



# The Yukon Legislative Assembly

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## **HANSARD**

**Tuesday, April 12, 1983 — 1:30 p.m.**

Speaker: The Honourable Donald Taylor

# Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Andy Phillipsen, 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, and 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 and Tourism/Heritage and Cultural Resources

## GOVERNMENT MEMBERS

### (Progressive Conservative)

Bill Brewster	Kluane
Al Falle	Hootalinqua
Kathie Nukon	Old Crow
Andy Phillipsen	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

01 **Whitehorse, Yukon**

**Tuesday, April 12, 1983 — 1:30 p.m.**

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

*Prayers*

**Mr. Speaker:** Before proceeding with the order paper this afternoon, I would like to introduce to the House at this time, a new page, Rhonda Roe, who comes to us from F.H. Collins School to serve the House and I would invite Rhonda to join us at this time.

*Applause*

**DAILY ROUTINE**

**Mr. Speaker:** Are there any returns or documents for tabling?  
Reports of committees?  
Petitions?  
Reading or receiving of petitions?  
Introduction of bills?  
Notices of motion for the production of papers?  
Are there any notices of motion?  
Are there any statements by ministers?  
This then brings us to the question period.

**QUESTION PERIOD**

**Question re: Cyprus Anvil aid package**

**Mr. Byblow:** I have a question for the government leader. The sketchy information about the real reasons of the Dome Petroleum reorganization to insulate the financial affairs of Cyprus Anvil from the mother company is no doubt of some major concern at this time in the territory. Has the government leader communicated with Ottawa on the subject and, if so, what is the status now of the proposed federal aid package to the stripping program at Faro?

**Hon. Mr. Pearson:** I have not contacted Ottawa or talked to anyone from Ottawa with respect to this issue. The last word that I had was that it was intended that the package go to Cabinet this week. I was to be notified if there was any change from that.

02 **Mr. Byblow:** Has the government leader been advised of any moves by Cyprus Anvil that it would, in fact, be declaring bankruptcy, and should this be a developing reality, what position will this government take?

**Hon. Mr. Pearson:** There really is not a position that we can take. No, I have not been advised that Cyprus Anvil is looking at declaring bankruptcy; just the opposite. They indicated, yesterday, in a telex to this government that there has been a change in the ownership and there has been a problem develop in respect to one of their creditors, one of their banks, and they are working on this. The telex wound up by stating that, as far as Cyprus Anvil was concerned, the status quo still remained in respect to the aid package and they were hopeful that it would go to Cabinet this week, would be approved and that Cyprus Anvil could get back to work, at least in a minimum form, in the very near future.

**Mr. Byblow:** In face of the fact that the isolation of Cyprus Anvil from Dome has taken place to offset any possible bankruptcy proceedings, would the government, in the face of this, reassess its position and advocate any government participation as its measure of support towards local control and ownership of that mine?

**Hon. Mr. Pearson:** As long as this government is on this side of the House, there is not going to be any local control and ownership by this government of Cyprus Anvil.

**Question re: Social assistance**

**Mr. Kimmerly:** I have a question about social assistance, again. Yesterday, I asked about the work requirement and the residency requirement and the minister indicated today that the minister would answer. Is the minister now able to answer that question?

03 **Hon. Mr. Tracey:** Yes, I am sorry the member across the floor had to waste one of his questions on it. To receive regular social

assistance a person must have a fixed address in Yukon and he must have worked in the territory for three months out of the last 12 months.

**Mr. Kimmerly:** In the situation where there is a long time Yukon resident who did not work for three months of the last twelve, are they eligible under this policy?

**Hon. Mr. Tracey:** Yes.

**Mr. Kimmerly:** There is obviously an apparent contradiction. What other criteria, aside from the three months' work, makes those people eligible?

**Hon. Mr. Tracey:** By being a long time resident Yukoner.

**Question re: Video display terminals**

**Mrs. Joe:** I have a question for the Minister of Consumer and Corporate Affairs.

Last week I asked the minister what opportunities the public would have to contribute to this government's investigation in the use of video display terminals. His answer was that there would be no consideration of submissions from affected groups. Since the YTPSA has indicated that they as a group are already working with the government on this issue could the minister explain the apparent contradictions between his answers and the facts of the situation?

**Hon. Mr. Ashley:** I do not believe there is a contradiction there. What I said is that Consumer and Corporate Affairs was trying to gather information and that is what they are doing.

**Mrs. Joe:** Since the minister's government is already considering the concerns of one group of affected employees, could the minister tell the House if he is now prepared to consider submissions from other groups of affected employees?

04 **Hon. Mr. Ashley:** We will accept submissions from anyone. As I have said, there has been no proof that these are harmful and that is what we are trying to verify at the moment from other governments outside of Yukon from across the country.

**Mrs. Joe:** Last week, the minister did not answer my question about the possible establishment of a select committee of the House to study the use of VDTs. I would like to put the question to him again: will the minister consider the establishment of a select committee of this House to study the use of video display terminals?

**Hon. Mr. Ashley:** I did answer the member opposite last week when she asked the question, I said "no", as I will today.

**Question re: Occupational health and safety**

**Mr. McDonald:** I have a question to the same minister in the same capacity. The minister has said repeatedly in this House that he will not allow the continuation of select committee work on labour standards, nor would he submit amendments of any kind to the existing legislation in the foreseeable future. In the case of occupational health and safety, will he be sending a position paper to a select committee this summer? If so, when? If not, why not?

**Hon. Mr. Ashley:** I believe there are a number of questions there. It sounds like a number of "no's" should come forward. I have no intention, at this moment, of putting anything to a select committee, so the answer is no.

**Mr. McDonald:** The answer may be "no" but the question was why. Will the minister submit amendments to existing legislation for overhauling and consolidating existing legislation this fall?

**Hon. Mr. Ashley:** I have answered that question time and time again. If I can do it, I will be bringing that legislation forward but there is no guarantee that I can have it for the fall. I think I told you that yesterday.

05 **Mr. McDonald:** We were speaking about labour standards yesterday, for your information.

Two recommendations in a green paper on occupational health and safety, presented to a select committee of this House last spring, were the right of working people to refuse unsafe work and the establishment of an occupational health and safety advisory board. What is the government's position on these two recommendations?

**Hon. Mr. Ashley:** The members opposite will be finding that out when legislation is tabled. That will be outlining our policy, as I stated yesterday.

**Question re: School busing**

**Mr. Byblow:** I have a question for the Minister of Education. When I asked the minister about support for the bus operated by the Carcross-Tagish Band for Tagish students, the minister stated that the problem was that parents were not turning their transportation subsidy over to the band. Since now the administrator of the band denies that allegation, will the minister now undertake to investigate the ways that this government can assist the band to make the bus service a viable operation, or, perhaps even, to arrange for bus transportation through her department.

**Mr. Speaker:** Order, please. Again, members are starting to make representations rather than ask questions. I will permit it in the form of a question, but the Chair would appreciate it if members would not make representations in the question period as it is really a violation of the rules.

**Hon. Mrs. Firth:** I just happen to have an answer to that — it is a big long one — for the member for Faro.

I would like to make a couple of points clear. First of all, it is not a bus that the band has, it is a van. It is a van that is used for many things and taking children to school just happens to be one of the things that the van is used for, but it is not a bus, per se.

Another thing is that, in Carcross, they have a new principal, who was appointed in January, and apparently there was a mix-up in the communications as to who exactly was responsible for submitting the forms to the Department of Education so that the parents were getting the subsidy that they were eligible for. Therefore, for the months of January, February and March, the forms were delayed in reaching the department.

The subsidies now have been paid retroactive to January 1st. The number of families involved is seven; the total government subsidy that is paid is \$1,080 per month and that is an average of \$10 per day and not, as the paper quoted, \$10 per month. It is \$10 per day per family. Five of the families have authorized the department to pay the subsidy directly to the band and the others have not done so yet. We just increased the subsidies last November and the subsidies have been paid with that increase as of November 1st.

**Mr. Byblow:** The problem still remains since the money received from the subsidies does not cover the cost of providing a bus service, which can be provided ...

**Mr. Speaker:** The honourable member is now entering into debate. If the honourable member has a question, would he kindly state his question.

**Mr. Byblow:** My question was predicated by the introductory word "since". Will the minister investigate the subsidy policy that she has described to me for school transportation to determine if changes would be more appropriate to handle cases like the Carcross-Tagish school bus problem as well as the Mayo-Stewart problem?

**Hon. Mrs. Firth:** I just indicated to the member that we did investigate it and we did make a change; we increased the subsidy from \$9 a day to \$10. We pay the subsidy. Legislatively we are fulfilling our legislative commitment to those people with children who require busing to school or some other means of getting to school. What the parents do with the money is their own decision, and if they decide to pay someone to take their kids to school, that is up to them.

**Mr. Byblow:** I will ask the minister a direct question that she has not answered: will she investigate the present school busing policy to determine if there are other ways than the \$10 per day subsidy program that is presently her defence under legislation, to excuse herself from any obligation to looking after the needs of those students in those areas?

**Hon. Mrs. Firth:** I am telling you, I find the member for Faro quite amusing. Busing has been investigated and we have been investigating busing all over the territory. There is either a subsidy or a bus, and these people have the subsidy because there are not enough children to warrant a bus. We will continue to pay the subsidy. We just investigated it in November. We increased the subsidy. We are constantly looking at ways of remedying this, but, if the member is prepared to give up a bus from Faro to accommodate the children of Carcross, I am quite prepared to

listen, then.

**Question re: Social assistance**

**Mr. Kimmerly:** I have a follow-up question about social assistance. What is the present policy of the government in defining "residency" as an eligibility criteria for social assistance?

**Hon. Mr. Tracey:** I thought I answered the member already. I said, to receive social assistance a person must be a resident and have worked at least three of the last 12 months. If he is transient, we do not want him here, we do not want that person here. If their only reason for being here is to collect social assistance, we would rather they collect it back where they are from, not here in the Yukon Territory where a few people have to pay a large amount of tax in order to cover it. We believe that if they want social assistance, they should go back to where they are from, where it is cheaper to live in the first place, rather than collect it here in the Yukon Territory. For resident Yukoners, we have no problem at all, but if they are transient people we would just as soon pay their way out and let them look after themselves out there.

**Mr. Kimmerly:** In the situation of a mother with children not working, living in the Yukon in the last 12 months, is that person eligible under these requirements?

**Hon. Mr. Tracey:** My department, and the people in that department, would look at all the aspects of the situation. I am sure that if it was a mother and two children, they would take that into consideration. It is not a hard and fast rule. The point that we are trying to make is that we are not going to become a haven for social assistance recipients.

**Mr. Kimmerly:** Is the minister able to tell us if other jurisdictions in Canada apply a similar residency rule?

**Hon. Mr. Tracey:** No, I could not supply that information. However, the other areas in Canada are not in the unique situation that we are in the north.

**Question re: Sex role stereotyping**

**Mrs. Joe:** I have a question for the Minister of Education. I understand that a report on sex role stereotyping was prepared by Joanne Linzey for the Department of Education several years ago. Since the report was done under a previous minister, is it the intention of this minister to continue with the plans for the completion of this report?

**Hon. Mrs. Firth:** Joanne Linzey left in the middle of that report and I am not quite sure what was done with the information that she had accumulated if, in fact, she had recorded any. We follow the BC school curriculum. In that curriculum, BC has already initiated areas where they are identifying whether there is any sex stereotyping, racial stereotyping, et cetera, in their curriculum now. Because we follow that, we are also aware of any of those points and we are also applying them to our curriculum.

