

Mr. Porter: Considering the honourable minister's previous ignorance of the mitigating circumstance surrounding John Scarfe's management of Trapline Number 293, and considering the fact that the honourable minister's department has already displayed a willingness to allow traplines to shift from Indian to non-Indian hands, will the minister now give this House assurance that he is prepared to re-examine Mr. Scarfe's situation?

Hon. Mr. Tracey: I have said all I am going to say about this issue. I have already told this House exactly what I am prepared to do. I am prepared to give him an assistant trapper's permit on that line. If he shows the department that he is capable and that he is very interested in running that line, he will be given consideration the same as any other person would. He has had one opportunity, now I think he takes the position equal to everybody else on this line.

Mr. Porter: Given the fact that the minister made a number of disparaging remarks about this young man during his reply to the Speech from the Throne, is the minister prepared to apologize to Mr. Scarfe and withdraw his remarks?

Hon. Mr. Tracey: No, I am not prepared to apologize. Everything I said was true. In fact, there are more points I did not want to raise. It was only after the questioning of the member across the floor that this issue was raised at all.

Question re: Courts, backlog

Mrs. Joe: I have a question for the minister responsible for Justice.

Early this year his department retained two people, from B.C., to come up to the Yukon for three or four days to study the court backlog problem. Can the minister tell us if this report has been completed?

Hon. Mr. Ashley: Yes, I can inform the House that the report has been completed.

Mrs. Joe: I would like to know if the minister can tell us, right now, what the total cost of this study was?

Hon. Mr. Ashley: Yes, the actual basic report itself cost us about \$14,500.

Mrs. Joe: I would like to know right now whether the minister can tell us what is in the report and will it be available to the opposition?

Mr. Speaker: I would have to rule that question out of order as requiring a rather lengthy reply. Perhaps the honourable member may wish to make a written question requiring such detailed information?

Question re: Agricultural Development Council

Mr. McDonald: I have a question for the minister responsible for agriculture. I suspect Renewable Resources.

The Throne Speech said that it was the intention of the government to formally establish the Agricultural Development Council. Given that this body will be acting solely in an advisory capacity to the minister, will he tell the House of any other initiatives the government is taking toward agricultural pursuits?

Hon. Mr. Lang: I am responsible for that area of government at the present time. As the member indicated, the bill will be tabled in the House to discuss the question of agriculture and I am sure all questions of that nature will be raised and answered.

Mr. McDonald: Again to the minister for Municipal and Community Affairs.

It was the stated position of at least one Cabinet member in 1979 in Hansard who said that he felt that frozen food producers, or rather, frozen producers of food might become, in a sense, government welfare cases. Could the minister tell us whether he is now more optimistic about the viability of agriculture in Yukon?

Mr. Speaker: The honourable member seems to be seeking an opinion of the minister. Perhaps the honourable member could more

precisely state his question because, otherwise, the question would be out of order.

Mr. McDonald: I will try to, Mr. Speaker.

What I am looking for is an indication from the government whether or not there has been any major policy change, in the immediate past, regarding agriculture, and whether or not they now feel more positive about the viability of agriculture in Yukon?

Hon. Mr. Lang: I think it is fairly evident that this side of the House, at any rate — I am not sure about the other side because sometimes they have a tendency to flip-flop — has always taken a fairly positive attitude towards the question of agriculture. I am more than prepared to give the member opposite a copy of the Progressive Conservative resolutions where there is direct reference to the question of agriculture.

Mr. McDonald: That being the case, has the government received any assurances from the federal government that the proposed agricultural policy is sufficient to meet federal land-use guidelines, such that the federal government will be amenable to turning over land for agriculture purposes?

Hon. Mr. Lang: I have had conversations over the past year with the Minister of Indian Affairs and Northern Development, who indicated to me that once we have identified the area and there was no conflict with the Native land claims, that that land would be transferred.

Now, the question has to be put, and that is one of the reasons that we are bringing the bill forward later on in this session, to the Government of Canada whether or not, then, they are prepared to deliver as we identify those lands.

Question re: Land, titled

Mr. Penikett: I have a question for the Minister of Municipal Affairs; and I will flip and he can be the flop.

Two years ago, I questioned one of the previous ministers of Municipal Affairs concerning the Kyle family application for titled land in the southern end of my riding. The minister may or may not remember that case. At the time, the incumbent minister advised us that he was in the process of developing a squatter policy for the territory. I wonder if the new minister is ready to indicate if that policy is about to be made public and, if not, could he indicate when we might expect it?

Hon. Mr. Lang: I am more than happy to refer to the member as flop and he can refer to me in any way he wants in the context of the position I hold.

The question of squatters is a very difficult one. It is one that we are looking at very closely and I expect to have something to bring forward to my colleagues within the month for deliberation. It is an issue which I think will require some consultation, for example, with the city officials and, perhaps, in other areas, elected officials throughout the territory. At that time, we will be prepared to bring forward a firm policy.

I think it is fair to say that we are trying to deal with this as fairly as possible, recognizing the situation. I just want to caution the member opposite that we only have something like 360 square miles of land under the auspices of the territorial government, so it would not be for the total Yukon, unfortunately, it would be just strictly for those lands that the Government of Yukon has responsibility for.

Mr. Penikett: I do not want the minister to get into a flap about this, but I know the question of a particular application referred to, has been before the department for a number of years and the minister indicated an early response. Could I ask the minister, since he is moving to a resolution on this question, if he could give an undertaking now to the House that he will indicate by ministerial statement, or some other means, the broad points of this policy to the House this session?

Hon. Mr. Lang: I do not want to make a firm commitment. I will make every effort to try to come up with a resolution of the question at hand. If it is during the course of this session, then I will definitely rise in my place to inform members of what the outcome of the decision-making was.

Mr. Penikett: I wonder if I could give a question as notice to the minister? Given the previous discussions of the family living at Block 591, Group 804, in McRae, could the minister research this case again and see if the government has, in fact, come to a conclusion on this

matter, as indicated by his predecessor?

Hon. Mr. Lang: There is no question, as the member opposite knows, that we always have been cooperative with any problems that have been raised. I will look into the situation.

Question re: Campgrounds

Mr. Byblow: I have a question I would like to direct to the minister responsible for Renewable Resources which, I believe, includes campgrounds.

Last summer the minister announced that he was considering the privatization of Yukon Government campgrounds. The Yukon Visitors Association has come out in opposition to this policy. Can the minister advise if, and how, he has responded to that objection and what, in fact, is the present policy regarding the privatization of campgrounds?

Hon. Mr. Tracey: To answer this question I think that I will have to clear one thing up with the member. The Yukon Visitors Association did not come out opposed to privatization of campgrounds. They sent me a letter and asked if they could have input into it. I am certainly well prepared to let them have input into it, as I am with the Campground and Trailer Parks Association.

We have a problem in Whitehorse and, perhaps, it is going to develop in other parts of the territory, where we, as a government, are being accused of competing with private industry. While I agree that it is incumbent on this government to maintain campgrounds to the satisfaction of the travelling public, I also have to be very aware of the people who are in the campground business and try to protect their interests as well. That does not mean to say that every time somebody starts up a private industry, or a private campground, that I am prepared to close down the government campground.

But we did have a situation arise in Whitehorse a few years ago where people were trying to get land inside the city limits of Whitehorse. They were unable to do so. So they were by necessity forced to go farther out of town than was required.

Subsequent to that, we have upgraded our Wolf Creek campground to such an extent now that it does actually compete with the private campgrounds, which are further out, and which is very detrimental to them. So in this circumstance, within the Wolf Creek campground especially, I am very well prepared to privatize it.

Mr. Byblow: I will try to refrain from debate with the minister, but I believe YVA has documented the objection to the policy of privatization. And in fact they went so far as to...

Mr. Speaker: Order please, I believe the honourable member is in fact debating. Would the honourable member please get to his question.

Mr. Byblow: With respect, Mr. Speaker, I do require this preamble a little longer in order to frame the question.

Since the YVA has recommended that existing policies regarding fee collection for the use of Yukon campgrounds should be enforced, this would eliminate any alleged conflict between private and public campgrounds. Can the minister explain to the House why campground fees have not been collected, which has, in part, precipitated some of this conflict.

Hon. Mr. Tracey: The collection of campground fees under our existing fee schedule, in most circumstances, costs more than it produces. So I have had my department work on a new campground fee schedule, perhaps by contracting the collection of campground fees out to private industry, or private people, so that they can do it on a commission basis, and make money at it, so that we, as a consequence, can collect all of our campground fees. And this also will have the consequence of not competing with the private campgrounds.

The existing campground fee schedule, although the fee may be fair, is not being collected because it costs more money to collect it than it is worth. So we have to go to a different method of collecting campground fees. And I am prepared to have a new campground fee schedule and a new collection process in for next summer.

Mr. Byblow: I am very pleased to hear that the minister is considering the recommendation of the YVA to apply an incentive approach to the collection of campground fees. Can the minister then confirm that in fact this is now going to be policy in the next tourist year, regarding campgrounds, regarding the collection of fees? That is, a remuneration built into the collection fee schedule?

Hon. Mr. Tracey: I would like to clarify one thing in the opposite member's mind, first of all. It was not as a result of a presentation by the YVA that this decision was made. This decision was made immediately I took over the campgrounds, and renewable resources, when it was appointed to me.

Subsequent to that, we have had representation from YVA and I am quite prepared to go along with YVA and get their input whenever possible. I am one of the founding members of YVA myself and I am very well acquainted with how YVA operates and what their positions are on most issues. In this circumstance I agree with it totally.

As for making this a policy at this time, I cannot say that I will do that because there are many things that have to be considered when talking about campground fees. For example, it might be very worthwhile for someone in the Watson Lake area to take 25 percent of the campground fee. It would be very worthwhile for them to go and collect all the campground fees because they get a lot of people coming into the territory through Watson Lake. It might not be true up at Pine Lake or somewhere up the Mayo Road. There are a lot of things that have to be taken into consideration before a final policy is drafted.

Question re: Geriatric care

Mr. Kimmerly: A question to the same minister. I was very interested in the comments made yesterday about a geriatric care facility. Is he also studying the possibility of a program for assistance to elderly people in their own homes?

Hon. Mr. Tracey: Yes, that is one of the other things that I am having my department try to work out, some method where we can utilize people to look after some of these people in their own homes. The care for the aged is something that is very close to my heart and I am hopeful, in my period as the Minister of Health and Human Resources, I will be able to do something to satisfy their needs.

