



# The Yukon Legislative Assembly

Number 12

2nd Session

25th Legislature

## **HANSARD**

**Monday, November 22, 1982 — 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, Government Services.
Hon. Clarke Ashley	Klondike	Minister responsible for Justice, Consumer and Corporate Affairs, and Workers' Compensation.
Hon. Bea Firth	Whitehorse Riverdale South	Minister responsible for Education, Tourism, and Heritage and Cultural Resources.

## GOVERNMENT MEMBERS

### (Progressive Conservative)

Bill Brewster	Kluane
Al Falle	Hootalinqua
Kathie Nukon	Old Crow
Andy 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

**Whitehorse, Yukon**  
**Monday, November 22, 1982**

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

**Hon. Mr. Tracey:** I rise today on a question of privilege. On last Thursday, there was a statement made in this House that I was unable to hear and quite a few of the other members were unable to hear. However, it was picked up by *Hansard* and has been quoted in the press. I would just like to read the question and answer and the following remark that was made to me by Mr. Porter from across the floor.

He asked the question, "Can the minister tell the House if the position taken by him just now is the same position taken by his government at the land claims process?", and I answered, "I am not a party to the land claims negotiations so I could not assure the member of that." The next time the member had an opportunity to stand up, he said, "This is for the Minister of Renewable Resources regarding the minister's response to my previous question. I would like to say that if the minister had Pinocchio's nose, it would be so long that 500 Yukon ravens could roost on it."

I believe that the member who made this remark is also the same member who has had to stand up in this House and apologize for remarks that he has made previously. He has consistently tried to raise issues in this House that are not here. In this case, this statement is tantamount to calling me a liar and I would request that Mr. Speaker make a ruling on this situation and, if necessary, it be referred to the Rules, Elections and Privileges Committee.

#### **Speaker's Ruling**

**Mr. Speaker:** Is there any other discussion on this matter? In the first instance, I cannot find that the honourable member has, indeed, raised a question of privilege, however, the question ought to be considered more as a point of order. I would refer members to Beauchesne, 233, where, "...points of order are questions raised with a view to calling attention to any departure from the Standing Orders or the customary modes of proceedings and debate, or in the conduct of legislative business, and may be raised at virtually any time by any member, whether he has previously spoken or not." However, any member is entitled, even bound, to bring to the Speaker's immediate notice any instance of what he considers a breach of order. He may interrupt and lay the point in question concisely before the Speaker. He should do so as soon as he perceives an irregularity in the proceedings which are engaging the attention of the House.

The alleged incident did occur last sitting day and was not brought to the attention of the House, which, of course, the honourable member ought to have done; however, a review of the statement, as quoted by the honourable minister, would, in fact, as found in *Yukon Hansard* of November 18th, infer that a member had told an untruth, which, perhaps, the Chair missed when it was given because these situations rarely ever arise among parliamentarians.

However, it would appear that that is the inference of the statement and I would therefore ask if the hon. member from Campbell, perhaps not intending to make such a remark in the emotion of the question period, would be prepared to either explain to the House that this is so, or to withdraw the remark.

**Mr. Porter:** The remark that had been made was a facetious remark very much like the one that the government leader had made in respect to not being able to afford his own car. The question that was raised at that particular point in time was in regard to proposed hunting rights in the proposed park on the north slope, and I felt that it was a contradiction in the statement that was made by the minister. In what I felt was a humorous action, I tried to bring the contradiction to the attention of the minister involved.

**Mr. Speaker:** Does the hon. member then at this time withdraw the remark?

**Mr. Porter:** I see no need for a withdrawal of the remark in the

conduct of, and in the case, where the remark was made originally.

**Mr. Speaker:** The accusation made by the hon. member, as quoted in *Hansard*, is of such a serious nature that no other business in this chamber can be conducted unless the hon. member is prepared to withdraw the remark or prove the allegation.

**Mr. Porter:** I think there is an obvious contradiction in the statement that he did make, and there would be very little problem in proving that contradiction.