**Mrs. Joe:** If the minister were to find the information that she needs in regards to this report, would it be her intention to deal with it at that time?

**Mr. Speaker:** The question would seem somewhat hypothetical; however, I will permit an answer if it is answerable.

**Hon. Mrs. Firth:** Yes, I will deal with it at that time.

**Mrs. Joe:** Since the women's program has been a success at the vocational school, does the minister have any future plans to develop any further courses through Yukon College?

**Hon. Mrs. Firth:** I believe we will be discussing that in the budget debates.

**Question re: Casual employees**

**Mr. McDonald:** I have a question for the government leader. As the government leader is aware, last summer many casual employees with this government were terminated thereby disentiiling them to retroactive pay. In approximately 30 cases, I believe, the employees were terminated for only one day and then re-hired. Has the government resolved this inequitable situation to the satisfaction of the government and its employees, and if so what remedial action has been taken?

**Hon. Mr. Pearson:** I have categorically denied, on prior occasions, that we have ever terminated anyone for one day simply

because we did not want to give them retroactive pay. That has not been the case, it has not ever been the case nor will it ever be the case with this government.

**Mr. McDonald:** The question was whether or not they had resolved the situation, intentional or not. As I understand it, many casual employees are seasonal as is necessary to fulfill the requirements of various government projects. Can the government leader tell the House what the ratio is between full-time and casual employees for the government and whether or not this has decreased or increased in previous years?

**Hon. Mr. Pearson:** No, right off the top of my head I cannot tell him.

**Mr. Speaker:** Perhaps this should be in the form of a written question.

**Mr. McDonald:** I think for some ministers it would have to be written.

Has the government engaged in negotiations with representatives of the public service unions to investigate the possibility of having casual employees join the union, and if so, what is the government's position regarding this proposal?

**Hon. Mr. Pearson:** That may or may not be a subject of negotiations with the union, and certainly is not a proper subject for discussion in this House.

#### Question re: Election promises

**Mr. Byblow:** I have a question for the government leader.

Less than a year ago, during the territorial election, the conservatives advertised that they would save Yukoners' money and not increase taxes, and that only an NDP government would resort to such a drastic measure. What has forced this government's change in commitment from a year ago to require a tax increase at this time in personal income and property tax?

**Hon. Mr. Pearson:** Surely it must be self-evident if the member has taken a look at the budget that was tabled in this House last week. It just has to be absolutely evident to him what has necessitated that change.

**Mr. Byblow:** Since the government leader knows it was absolutely evident that the income tax increase was not necessary, I would like to ask him if it is his intention to table the enabling legislation during this Session this spring?

**Hon. Mr. Pearson:** Oh, yes. I said in the Throne Speech that that legislation would be tabled at this Session.

**Mr. Byblow:** Could the government leader further advise me whether or not there was any pressure from the federal government to increase Yukon taxes as a condition of receiving the increase in the federal deficit grant?

**Hon. Mr. Pearson:** If you had been in the House for the discussion last night in Committee of the Whole, I am sure I answered that question. No, there was no pressure from the federal government.

#### Question re: Social assistance

**Mr. Kimmerly:** Again, about social assistance: did the minister ensure that the new policy concerning residency was discussed with the federal government, pursuant to the federal-territorial agreement?

**Hon. Mr. Tracey:** I could not answer that as I did not have any discussions with them. I am not sure whether my department did or not, but that is irrelevant as far as we are concerned. We consider that we are abiding by the rules of the game and until there is an argument to the contrary that will stand up, we will continue our practise.

**Mr. Kimmerly:** Is the minister's department monitoring the situation where a person is given a travel voucher to another jurisdiction and is found ineligible in the new jurisdiction because of a residency requirement?

**Hon. Mr. Tracey:** Not to the best of my knowledge.

**Mr. Kimmerly:** Is the minister's department monitoring the number of people found ineligible for social assistance on the basis of the new residency policy?

**Hon. Mr. Tracey:** Yes, we could not give them the travel allowance out of the territory unless we did have a record of it.

#### Question re: Agriculture program for Yukon College

**Mr. McDonald:** I have a question for the Minister of Education. The Minister of Agriculture has told the House that the Department of Education is investigating the possibility of establishing an agriculture program for Yukon College in the near future. Can the minister state whether her department has established a tentative course outline for the program and, perhaps, a tentative date of commencement?

**Hon. Mrs. Firth:** I do not believe his words were "developing an agricultural program". I believe what he said was that the Department of Education was looking into what agricultural courses were available and what information could be brought to Yukon for people who were interested in agriculture.

The department is presently reviewing this and is in touch with other colleges across Canada to see if there is any information available.

**Mr. McDonald:** Has the Department of Education contacted Canada Manpower and Agriculture Canada to investigate the possibility of cost-sharing and, perhaps, exchanging technical information to promote the agricultural program, or course, whatever you like to call it?

**Hon. Mrs. Firth:** I do not know if the department has specifically done what the member asked, however, I am sure that they are very capable of pursuing all avenues that are available for us to get this information.

**Mr. McDonald:** Has the Department of Education surveyed potential students of such a course to help establish and guide program direction?

**Hon. Mrs. Firth:** I am not quite sure if the member understands the intention of the whole program. It was not necessarily for students; it was more to have agricultural information available for people who are interested in pursuing agriculture as a livelihood and they would, in a sense, be students. We were not looking at identifying a set block of students to teach agriculture to. It was more to have a resource available for people who have farms and who are acquiring land through the Department of Agriculture.

**Mr. Speaker:** There being no further questions we will proceed to orders of the day, government motions.

#### ORDERS OF THE DAY

#### GOVERNMENT MOTIONS

##### Motion No. 8

**Mr. Clerk:** Item number two, adjourned debate, Mrs. Joe.

**Mr. Philipsen:** I am rising today to speak in support of the government's responsible and humane efforts and attempts to come to terms with the very difficult economic and social problems we have in Yukon today. By way of response to comments made by the member for Whitehorse South Centre regarding the government decision on adjusting the existing income tax structure, I would like to point out that the change is aimed at people who are in a position to afford it. It will not be a burden to ordinary Yukoners.

For example, a person whose net income, after all deductions, is \$40,000 and, if he is single, his contribution to Yukon would be increased by approximately \$150. I would also like to state that there are extremely few of them around nowadays. Secondly, if we cannot help to stimulate or encourage small business in Yukon, they will be forced to leave increasing our unemployed and effectively reducing revenue to Yukon through income tax payments. This will compound an already serious situation faced by Yukon. It is this simple.

The sorry state of affairs that we are faced with have forced government into a predominant economic position in the territory. This is unacceptable to me as a Conservative and a Yukoner. Private enterprise must be the basis for long term growth in Yukon. The responsible approach is to do whatever is possible to salvage the most from a bad situation. We are taking a responsible approach by providing as much incentive to business by measures contained in our budget as is practicably possible.

At present, 40 percent of our income tax return is generated through small business in the private sector, and it does not take a Rhodes scholar to figure out the terrible consequences facing us without this and only government to survive on.

Frankly, I find the position taken by the member for Faro incomprehensible. He wants us to set up Crown corporations. In Saskatchewan there were 38 Crown corporations; 37 of them are losers. They cost the taxpayer money. There were supposed to be a billion dollars in the heritage fund when Premier Devine took office; \$800,000,000 had been given in interest-free loans to the Crown corporations that were failing, and it is gone; it is lost. The member opposite suggests to us that this is a viable solution to the economic problems facing Yukon today. Can you imagine where we would be if we had gone out and purchased Clinton Creek mine, if we had purchased Mt. Nansen mine, if we would have purchased Discovery Mine, Welgren Mine, or any other defunct mine that is now situated in Yukon. Fascinating as this discussion of NDP policy has been this far, I find it even more incredible, given the position taken by the member for Faro regarding crown corporations, that the member for Whitehorse South Centre, with the full support of his caucus, badly suggested economic problems in Yukon can be solved by reducing the number of government employees.

While this may be philosophically consistent with Conservative beliefs that less government is better government, the situation in Yukon has forced us to look at, and act, beyond mere political dogma. The government must be realistic enough to know when to face the facts. As a responsible government, we have and continue to do the best we can to keep people working. If the member for Whitehorse South Centre and his caucus have problems with this, if they are unable to reconcile personal belief with party policy, then they are indeed in a sorry state.

Indeed, this entire contradiction and its logical consequences have alarmed even their traditional supporter, who has run on their platform and supported their party for years, to publicly castigate the member for Whitehorse South Centre, who claims to have the full support of his caucus.

And I quote Mr. McCullough, the business agent of the Yukon Territorial Public Service Alliance: "Yes, to tell the truth, I was both surprised and disappointed that something like this would come from Mr. Kimmerly. To tell the truth, I would have expected something like this to come from the other side of the Chambers. I believe that his statements were a gross oversimplification of the situation that faces the territory today".

When asked if he had caucus support, the reply was, "Yes, that really surprises me. I have talked with the other members of caucus; they ... certainly don't support what I believe Mr. Kimmerly said."

It would seem to me at this time that the member for Whitehorse South Centre has come to a point where he must clearly choose between remaining on the opposite side of the House or crossing the floor to the applause from this side where he can truly expound upon his conservative beliefs. *(Applause and laughter)*

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

**Mr. Speaker:** It has been moved by the honourable member for Mayo, seconded by the honourable member for Faro, that debate be now adjourned.

*Motion agreed to*

## ORDERS OF THE DAY

### GOVERNMENT BILLS AND ORDERS

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

**Mr. Clerk:** Third reading, Bill No. 4, standing in the name of the hon. Mr. Ashley, the hon. Minister of Justice.

#### Bill No. 4: Third Reading

**Hon. Mr. Ashley:** I move, seconded by the hon. Minister of Health and Human Resources, that Bill No. 4, *An Act to Amend the Territorial Court 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. 4 be now read a third time.

**Mr. Kimmerly:** I wish to finally summarize the comments already made and state the position of this side of the Assembly on the bill.

As announced at second reading, we are opposed to the bill as it stands. There were a few minor amendments made in the committee stage and they, indeed, are improvements, but improvements of a technical or a corrective or a minor nature, and the bill is so substantially flawed that we cannot support it.

The major reason why we do not support the bill is a fundamental difference in policy or philosophy that was well expressed at the committee stage.

It is clear from the statements of various government members that they believe that the Cabinet and the Minister of Justice, specifically the minister, has a political duty and responsibility and is accountable for the decisions of the court in a political sense, in a general way, and they clearly said that.

The position of this side is that there should not exist in the bill a power in the minister to set in motion an inquiry against a judge and a consequent suspension of the judge pending the inquiry when no restriction is put on that power. It is our position that when considering disciplinary action or any inquiry against a judge, that the minister should be in the same position as any other citizen and that a complaint made by a minister ought to be screened in the normal way. The inclusion of that provision in the bill, or that principle in the bill, sets up a political accountability, or a process whereby there is a supervisory role carried out by the Minister of Justice on the Territorial Court and the Justice of the Peace Court.

Similarly, it is our position that the administration of the court should be independent of the executive arm of government in a way that is similar to the accountability of the Clerk of the Assembly to the Speaker and only to the Speaker, in an ultimate sense, and that there is no financial problem because the administration of the court can be easily made accountable to the Legislature through the budgetary process, as is the Legislative Assembly Office. That kind of independence, in its internal administration, is necessary for the judicial arm of government. It is absent in the bill and that is a substantial and major flaw.