Mr. Kimmerly: A supplementary on the same topic to the Minister of Justice.

I am told that a number of elderly people are experiencing substantial difficulties in proving their age under the *Vital Statistics Ordinance*, specifically, people born in the territory before records were kept. Will the minister investigate the extent of this problem?

Hon. Mr. Ashley: I am not aware of the problem, but certainly I will investigate it.

Mr. Kimmerly: A supplementary again to the Minister of Justice. As the new Canadian Constitution forbids discrimination on the basis of age, will the Minister of Justice also investigate the apparent conflict of the mandatory retirement age in the civil service.

Question re: House business

Mr. Penikett: I have a question for the Government House Leader. Because it is Guy Fakes day tomorrow, I want to ask today about government's plans for House business next week. Perhaps the minister who was on his feet might indicate plans for the rest of the day as well?

Hon. Mr. Lang: As I indicated at the beginning of the week, it is my intention to try to give all members an indication of the intended schedule of the work for the upcoming week. Basically, today we would see introducing a number of second readings of bills. Later on, on the order paper, we would be proceeding in Committee of the Whole with *An Act to Amend the Motor Vehicles Act*. If that is completed, then we would go to the Fifth Appropriation Bill, in committee, since I understand members opposite would like some more time to review the *Wildlife Ordinance*.

It will be our intention, over the course of the next week, to deal with Bill No. 4 and Bill No. 3 in committee, once we have completed discussions on the *Motor Vehicle Act*.

Mr. Penikett: I thank the minister very much for the information. It will help all members of the House considerably. Could I ask him one further question about the government's intentions with respect to Bill No. 5. He did not indicate it on the agenda for next week. Is it something he is looking at in the period immediately beyond that?

Hon. Mr. Lang: The pressing business, as far as the session is concerned of course, is our financial bills that we have before the House. I will have to speak to the minister responsible for that particular act and I will discuss with the House Leader from the opposite side with respect to reaching an agreement for the purposes of second

reading and deliberation in committee.

Question re: Wolves

Mr. Porter: I have a question, once again, for the Minister of Renewable Resources. I would like to ask a question in regards to an animal which the minister, in a sense, has a responsibility for, which may be considered a contributing factor to these animals being considered a problem.

Recognizing that wolf predation is a concern throughout Yukon, can the minister tell us exactly what is being done by his department to address the problem in the communities outside of the Whitehorse area?

Hon. Mr. Tracey: As of this time, and until my department has made the recommendations to me, which I am expecting within the next week or so, we are doing very little. As I announced previously, we have extended the season on wolf, but until I get the recommendations and can make a firm decision on what my department will be doing, I cannot answer this question to the member's satisfaction.

I must assure the member that wolf predation in the Yukon Territory is something that we are going to have to address and we are going to have to address it this winter. I fully intend to have it addressed this winter.

Mr. Porter: In his campaign against the wolves, the minister stated at one point that they were prepared to use poison as a last result. Has poison been used and, if not, will it be used in the future?

Hon. Mr. Tracey: To date, poison has not been used, and it will still be as means of last resort. I have no intention of using poison unless it is absolutely necessary.

Mr. Porter: Earlier this fall, his department announced to the public that it was conducting a \$140,000 study on the population of moose in Yukon. Is his department considering a similar study in respect to the problem of wolf predation in Yukon?

Hon. Mr. Tracey: No, the \$140,000 study that is being done by my department is funded under the Yukon Basin Agreement. It is not totally a function of my department to do this study and I am sure that every member in this legislature would agree that we cannot afford \$140,000 to do a wolf study.

Mr. Speaker: We will now proceed to orders of the day, government motions.

ORDERS OF THE DAY

GOVERNMENT MOTIONS

Motion 1: Adjourned debate

Mr. Clerk: Item Number 1, adjourned debate, Mr. Penikett.

Mr. Penikett: I am sure it must seem quite incredible to those people in our community who are not acquainted with the mysterious ways of governments that here it is November, 1982, and we are really only now just beginning to debate the territorial budget. I should, perhaps, say "begin again", or, for the sake of clarity, suggest that perhaps we call this version of the budget the "new, improved 1982-83 budget" or, perhaps, "1982-83 budget, mark II", or perhaps "son of '82-'83 budget".

That caused some offence to some members opposite, when I suggested that I thought that the spring version of the estimates was an election budget. And I said then that I thought it may have been good politics, but I did not think that it was very good government.

Mr. Speaker, you know me to be a positive, friendly and helpful sort of individual, so I do not want to dwell forever on this unhappy episode, but I would guess, Mr. Speaker, that an objective reaction to what went on was expressed in the Yukon News editorial of August 11th, 1982. I would like to quote a little bit from this item because, in my view, it was clearly a remarkably intelligent expression of public opinion at that moment. It said, "Like a soothsayer who has the ability to read the future through a crystal ball, the Yukon New Democratic Party, the territory's official opposition, saw the handwriting on the wall far in advance of the looming economic crisis. Massive private sector lay-offs, which were precipitated by mine closures and the government's announcement last month of capital budget deferrals, only served to prove the point made this spring by the NDP when the government handed down its 1982-83 operational and maintenance

budget. The recently announced reduction of Yukon Government employees' work week simply reinforces earlier suspicions brought out by the opposition side of the House. And it appears that is not the end of it. If things get worse before they get better, a likely scenario that even the government is now considering, more cost-cutting measures will follow. The budget tabled by the government this spring just before the election call, was a silly document, a juicy carrot, temptingly dangled in the faces of the territory's electorate. Now that the dust has settled and the full truth is only now manifesting itself, the government expects to experience a revenue shortfall of \$13 million¹⁷.

The editorial continues with these words, "Party politics should have been put aside this spring in the interest of attacking the territory's economic woes before the House was adjourned". Perhaps a bit much to expect on the eve of the election, but a sincere thought, I thought.

The editorial concludes by saying "A united voice and concerted effort to lobby with Ottawa for emergency programs five months ago would have been better than the band-aid remedy the government is now forced to work with. Major work schemes will serve a useful purpose in communities where a majority of the work-force has long since departed down the highway".

Now that was a non-partisan reaction to the spring budget. But even given that, I must say that some of the sentiments expressed there, I do not think I could have said better myself.

¹⁷ I sincerely believe that the spring version of this budget may have cost Yukon dearly. I sincerely believe that by failing to face up to economic reality last spring we may have been lead, in the words of one report I recently read, "to the brink of disaster", or, to use the government's own words in another document, "the Yukon is in danger of total collapse". Those are apocalyptic-sounding phrases, and perhaps, things are not quite that bad, but I think they are pretty serious.

The Government Leader will, no doubt, remember with precision the brief exchange between us on April 8th of this year, when he told the House "yes, we are still saying with all the confidence in the world that our revenue projections for this year are well within the realm of possibility, probability and our means to collect". The Government Leader will also recall in the final week of the election a meeting which we had with another gentleman, whose name I forget, at a local radio station, when he said as late as the first week in June that he would not change a penny in this budget.

Well, today, we are told that income tax revenues are down considerably: \$6,000,000. We are talking about \$17,000,000 instead of the promised \$23,000,000 this spring, and we face an operating deficit which is very, very large.

Last night, the Government Leader — I am sure he did this in a light-hearted moment — told the press that the government would be broke if Tony Penikett had been in charge. Well, I guess he ought to know, because we are quite close to broke and he was in charge, and he is still in charge, so I would certainly recognize him as an expert on that subject.

What is more, and I say this seriously, if we are not very careful, and I am sure the Government Leader understands this, the federal government could well do to us what they have recently done to Dome. If that happens, let me say, so much for constitutional development for the time being. But, enough of that, that is the Conservatives' domain. I want to deal with the present and the future, as is properly the concern of my colleagues.

I want to concentrate on the situation that we have now. We have, as government reports have indicated, lost 30 percent of our jobs. Our population has fallen dramatically, yet consumer prices rose, and there is some dispute about these figures, whether it was 12 percent or 14 percent in the last year. Rents rose again, 11 percent, in spite of the increased vacancy rate and in spite of a sharp decline in housing prices to \$70,000 from about \$80,000. Retail trade was down about 11 percent from a year earlier, and business failures have climbed. I will tell you what everybody knows, our major mines are closed, we have one more mine that is due to close this winter, and our railway is down for the winter.

¹⁸ Things are tough all over the territory, as members who spoke to the Throne Speech indicated. As gratifying as it is, I do not really believe that we can afford to blame Ottawa right now. As accurate as the

assessment might be, it simply does not do us any good to say it is the fault of the rest of the world. Perhaps, and I say this in a sort of fair-minded objective, almost scientific way, we could agree to blame the previous administration. That is, if the Government Leader would agree to that, I would accept some share of the responsibility for what happened this spring. Perhaps we could, as the Minister of Municipal Affairs suggested, have been more forceful, more articulate, more persuasive in addressing the crisis that has been moving in on us for some months, a crisis that had been evidenced by the Economic Research and Planning Unit reports on the situation in the fall of 1981, as early as that. I am sure that my colleague from Faro, and my colleague from Whitehorse South Centre, will be willing to share this blame for, perhaps, not having been a little bit more articulate, a little bit more forceful and persuasive in persuading our friends opposite that all was not well in Yukon.

As the present situation demonstrates, there are profound problems with the Yukon economy. Yukon is a narrow export-based economy. It is vulnerable to national economic forces. We import most of what we consume. We export most of what we produce. We have problems with both the transient labour force and, I would say, transient capital. I want to suggest later in my speech that if we are in a serious way, by means of an economic plan or other instruments, we address the economic problem. We will have to address those fundamental facts.

I submit that, as legislators, we have sometimes confused private interests and public interests. In my view, if we did not know it before, we should now know that what is good for Dome Petroleum, for example, is not necessarily good for Yukon. The people in Faro know that. Our duty is to the public of Yukon. Our job, I think most of us would agree, is to try and do what we can to build a Yukon economy. Our difficulty is to protect the people of Yukon from adverse economic pressures. Our major challenge is to defend Yukoners' jobs, their wages and their standard of living. It is that challenge I think we must respond to, and I want to concentrate on, in my response to this budget.

¹⁹ Yes, I say to the members on my side of the House, the world economy is being reorganized but, no, I say the answer is not that of the Minister of Renewable Resources, who spoke a day or two ago. Democratic governments were meant to serve their citizens first, before they serve international privateers.