In a lesser way, the establishment of judicial salaries and benefits ought to be independent within reasonable guidelines and the establishment in this bill is dependent on the executive's will, and that is a major flaw.

I also wish to say, that general principle of the independence of the judiciary is probably commonly understood in common terms by most people. The specific nature of the specific provisions is only understood after considerable time is spent on it and it is a shame in my view that this Assembly did not deliberate with the seriousness that it ought to have done.

There was a responsible request by the law society to submit certain positions and the government refused to allow that. And I say that I commented in the committee stage that the debate was not a debate in the traditional parliamentary sense; it was simply a recounting of our positions and putting our positions on the record for future reference. The positions of both sides were not debated in a truly parliamentary sense, and I regret that. The positions of the minister were simply stated as a matter of policy already arrived at.

**Mr. Speaker:** Order Please. I think I should caution the hon. member in respect to annotation 313 of *Beauchesne* that a member may not speak against or reflect upon any determination of the House unless he intends to conclude with a motion for rescinding it.

**Mr. Kimmerly:** In summary, I wish to say that the bill is substantially flawed. We do not support it, and regret its passage through this Assembly.

**Hon. Mr. Ashley:** I disagree with almost all the statements the member opposite made as I did in the bill, because they were ridiculous, mostly, because we have a totally opposite view from them. It is true, I do not happen to believe in the Deschenes Report, holus-bolus, as the opposition seems to, as no other government in Canada seems to. We have taken this legislation, and I believe it is very good legislation, along the lines of the provinces. We have an

independent judiciary, we have walked a fine line and we have separated the judicial administration from influence in any form from the administrative side of government.

As I stated throughout debate, the spending of public funds must be accountable in this House and that is why we have kept this approach, as most provinces have — as most governments have around the world, for that matter — especially the governments of Canada. I would like to review what the member opposite said about this government suggesting that judges should be elected. I did not ever say that and this bill does not reflect that.

**Some member:** (inaudible)

**Mr. Speaker:** Order please, kindly direct your remarks to the Chair.

**Hon. Mr. Ashley:** I am sorry, Mr. Speaker.

*Motion agreed to*

**Mr. Speaker:** I am sorry, I did not see the hon. member. I am sorry I have now put the question and the Chair cannot rescind the vote that has been taken. The motion has carried.

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

**Hon. Mr. Ashley:** Yes, I move, seconded by the hon. Minister of Health and Human Resources, that Bill No. 4 do now pass 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. 4 do now pass and that the title be as on the Order Paper.

**Mrs. Joe:** I would like to make some comments on the bill.

**Mr. Speaker:** Perhaps, in this case, the Chair did not observe the hon. member when she wished to speak. In this one case, I will permit the hon. member to speak.

**Mrs. Joe:** Thank you. I apologize; I had stood before the Speaker had made his remarks. Comments that I have to make on the bill are that, in fact, the minister said that the bill, at one point in time, was better than what we had before. I certainly agree that it is. I also agree that the minister had indicated that we did need more time to make the amendments to the bill and that time was given to us and the amendments were made.

We went through this bill and we had every opportunity to make improvements in the act. The act, as it was before, was very outdated. We made every attempt that we could to make some changes in it as it was and, as the member for Whitehorse South Centre pointed out, there were many deficiencies. One thing that I do regret is that the minister had taken the word of one person, and that happened to the author of the bill, and took that word as God's law, so to speak, and completely ignored many amendments made by a large group of people, namely the Yukon Law Society.

I regret, because we had the opportunity to change legislation and to make it a very, very good act, that it was not done, and it certainly could have been in this case and I think that we could have gone down in history as having a very good bill for the justice people to work with. I only regret that we cannot support it in its present form.

**Hon. Mr. Ashley:** In answer to the member opposite, I worked five months on this bill. I have had advice from across Canada on it; from deputy ministers throughout various provincial governments, as well as other legislative draftsmen and other lawyers, and our local bar and the local judiciary. They have all had a lot to say on this bill. I just cannot accept what the members opposite are saying. This is a very good piece of legislation and that is how we stand on it.

**Mr. Speaker:** Before calling the question, I just want to remind hon. members that the practice that we have followed in this instance will not be permitted again. The hon. members wishing to speak must rise rather quickly. In fact, at third reading, the hon. Minister of Justice was the only one that the Chair observed on his feet and had closed the debate upon speaking twice. It was observed by the Chair, in this case, that both sides of the House were wishing to hear everyone's views on the subject and that is why we permitted discussion on the motion to adopt the title.

*Motion agreed to*

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

**Hon. Mr. Lang:** I move, seconded by the Minister of

Education, that Mr. Speaker do now leave the Chair and that 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. Minister of Education, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

*Motion agreed to*

*Mr. Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

**Mr. Chairman:** I will now call Committee of the Whole to order. We will take a 15 minute recess, after which we will continue with the *Second Appropriation Act, 1983-84*.

*Recess*

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

We will continue with the *Second Appropriation Act, 1983-84*. We are on general debate. Is there any further general debate?

If there is no further general debate, I would direct your attention to Schedule A.

*On Yukon Legislative Assembly*

**Hon. Mr. Pearson:** This is the vote for the Legislative Assembly. As can be seen at the bottom line, there is about a 10 percent reduction in costs from our 1982-83 forecast. This is primarily attributable to the fact that we do not have a general election to run during the course of this year. At this point in time, it is not foreseen. It was, of course, an expenditure item in last year's budget.

The other bottom line that I think we should point out is that there is no change in the person-year establishment.

**Mr. Kimmerly:** I would like to say that the breakdown of the various amounts, supplied, I believe, by Mr. Clerk, is most useful. I would recommend to all other ministers that a similar breakdown would assist in the debates and probably substantially shorten them.

**Hon. Mr. Pearson:** It is a tradition that we provide this kind of a breakdown to the opposition in respect to this vote; but, surely, it cannot be realistic for the opposition to expect a similar type of breakdown in all cases. What we do is provide what we think is the pertinent information in the budget and we do not mind answering questions in respect to further detail, but there is no way that we could foresee all of the questions that are going to be asked in any given budget session and provide that detail prior to hearing what the questions are.

We will be more than happy to answer questions in respect to detail in the other votes, and in this one, too, if there are any questions. I recognize what the member is saying, but he also has to recognize that we do have a responsibility to present the budget in the manner that is laid before the Legislature now.

*On Yukon Legislative Assembly*

*Yukon Legislative Assembly in the amount of \$808,000 agreed to*

*On Clerk of the Assembly*

*Clerk of the Assembly in the amount of \$232,000 agreed to*

*On Elections*

*Elections in the amount of \$5,000 agreed to*

*Yukon Legislative Assembly in the amount of \$1,045,000 agreed to*

*On Executive Council Office*

**Hon. Mr. Pearson:** I think I should warn members opposite not to be overcome by percentage changes that are delineated in the budget because, in fact, they are very misleading. I would respectfully suggest that they look at the bottom line. The percentage increase in this department is 11 percent, primarily due to the fact that the increase in man-years last year were only reflected for a half-year in the budget. This year, of course, those increased man-years are reflected for a full year. We do not anticipate any increase in man-years during the course of this year.

The major increases in the department are primarily in the areas of travel and expenses for ministers. This is something that is virtually an uncontrollable cost, one that has been escalating very, very quickly. We find that a large portion of our travel is also uncontrollable in that it is necessary for ministers to attend specific meetings in various places. I guess a major portion of the travel is done by me, and it is done between here and Ottawa. Every six months, that expenditure seems to go up. There is an increase in the fares and the cost is getting to be more and more all the time.

We have tried to keep costs down wherever we can, but it is through controlling, as much as we can, as we have in other areas of budget, the increase in person-years.

<sup>17</sup> **Mr. Kimmerly:** I would like to put a few comments on record about my previous comment, which was the source of some merriment on the other side today. I think I ought to clarify some positions I have stated publicly, and defend them.

It is in this department that, in previous years, substantial criticism was levied to the gradual and, in some years, not-so-gradual, increase in the person-year establishment and the general expenditure. It is obvious that, with the firm establishment of party politics and the growth in the Cabinet style of government in a constitutional sense and in the constitutional development of the territory, this office increased in size and importance dramatically over the last ten years, even over the last five years. I wish to put some of the comments I have made in public into some perspective, especially about this department, because I have stated publicly elsewhere that substantial cuts could be made here in this department and I firmly believe that and wish to re-emphasize it.

The member for Porter Creek West said today that I said that there should be cuts in the government service in order to create jobs and stimulate the economy. I did not specifically say that. I said that the growth in the civil service over the last years, and the maintenance, especially in this year, is out of balance with the negative growth in the population and the corresponding need for service. Because of the projections and the population movement and the recession in the territory, it should be put in balance, and I defend that statement and I stand by it.

<sup>18</sup> An emphasis on the growth and the change in population figures and the economic situation in the territory is what I have failed to establish in the media, mostly because I did not say it often enough, I believe. In any event, it is in this department that there should be substantial cuts and I will get very specific; I will say that there should be a cut of over 50 percent of the person-year establishment. There should be cuts in travel and Cabinet expenses, and I will refer to it specifically as we go through the lines. This is the worst department in which the government is top heavy in proportion to the population and it should be cut.

**Hon. Mr. Pearson:** I have lectured the member for Whitehorse South Centre a number of times on government and what government is and what it does and what it is supposed to be trying to accomplish. We are providing a service to the people of this territory and it is as I said to him yesterday: he cannot equate and cannot compare Ontario and Yukon.

True; we are two governments. True; we are both trying to do the same thing.

The fact of the matter is that because we are so small the cost is greater. It is also a fact, that as our population shrinks by 2,000 people it does not mean that this government can cut back its services to reflect that shrinkage, because the people who are still here demand the same services that they were getting. A perfect example of that is the nine-day fortnight. We cut back on services to the public and they were not happy and would not have been happy to have us continue that cutback.

In respect to this department, the fact of the matter is that with the advent of party politics it did mean a change in government and it meant a change in how government runs, and it required that this particular department, the Executive Council Office, grow quickly. In retrospect and in reflecting, I would respectfully submit to you that if I and my colleagues can be accused of any mismanagement at all in this government, it is probably that we did not allow this particular department to grow fast enough.

<sup>19</sup> We ran into problems because of that very point. We have

resolved those problems now and that is why you do not see any increase in the size of the department during the course of this year.

I want to also point out to the member for Whitehorse South Centre that he cannot say with immunity that this department should be cut and no other department of the government. I do not think he realizes that more than three-quarters of this department are public servants under the *Public Service Commission Act*. They are not order-in-council appointments. So, he is back to cutting the public service once again and I do not think that, in the final analysis, he nor any of us want to do that at this point in time.

**Hon. Mr. Lang:** I just want to go on record, like my colleague from Whitehorse South Centre. Perhaps I was half asleep, but the fact is I heard the interview yesterday on one of our more renowned media, and I also heard further conversations in respect to the question of the public service and what should be done about it.

I think I should clarify for the member opposite that I do not believe his memory is as good as he would like it to be, if he would go back and listen to exactly what was said in respect to what his position, and his caucus position, is in respect to the budget that is here before him. I can sympathize with him, to a degree, in respect to the economic situation that we face in the territory, but I would like some direction as we go through the budget on the areas that they would see are no longer useful for serving the public need, at this time. It would definitely help us in the preparation of later budgets, if they are going to be consistent with the policy that the member for Whitehorse South Centre has put forward or, perhaps, when their fearless leader gets back, maybe it will be reversed tomorrow, because I guess tomorrow is Wednesday.

**Mr. McDonald:** I think that the member for Porter Creek East is going to be putting my remarks in the context in which I think they ought to be put. He suggested, perhaps, that we should try to identify certain areas of cuts. I think that we have only talked about the Executive Council Office, and I am sure, when we come around to asking very specific information about the Executive Council Office, in total, that we can get the information required to make that kind of decision.

The government leader did say that people do demand the same service that we have been receiving in the past. I notice that for this particular item, the Executive Council Office, this same service is going to be costing the taxpayer an extra 11 percent, overall. I think we are going to need some pretty good information to be able to substantiate the justice of such an increase, considering that public sector workers were subjected to a six percent increase over the year.

The questions that we will be asking are going to be questions in which we will be requesting particular great depth. I am sure, as we go down this particular subject, the Executive Council Office, Cabinet support, Office of the Commissioner, et cetera, that we will freely be getting the answers that we are looking for.

The government leader suggested that travel was one area where there are really no guidelines and there is really no way of preventing increases in this area. I would like to know if there have been guidelines in the past for ministerial travel, what they have been and whether or not they can be met, given the government leader's last statement; and whether or not there are guidelines for travel for support staff for the other members of the Executive Council Office and people who might travel along with the ministers. Perhaps, after that, we can get down to some very detailed questions about each line item in this area.

<sup>20</sup> **Hon. Mr. Pearson:** Travel regulations are a matter of public regulations. They are public knowledge and we travel under those regulations. There are guidelines for ministers and there are guidelines for assistants and there are guidelines for territorial employees. They all happen to be public knowledge. There is no problem with that at all. I thought I had made it clear that the problem is that the cost of airline tickets has gone up, and goes up dramatically. We have no control over that. It is a mighty long way to walk or to drive to Ottawa. It is not practical; we must fly. We do not have control over what the cost of that flight is going to be.

One other point that I want to make, just in case there is some misinterpretation on the other side, is about the oblique remark about 11 percent as opposed to six percent. There are no salary



increases in here. There are no salary increases anywhere in this budget because until negotiations are completed with the Public Service staff, we will not know what the salary increases will be and, as a consequence, they have not been reflected in any way, shape or form in this budget for anyone. The only increase is, in fact, the increase of 10 percent on reverting back to the ten-day fortnight. Those are the only salary increases that are in here, except for incremental salary increases; in other words, employees who have worked another year and get an automatic increase.

There are some incremental salary increases for the public servants in this department. There are no incremental salary increases built into the budget for the order-in-council people.

**Mr. McDonald:** The point that I was making, and I thought the government leader would understand, was that the family unit must meet certain expenses and, if they work for this government, they are given six percent of their salaries to meet those expenses. I was drawing the comparison between that family unit as a business, in terms of the fact that it has to make certain business decisions of a kind, and comparing that with this Executive Council Office, all told. That is the comparison that I would like to draw: whether or not we can live, as a family unit, in comparison with the Executive Council Office as a unit, whether we can live within certain established forced limited increases.

**Hon. Mr. Pearson:** Save and except for salary increases, it is our anticipation that it is going to cost us \$1,650,000 for this department during the course of the coming year. To the best of our knowledge, yes, we can live within that amount of money. That is why it is here in the budget.

**Mr. McDonald:** The amount of money that we are talking about is the difference between 11 percent and six percent. Can the government leader say that this 11 percent amounts only to incremental salary increases and the increases of airfares? Those are the only areas which he has delineated as being areas of increases.

**Hon. Mr. Pearson:** As I indicated in my opening remarks, five order-in-council staff were added in July 1982 for one-half the year so they were only reflected for one-half a year, last year. They are reflected for 12 months this year. That is an increase. Ministerial travel has been increased. There is an increase in the personnel costs throughout the whole budget due to the ten-day fortnight. Other than approximately six percent — it is hard to say that it is exactly six percent because we have actually split the budget, this time, between Cabinet support and the Executive Council Office — there is an increase for such things as telephone and such special services because we know that those costs are going up. We anticipate that they will go up. There is nothing new added to this budget.

#### *On Cabinet support*

**Mr. Byblow:** Just by way of information, I would be very curious as to what constitutes those 12 people; first in terms of a general function, and then as individuals in terms of to whom they are reporting and in terms of who is a political appointment versus a public service appointment.

**Hon. Mr. Pearson:** The question flabbergasts me, because that was answered in detail in November, and it has not changed since then. I frankly did not bring that kind of information with me because I did not perceive, in my wildest imagination, that such a question would be asked again.

There are five secretaries; there is an executive assistant to me; there is a special assistant to me; there is a press secretary; there is an assistant to the back-benchers, which is partially paid for in this vote; there is a research officer; there is a secretary of the policy and planning committee. I think that is twelve. They are all political appointments; they are all Order-in-Council appointments.

**Mr. Byblow:** All twelve are political appointments in the general description as the government leader has indicated?

**Hon. Mr. Pearson:** I do not know why he is qualifying it as "in the general description". They are Order-in-Council appointments.

#### *Cabinet Support in the amount of \$552,000 agreed to*

##### **On Office of the Commissioner**

**Hon. Mr. Pearson:** Just to make it clear, this is the Yukon

Government's share of the costs of the Office of the Commissioner; in fact, some of the costs are picked up by the Government of Canada. The Commissioner is in fact an employee of the Government of Canada and the primary cost of course is his salary, which is paid by the Government of Canada. We pay, as is evident here, a majority of his expenses, because a majority of the time he is travelling on Yukon government business and at our request. We also pay for the support staff that he is required to have.

#### *Office of the Commissioner in the amount of \$91,000 agreed to.*

##### **On Executive Council Office Administration**

**Hon. Mr. Pearson:** Just for clarification, once again, this is the office that is run by Mr. Spray. It provides a support service to the whole Cabinet.

**Mr. Byblow:** What is the relationship of this office in terms of its staff component to the Cabinet Support?

**Hon. Mr. Pearson:** The only real relationship is that Mr. Spray reports to me and either Mr. Spray or people who work for him are members of virtually all of the Cabinet committees that function in the government; not only Cabinet committees, but all of the committees that function in the government, in that they provide a central secretarial staff for all of those committees.

**Mr. Byblow:** Are the functions of the 8.5 people noted of a clerical nature, an administrative nature, or a research nature?

**Hon. Mr. Pearson:** There are two researchers in the department; it is primarily of a clerical nature and very much of an administrative nature. Mr. Spray is responsible directly to me for the administration of this branch and the office upstairs.

**Mr. Byblow:** In that this particular line item reflects this 82 percent increase that has been raised in the past, I do not understand where that now comes from, if this was a function or a component that always existed.

**Hon. Mr. Pearson:** As I said at the beginning, you have to go back to page 18 and look at the bottom line. It is not an 82 percent increase in the department, it is an 11 percent increase. What we have done to try and make the budget clearer for the future — and I recognize that it causes a problem this time around — is that we have separated, for the first time, Cabinet support from the Executive Council Office, and that does make it very difficult for us to make comparisons because we are actually comparing apples and oranges at that point. It will be clearer in the future, but for this year the increase in the department is 11 percent.

Because of the breakdowns that are arbitrarily made in putting together the budget by the Department of Finance, an 82 percent increase is reflected in the Executive Council Office administration. It is not really what has happened. They were all reflected in the old budget as one group.

**Mr. Byblow:** For me to understand this better, are the 12 person-years reflected in Cabinet supports and the 8.5 reflected in the Executive Council Office in any way an increase from last year's quantity, as it were.

**Hon. Mr. Pearson:** No, not in person-years. It is not only them, it is also the office of the Commissioner and the internal audit office; overall it is an increase of 11 percent.

**Mr. Byblow:** I realize that overall it is an 11 percent increase but if I take those two line items alone, by themselves, they add up to 20.5 person-years. Is the government leader telling me that we had 20.5 person-years in last year's budget and that this does not reflect in any way an increase of several people?

**Hon. Mr. Pearson:** Yes, that is exactly right. There is certainly no change at all in person-years.

#### *Executive Council Office in the amount of \$395,000 agreed to* *On Internal Audit*

**Hon. Mr. Pearson:** This is a relatively new branch, and we looked very hard and very longingly at increasing the person-years in this particular branch but decided that we will try to carry on with the existing person-years and hope that things will work out all right for us.

The problem is that we are not getting our internal audits done on as quick a rotation as we would like to, and the limitation is, in fact, manpower. The limitation is person-years; it is not having enough people there. We are operating on a four- and sometimes five-year rotation when really we should have our internal audit,

according to everything we are told and can read on it, on something like a three-year rotation. However, we hope that we can stay with the three man-years this year, continue our present rotation, and possibly upgrade it next year.

*Internal Audit in the amount of \$170,000 agreed to  
On Public inquiries*

*Public Inquiries in the amount of \$1.00 agreed to  
On Plebiscites*

*Plebiscites in the amount of \$1.00 agreed to*

<sup>23</sup> *On Public Affairs Bureau*

**Mr. Chairman:** We will now go to the Public Affairs Bureau on page 26. Is there any general debate?

**Hon. Mr. Pearson:** As is evident, there is a decrease of two percent. That is, primarily, a decrease in our advertising budget. We have decreased it by some \$30,000. Offsetting that to some degree is the increase due to the return to the ten-day fortnight of the ten people working in this branch.

*On Administration*

**Mr. Byblow:** Does that reflect a reduction in any form of a staff component?

**Hon. Mr. Pearson:** No.

*Administration in the amount of \$108,000 agreed to  
On Information Services*

*Information Services in the amount of \$164,000 agreed to  
On Photography*

*Photography in the amount of \$85,000 agreed to  
On Inquiry Centre*

*Inquiry Centre in the amount of \$85,000 agreed to  
On Sub-total*

*Public Affairs Bureau in the amount of \$442,000 agreed to  
Executive Council Office in the amount of \$1,650,000 agreed to*

*On Department of Education and Manpower*

**Mr. Chairman:** We will now move to Education and Manpower, on page 32. Is there any general debate?

**Mr. Byblow:** May I have just a brief moment? I did not anticipate this coming up and I have to procure some notes.

**Mr. Chairman:** How long will you need?

**Mr. Byblow:** Very little.

**Mr. Chairman:** At the request of the Legislature, we will now take a short recess.

*Recess*

<sup>24</sup> **Mr. Chairman:** I will now call Committee of the Whole to order. We will go to the Department of Education on page 32.

*On Department of Education*

**Hon. Mrs. Firth:** Before I proceed with general comments, I would like to point out three errors and get them corrected now. Page 41, under expenditures per unit, the line item that refers to the number of students, 1981-82 actual, that number is incorrect. It should be replaced with 5,053. On page 56; sports, games and fitness, after the fifth line, Arctic Winter Games training; also included in there should be Contribution to Arctic Winter Games Corporation Administration, estimated 1983-84, zero; and 1982-83, \$15,000. That \$15,000 can be added to the \$134,000 to give a total of \$149,000, and the fourth dash can just be deleted. On page 57, the last two line items, Special Student Employment Assistance Program, 172 is incorrect and should be replaced with 250. Employment Bridging Program/NEED, 490 is incorrect, and should be replaced with 412, and the total remains the same.

It gives me some satisfaction that, in spite of the recessionary times, I am able to present to the Assembly a budget that not only maintains the quality and maintains the program but it is responsive to individual and community needs. Yukon has enjoyed, and will continue to enjoy, a high standard of education, both in the public school system and in post-secondary education. Recreation also is a major activity and expectations in all of the communities, as will be reflected in the budget, continue to be quite high-profile.