I think it is worth taking a moment to touch on the international situation, as it affects us. I think, by any economic description, Yukon is in a depression. Canada itself is in very, very serious shape now. There are economists that argue that our real unemployment rate right now is 18, 19, conceivably 20 percent. Most of the economic forecasting bodies indicate that this problem will last at least until the end of 1983. That is another problem that I will touch upon later.

For example, the Conference Board, which is one of the most reliable forecasters, predicts an official rate of unemployment of 11½ to 12 percent for most of next year. They predict a national rate of inflation of 10 percent, in spite of "6 and 5", and a 29 percent increase in profits. Because of what is happening with the major actors in our economy, we will continue to see some significant price hikes in order to secure those profits. The high interest rate policy, which will continue, will also produce more unemployment and more bankruptcies. As the economy is being reorganized, we will see major business failures, not only in this country, but as we have seen, in the United States and the rest of the world. We will see, as a consequence of this increased concentration of wealth, a real problem in this country where banks are hooked onto large borrowers like Dome and other big companies with big debts. As a consequence, those banks will increasingly put the squeeze on homeowners and small borrowers.

It was a British economist, who is not well known in Yukon, but you may have read about him in the newspaper, Alfred Keynes, who commented that if you owe a bank \$1,000, you have a problem; if you owe a bank \$100,000, they have a problem. That is very much the situation in banking today in Canada. There are some large companies, the Financial Post reported the last week of June, that are paying half their revenues in covering their debts. There is massive corporate consolidation going on in the world. As a product of new technologies, many jobs are disappearing, and those jobs are not just temporarily disappearing, they are gone permanently.

There is in the world, by many economic indicators, a major redistribution going on right now of wealth, in the wages and salaries sector

and the profit sector. In the long range, there is a change in the real international division of labour, in other words, what each country produces and what each country trades in and, as a trading nation, this will affect us.

Since the 1960's, there has been a slowdown in the advanced countries and mature industries, steel, rubber, textiles, et cetera. There is a crisis of accumulation. Many large companies are moving their production facilities to what are called the newly industrialized countries, the third world. Reference was made to that by my colleague from Whitehorse South Centre.

In many places in the world, there is an alarming development of something called "export processing zones". The United Nations calls it the "EPZ's". These are little enclaves around ports and airports that are within nations but which are totally exempt from tax, labour, environmental, and social laws. It has been predicted that by the end of the 1980's, there will be over a million workers working in these things. There are some alarming indications that the federal government in this country might be establishing one at Mirabel in order to make that airport viable.

The people who work in these places are basically uneducated, or barely literate women. They work in high technology industries: textiles, electronics. They work at microscopes, they work at machinery that many of us have never even seen. The working life of these people, such as the working conditions, is, on an average, four years, by some estimates. These people's eyesight is gone, their bodies are ruined, they are burned out after this period. They go back to their nations — and I want to say this in all seriousness to the Minister of Renewable Resources — where there is no medicare, no workers' compensation, no labour standards, no unemployment insurance, and, because of these kinds of arrangements, no tax base to pay for any of those things.

To look at the long-range future in our country, I think because of the obsolescence of many of the manufacturing plants and equipment in Japan and Europe, there may be a real opportunity in Canada later in the 80's for increasing the processing of our resources, and that will be a good thing, a great thing for Canada, in certain commodities that are going to be increasingly in demand.

However, we still have a problem as a trading nation, and it should concern us here in Yukon because our products all go out of the country, in that the duties are still much less on raw materials than they are on processed materials, and that is a real disincentive for us exporting processed products.

These are some of the reasons that Faro, and communities like Faro, are quite literally now fighting for their lives, and why we on this side of the House believe that that mine at Faro, at this moment, is the key to our recovery.

²¹ If that can reopen, that would be the first best thing. Someone here, the other day, suggested that the gas pipeline looked promising. I must say, respectfully, and perhaps I speak alone here, not for my party, I do not agree. The pipeline's biggest problem is financing and as long as interest rates remain as high as they have, it will not be built. Notwithstanding the results of the congressional elections, I expect interest rates to remain high, as that is still the policy of the US administration. Unfortunately, as others have said, Yukon will not be insulated from the effects of such policies.

To be more immediate, in September the Yukon Government presented its economic recovery package to the federal government. Following the July economic summit we, in the opposition, were pleased to see some of our ideas contained in the government's proposal. However, I fear that in some sense the package may have seemed more like an approach to solving this government's financial problems than it was a plan to restore the Yukon economy. I make that remark seriously for this reason: In his budget speech the Government Leader indicated a lot of optimism about a recovery this spring. However, while there are a number of forecasters who predicted recoveries in a few months, for the last couple of years, many of the more successful economic forecasters, in this country at least, are not looking for a recovery until towards the end of 1983, and I am very concerned that some of our plans may be inadequate to the problem at hand if those predictions are accurate.

Let me just make a couple of brief comments on the Yukon's Strategy for Recovery paper presented to the federal government, as is

reflected in this budget. I, perhaps, might say to the Government Leader that there are a couple of things that I mention here that I would mention by way of notice of some questions that I would like to ask in detail when we get into clause-by-clause consideration of the estimates.

Since over half the money budgeted for this works program will be spent on equipment, materials and supplies, I am going to be interested to ask what measures this government plans to take to ensure that as much of this money as possible is spent on Yukon materials, in ways that produce maximum benefit to local businesses and local employment. That gets to this notion of self-sufficiency that a number of people have spoken about earlier. We will be wanting to know, of course, some predictions about how many Yukon jobs will be created by the supply of equipment and materials and to what extent the government is investigating options for obtaining necessary equipment and supplies in order to be able to maximize benefits of the program for the Yukon economy.

²² There is one detail that I feel bound to comment on. Page 94 of that report, number 3, states that YTG needs 1,000 to 2,000 cords of wood per year and that the total cost will be \$520,000, or between \$260 and \$520 a cord. Mr. Speaker, I must say to you, I think that is a bit much to pay for cord wood. The rest of the report lists a number of land clearing projects, and the cost seems to be more between \$30 and \$60 a cord, which is a bit more reasonable. That is an aside.

I want to come back to the problem of the economy as it affects many of those people who still have jobs in the territory. In his recent televised sermons from the molehill, we saw the Prime Minister rediscover the Canadian economy. We heard him propose nothing new, but he did, in a roundabout way, admit that his public sector wage controls were unfair. What he did not say was that it will not work. If I might say so, I want to say that a typical example of the unfairness of wage curbs is the MLA's pay cuts, for example. There are some members of this House who get paid twice as much as some others and the higher paid ones will have their income cut about 5 percent, those at the bottom will have their pay cut 10 percent.

There is a reason for this. Our pay increases have been based on inflation and they have protected the lowest-paid member the most. The cuts obviously do the opposite. They hurt the lowest-paid member the most.

Some Member: You are wrong.

Mr. Penikett: If I am wrong, I will be pleased to be proved wrong, as I always am. I mention this, in any case, only to demonstrate the general unfairness of such measures. Wage cuts and wage controls will not reduce inflation, they will not reduce interest rates, they will not create any new jobs. They do not work because our inflation is not at all caused by excess demand in the economy. They will not work because unemployment is now the big problem, not inflation and, finally, they do not work because they are not fair.

I want to say this because we are dealing with the question of wage security and employment security in our budget. I want to rhetorically ask the question about why we have wage controls now? Why has the federal government moved to extend its wage control program to the territory and the provinces and to private companies? Why has there been a change in what was originally supposed to be a voluntary compliance to a program which is now increasingly becoming mandatory? I will state the obvious, state the truth. The public sector employees will experience real losses in income, and that is why.

In January, 1981, the Liberal Cabinet was presented with a paper on anti-inflation policy options and its main recommendation was to reimpose wage controls so that "the government would be seen to be doing something about inflation".

A year later the federal government said that public sector controls were "an essential component of any credible policy", and began negotiations with the provinces. Final impetus seems to have come from a public opinion poll, which found that Canadians "wanted to strike out and see some measure of punishment of the civil service, a group that has insulated itself from the hard economic realities of the day".

Unfortunately, that is all the federal government had to hear. Never mind that inflation in Canada had as little to do with wage demands, and everything to do with the deliberate policy of high interest rates.

Last year, using the excuse of difficult economic times, the Polish government attempted to crush the fledgling Solidarity trade union movement, a movement that saw its fullest expression in obtaining free collective bargaining rights for Polish workers. Today, recently, using the same excuse, Conservative and Liberal MPs stood united on Bill C-124 in their attempt to destroy public sector collective bargaining in this country, by removing the right to negotiate, rights which members of Parliament from all three political parties defended so vigorously on behalf of trade unions in Poland.

Now for the last few years, since the election of Reagan and Mrs. Thatcher, unemployment has been used to fight inflation. Now, wage reductions are being proposed to finance economic recovery. Wages are to be controlled, but in most places, prices are not. Wages, as a share of national income, are to be reduced, and the share of the profits, as I have said, are to be increased. That is the conservative objective in the United Kingdom, the United States, and apparently the Liberal government's objective here in Canada too.

I want to say that it is a reactionary objective, and my party will oppose it, because it is nothing more than an attempt to turn back the clock and destroy every single gain made by working people in this country, in the free world, in this century, and we will oppose it.

The key word in this new, used economic scam is "productivity". I was interested to hear the Government Leader use the word the other day. The term has come to be used to somehow insidiously suggest that working people are not working hard enough, so they should accept less pay — in the national interest, of course. Well, I want to say this in all seriousness to members opposite, because there is a lot of right-wing claptrap on this subject, in the modern economy, productivity is a function of investment and technology, not labour. Let me illustrate with a local example.

In 1979, 518 production workers in Faro processed 2,800,000 tons through the Cyprus Anvil mill. In the same year, 250 mine workers at Elsa produced 113,000 tons in the United Keno Hill mill operation. The Faro productivity rate was 5,450 tons per worker that year. The Elsa productivity rate was 452 tons per worker that year. In other words, the worker at Faro was more than ten times as productive as the worker at Elsa. Did they work ten times as hard? Of course not. Should the Faro worker have been paid ten times as much as the Elsa miner? That too is a ridiculous suggestion.

If Canada really wants productivity, it must move its money out of the banks and into the economy and that just will not happen with interest rates as high as they have been. Of course, it is plainly absurd to tell the workers at Elsa or Faro or Whitehorse Copper to work harder when they do not even have jobs to go to.

The Government Leader has asked Yukon workers to stay the winter. That is fine, but many of these people shall soon have exhausted their UIC benefits. If they are to stay, they must either have jobs or their families will have to go on social assistance. If the government is not able to afford to keep them on welfare, the Government Leader may really be asking too much of them. I hope people do stay, but we really must give them some hope that if they do, we will do what we can to make life bearable for them, and that, I think, will be hard.

In this party, we have always believed that the public sector has an obligation to provide stability by stimulating jobs in the economy when the private sector is unable to perform at or near its full capacity.

In the spring session, and in the consultative conference during the election campaign, we have outlined our approach to the economy. I shall spare you the pleasure of repeating my program here and now. Suffice it to say that an increasing number of Yukoners have obviously been impressed with our approach, but, unfortunately, I say to the Government Leader, not a sufficient number have been impressed yet who want to implement it. However, as they say in the Vatican, "where there are new democrats, there is always hope". We hope to further persuade the government of the wisdom of our way.

From what I have heard in the last couple of days here in this House, during the Throne Speech debate, there seems to be almost a consensus emerging in this House about some notions of increased self-sufficiency. Perhaps there is a kind of thematic unifying response to our economic problem.

It seems to me that there may be all sorts of ways in which we can explore the potential of increasingly using local labour and local

materials, perhaps in a way that some people might regard as almost unconstitutional, and perhaps in a way which might, down the road, produce us problems, but for which this emergency that we are now in dictates as appropriate.

I want to say, as I have said before, that I believe — and we had some biblical quotes yesterday, but I am my brother's keeper, I am my neighbour's friend, we are, as MLA's, our communities' servants — my party is ready to work, together with the government, to find a way out of the economic mess. We shall, of course, argue for the implementation of things like the Food Prices Committee report and we shall applaud, where applause is due, the final introduction of the *Landlord and Tenants Act*, something for which we have pushed for a long time. We also compliment government for such actions as the consultative conference, which we believe is a good beginning, but should not be seen as an end onto itself.

We suspect that there is probably a need for ongoing consultation, not just in the government ranks, but with the legislature throughout this tough time. There may be an appropriate and useful role for the Select Committee of the House to maintain a watching brief, and to be a vehicle for obtaining input and advice, especially to develop ways in which, as a community, we can, in spite of the national and international economic environment, become more self-sufficient, and begin to look after ourselves better.

In summary, we want to say that we are a party that wants our government to make things happen rather than just stand by and let things happen. There are some new developments that have pleased us in the past few weeks. As part of a budget initiative, I am sure, the public reference has been made to a five-year, \$25,000,000 to \$30,000,000 economic development agreement which the territory hopes to negotiate with Canada, and that may be a good sign. It will, of course, take a great deal of effort to restore the 3,700 or more jobs that will have been lost by the year-end, but we have to start somewhere. As I said before, the first best step I think we can make is to help reopen the mine at Faro. This end, we believe, justifies the use of means that may be new to Yukon, but we believe that we should do what is necessary to restore this mine to production, because it is a foundation of the local economy. In this light, I was gratified by the pragmatic response of the Whitehorse Chamber of Commerce to a proposal for public equity in the Faro operation.

On this side, our priorities remain the same. They are jobs, job training and rebuilding the Yukon economy in a fair and positive way. I want to say to the Government Leader that we will support the budget initiatives in that direction, notwithstanding our strong views about some of the government policies. In spite of, let me be frank, some of the bitterness we may have felt about the way some events occurred this spring, and the way the government conducted themselves at times. In spite of that, we shall continue to play a positive and constructive role in this House, and in this debate, so long as our rights and responsibilities as the people's representatives and critics are respected on the other side.

I want to say that we should not delude ourselves about the extent of our problems. Yukon is in a bad way, our citizens are hurting. But we, too, are optimistic and, as an expression of our optimism, we are ready to play our part in trying to turn things around.

Therefore, in conclusion, I move, seconded by the member for Faro, an amendment to the motion, namely, that Motion 1 be amended by deleting all words following the word "House", and by substituting therefore the following words, "commends the action taken by the government on job creation and an economic plan, but regrets the delay in presenting an accurate 1982-83 budget and also regrets the present, unacceptable working capital position of the government".

Mr. Speaker: There has been an amendment moved by the Honourable Leader of the Official Opposition, seconded by the honourable member for Faro, that Motion Number 1 be amended by deleting all words following the word "House", and by substituting therefor the following words, "commends the action taken by the government on job creation and an economic plan, but regrets the delay in presenting an accurate 1982-83 budget and also regrets the present unacceptable working capital position of the government".

Amendment defeated

Mr. Speaker: Have you any further debate on the motion?

Hon. Mr. Lang: Yes, Mr. Speaker.

Mr. Speaker: The honourable member has already spoken to the motion and can no longer speak.

Hon. Mr. Lang: Mr. Speaker, on a point of order, I have not spoken to the main motion that is before the House.

Mr. Penikett: Mr. Speaker, on the same point of order, it pains me to advise you that the honourable member is right.

Mr. Speaker: I am sorry, perhaps I have the wrong motion. Proceed.

Hon. Mr. Lang: I wanted to make a few observations in respect to the budget that is presently before us for consideration. I think there are a number of areas that should, perhaps, be once again expanded upon, not only for the edification of members opposite, but for the general public, which the Leader of the Opposition has indicated he agrees we represent.

I think it is important to note, first of all, the budget in 1982-83 does not call for any tax measures. At the same time, you can see that it reflects the very real problem that we have encountered as a government, in the fact that the projected revenues that we had indicated in the spring would be forthcoming for the purpose of running government did not materialize.

As I indicated yesterday in reply to the Speech from the Throne, the Leader of the Opposition has a tendency to stand and speak with a self-satisfied expression in the tone of his voice to indicate that he told the people of the Yukon exactly what was going to happen.

When the budget was presented in the spring of 1982/83, the day prior to tabling, it was indicated that the mine at Cyprus Anvil would be closing for two months, and now we are into the winter with that closure. Nobody could have predicted that, and, similarly, the United Keno Hill mine. Definitely I agree, in part, with what the Leader of the Opposition is stating, the dependency on export markets, which is the key if we are going to sell our raw resources.

There is no question that we are in a world that is very large and a world that can supply to many parts the same commodities that we are supplying in the form of raw material for export. We are in a situation where some countries are actually subsidizing the mining industries in their countries in order to sell the product, the raw materials, to those countries that need it for the purpose of manufacture. That is one of the reasons we are in the problem we have today. If you take a look at the situation in Yukon, for the purposes of exporting, we are in a very good position from a geographical point of view. We are roughly a hundred to three hundred miles from tidewater, which other parts of the country are not.

The two key areas, as the Government Leader indicated, that have to and should be addressed by government, in our view, are the questions of electricity, the generation thereof, and the price, and also the question of transportation. If those costs were alleviated, and it were a conscious decision that monies were going to be put in for the purposes of that public infrastructure, at a reduced cost, and the general public could pick up the difference, then it would have a direct effect, not only on our mining industry and those mines that are closed — and can produce — but future mining ventures. Further to that, I think just as important as a representative, and for all elected members in this House as representatives of the people of the territory, it will have direct effect upon the pocket-books of each and every consumer in the territory, because they would have more consumable dollars available for everyday needs as opposed to paying the cost of power as it is today.

The Leader of the Official Opposition, and the president of his federal party, has forgot to mention one of the key reasons why we are faced with the problem we have today, in power. It is the consequences of a national policy which his party has promoted, and which his party would like to strengthen, and that is the question of FIRA. We are in a situation where the government has bailed out, some people would call it "Canadianization". Some people would call it "unemployment", a company for the purposes of salvaging, as the Leader of the Official Opposition said, the banks. And it leads into what one would call a cyclical type of a path which has bred the consequences we have today.

We have to look back at the offer that was given, and was turned down by the Government of Canada, for Standard Oil to purchase Cyprus Anvil. They not only have the financial capabilities to withstand the situation that we are facing at the present time but also, most importantly, they have the necessary international connections to

ensure that markets would not only continue for the short-term but also the long-term.

That is one of the reasons that we have the problems we have today. I think that we have to look, for the purposes of development in the territory, to encourage investment in the territory, similar to the bill that the Minister of Justice tabled a few days ago, the *Partnership Act*. It is designed to allow business people the opportunity to invest with as little red tape as possible, and also to abide by the law.

I think that the Leader of the Official Opposition, and his party, should also be prepared to take some responsibility for what has now happened to the territory because of that federal policy which he, in his capacity as president of his federal party, agrees with and, I understand, would like to strengthen it even further.

I think the other point that has to be made in respect to the budget that we have before us is that nobody has asked from the side opposite, or raised the question, how can we bring forward, even with the revenues that we do not have coming in, that we have predicted, table a budget of the size that we have tabled for 1982/83, which could be called an edited budget, and not bring in any tax measures? The reason is because of the good financial management of our administration, to be able to have a reserve of dollars in place which we could call upon if we are faced with the situation where revenues did not come in as projected, and that is exactly what has happened.

In other words, when we debate the supplementary estimates for 1981-82, it reflects that we did have a substantial cash flow available in reserve if something were to take place, whether it be a flood in Dawson City, which we managed to take care of here approximately three years ago, a disaster, or whatever the case may be. I think the government has to be given some credit in their financial management, which has been also commended by the Auditor-General and the Leader of the Opposition, who was the Chairman of the Public Accounts Committee in the previous legislature, and indicated that he felt that the Auditor-General and his findings as far as the actual financial management of the government, was a credit to the government.

The budget that we have before us is going to be tight, as the Government Leader has indicated. It is going to be a situation where, just like at home, we are going to have to try, wherever possible, to cut out the frills and get through the winter months. But I am here as one member of this House and I can say that I do believe the Yukon has a future. I think it can be developed. And, there is no question from my perspective, that with the necessary assistance and cooperation from the Government of Canada and industry, we will overcome the problems we are faced with today.

Mr. Kimmerly: Firstly, in response to the comments by the member from Porter Creek East, I would like to comment on the statements about the fact that taxes were not raised although revenues had declined, and the Government Leader's speech also comments on that. He concludes by saying, on page nine, and I quote "We also recognize that we could be faced with insufficient income to finance our expenses if projected revenues decline further". I agree with that statement, but I wish to comment on it.