It seems that when dollars are plentiful it is relatively easy to meet the demands and expectations and the healthy aspect of

recessionary times, I think, is that decisions and priorities have to be made. At times, public demand has been equated with government responding to meet a particular need and, by meeting this need, the demand has abated for a while and the political ride has been fairly smooth and comfortable.

<sup>25</sup> In this portfolio, I have learned that to be comfortable and have an easy time, while presumably desirable, is not necessarily in the best interests of the education of the students or of the teachers and the aspirations of adults in post-secondary education. Also, it is not in the best interests of those pursuing recreational, artistic, cultural or sports activities. The demands are many, of course, and the choices are few.

The budget before you displays a mosaic of wise decisions and prudent use of dollars. In the public school system, teacher-student ratios will remain at the present level and work will continue in updating the curriculum and technology.

We have almost completed a functional analysis of the administrative structure of the department and, during the next year, we should see some revamping so that we will be able to be more responsive to the demands of the times and more efficient in our everyday operations.

The direction was given to establish a futures mechanism which will allow us to examine our philosophy and goals and objectives so that we are prepared to meet the changing demands in the years ahead. The philosophy and the goals and objectives were just discussed at a meeting of the principals and we received a lot of input from the principals. I mentioned the philosophies, goals and objectives because I just wanted to indicate to the members opposite that we recognize that education should not be static but that it is an evolving process.

The establishment of Yukon College is a major event in the advancement of post-secondary education in Yukon. I think we now have a better opportunity for developing a variety of courses in an integrated manner. I made an announcement when we had the opening of Yukon College that I was considering having an advisory committee set up for advanced education. I would assume that one of the mandates of the committee would be to look at the linkage between advanced education and the public school system, which I believe was a concern of the leader of the opposition last Session when we had the budget debate.

Manpower has been amalgamated with industrial training and will have major involvement in human resource planning so that we are able to identify not only present training requirements, but the future requirements that will need to be met when Yukon is in a stable and growing economic position.

Of major importance in these times is the continuation of employment development programs to ensure that the unemployed or those about to be unemployed are able to have jobs and remain in their communities. The budget before you shows clearly the government's endeavour to continue to fund these programs; not only job creation programs, but also the student programs which will help our young people with summer jobs in order that they are able to continue with their post-secondary education.

I will go into some more detail as we go through each individual program. I just would like to say that I am pleased to present the budget from the Department of Education, Immigration and Manpower to this Assembly.

<sup>26</sup> **Mr. Byblow:** I would thank the minister for the opening remarks and by way of precipitating some discussion, I have a number of points I wish to raise and I will use the approach of raising them individually as opposed to a long dissertation.

I think the minister heard from me extensively last fall and I will be re-touching some of those areas.

The minister spent some time talking about the objective of education as a response to individual and community needs when she dealt with — I believe she used the reference of "futures mechanism" — and described something I thought to be an organizational structure or a committee — it was not very clear — regarding the future direction of education with respect to the philosophy, goals and objectives.

I think this is the first area of questioning I would like to engage in with the minister. I think in the past I have indicated to the

minister that there is some need to redefine the direction, the thrust, the present philosophy of education, if it in fact exists. The minister indicated that this was recently discussed at a principals' meeting and I want to hear a little more about this.

We recently had the experience of touring the minister's new university, Yukon Campus, and we have, in the past, discussed the changing priorities in our society towards the need for trades, adult education, and, in particular, meeting the technological changes that society is going to be faced with, and is already participating in.

I guess I want to, in the first question, ask the minister to explain to me firstly what she really means by the futures mechanism. This is in line with my concern about the direction of education, certainly in line with the questions emanating from the public about the emphasis to be placed within the school system, following the school system, and in our training programs, to prepare people whether academically or vocationally. I would probably leave it there and continue questioning from that in the general debate. Could the minister spend some time talking about the futures mechanism?

**Hon. Mrs. Firth:** I anticipated that the member's questions would be a little more specific and not quite so vague. I am to explain the government's position on a futures mechanism. I recall the member opposite mentioning in the last Session that we did not seem to have any particular direction or goals and objectives, and what really was our philosophy. What I am saying is that I have recognized that we need some future mechanisms, we need to have an outlook as to what is happening with education in the territory, what is going to happen with education in Yukon in five years and 10 years, and one year.

What I am saying is the goals, the objectives and the philosophy are going to be redefined. We are examining this. We are asking for input from the principals, for example. We will be asking for input from the YTA, from the school committees. This is not something you sit down and do in two weeks and a committee sits and decides what the goals and objectives are going to be. We would like to encourage public input into this so that the future is discussed and developed by all of Yukon and as many people can participate as possible.

I am a bit disappointed to have the member make a comment about the minister's university. That was not the intention of it, and it has been received very favourably — the fact that we have re-named the Vocational School, Yukon College. I think it shows that the government is looking in a future direction and looking at future training needs, and at some of the goals we will be fulfilling in advanced education and post-secondary education.

Maybe I can just say to the member, in order to look at curriculum development — and one of the questions that the hon. member had from the last Session was "who determines the courses in post-secondary education" — that is what future mechanisms do. Future mechanisms determine curriculum; they determine courses; they coordinate all the committees who are responsible, the federal committees as well as territorial committees, the federal participants. That is what future mechanisms is.

**Mr. Byblow:** I would not want the minister to misinterpret a compliment. I think it is quite clear that the attempt to convert the old vocational school into a program centre for adult upgrading in a more comprehensive way is a correct move and certainly a first step. That I might consider it the minister's university, I shall reconsider and probably never mention that again.

I now may have a little better understanding of what the minister meant when she talked about futures mechanism. I would like to very specifically ask the minister — in recognition that you cannot do this overnight, that it takes a much longer period of time in the physical sense into which a lot of thought and analysis has to go — whether or not the minister has in mind a process for public input with respect to this very serious question of educational direction in the long term? More accurately, in the past, I have said that education has a tendency to meander in terms of direction and that we need more clearly articulated philosophy, goals, objectives, and in a very practical sense, programming, planning and preparation of students, be they youth or adult. To repeat the question I started

with: does the Minister intend to have a public process over the next year or two whereby public input will be solicited, analyzed and used towards this clear articulation of our direction?

**Hon. Mrs. Firth:** We have not established a process, per se, that we are going to have public meetings and there is going to be a committee set up to review these public meetings. What the department has done is follow through with the goals that, perhaps, the minister set when she began in the portfolio, in that the first objective was to look at the department itself. This is why I was mentioning that the functional analysis should be completed shortly so that we know whether we have the departmental staff in place, the curriculum development people and the program people to follow through with the public process of input. We need to have all that in place and then we can pursue the public process.

However, we do not like to say that we are only doing the functional analysis and we are not reviewing the goals and objectives yet and asking for public input. This is why I have approached the school committees about it. I have approached the education council and the Yukon Teachers Association will be approached. The principals were having a gathering, and we thought it was an opportune time to approach them and have some healthy discussion and exchange on the goals and objectives. I suppose the answer, to be more concise, is that we have not established a set pattern of a public process.

**Mr. Byblow:** When the minister talks about the administrative analysis that she is in the process of analyzing, I would be, to some extent, almost fearful, and definitely cautious, that the minister is not taking an approach whereby certain structures are redefined and put in place and then public input is solicited. I would extend that into bringing up the subject of, in the context of public input, the debate over whether or not the physical structure, in an ongoing sense, is going to be looked at — that is, school boards, school committees, the whole question of accountability of the educational system in an ongoing process.

To leave the question, I would want some assurance from the minister that her approach does not preclude public input and debate before structures are put in place.

**Hon. Mrs. Firth:** You have to start somewhere. If the member for Faro has a better suggestion about where we should start examining this whole Department of Education, Recreation and Manpower, perhaps he could come forward with that suggestion. My immediate reaction was to examine the infrastructure that we had in place at the moment and to start from there.

When we have completed that examination, that does not necessarily mean that we will be making a lot of changes immediately or that we will be creating new positions or we will be deleting other positions. You have to have some clear understanding of whether there are jobs being duplicated and there are jobs that maybe are not being done. We had to have that definition. We had to have the resources in place so that we could proceed with curriculum identification, future goals and objectives.

School boards and school committees, again, are subjects that we have discussed with the school committees and at the annual general school committee meeting and I think the member for Faro and I know very well who is accountable, and it is the department and government that is accountable in all senses when education is discussed. It was obvious to me that the school committees did not want that responsibility for accountability when they declined the resolution that came forward suggesting a school board be tried. It was voted down unanimously.

**Mr. Byblow:** Extending from my original question about direction, and the minister has now touched on it, I have a question surrounding this whole area of manpower planning. What is the present capacity of the government to assess the future needs in the labour market? I realize that, in the current economic scenario, we are faced with a lot of people with some time on their hands, and a growing necessity to upgrade and re-train as the labour market demands those changes. We know that the manpower planning component is a very difficult thing to project but I want to know what capacity this government feels it has in place to adequately meet that rising need for changes within the labour market.

**Hon. Mrs. Firth:** The question is rather vague and could entail

quite a complex answer. I will try to be as simple as possible. We have recognized, of course, that we have to be flexible in our training needs so that we can adapt quickly if we have to. The department of manpower planning and industrial training is in consultation with economic development. We also are in consultation with the federal government, in Mr. Axworthy's department of manpower and immigration. And, through the federal government and the Canada Employment and Immigration Commission in Vancouver, who is our contact, we have information available to us through what the Government of Canada refers to as COPS, which is the Canadian Occupational Projection System. They project occupations on a regional basis and on a demand basis and enter them into a computer, and we have access to this information. We also have committees set up: advisory committees, apprenticeship advisory committees and trades advisory committees that can give us input as to what they feel the manpower needs will be and what the manpower planning should be and the future Yukon should be taking.

I think particularly interesting is the economic development aspect. We have been in contact with some of the Mactung people and Mac Pass people as to what they are projecting that their requirements are going to be; some are met favourably and others are not so, and it is probably because they do not have all their plans in place.

To reassure the member, we are constantly pursuing it and we are constantly writing to any people who are proposing some major economic development in the territory to find out what their future needs may be so that we can have that flexibility and we can move into action, so to speak, if we have to, to identify those positions that we would have to create.

**Mr. Byblow:** I appreciate that summary. I do have more questions but I think, in all seriousness, they would best be left to advanced education and manpower as a vote, where specifics can be sought. I do want to touch on one aspect in a very specific way, relating to the general schools program as well as the vocational training, and that is in the area of meeting the technological changes in the area of computerization. There has been a number of concerns brought to me, in a general way, and it is ironic because the criticism has actually been in some cases one opposite the other. One instance I have had brought to my attention is that computers are available in the vocational school and are not utilized; on the other hand, there are some in the school systems but the criticism is that we are not moving fast enough in developing that growing need to meet the required training that is being called for. I realize there is room for specific questions on that in line items, but I do want to raise that in general debate and ask the minister if she has any response as to the intentions of government to meet that, in the one sense, capital requirement, because they do cost large amounts of money, and in the practical sense the required training and integration that is needed to make full utilization of that area of vocation.

**Hon. Mrs. Firth:** We are experiencing a change in Yukon right now, and everyone is, all over Canada, with computer technology, in that it is advancing at a very rapid state. I think other places are having difficulty meeting the demands as well. I am sure the member can appreciate that, with our smallness in the territory and the uniqueness of the Yukon College as it is now known, it is very difficult for us to initiate a program, get the program going and to keep up with other areas of Canada. We have difficulty hiring people for the government as employees to work with computers because the demand is there but the supply of trained personnel is very limited.

Like I say, through training assessment committees and through input from economic development people, we will be able to move as quickly as we can, identifying what programs we are going to make available, which ones we will initiate in the high schools, and whether they can follow through to the Yukon College later. We are trying to move as quickly as we can in this area.

**Mr. Byblow:** Again, I will have some questions, in both advanced education and the schools program, about the level of existing movement to that area.

I want to move to another topic and perhaps clear up for the

record just what is the government's position and what is taking place now. I have had time to research the subject and I believe that there is some reason for concern. This is to do with the conflict, as I would describe it, between the teachers of the territory and this government over the business of the previous scenario whereby, last October, they provided in a cooperative, well-meaning and important way a number of voluntary concessions in their professional way. Subsequently, they were met with "six-and-five" legislation, which, to them, raised the concern of a breach of faith in the on-going relationship with government.

Perhaps the minister could, maybe to close the record on that, identify this government's final position on the matter or are we, in fact, going to be faced with an on-going feud? I may have more specific questions.

**Hon. Mrs. Firth:** I will have to apologize: I may bounce back and forth. I will try to get all the events in a chronological order so that it is clearer for the record and for the members on both sides of the House.

We were put in a position last October where we had to find some extra monies in the Department of Education. The recommendation was made that we approach the teachers in regards to some concessions from them that would assist us in not having to cut programs, and so on, in the department. The Yukon Teachers Association was first approached on the 6th of October, and it was at that time that we requested that they voluntarily give to the department a certain sum of money. We started the negotiations at \$300,000; subsequently, it came down to \$200,000.

At that time, I gave the direction to my deputy minister, who was proceeding with the negotiations, to make it very clear to the Yukon Teachers Association and make it very specific that if they did grant us these concessions and give us the \$250,000 that there were absolutely no guarantees attached to this, none whatsoever. There was no protection to their contract, there was no guarantee that there would be no ceiling imposed on wages, there were absolutely no guarantees attached to those concessions coming over to the Government of Yukon.

After these negotiations proceeded for some four or five weeks, on the 10th of November, a verbal agreement was reached and the Yukon Teachers Association gave a commitment to the government that we would receive the money. After that, the caucus and the Cabinet made a decision that we were going to have to go with the "six and five" legislation. That happened at the end of November.

On December 6th, the *Public Service Restraint Act* was introduced into the Legislature. On December 9th, it was passed and, on December 21st, the Yukon Teachers Association and the Yukon Territorial Government formally signed an agreement and the teachers handed over the concession to the government. In that concession was included some three professional days, professional development fund and a half day's pay and all were agreed to on that date.

Some time later, and I am not quite sure as to how long — whether it was a month or six weeks — I was approached by the Yukon Teachers Association, in the form of a letter, demanding that the concessions be returned and the "six and five" be removed when it applied to teachers. Prior to this, I had been warned by the YTA, through my deputy minister, that there was going to be an emergency membership meeting called of some of the teachers who had requested this meeting. At that time, I had offered to the executive of the YTA to attend the meeting to present the government's position. The YTA executive refused my offer, so I did not attend the meeting.

Then the letter was presented to me and I examined it very closely, the department examined it, and we consulted with Finance. The monies had already been identified and had already been used, and so I met with the executive of the Yukon Teachers Association, Mr. Bob Dick and Mr. Ed Woloshyn, and indicated to them that the government's position was that they could not get back the money, that we were not able to give it back, it had been used up, that we appreciated the contribution made by the teachers and we appreciated the cooperative spirit that it had been made in. I had had teachers comment to me that they felt that they had fulfilled their contribution; that other civil servants had worked the nine-day

fortnight and, in effect, contributed a day's salary and they were not being given back any monies.

<sup>31</sup> Since that time, the executive of the Yukon Teachers' Association has constantly pursued this: would we give it back? Would we not give it back? They have asked all kinds of questions. They wanted to know where the extra monies were that the government received. I explained to them that the supplementaries had been tabled to identify where the extra monies had been spent, at which time they wanted me to sum up, in 30 words or less, where all the money had gone. I told them that I just was not prepared to do that, that the supplementaries were a public document and they could research that for themselves.

They wanted to know where other departments received money. They wanted to know where we had received money and I told them we would be discussing this in the general debate of the budget and they were certainly welcome to sit in on it as anybody in the public was.

I have been talking to many of the teachers in my own riding. They have indicated to me that they do not want the money back, that they were led to believe, by the executive, that there had been some kind of guarantee attached to the giving of the concessions and that they, in fact, felt that they had been doubly penalized; that they gave us the \$250,000 and now we were imposing the "six-and-five".

Well, that was not the government's position. There were no guarantees attached, and when we spoke to the executive of the Yukon Teachers Association, Mr. Bob Dick, who had been involved with the concession negotiations, indicated to us that he was under some assumption that when he was negotiating the \$250,000, the contract would be protected. I reiterate, that was not our position and it was an assumption that the president of the Yukon Teachers Association was under.

If that assumption was passed on to the membership, I can appreciate that they are feeling that there has been some breach of faith. However, that is not the case.

The last development in the whole scenario has been that the executive accused me of constantly standing up and saying that feelings between the teachers and the government were good and that there was no problem; that was not what I said. I said that I felt that the relationship between the Yukon teachers and the government continued to be healthy. I appreciated that there was some concern on their part, however, the relationship between the Yukon Teachers Association executive and the government, perhaps, was not as healthy. They accepted that and left.

Sometime ago, I was asked to be guest speaker at the annual general meeting of the Yukon teachers and I accepted that invitation. There was some flurry and discussion as to whether they could fit me in on the agenda or whether they could not fit me on the agenda and being interested in the teachers and in their concerns, I was prepared just to go as an observer and see what they had to discuss. However, the executive did consult and change their minds and said that I was able to appear and I will be speaking at the annual general meeting of the Yukon Teachers Association this coming weekend. Hopefully, I will be able to present the government's position and do something, if there is still a feeling amongst some of the teachers that there has been a breach, and remove that feeling.

**Mr. Byblow:** I am sure I could be given 15 minutes as well. I sincerely appreciate the minister's attempt to clarify this, for the record, and I am sure it will be closely scrutinized. I think the minister is quite correct that the problem appears to be in some misunderstanding. I do not know on whose side it rests because I certainly do not have the evidence but the problem definitely originates with some understanding that there would be no jeopardy of the contract and no further harsh treatment to the professional agreement or the contract when the concessions were made.

I think it should be emphasized that there is no teacher in the territory who is making a case about the money; that is not the issue. The issue is distinctly one of a breach of faith, whether intended or not. I think I have said to the minister before that I do not think anything should be attempted to be made of the date when the concessions were signed over. I think we are talking about an

agreement reached to give back some money to help the government. That was reached back in November and that it was officially transacted in December is really an irrelevant matter.

I am curious about the reference the minister has made to being refused the opportunity to attend a session of executive and staff, because if the minister is prepared to address the problem, every opportunity should be attempted to, in fact, make that kind of a presentation.

I would be curious if the minister has had communication by letter over this issue. I think one of the things I respect in what the minister has said is that she has recognized that there is some problem there in the grassroots yet and, perhaps, the convention next weekend may very well clear the air over the matter. I am sure the minister is aware, as I have raised it in previous questioning, that there is discussion about working to rule. There is a "pink-listing" of the territory in the southern papers for recruitment purposes. These are very serious matters. We do have an image out there that there is a dispute between the YTA and the government and that has to be cleared up.

<sup>32</sup> I certainly appreciate that the minister has recognized the problem. I would only have wished that she was able to have cleared this up in her bailiwick, as I have said before, much sooner, so that we would not be facing the current situation and scenario of in fact being represented officially on the outside as being "pink-listed".

**Hon. Mrs. Firth:** Again, I will respond to the member's comments in a chronological order. I am aware that he appreciates that the teachers are not asking for the money back; however, every time the Yukon Teacher Association executive meets with us, they constantly demand the \$250,000 back. They are the ones who have attempted to make a case over the date. I have not dwelled upon dates. I have only tried to clarify them for the benefit of the members in the Assembly and for the teachers and for the media, so that there was a chronological event of happenings.

I was never told about the work to rule. This was never discussed with the department or with myself as the minister, and I have met with the executive of the Yukon Teachers Association twice. I criticized them the last time I met with them because of what I thought were unprofessional tactics that they were using, and by that I meant the talk of "pink-listing". The media would phone me to ask for my comments about being "pink-listed" and the media would phone me about my comments regarding working to rule, and about the ads that were put in the paper. These things went through the media before they came to the department or me and then they subsequently delivered a letter. To me that was extremely unprofessional because I had always been what I considered up-front. The direction had been given to the deputy minister to be precisely honest with the teachers, to be up-front with them, that they were intelligent individuals and that you were not to try to pull the wool over their eyes — and I had had that made to me as a criticism of past problems that teachers had had, not necessarily with this government but with other governments. The reference is made to Poland and to Quebec. It was obvious that those kinds of situations were not prevalent in the territory.

I had gone to speak to teachers in my riding and I had tried to make an attempt to clear it up sooner. I was criticized for doing so. I was criticized for going to the grassroots in my riding and asking the teachers what they thought about the whole situation, and I was criticized by the executive of the Yukon Teachers Association.

It is the truth that I offered to go to a meeting to present the government's position, and it is the truth that the Yukon Teachers Association executive denied that offer and there is nothing I can do about that. It looked like that offer was going to be denied again at the annual general meeting, however, it is not, and I am very pleased because it will give me an opportunity to explain to the membership the government's position. I do not feel there has been a breach of trust, and I feel that we have been up-front with them. I have spoken to teachers on an individual basis as constituents of my riding and I found them to be extremely helpful, as I did when I addressed the principals' conference a weekend or two ago. I found an opportunity to exchange ideas, and we talked about philosophy and they asked my philosophy and they told me theirs. I found that

kind of exchange extremely healthy. I think I have always indicated in this Legislative Assembly that I was quite prepared to have public input no matter what it involved, whether it was recreation, whether it was with the school committees, with parents concerned about their children or whether it was with the teachers.

**Mr. Byblow:** The minister gave some detail about her interpretation of the lack of professionalism on the part of the teachers, or the YTA executive. I would make the observation that if the minister looks at the total scenario, whereby in a very cooperative, well-intentioned, and meaningful discussion the YTA did engage and solicit from their membership support to approve voluntary concession and to be hit without announcement or discussion on "six and five" legislation can provoke considerable response in terms of a breach of trust if, in fact, the understanding was prior to that that there would be no further measures taken with respect to the working conditions or standards and salaries of the teachers. I think the minister has to recognize that that in itself could be termed as unprofessional on the part of the government. I am afraid that it is not the case that the YTA was advised or aware ahead of time. It came as something of a surprise to everyone, including us on this side, when the legislation was tabled.

The minister did not answer what she proposes to do, or her department proposes to do, about the very fact that in current southern papers there was an ad that says that Yukon teachers are in dispute with the government and this will have an effect on recruitment. That is the so-called "pink listing". The work to rule is something they are investigating. I think that the whole net result of this is the student in the classroom fails. The minister has emphasized her sincere concern about the student as the bottom line and I could certainly agree with that, and here we have the blatant example where the net result of this kind of a poor relationship is going to have, in the long term, some impact in the classroom, because you are not as good a teacher if you are in dispute with your employer, just as you do not have an employee who is happy to work in an environment where he is hostile with his employer.