I am a professional businessman as well as an MLA, and I have planned my business a little differently. It is entirely possible that projected revenues will decline further. I do not like to think of it. I hope they do not, but it is possible. And, there must be a contingency plan and there must be a capability in any business of today to survive if the projected revenues do decline.

The working capital position, in my judgement, is unacceptable. It is, I say, unbusinesslike. It is taking too much of a risk with the territory's finances. After saying that, I wish to refer specifically to the social programs aspect of the budget, or the aspect of the budget that most affects the more unfortunate people in the territory, especially people who are unemployed and whose unemployment insurance benefits have run out.

In the past three days or so, the minister responsible for social assistance and I have been asking and answering questions about the Yukon Opportunities Plan and, in a more general way, the problems with social assistance. It is my opinion that the problems with social assistance are going to increase in all of the provincial jurisdictions of Canada and the two territories, more specially in Yukon than in the NWT. In this time of reorganization in the economy in this recession,

depression or whatever it is, in the Yukon, I believe it is a depression, there are many, and the numbers are increasing, unfortunate people who are left behind. The social assistance's roles are the present government program to do something for them.

There is now an Opportunities Plan, and the present minister will remember that previous ministers spoke, when times were good, about a Yukon Opportunities Plan. Also, we on this side, supported and promoted the plan. We are not changing our minds now. We do support and promote a plan. I am not sure if we support the present plan because I do not know the details of the present plan. The minister has declined to outline them for us.

I hope that situation is going to be corrected. Speaking about social assistance, the Government Leader, in the budget speech, made this statement about additional support to mitigate hardship, "Most notably, social assistance has been increased by \$1,000,000". I am not going to go into very much detail today, but looking at the numbers in the appendix, the increase in dollars in the estimates over the last fiscal year, actual figures, is \$434,000, and the change from the estimates introduced yesterday from the spring budget is \$565,000. I do not understand where the figure \$1,000,000 comes from.

Even more importantly, I wish to say that in the government's publication, the Yukon economy situation summary and action objectives, in the first paper, on page 20, the government makes a prediction about social assistance totals. It says this, "From 1981/82 to 1983/84, the increase is expected to be 63 percent or \$1,316,000". That is a 63 percent increase in two years. That is accurate, because previous to 1982/83, the percentage increase from one year to the next was 25 and 31 percent. The projected increase in the current estimate is only 21 percent, and I have some difficulty in understanding that figure. I am going to be questioning, in detail, about the figure.

Incidentally, I put the minister on notice that I am aware that the monthly expenditures under the plans are available by computer. I believe, monthly and I am interested in the current expenditures to date on that line.

It does indeed appear to be something like a consensus around the necessity of getting away from a boom-and-bust economy, to instill some kind of stability and diversity in the economy. It appears that both sides of the assembly have that general goal in mind, at least in part.

My concern today is to raise the plight of those unfortunate people who cannot wait as long as some of us can. Some of us have now got jobs. We are not exactly starving. However, some of us are in very, very dire straits. Those more unfortunate people, I believe, are not adequately identified and provided for in the present budget, and I will be pursuing that question in the committee, probably at some length.

Mr. Speaker: Any further debate? Question has been called, are you agreed?

Motion agreed to

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

GOVERNMENT BILLS AND ORDERS

Bill No. 4: Second Reading

Mr. Clerk: Bill No. 4, standing in the name of the honourable Mr. Pearson.

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the honourable Minister of Health and Human Resources, that Bill No. 4, *Fifth Appropriation Act, 1981-82*, 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 No. 4 be now read a second time.

Hon. Mr. Pearson: Mr. Speaker, Bill No. 4 represents the final supplementary estimates for 1981-82. They are, in fact, the report to this House of the expenditures of the government after the conclusion of the year, and should, to all intents and purposes, close off our books for that year.

Mr. Penikett: We have nothing to comment one way or the other about the principles of the bill, although we will, of course, have questions in committee.

Motion agreed to

Bill No. 10: Second Reading

Mr. Clerk: Second reading, Bill No. 10, standing in the name of the honourable Mr. Tracey.

Hon. Mr. Tracey: Mr. Speaker, I move, seconded by the honourable member for Kluane, that Bill No. 10, *An Act to Amend the Wildlife Act*, be now read a second time.

Mr. Speaker: It has been moved by the honourable Minister of Health and Human Resources, seconded by the honourable Member for Kluane, that Bill No. 10 be now read a second time.

Hon. Mr. Tracey: I think we have made our position clear on this a number of times. There are some amendments that we want to make to the *Wildlife Act*, one of them to protect trappers and give them the same protection we give outfitters under the act.

Presently, they do not have the same protection that is given to outfitters.

Secondly, we wanted to include in our legislation the fact that anyone who applies for an outfitter's concession must declare his interest in the concession. The other was for the protection of a person who, perhaps inadvertently, has his vehicle or any of his personal property used in the commission of an offence, to make it possible for him to get his personal property back by adding the value of that personal property onto the fine. Those are the three basic things which are addressed in this act.

Mr. Porter: As was indicated earlier by the government House Leader, I have not had the opportunity to study the bill in detail and I would not, for that reason, look to hold up the bill at this particular juncture of the legislature, in terms of second reading. I would express concern later on, as to the specific parts of the bill, in the committee stage.

Before leaving the floor, I would like to state that we are in agreement with the principle that outfitters and trappers who do have concessions and whose rights to those concessions are impaired should be compensated for whatever impairment takes place.

Thank you.

Mr. Kimmerly: If I could speak fairly briefly, the specific principles mentioned by the minister were considered in the passage of the act last year, of course, and I am specifically interested in the reasons or arguments for the government's change of heart. I would invite him to, in closing debate, give us a description of the reasons for the change.

Mr. Speaker: If the honourable member is referring to specific sections of the bill, that would not be in order because of the fact that we are only discussing the principle of the bill.

Is there any further debate?

Motion agreed to

Bill Number 3: Second Reading

Mr. Clerk: Second reading, Bill No. 3, standing in the name of the honourable Mr. Pearson.

Hon. Mr. Pearson: I move, seconded by the Minister of Municipal and Community Affairs, that Bill No. 3, *Second Appropriation Act, 1982-83*, be now read a second time.

Mr. Speaker: It has been moved by the honourable Government Leader, seconded by the honourable Minister of Municipal and Community Affairs, that Bill No. 3 be now read a second time.

Hon. Mr. Pearson: I understand that the member for Faro would like to speak to the principle of the bill. I do not think I have anything further to say to the principle of the bill, beyond the budget speech of last evening.

Mr. Byblow: I would have hoped that the Government Leader would have responded at some greater length on the principle of the bill, because I believe that we are talking about, essentially, what I would term as fiscal management. Before I completely get into that, I certainly would like to commend the government for measuring up to the task that they undertook last night and that is of telling Yukoners the truth about our fiscal position. I doubt if the wound needs anymore salt, but at least we do recognize the spring budget for what it was.

Having said that, I would like to say that I do not agree with this government when they say that there were no indications earlier this year whereby they could have done a better job of predicting revenue and forecasting recoveries in their operations. I believe there were economic indicators that could have been more accurately utilized and

we could have had a more accurate forecast. That is essentially the principle of budgeting, the principle of fiscal management.

I, too, in my very little spare time, am associated with a small business and recognize more than ever the need for fiscal management for the successful operation of any enterprise. That includes revenue projections, that includes expenditure budgeting and certainly, above all, maintaining a cash flow position, or at least establishing a line of credit.

I find it a peculiarly confusing argument on the part of the Minister of Municipal Affairs, when, on the one hand he indicates that infrastructure cost elements have predicated the closure of the Cyprus operation and, on the other hand, he suggests that it would still be operating if Indiana Standard Oil were still in possession of the mine. I certainly would almost gain the implication from that that the Minister is saying he would prefer foreign ownership to control by Ottawa and Yukon of that mine.

I think that, in terms of fiscal management, governments operate the way a good business does. That is sound business management. I do not think it is credible or convincing to suggest that, by not having a Ouiji board, or not having a crystal ball, you could not have done better. I think it is even less convincing to stack yourself up against other poor managers and say, "well, we did not do too bad compared to them".

I think the point I wish to emphasize in talking about the principle of budgeting is that, from this past eight-month exercise, we must capitalize on what it has taught us and build a responsible approach to fiscal and budgetary management. Whether the political will of this government is here to do that certainly, as my colleague indicated in earlier debate, we are going to be around for quite a while to do the reminding.

In the context of fiscal management, I want to raise some questions on the budget. I would like to extend a number of points, and by way of notice to the Government Leader, advise him that these are some of the concerns that we will be raising in the course of debate on the Mains.

One of the principles being proposed in this budget is job creation and I do have some concern about the sense of priority when I see cuts in all departments from the spring budget, except for the Executive Council Office. I have done the appropriate interdepartmental transfers that took place throughout the budget when I did my comparisons and, certainly, the government will have some principle to answer to as to why there is a five man-year increase in that department and a corresponding expenditure.

I raise another principle, and that is related to revenue recovery. I think, in light of the figures quoted on job losses and the subsequent monetary income loss, I will want to question the government on the very accuracy of their revenue recovery estimates.

I will want to know why the transfer payment is identical to what it was in the spring, considering our changed fiscal status, considering that the previous year's estimated transfer of payment was actually reduced by \$6,000,000.

I will raise questions surrounding what should happen should revenue recoveries deteriorate further and our cash in hand becomes even more frighteningly close to a zero-running balance. Does this government have a line of credit in their Consolidated Revenue Fund?

I will be raising particular questions surrounding the educational budget as to what principles of fiscal management were applied there. I will ask why the branches of that department reduced expenditure from the spring estimates, and that is including advanced manpower in education, but administration does go up from the spring. Certainly, I will want to know the details surrounding the already expanded advance funding from the capital budget and how further advances will be used.

The \$1,600,000 cited in the budget address as an advance on next year's capital funding, is curiously similar to this government's quoted eight-figures to Cyprus Anvil, and I wonder if there is a connection. If that is, in fact, the case, then I would certainly tell the government bluntly that a greater fiscal initiative could have been taken in that scenario.