**Hon. Mrs. Firth:** I want to make a point very clear that, although this "six and five" legislation may have surprised the members on the opposite side of the House and it may have surprised the teachers, it was not something that nobody had heard about before or nobody was familiar with. It was in the federal government already and people had been talking about it and people had been wondering whether we were going to have it or not, and these were discussions I heard out on the street. So I do not agree with the member saying that everyone was extremely surprised about it.

I will say that the executive of the Yukon Teachers Association seemed to be extremely surprised about it; Mr. Dick, the president, seemed to be very surprised about it and very angry about it. If he had, in any way, indicated to his membership that if they gave us the \$250,000 there would be no "six and five", I could see why he was very angry and very upset.

The business of being in dispute — I am not quite sure how I can re-emphasize this to the member for Faro — I have no control over. I cannot put an ad in the paper saying no, the teachers are not in dispute with the government; and I have made every effort to get to the membership. That effort has been denied me by the executive, and I can only appeal to the executive to change their position. From the grassroots level of teachers I have spoken to, they have no desire to be in dispute with the government; they have no desire to work to rule or to go on strike or to pursue these tactics that other provinces have maybe had to resort to.

We do not have that kind of relationship between the Department of Education and the Yukon teachers. When I speak of the Yukon teachers, I am talking about the teacher in the classroom. There were teachers I visited who have lived in the Yukon for 20 years — and 10 and 15 years — and they teach their next door neighbour's children, and the teachers are very active in the community and they do all kinds of extra things for students and for other people. I can stand and defend the teachers because a lot of them are in my riding and I have spoken to lots of them.

I think I can reflect somehow on the way I interpret their feelings and their feelings toward their job. I can see, if there was an

assumption made on behalf of the executive and that assumption was passed on to the association, that there had been some bad bargaining by the government, that they would be in dispute and that is why I have constantly been trying to make an effort to get to the teachers, so I could clarify our position.

Now, if the member has something else to suggest that I can do, some other avenue I can approach, I am prepared to listen to his suggestions, if he would bring them forward.

**Mr. Byblow:** Just to nail this down and perhaps close it up: as the minister has described, the dispute now between this government and the YTA exists over the \$250,000. If that is correct, then that is the basis of the dispute, and until that dispute is resolved it will exist. This will go on *ad infinitum* unless there is something resolved over the issue. Now, I recognize that the minister is speaking this weekend at the convention; I am sure that I will be listening to her as well. Could I ask the minister if this is her attempt at resolving the existing conflict, that is, to speak to the convention? Beyond that, what then?

**Hon. Mrs. Firth:** I do not know how else I can put it. I have indicated to the member for Faro that I went to the grassroots level. I went to the teachers to see where the dispute was, first of all, when the accusation of breach of trust was made. I went to the grassroots to see where it was. I was bewildered. I did not know where it was. The Yukon Teachers Association did not indicate to me where the dispute was. All they did was give me a letter of demand asking for the concessions back, or to remove the "six and five". I was bewildered. I wondered what had happened.

I went to the grassroots and I found out that, for some reason, the executive had made an assumption and that assumption had been relayed to the teachers at the grassroots level. I am quite willing to go and speak to them to clarify the government's position. As far as I was concerned, there was no dispute that warranted pink-listing or black-listing or whatever the member opposite would like to call it. However, that was the approach that the Yukon Teachers Association used, along with the comparisons of Poland and Quebec and the hardships that were imposed upon teachers in BC.

That was not happening here, and I will stress that again. The teachers gave us the concessions willingly and we accepted them willingly. The "six and five" legislation was introduced. The rest of the civil service was not forewarned; nobody was called in and told, "Look, we are going to have to put this legislation in". The executive of the Yukon Teachers Association seemed to think they should have the special privilege to have been notified before we put the legislation in. Well, that just does not happen. What I want to do Saturday is clarify the government's position and answer some questions. How the dispute will be resolved will be up to the teachers of the Yukon Territory, and I am sure that they are quite capable of coming to a decision and deciding how they are going to resolve the appearance of the dispute, or the conflict.

**Mr. Byblow:** The fact does remain that there was a double jeopardy on the part of this government. That is not the kind of a comparison that she can draw to the public service. Everybody got struck with the "six and five", but the teachers gave something in addition.

**Some Member:** (inaudible)

**Mr. Byblow:** Oh, yes, "six and five" does apply in their case and that raises the other point I have on the subject.

It is my understanding that there is still some problem in interpreting the existing legislation as it affects the teachers. Is the minister aware of what I am talking about and is this going to be addressed in the intentions to table the revised "six and five" or amendments to it?

**Hon. Mrs. Firth:** I will refer questions on "six and five" legislation specifically, as the member has asked, to the government leader. He will deal with questions on "six and five". I indicated that to the Yukon Teachers Association. They have made constant attempts to talk with the government leader in some correspondence regarding "six and five".

The president of the YTA, in some way, had decided that the Department of Education was not the villain, that the government leader was the villain. I had to explain to him that that was not true, that the decision was made to have "six and five" and that that was



the decision of the whole government.

To answer your question specifically about "six and five" legislation, I will turn the question over to the government leader.

**Hon. Mr. Pearson:** I am not prepared to answer any questions, specifically, about "six and five" legislation. It is my intention, as I have announced, to table the legislation at the earliest possible date. I shall do that.

**Mr. McDonald:** I just have a couple of comments and a couple of brief questions, which I would put to the minister.

I realize that this is not the vehicle for discussing "six and five", although I am sure we will be getting plenty of opportunity and, hopefully, plenty of notice this time as to when exactly it will be introduced. The first comment, though, would be the question of whether or not the public was surprised or the people were forewarned about the institution of "six and five" legislation, Bill No. 17.

The people on this side of the House, certainly, were aware of the ambience in the country, that "six and five" legislation was being submitted in legislatures across the country. However, we had been lead to believe, in questioning in the House earlier on, that even while the government leader was not prepared to rule out "six and five" altogether, he certainly made it clear to us that he turned up his nose at the prospect of having to institute such an awful piece of legislation, breaching signed agreements, et cetera. That is just to put it in context in remarks already made.

The other comment I would like to make is that I do appreciate...

**Hon. Mr. Pearson:** Mr. Chairman, on a point of order.

The member is implying that I said that there would not be "six and five" legislation and I just said the opposite. I said that, personally, I hoped that we would not have to table "six and five" legislation; however, I know that I very clearly left it out there that it was highly likely that was going to happen. If Mr. Dick was surprised, I am not surprised.

**Mr. Chairman:** I am going to, at this point, suggest that we get back to the Department of Education in this discussion.

**Mr. McDonald:** I think I have made my comments clear and I stand by them.

I do appreciate, on the second comment, the minister's admission that her government was not prepared, necessarily, to meet its obligations on the signed agreement. I hope that that is not an indication of signed agreements in the future.

The minister did say at the time that she had made it clear to her deputy minister, in negotiations, that the deputy minister was to make a specific statement to the YTA executive that the concessions were not to be interpreted as any protection against the imposition of wage controls: wage controls meaning, in this instance, the breaking of a signed agreement, in the teachers' instance.

I am happy to see that she is prepared to make that admission. I am hoping that she would be prepared to make that kind of admission and give notice to teachers in the future, should the government decide to break agreements in the future.

As I said before, we do not want to debate "six and five". We will be debating that sometime in the future, and hopefully in this session, if the government decides that it is going to hand down its proposed amendments.

I would like to ask this specific question, and that is that teachers, through their voluntary actions, established a pattern for negotiated settlement. They established a pattern which suggested that, perhaps, they would be willing, by understanding the government's predicament, to voluntarily make donations of their own wealth to the government coffers. I would like to know why, in the case of "six and five", there was no sort of negotiated settlement with the public service unions? In the teachers' case, there seemed to be some sort of practice which suggested that the teachers would be prepared, if they thought the situation was justified, to hand over these concessions voluntarily, while negotiations were tried again on "six and five" and that sort of budgetary cutback.

The second question is a question of planning, I think. I am a little bit puzzled as to why a contractual agreement to expire August 31st was signed by the government and by the YTA and yet efforts were made to rescind aspects of that agreement only a

couple of months later? What sort of planning process did the government go through to establish the terms and conditions of that agreement when they were prepared to ask for concessions only a couple of months after the expiry date, or after the agreement was signed for the new term?

**Hon. Mr. Pearson:** I am not going to answer the questions because, I submit, they are completely out of order. We are not talking about the "six-and-five" legislation, we are not talking about the actions that this government, regrettably, had to take as a result of that "six-and-five" legislation. We are discussing the budget of the Department of Education at this point in time.

**Mr. Byblow:** On a point of order, there was a question in my colleague's presentation that called on the minister or the government to respond to the planning process of this government whereby they signed a collective agreement with the teachers and within two or three months were approaching the teachers for voluntary concessions for a purpose of meeting the government obligations on standards and levels of service.

**Hon. Mr. Pearson:** I know the Minister of Education has been very reluctant to say it, but I have heard a number of references to "voluntary concessions". I think we should get the record straight. We went to the teachers and we asked them to make concessions. They made those concessions voluntarily. The implication, by the member for Faro, is that the teachers volunteered to make these concessions. It is not so, and I do not want it on the record that way because that is not what happened.

With respect to our actions as a result of "six-and-five" legislation, that will be a topic of discussion in this House and it will properly be a topic of discussion when the legislation is here; not before that. There is absolutely no way that I, or anyone on this side, can logically discuss legislation that is not yet tabled in this House.

**Mr. Byblow:** There is...

**Mr. Chairman:** Mr. Byblow, I have to concur with the government leader that we cannot discuss "six-and-five" legislation when "six-and-five" legislation is not tabled.

**Mr. Byblow:** With respect, the question my colleague raised in the second part of his presentation did not talk about "six-and-five"; it talked about what planning process did not take place within this government which resulted in a contract being signed with the teachers in July and August of one year and, within two or three months, concessions sought from those teachers. It had nothing to do with "six-and-five".

**Mr. Chairman:** As I sit here,...

**Hon. Mr. Pearson:** I think I have to be able to answer a little bit of that.

**Mr. Chairman:** Before you do I would like to say something. As I sit here, I listen and I hear "six-and-five" talked about during the whole debate. If you wish to ask the type of question that Mr. Byblow raised, I would suggest that that is the frame you use to ask your question and this type of misunderstanding will not arise in this House.

**Hon. Mrs. Firth:** I think I would like to clarify the question I think was asked. The question was that the contract had been signed and then all of a sudden we were asking the teachers for more money. The economy was very rapidly bottoming out. We were looking for more money so we could pay our bills, to be very basic, and education had to make its contribution. I am sure the member opposite has been in this House long enough to know that the salary portion of the education budget is extremely large; almost half of the total budget of education, recreation and manpower.

We did not want to cut programs; we wanted to avoid cutting programs. The plan was to go to the teachers and ask if there was any way they could get us through this tough economic situation, which they did and that was the progress of the planning.

**Mr. Byblow:** On the general subject, I think we will leave it closed for general debate and observe very closely the developments within the next week because I am sure there will be some. I think the record is clear; we do have a conflict between the YTA and this government and it has to be cleared up. I believe the minister has given some assurance that she is going to take some initiative in this and we will be following it closely.

I want to bring up another subject in general debate. Should you want to recess, you could make me sit down.