I think we certainly do recognize the job-training incentives and commend the government for that effort in helping the economy. I probably would leave it there, by way of notice, on a number of concerns in their principles of redoing the budget, and an appeal, in closing, for a much more substantial effort fiscally and physically

towards the reopening of Cyprus Anvil. I think it was stated earlier and it is a position that I think everyone agrees with, and that is the absolute necessity of restoring production at Faro as fundamental to restoring the Yukon economy. It will help to advance the type of sound fiscal management, proper forecasting and accuracy that we are seeking. I will leave it there, certainly on the optimism that I believe we will see a mine reopening in the not-too-distant future, given that economic and political order and will prevail. I would hope that budget philosophy, and actual allocations in budgets to come, will demonstrate the benefit of this past year's experience.

Mr. Philipson: I would personally like to commend the present government for their foresight in having money in a sock to take us as far as we have now in these economic bad times.

It would seem to me that, without getting private enterprise back into business, we are going in a direction that we have been going since the present federal government took office. We have fallen from third in our standard of living in the world, to fourteenth or fifteenth and, until we get the interest rates down, and private enterprise in there, they will not risk their money when governments try to control the buying and selling of businesses in this country, and keep the interest rates at their present high level.

It would be very, very nice if we could go now to the banks and the money lenders of the world to help ease ourselves out of the situation we are now in. I think every member of this assembly realizes that the only way we can get money right now is through taxation or through the federal government. This situation will not change until we gain a certain amount of autonomy on our own. I would urge all members of this assembly to push as hard as we can to become autonomous in areas where we can start looking after our own well-being. Until that happens, we will remain in the situation we are in, and that we end up at the far end of whatever happens to our federal government. We do not control our own destiny.

Hon. Mr. Pearson: I had no intention of rising and speaking on this, but I feel that I must.

Primarily, I rise in reply to some of the remarks and the implications left by the member for Faro.

The first implication was that we lied to the people of the territory in the spring. We did not, and he knows it. Those projections were made with the best information that we had available to us at that time and it was well into the summer before we, on this side, could really ascertain that, in fact, our revenues were going to go down. I submit to you that when we were considering that budget, the member for Faro did not know that Cyprus Anvil was going to be closed or he would not be there today, because he would have had time to get out of his business because a good businessman would have done that.

Another implication is that there is some sort of connection between the \$1,600,000 that we have offered as a way of assistance to Cyprus Anvil Mine and the \$1,600,000 that he found out about in the lock-up last night, that we are asking the federal government for in the way of capital infrastructure advancements. The member has said, "innocent" question, but not so. I am here to tell you that it is an ignorant question on his part, and it is the point that I want to make. The member for Faro is looking for, and finding, bogeymen where they do not exist. Number one, I went into great detail with him yesterday, in this House, to explain to him exactly what those benefits to Cyprus Anvil are going to be. Of all of that money, there was none of it that was directly connected to capital expenditures, none. It is all operations and maintenance monies.

If the man had any idea of how this government is financed at all, he would know that there cannot be a connection. We are talking about apples and oranges and that is what it is all about.

The money that he found out about last night, in the lock-up, about the \$1,600,000, which is not part of this budget at all, has absolutely nothing to do with this budget. I submit that it was raised maliciously by the member. It is an attempt on our part to get as much job creation money into the territory as we can for the winter. If the member is opposed to that, let him stand up and say so. Do not give the impression that we are trying to do something crooked, because that is not so. I really wonder, sometimes, when I hear all this stuff from the other side, about exactly how much they do want us to do. What do they want us to get? Maybe, if the member for Faro has a problem with our transfer payment, he should not be asking us. Maybe he should be

asking his bedfellows in Ottawa, why our transfer payment is that big, because it is a fact that the government of the day owes their position to the New Democratic Party. I submit that if that was not so, it is very likely that our transfer payments would not be the problem that they are today. We have to negotiate that money with the Government of Canada, and, I would hope politics does not enter into it. I know very well that it does. It is a fact of life. We deal on the political level. That is a fact. And we found it much easier to get money when the Conservatives were the Government of Canada, than when the Liberals are the Government of Canada. That just happens. To say to us, "I want an explanation as to why the transfer payment has changed", is just a ludicrous statement to me.

Motion agreed to

Mr. Speaker: We will now proceed to the third reading of Bill Number 6.

Bill No. 6: Third Reading

Mr. Clerk: Third Reading, Bill No. 6, standing in the name of the hon. Mr. Ashley.

Mr. Ashley: Mr. Speaker, I move, seconded by the hon. Minister of Health and Human Resources, that Bill No. 6, *An Act to Amend the Partnership Act*, be now read a third time.

Mr. Speaker: It has been moved by the hon. Minister of Justice, seconded by the hon. Minister of Health and Human Resources, that Bill No. 6 be now read a third time.

Mr. Kimmerly: I will speak fairly briefly, as perhaps a suggestion for the future and not a criticism. Firstly, in regard to the principle of the bill, we have already indicated our support. It has a good bill, and we are pleased to see it and support it.

However, as a suggestion for the future, I note that the present bill is different in several, perhaps minor, respects from the past bill, which died on the order paper, and I would recommend that these kinds of bills, which are fairly complex and fairly technical, be allowed to just sit on the order paper for a week or two, to allow businessmen who are interested and the law society and accountants and those sorts of people to look at them and get a meaningful input. And I make the suggestion in a non-partisan way, in an entirely constructive way, because occasionally, these people do have a suggestion which avoids the necessity or desirability of coming back for amendments a few months or a year later. And I would recommend that on fairly technical bills, that they be proceeded with a little less haste.

Hon. Mr. Ashley: The reason why these changes were made is because of consultation with lawyers and business people during the summer, from the time the bill was tabled in the spring. That is the exactly the reason why a lot of the minor changes we are speaking of were made. I really cannot accept that as being a proper ridicule of the bill or of our process that we put it forward at the time.

Mr. Speaker: Order, please. The hon. minister, having now twice spoken, has closed debate.

Motion agreed to

Hon. Mr. Ashley: I move, seconded by the hon. Minister of Health and Human Resources, that Bill No. 6, *An Act to Amend the Partnership Act*, be now passed, and that the title be as on the order paper.

Mr. Speaker: It has been moved by the hon. Minister of Justice, seconded by the hon. Minister of Health and Human Resources, that Bill No. 6 do now pass and that the title be as on the order paper.

Motion agreed to

Bill No. 2: Third Reading

Mr. Clerk: Third reading, Bill No. 2, standing in the name of the hon. Mr. Pearson.

Hon. Mr. Pearson: I move, seconded by the Minister of Health and Human Resources, that Bill No. 2, *An Act to Amend the Legislative Assembly Act*, be now read a third time.

Mr. Speaker: It has been moved by the hon. Government Leader, seconded by the hon. Minister of Health and Human Resources, that Bill No. 2 be now read a third time.

Motion agreed to

Hon. Mr. Pearson: I move, seconded by the Minister of Health and Human Resources, that Bill No. 2 do now pass and that the title be

as on the order paper.

Mr. Speaker: It has been moved by the hon. Government Leader, seconded by the hon. Minister of Health and Human Resources, that Bill No. 2 do now pass and that the title be as on the order paper.

Motion agreed to

Hon. Mr. Lang: I move that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole.

Mr. Speaker: It has been moved by the hon. Minister of Municipal and Community Affairs, 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 will now call Committee of the Whole to order. We will have a short break.

Recess

Mr. Chairman: I call committee to order.

Mr. Kimmerly: I would like to respond to the last statement made by the Government Leader at the conclusion of the debate on this bill yesterday, I wish to say that I am in agreement with the Government Leader's statements, except that I do recognize the additional restrictions imposed in the bill. Aside from that, the Government Leader is precisely right, I would say, and the supplements are entirely accurate in my view.

The addition I would make, even though the restrictive licence is a major part of the problem, is an addition, in that the major problem is with repeat offenders, as opposed to first-time offenders. That is an over-simplification, probably too generally stated, but I wish to say that I agree with the Government Leader's statements that the bill before us, and the section before us is a substantial improvement on the present law. It is a substantially stiffer penalty.

The addition, though, is the second and third offenders are more of a problem than seems to be indicated in the bill, or the response to those people is, in my view, not protection enough for the public.

I am not going to go on at any greater length. I believe the subject is well canvassed, although there may be other members who wish to get into the debate. I wish to propose, in fact, five amendments that were previously circulated and, in speaking to the amendments, perhaps I would do it one by one.

The first one is, I move that Bill Number 13, *An Act to Amend the Motor Vehicles Act*, be amended in Clause 17, at page 3 by, deleting in the amending sub-paragraph 245(1)(a) the expression "for not less than three months", and substituting for it the expression "for not less than six months".

The series of five amendments are not to be seen as a package or a series, but some of them are more important than others. This, although it is important, is the least important of the five, in that the principle of second and third offenders is more important than this one. The fundamental aim of the amendment is to increase the deterrent effect and to bring the Yukon law in line with the law in the majority of Canadian provinces.

Hon. Mr. Ashley: Does the member opposite propose that we deal with all five of these at the same time?

I will speak in a general term right now. I have been sitting here listening as intently as I could to Mr. Kimmerly. I have heard him tell us the history of court sentencing for drinking and driving and contradicting himself, time after time, using what he called scientific evidence to justify his stand and knocking his evidence as being scanty. Telling us that judges need discretionary powers, then telling us that they should not have these powers. The area where Mr. Kimmerly wants the judges to have discretionary powers is conditional licences. As our Government Leader so aptly puts it, one of the major problems with our present legislation is allowing the use of conditional licences. One of the main reasons that the other jurisdictions in Canada do not use these conditional licences is that they are almost impossible to enforce and, in turn, seems to make a mockery of the sentence imposed. Yet there are a fairly large number of these licences on the road. I have been waiting for some kind of new idea or brilliant thought

to come from the member opposite, but so far I have not heard any. Through all of Mr. Kimmerly's seemingly disjointed dissertation, I have heard nothing to convince me that I should change my mind about the bill that I have put forward.

I will speak to his first amendment here, which is 17, substituting "three months" for "not less than six months". We have certainly looked at that. In my bill I have given the judge the discretion. They are the ones who are faced with the facts in front of them and they are the ones who should be judging. Therefore, I request we vote this down.

Hon. Mr. Pearson: Mr. Kimmerly has indicated that a majority of the provinces have this particular section at six months. I would like to point out to members that British Columbia which, for driving purposes, is our neighbouring province, has the limit at three months on the first offence, and so does the province with the most vehicles in Canada, Ontario. The others vary from three months to six months, six months being the maximum anywhere in Canada.

I think that when we are going to something as dramatic as this — and, Mr. Chairman, I stated yesterday that I thought that this was very prohibitive legislation for this legislature to be passing, it is very dramatic legislation for this legislature to be passing — I really feel, sincerely, that three months with no conditional licence is going to be a very, very severe penalty, as a first step in the territory, and I would ask members to consider that. Sure, it was three months before, but the conditional licences applied, and they could, or could not, be given. There is no discretion left anymore, and these are minimums. If the judge, in his wisdom, feels that it should be six months, he has the capability of taking away that licence for six months. If he feels it should be a year, on the first offence, he has that capability of doing it. These are, in fact, minimums that we are talking about.

Mrs. Joe: I would like to add to what Mr. Kimmerly has said. I think that we all know here that he and I have dealt with impaired drivers in the courts and we can see all of the statistics that there are to see, but it is not very often that people get to sit on the bench to listen to a lot of circumstances surrounding an impaired driver charge. Certainly they do not use discretion when they go out and get drunk and drive, and they do not use any discretion when they kill somebody on the road, and I think that unless you are there to hear the circumstances surrounding many of these convictions, then you would certainly not know how very serious it is. And I would certainly support anything that would stop these impaired drivers from doing damage to property or people in the Yukon.

Hon. Mr. Tracey: I would have a great problem with six months. I basically have a problem with going three months in the Yukon Territory, because most of the people in the territory have great distances to travel. A vehicle is almost a necessity. Whitehorse is the only place in the territory where we have public transit, and to go to three months is already a very serious step to take against any person in the territory. It almost, as was said yesterday, guarantees the loss of some people's jobs, especially a truck driver, who may perhaps have twelve or fifteen years seniority in a company, and, if he loses his job for three months, he has lost his seniority and, as well, might have lost his job permanently.

As I said yesterday, the discretion is in here for the judge to review the situation and use his own judgement in giving the sentence. I find it unbelievable that a former judge would stand here in the legislature and say that he does not want to have that discretion. I find it hard to believe that he would not want the discretion, that he would want us to say that it would be six months and that is it.

I think the power should be there in the judiciary to use their discretion. That is what we appoint them for, to make the wise judgements, and if the judge feels that the situation the driver was in when he was picked up for being drunk was serious enough that he should take his licence away for two years on his first offence, I think it is up to the judge to do it. I do not think it is up to the judge to ask us to say it has got to be two years. We give him the ability to make that decision and I think that is where it should rest.

Mr. Chairman: Is there any further debate on the amendment to Clause 17(1), referring to subsection 245(1)(a)?

Some Members: Agreed.

Some Members: Disagree.

Mr. Kimmerly: Mr. Chairman, I would ask for a count of the

members.

Hon. Mr. Lang: I would just like to question the Chair as to whether or not that is procedure as far as the Committee of the Whole is concerned. It is my understanding it was not a question of votes in the committee, and that is the intent of the rule.

Mr. Chairman: It is my understanding that there are no recorded divisions, but divisions are in order.

All those in favour of the amendment, please rise.

All those opposed to the amendment, please rise.

On the division, there were four yeas and seven nays. I declare the amendment defeated.

Amendment defeated

Mr. Mr. Kimmerly: On the second subsection, I move a similar amendment that I have previously given to be tabled. The amendment is that in Clause 17, page 3, by deleting in the amending subparagraph 245(1)(b) the expression "for not less than one year", and substituting for it the expression "for not less than two years".

In speaking to the amendment, we are into the area of problem drinkers and problem drivers and two years is a substantially greater protection for the public than is one year.

Hon. Mr. Pearson: I must say that I am much more moved to be very sympathetic towards this amendment than the first one, however, again, in considering what we are doing in respect to our legislation, I think that members should be aware of the fact that there are only two jurisdictions in Canada that have a penalty on second offence at two years or greater. One of them is Nova Scotia, at two years. The other is Manitoba, at five years. All of the others are one year or less for the second offence.

As I said earlier, I have great sympathy for what the honourable member has expressed as his concern for the drivers that are appearing time after time after time, in court on drunk driving charges. I hope that this legislation will go a long way to cutting it out, but, once again, I really feel that one year is as severe as we should go to at this time in this legislature.

Mrs. Joe: In some of the cases right now there are some judges that are giving a two-year limit for suspending a licence, but what I would like to mention at this time is that it is not only the judges who make those decisions, it is the JPs who are appointed by Cabinet. Very often those JPs do not feel the same way about drunk driving as everybody else. Not everyone thinks alike. They may not feel that they are serious and, in a close community where the closeness of the people is a little bit greater than in Whitehorse, they could tend to be easy on a person. If there was legislation that compelled them to sentence them to a term that this House decided was necessary, then I think that we would probably not have the problem of second convictions for impaired driving that we do now.

On the third driving conviction, the problem is very serious. We all know there is a very serious alcohol problem in the Yukon, and the second convictions for impaired driving proves that it is there.

Mr. Chairman: The division on the amendment to subsection 245(1)(b) is yea, three; nay, seven.

Amendment defeated

Mr. Kimmerly: A third amendment on the same general section, I move that Clause 17, on page 4, be amended by deleting from the amending subparagraph 245(1)(c), the expression "for not less than two years from the date of the conviction" and substituting for it the expression "for life".

In speaking to the amendment, I would say that if there are three impaired driving convictions all within a five-year period, the problem is very, very clear. The likelihood of that person, if they could drive, of coming back for a fourth and fifth and sixth is extremely great. It is greater than 80 percent, and I would suggest greater than 90 percent.

These are the people who are extremely dangerous, are a danger to society, and they should not be driving.

Hon. Mr. Ashley: I will bring out the impaired-driving-study group minutes from September 28, 1982. What the recommendations of the meeting were, was that the first offence be three months, the second offence be two years and third offence be life, with an appeal available after a certain period of suspension, which means the same basic thing as what we have done here. Ours are open-ended sentences. They are life if the judge so deems it to be. I think he is the one in charge. He sees all of the facts in front of him, he must be the one who

imposes that sentence. I do not feel it is really up to us.

Hon. Mr. Pearson: I have given national statistics on the other two and I think I should on this one. There is no jurisdiction in Canada that calls for a life suspension of the licence as a minimum mandatory suspension. Again, they vary from six months to a maximum of five years. That is, in fact, the maximum anywhere else in Canada. I am sympathetic and I hear what the member for Whitehorse South Centre says, and I appreciate his experience with this, but, I would suggest to you that it is a pretty severe penalty for us to be putting into our legislation as a minimum, a life sentence, if you will, of not being able to get a driver's licence.

Mr. Kimmerly: In speaking to the two arguments, I will deal with the national comparison first. Of course, the information is accurate that if this were passed it would be the first legislature in Canada to do it. I emphasize the word "first". I predict that, within probably five years, many of the provincial legislatures would do exactly this. The Yukon could be the front runner, the leader. It is unfortunate that we will not be. We will probably be the tail several years from now. It is unfortunate that that situation is going to continue for some time.

With regard to the judicial discretion and the appeal period argument, the difference of a suspension for life with an appeal period and the present bill is very fundamental. The suspension for life with an appeal period is analogous to a life jail sentence with a possibility of parole. The parole is not a right, it is if you prove yourself and the situation in my view ought to be a suspension for life, with a possibility of regaining a licence upon the person showing good evidence of a rehabilitation or a reformation. The protection of the public is substantially increased if that is the case.

Unfortunately, I must make a prediction that, in the future in the Yukon, there is going to be a third offender, who, after two years, drives and kills somebody. Unfortunately, that will occur. It is only a matter of time.

Hon. Mr. Pearson: I happen to know of a person who was driving today who has had twenty-two offences under our legislation in respect to impaired driving. Now, this can be said about any piece of legislation.

I would also like to point out to the member that we have, in respect to this kind of legislation, always been the tail in this territory, and for a very good reason. Because we are small. Because we do have these vast distances, and because there are so many people that depend on their vehicles for their livelihood.

Now, this legislation is good. It can be changed. If it would make the member opposite feel any better, I have expressed my concern that we may well find that in order to keep up with the rest of Canada, and in order combat, primarily in order to combat, the impaired-driving problem, we may well have to increase these penalties. That is quite easy for us to do, in this legislature, to increase those penalties, if we find that we have to do it. But I think that we should give this legislation a chance. We should give the people in this territory a chance. We, I do not think, should be literally cutting everyone off at the pass.

Mrs. Joe: I would just like to say right now that, by allowing this "not less than two years" to go by, this House is allowing the person with the alcohol problem to go back onto the roads to do the damage that will probably occur, because that person has an alcohol problem. But with the appeal period, after two years, that person does have the chance to go back, if he has rehabilitated himself. I am sure we have a person on the road right now after having had many, many convictions, and there are mistakes that have been made. But we have a chance right now, to try and deal with a problem that is very severe, rather than say to them, "Sure, we will stop you from driving for two years, and then we will put you back on the road so that you can do it again". But with the appeal period, we are making very sure that that person has a chance to get back on the road after rehabilitating himself.

Hon. Mr. Lang: I just want to make a point here, and I find it incredible. What we are trying to do, on behalf of the general public, is to put in deterrents to the point that people realize they should not be drinking and driving. Of the case that the member for Whitehorse South Centre and the member who just spoke have raised, the individual in question is obviously the type of individual who is going to drive while his licence is suspended on the first offence.

Further, in respect to going to the length that the member for

Whitehorse South Centre has said, that there is, unfortunately, a circumstance of death and that would have transpired, that would be coming under the *Criminal Code* as far as looking at the circumstances of what happened.

So, I think that the member opposite should realize that we are talking about territorial legislation. He has a tendency to mix the two offences: one, which is the federal *Criminal Code*, over which we have no authority; secondly, what we are doing is trying to impress upon our young people, our older people that we do not drink and drive. That is the bottom line.

Now I can say this, and I think that it is far to say to the general public, that they become fully aware that for three months they will lose their licence and, in many cases we have raised the question of livelihood being lost, which is a possibility, there is going to be a lot less drinking and driving on the road. I think, over time, our statistics will show that. There is no question that we do have a problem. We are confronting that problem, we have brought forward what I believe to be well-thought-out legislation, very punitive legislation — unlike the member opposite who would like to throw everybody in jail and raise the costs to taxpayers. We are prepared to take those licences away for what we deem, at this time, to be a reasonable length of time, so that they, the offenders, will not do it again.