**Mr. Chairman:** We will now recess for ten minutes, until five o'clock.

#### *Recess*

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

**Mrs. Joe:** I would just like to ask the minister one question on education and it is in terms of a meeting that I had attended about a month ago, the Juvenile Court Committee, with a group of people from the schools. One of the topics was whether it is the school's fault that a number of juveniles get into trouble and how does the school get involved in it? It was the general idea that there were a certain number of kids who were problem students and that, if they were problem students, the teachers tended not to spend any time with them and treated them as trouble-makers and spent more time with the children who were doing better in school.

One of the suggestions that came out of that meeting was that there should be special classes or special counselling-type things, and at that time one of the teachers got up and said that there were some kind of plans to develop such a program in the future whereby the children who were having problems could possibly be diverted from that type of thing happening to him — like, for instance, ending up in the courts — that they could possibly take advantage of the program that was being planned. I wonder if the minister could indicate to me whether in fact those plans are taking place or if she is aware of such a thing?

**Hon. Mrs. Firth:** I think I know, in an overall sense, what the member for Whitehorse North Centre is asking and I would just like to say to her that I am not aware of any specific approach that we are taking right now to identify those children and to look at having separate classes for them. I would be a bit reluctant to pursue that avenue since the philosophy of the department is the mainstreaming philosophy.

I would just like to indicate to the member that we do have counsellors for these children; we have remedial tutors and special education people who can give them a bit of extra help if it is warranted. And I have not had this expressed to me as a big concern — I am not saying that it is not — it could be growing and it just may be something that has not been identified by the school committees yet. Nor have I had the Education Council bring it to my attention specifically. I will be meeting with the Education Council people this weekend also and I certainly can approach them about it and see if they have any specific comments in that area.

**Mrs. Joe:** I would like to mention to the minister that the results that came out of that meeting that night were quite interesting, and I would certainly recommend that the minister get a copy of any minutes that were taken that night.

One of the other things that did come up during that meeting was the fact that one teacher did admit that students were being passed who were not qualified to pass in order to just get them out of their hair. He did mention that, and I thought the minister might be able to let me know if, in fact, she is aware of anything like that happening?

**Hon. Mrs. Firth:** I do find that concept very interesting. It has never been brought to my attention that teachers have passed children to get them out of their hair; however, I will pursue it and if I have any further information to bring back to the member, I will.

**Mrs. Joe:** I would just like to make brief comments on recreation. I have not had much of a chance to go over the budget and I am looking forward to getting some answers to some questions I might have. I have been looking forward to it because, during budget debate, I find that I can certainly learn a lot more from members across the House than I can in Question Period.

The recreation program has a small increase and that is quite encouraging. I would like to mention at this time that in terms of recreation in the Yukon that the government has made an effort to see that athletes are given the opportunity to improve upon their skills, and it is happening and it is becoming more evident every year simply because a lot of our athletes are going out and

competing on par with provinces, whereas 10 years ago they were not able to do that because of the lack of competition here in the Yukon. One of the things that does disturb me at this point in time is the fact that there are a number of younger athletes who are not able to take advantage of different special sports. For example, if an eight year old kid is a hockey player then that kid has to pay — if I want to get personal, my eight year old grandson had to pay \$87 to play hockey — and there are many families who cannot afford that type of thing.

There are a number of good athletes in Yukon who are not able to take advantage of many of those types of sports, and I think that one of the objectives of the program is to encourage that type of thing through to the pursuit of excellence. I think if we are going to look at those objectives under this program, we have to possibly think about grants to young children.

I see the minister shaking her head, but it is a thought and I do not think that it should be overlooked.

We should look at something in terms of grants to these potential athletes who could go outside and do better and possibly encourage them to follow through with their education. I think that recreation and education go hand-in-hand. They sort of help each other.

I am hoping that I am going to get some answers from the minister in terms of the green paper. There was a lot of controversy that was going on in the last Session and I think that the way the present committee is set up, it is possibly one of the best committees in the Yukon, because they are nominated by each member of the Legislature, whether in fact they are members of our party or not. I think that some of our members have nominated people who belong to another party, who have other ideas, but are the best people available. I think that type of thing has to stay.

I am encouraged with the section on special programs, which include natives and youth. I think we have to pay a lot of attention to, as I said before, what is happening with our youth. The majority of young people right now spend their time at the game centre and I do not think that is improving upon their recreation or education skills in any way, shape or form, except that they are going blind. The senior citizens problem has been picked up by the green paper committee and that is very encouraging. I would hope that I will be able to get some more answers from the minister as we go along in the budget.

One of the things that I would like to ask the minister right now is, we have been having a bit of difficulty, on this side of the House, obtaining documents that have come out in terms of recreation, or, for instance, the culture and heritage resources policy and other documents like that, and very often I will not find out about it until some member from the community has phoned and asked me what the paper is all about. I would like to be able to know that any time something of importance comes out that the department would let us have those documents as soon as possible if they are not confidential, rather than us having to find out from the people out in the communities. If that could be done, I think it would help us in our jobs as well.

**Hon. Mrs. Firth:** Just a comment about the information that you get from Question Period, for the member for Whitehorse North Centre: it could have something to do with the kinds of questions that are being asked, if there is very little information available.

Just to elaborate on a few of the member's comments. The Elite Athlete's Assistance Program that we have, although I recognize that it is a very small amount of money, is a step in the right direction by identifying those individuals who would like to pursue that degree of excellence that the member was talking about. I have some good news for the member. I can tell her now, that we are also going to identify that same amount of money for an Elite Artist's Assistance Program so the art community will be pleased that there will be an artist who will be eligible under this program.

The whole idea now of healthy body-healthy mind is applying to children, and the example that comes to me immediately is, of course, our own TEST program that we have in the schools; Jeckell School in particular. I have just been having some discussions with Father Mouchet and some of the parents who have children active in this program. The whole idea of encouraging children to be healthy



and think about their health and to have them look at that physiological dimension of themselves is very interesting and certainly there is a lot of discussion about it in the schools now.

The TEST program certainly encourages this and encourages children to be competitive and to excel, not only in a competitive way, as in skiing as it applies in the TEST program, but in an individualistic way; intellectually and physiologically. I think that is very healthy for young people today, and it helps burn off that energy so they sit down and get down to business when it comes to schoolwork.

The reason I was shaking my head when we were talking about grants to people for the pursuit of excellence was that I could only anticipate that that could become extremely controversial and extremely expensive. We would need experts to say which children should be identified and would be eligible for these grants and it is certainly not something I would want to have to do, knowing how parents relate to their children and the degree of excellence that their children could pursue. That is just a thought for the member.

As far as the green paper on recreation is concerned, we are hoping, through the advice and hard work that I must thank the green paper committee for, to be able to have legislation in the near future; either in the next Session or the one after that, and we have certainly had lots of public input from the sports bodies, the arts and the communities. I think you will find that that has been addressed in the budget when you see that the redistribution of funding has taken into account some of the recommendations that were made by the green paper and by the YRAC and green paper committee, particularly in the area of arts and the monies to the arts and sports groups and community groups.

As far as the special programs for the youth and the elderly, as I said before in my opening comments, the demands are many but the dollars are few. We are hoping to address everyone's concerns in whatever way we can, both financially and in support methods. As far as having difficulty getting documentation, I am always in my office from eight in the morning until whatever, and if the members have heard about some document that they would like access to and are having some difficulty getting, they can phone me or my office.

It is certainly my intention, and I think I have shown it in keeping the members opposite informed about the job creation programs, that I am more than willing to submit to the members opposite information about programs. I have already made a commitment that on the heritage policy paper we would be receiving public input, and the members opposite will certainly have access to that document.

» **Mrs. Joe:** In terms of the information that is available to us, I have no problem with getting the information after I have asked for it. The thing that I was saying is that when it comes out, we do not hear about it for a long time; as a matter of fact, quite awhile after many of our constituents do and I had hoped that we could have those available to us at the same time that they are available to the communities.

I have one other question and it is in regards to the travel for outside athletes. I understand that there has been a recommendation by YRAC that it has been decreased to 25 percent from 75 percent and I am just wondering if the minister could let me know whether or not that recommendation is included in this budget here?

**Hon. Mrs. Firth:** I am not quite sure. Is the member saying that the green paper committee recommended that we reduce it from 75 percent to 25 percent and is that identified in the budget? I am under the assumption that it is still at 75 percent.

**Mrs. Joe:** That is the information that I wanted, because, as there was with recreation, there was some discussion about whether or not the money allotted to the teams or athletes going outside was going to go down to 25 percent. If it has not done it yet, that is fine.

**Mr. Byblow:** I have a couple of questions. One stems from some earlier discussion the minister was engaged in on the subject of various community agencies that have a responsibility to the total development of a child and particularly in those areas where problems may exist.

At one time, there was, within this government, a grouping of senior department people from Health and Human Resources,

Justice and Education who dealt with the related problems respecting students and youth in general. Certainly, I know that within communities these types of inter-departmental agencies do exist in a broader sense to include the RCMP and the local doctors, for example, who are engaged in the areas of social problems, but education in school was always a close part of it. Does this structure still exist and what does this ministry do about inter-relating the various department functions to the total problem area of youth?

**Hon. Mrs. Firth:** I do not know if a specific committee still exists, however I do know that, in the area of special education, we are in cooperation with Health and Human Resources if we have children identified who require that special need. We have directors of student services and the counsellors in the schools.

I can find out for the member if there is some specific inter-governmental committee, but I think my immediate reaction to the suggestion is that I prefer to see that done more at a community level, at a local level with parental assistance, with school committee assistance, along with maybe someone from Health and Human Resources who can provide the technical information and give some information as to what resources are available, if you need RCMP services and that kind of thing.

» **Mr. Byblow:** I think, at the community level, the function is somewhat different. It has, as its purpose, the need to face specific problems within the community in either a general sense or an individual sense, and those groups, where they have functioned, have been very good and very useful. In the government, it would appear that the function is more related to policy-making and budget directions as opposed to the other type of function that takes place in the community. Yes, I would be very interested in what sort of planning component this government has to interrelate the common purposes within departments, as it pertains to youth, that my colleague was mentioning.

**Hon. Mrs. Firth:** The deputy ministers of all of the departments meet at regular intervals and I am sure, if this kind of thing needed to be discussed, they could discuss it at that level. I do feel that there is some parental responsibility; however, there seems to be a lack of parents in this case, or if there is a lack of one parent, I can see involving the department. I think this is something I would like to approach the school committees and the education council with because they are the ones that live with this every day and I think they are the ones who would have a better idea of how to solve a problem, if it is a problem. I think this would be another area I would be willing to approach them on to see what kind of input they could give us.

As well, I am sure the teachers would identify children like this in their classes and they would have a lot of valuable input, too.

**Mr. Byblow:** Yes, I am sure the minister will be associating closely with the Teachers Association.

I have two small areas to pursue, and then I think we can probably conclude general debate. Given the lateness of the hour, I would move that you report progress on Bill No. 5.

*Motion agreed to*

**Hon. Mrs. Firth:** I move, seconded by the hon. 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. Phillipson:** The Committee of the Whole has considered Bill No. 5, *Second Appropriation Act, 1983-84*, and has directed me to report progress on same.

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

**Some Members:** Agreed.

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

**Hon. Mr. Ashley:** I move, seconded by the hon. member for Old Crow, that the House do now adjourn.

**Mr. Speaker:** It has been moved by the hon. minister of justice, seconded by the hon. member for Old Crow, that the House

do now adjourn. Are you ready for the question?

*Motion agreed to*

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

*The House adjourned at 5:28 p.m.*