Hon. Mr. Tracey: Further to that, I find it incredible that the member for Whitehorse North Centre would stand up there and say that we should take their licence away for life. Why do we not convict everybody for life, if that is the case. If somebody breaks into your building, your home and he goes to court and gets a sentence, when the sentence is over he is free to go back and break into your home again. I find this argument very incredible. I can hardly believe it.

Mrs. Joe: The only thing that I can see is that the member across the House is only hearing what he wants to hear. What we are saying is that if there were an appeal period, then that person would be allowed to go back on to the street and drive a car, if he could prove that he was able to do that.

Hon. Mr. Tracey: I guess you could use the same argument that if someone broke into your home, then you should sentence him for life with an appeal period of three months from now, or a year or two years from now. That is not the way the system operates.

Mr. Chairman: Those in favour of the amendment please rise. Those disagreeing.

Division on the amendment: yea, four; nay, seven.

Amendment defeated

Hon. Mr. Ashley: I propose that Bill No. 13, *An Act to Amend the Motor Vehicles Act*, be amended in Clause 17(1), page 4, by adding the following new subsection 245(3) to read, "Subsections (1) and (2) do not apply in relation to an offence that has been committed before this section comes into force but for which the person is not convicted until after this section comes into force".

Mr. Kimmerly: In my view, this amendment is technically unnecessary, but I welcome it for greater clarity and it is a good amendment to be supported.

Amendment carried

Clause 17 agreed to as amended

On Clause 18

Mr. Kimmerly: I have previously spoken about impaired driving, but on the same principle, I will not repeat the same arguments. On the same principle, I wish to propose two amendments. One, to subsection 247(1). I propose that Clause 18, page 4, be amended by deleting in the amending paragraph 247(1) the expression "for not less than three months" and substituting for it the expression "for not less than one year".

Speaking to the amendment, I am sure that members are aware that Section 233 of the *Criminal Code* is in two parts. Sub one is criminal negligence in operation of a motor vehicle and sub two is with intent to evade criminal or civil responsibility or fail to stop and assist at an accident in which the driver is involved and to report the accident.

There are essentially two crimes under the same section. Especially with regard to criminal negligence, I would emphasize to all members that, in order to get a conviction for criminal negligence there needs to be proven more than simple negligence or lack of care. It is a far more serious than an offence under the *Motor Vehicles Act* of lack of care and control of a motor vehicle. Courts often talk about intent, recklessness

and inadvertent or a positive dangerous act.

Criminal negligence in the operation of a motor vehicle is an extremely serious offence and, in my view, the three months minimum suspension is too lenient. Not on the deterrent principle, because the criminal code and the nature of the crime ought to be a deterrent in itself, but simply on the protection of the public principle. The nature of the crime involves the intent to do a criminal act and is substantially different from impaired driving in that respect, and it is a different class of offence that, in my view, ought to be dealt with more seriously. I would recommend to all members that one year is a better protection for the public than three months.

Hon. Mr. Ashley: This is dealing with Section 233 of the *Criminal Code*. They have to be charged with that offence before they would receive this penalty and sentence. I will read you the section of the *Criminal Code*. Clause 233 of the *Criminal Code*, "Criminal negligence in the operation of a motor vehicle, failing to stop at the scene of an accident, dangerous driving. Everyone who is criminally negligent in the operation of a motor vehicle is guilty of (a) an indictable offence and is liable to imprisonment for five years; or (b) an offence punishable on summary conviction". If this does show it is a serious offence, I do not know what does. We are just propping it up with our legislation.

Mr. Chairman: Those in favour of the amendment, please rise.

Those who disagree with the amendment, please rise.

On division: yeas, five; nays, seven. I declare the amendment defeated.

Amendment defeated

Mr. Kimmerly: I move that Clause 18 at page 4 be amended by deleting in the amending paragraph 247(2) the expression "for not less than three months", and substituting for it the expression "for not less than one year".

In speaking to the amendment, I may say that I feel the amendment is a restrained effort at obtaining a better law. As all members will be aware, in the *Criminal Code*, Section 203, 204, 219 are as follows: Section 203 is "Everyone who, by criminal negligence, causes death to another person, is guilty of an indictable offence and is liable to imprisonment for life". That is under the murder sections of the code. It is causing death by criminal negligence and punishable by life, an extremely serious offence. I wish to say again that the intent is not punishment. The punishment occurs by the penalty under the *Criminal Code*. The intention is protection of the public.

One year, in my view, is extremely lenient; three months is far, far too lenient.

Section 204 is the same wording of the same offence, except it is "causes bodily harm by criminal negligence", still under the murder sections of the code.

Section 219 was often called in the past "motor manslaughter", and still is in some provinces. The wording is "everyone who commits manslaughter is guilty of an indictable offence and is liable to imprisonment for life". An essential element is the death of a person.

These offences are extremely serious offences and aside from the penalties on the punishment principles, it is my opinion — and I urge all members that a greater degree of protection to innocent users of the road ought to be obtained — that a minimum of one year is the least we could do.

Hon. Mr. Ashley: As we have said in the previous amendments, these are just minimum sentences. The judges must have the discretion.

Mr. Chairman: Will those in favour of the amendment please rise.

Will those disagreeing please rise.

On division: yeas, five; nays, seven.

Amendment defeated

Hon. Mr. Ashley: Mr. Chairman, I move that Bill Number 13, *An Act to Amend the Motor Vehicles Act*, be amended in Clause 18(1), at page 4, by adding the following as a new subsection "247(4), Subsections (1), (2) and (3) do not apply in relation to an offence that has been committed before this section comes into force, but for which the person is not convicted until after this section comes into force".

Amendment agreed to

Clause 18 agreed to

On clause 19

Mr. Kimmerly: I am not going to propose an amendment on this

clause, but I am going to ask two questions. I will ask them both at the same time.

The first one is, the committee studying the problem recommended that the minimum sentence for a first offence be seven days, as opposed to the \$500 in the bill. I would ask the minister to explain, why, in the minister's view, \$500 is better than seven days.

By way of further explanation, or as a preamble to the question, I would say that it is a thought that probably an excess of fifty percent of people with a suspended licence still drive from time to time and is a very serious problem. I agree that by cutting out a restricted licence, it is probably going to decrease it, and probably assist in the enforcement of the problem. I agree with that. The current sentencing practice in the Yukon, and I believe all over Canada, is that a very serious view is taken of the offence and a jail term is usually awarded for this kind of offence.

There is a problem in the technical wording of the *Motor Vehicles Ordinance* in Yukon, of course, which is not necessary to go into. The other question is, I am sure that the minister noted that in the private member's bill that there was a forfeiture provision, the seizure of the car on arrest and the forfeiture of the car on conviction. I would ask the minister to comment why, in the minister's opinion, that is not a good provision? By way of explanation, a number of responsible citizens have mentioned to me the difference in the legal treatment of, for example, dall sheep and people, in that the offences under the *Wildlife Ordinance* are dealt with, with respect to forfeiture, much more severely than these kind of offences. Those people who spoke to me saw that as anomaly. They did not understand why the difference in treatment of the offences. Would the Minister comment on that question?

Hon. Mr. Ashley: The first question, the bill is presented as giving the judge the discretion of six months of imprisonment and on forfeiture of vehicles, you are very possibly penalizing the wrong people. You could be penalizing the family rather than the person who has actually committed the offence.

Mrs. Joe: In regard to (a), where the fine is not less than \$500, I think that we had better consider some experience, of the fine option program that we used to have in the courts at that time. There was a large number of people who could not pay fines and, subsequently, the fine option program was found not legal. What we are going to find here is that, if you fine somebody not less than \$500, we are going to have to build a bigger jail.

Clause 19 agreed to

On Clause 20

Clause 20 agreed to

On Clause 21

Hon. Mr. Ashley: I propose an amendment to the Bill No. 13 entitled, *An Act to Amend the Motor Vehicles Act*, be amended in Clause 21(1), page 7, by deleting the number "31.2(1)" and substituting therefor the number "13.2(1)".

Clause 21 agreed to as amended

On Clause 22

Mr. Kimmerly: This is a seemingly innocuous section, a very small section. Legislative drafters have developed a routine of putting in these kinds of proclamation sections and, in my view, it is a potential problem. I am quite sure, because of the focus on the problem in the Yukon and the nature of the bill, that the government has no intention of not proclaiming some sections and proclaiming some others. I am sure of that, however, I would ask the minister to reaffirm that, perhaps on the record, and answer another question. I ask this in the spirit of better public knowledge of the bill and better publicity. I know the minister may not wish to give an exact date, but could the minister indicate approximately when the proposed proclamation of the bill would be?

Hon. Mr. Ashley: In answer to Mr. Kimmerly, I am proposing an amendment to this section and I will give him a date. The reason for giving the date ahead of what it is now, and which will not be fixed in the Executive Council, is to give us advertising time, a lead time, for it. The date will be December 15, 1982. That gives us a month, plus, maybe six weeks if we get through today.

Mr. Kimmerly: The minister talked about an amendment. Is there an amendment or an announced date, perhaps?

Hon. Mr. Ashley: Sorry, there is a bit of confusion here. I had

better clear it up. On 22(2), that deals just with the insurance part of the act and that has to come in on April 1, 1983. What the problem is here is that 22(1), and that will come into effect as of December 15th, 1982. I do not really need an amendment, I am told, for that. We will do it by Order-of-Council, but that is the date it will come in and we will have all our advertising out before that date.

Clause 22 agreed to

Mr. Chairman: *An Act to Amend the Motor Vehicles Act*, shall the title carry?

Title agreed to

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

Motion agreed to

Hon. Mr. Lang: I move, seconded by the Minister of Justice, that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Speaker resumes the Chair

Mr. Speaker: I will now call the House to order. May we have a report from the Chairman of Committees?

Mr. Philippen: The Committee of the Whole is considered Bill No. 13, *An Act to Amend the Motor Vehicles Act*, and have directed me to report the same, with amendments.

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

Mr. Some Members: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Penikett: Mr. Speaker, I move that we adjourn, seconded by the hon. Member for Faro.

Mr. Speaker: It has been moved by the hon. Leader of the Opposition, seconded by the hon. Member for Faro, that we do now adjourn.

Motion agreed to

The House adjourned at 5:22 pm

The following Sessional Paper was tabled November 4, 1982:

82-2-2

Yukon Elections Board: Report on the 1982 General Election