#### **Speaker's Ruling — Member Named**

**Mr. Speaker:** I must warn the hon. member that if the allegation cannot be made and founded to the satisfaction of all members of the House, or the allegation withdrawn, it would grieve the Chair, but I would have to name the hon. member for Campbell.

It is with regret that the Chair must name the hon. member for Campbell, Mr. David Porter, and instruct that he be suspended for the balance of the day's sitting.

#### **DAILY ROUTINE**

**Mr. Speaker:** We will proceed to the order paper. Are there any introductions of visitors?

#### **INTRODUCTION OF VISITORS**

**Hon. Mr. Lang:** I would like to take this opportunity to introduce a number of visitors to the gallery. From Faro, we have Mr. and Mrs. Ted Bartsch. Ted is a member of the City Council and is in for a number of days. I would also like to introduce a number of constituents of mine from Porter Creek East: Meryl Gallup and Lea Bjork. I would like to welcome them to these chambers.

*Applause*

#### **TABLING OF RETURNS AND DOCUMENTS**

**Mr. Speaker:** I have for tabling today the report of the Auditor-General of Canada for the year ended March 31, 1982, and the information is similar to that tabled by the government leader, a copy of which may be found in the territorial estimates so that no photocopying should be required.

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

Reports of committees?

Petitions?

Reading or receiving or petitions?

Are there any introduction of bills?

Notices of motion for the production of papers?

Notices of motion?

#### **NOTICES OF MOTION**

**Mr. Philipsen:** Be it resolved that we, the members of the Legislative Assembly of Yukon, hereby support the resolution passed unanimously by the Legislative Assembly of British Columbia on Tuesday, September 21, 1982, respecting an amendment to Section 7 of the *Canadian Charter of Rights and Freedoms*, so that it reads as follows, "Everyone has the right to life, liberty, security of the person and enjoyment of property and the right not to be deprived thereof except in accordance with the principles of fundamental justice and urge that the legislative assemblies of all other jurisdictions, and the Senate and the House of Commons pass similar resolutions."

**Mr. Speaker:** Are there any further notices of motion?  
 Are there any statements by ministers?

#### **MINISTERIAL STATEMENTS**

**Hon. Mr. Tracey:** As the minister responsible for the Depart-

ment of Government Services, I am pleased to announce details of a number of energy conservation projects which my department will be carrying out this year in government buildings. These projects will result in significant savings to Yukon taxpayers and, over the coming winter months, will provide employment opportunities in seven Yukon communities.

Funding for this program, which will cost \$400,000, is being provided by the federal Department of Energy, Mines and Resources under its Off-oil Retrofit Program. The projects are as follows: a total of \$62,000 will be spent to upgrade insulation and other requisite measures in 14 houses operated by the Yukon Housing Corporation. This project will create four jobs between Dawson City and Ross River. This portion of this \$400,000 will be turned over to the Yukon Housing Corporation for that project.

Three retrofit projects to reduce energy costs at grader stations in Haines Junction, Stewart Crossing and Watson Lake will create employment for 16 persons, at an estimated total cost of \$177,000.

In addition to improvements in insulation, an innovative project involving the recovery of waste heat will be carried out at the highway camp at Tichitua. This project will employ eight people and will cost about \$106,000. In addition, a study will be done on the Yukon Government Administration building to find ways to make the building more energy efficient. This project will cost about \$55,000.

All seven projects are expected to be completed by March and it is anticipated that these improvements will reduce energy costs of these operations from between 10 and 30 percent, and will pay for themselves within three years. This is in keeping with the Yukon government's goals to reduce energy consumption by at least 10 percent this year, a goal which the government leader announced last month during the Yukon Energy Savers week.

In announcing these projects, I wish to note that co-operation has been extended to my department by the Alberta government. Through negotiations with the Deputy Minister of Public Works in Alberta, we have been able to obtain valuable technical assistance and advice on some of the projects. This has been provided at no cost to the Yukon government, and it is our hope that such co-operation can continue into the future.

The co-operation that has been extended by the Alberta government is in the form of three very highly competent technical people in the Department of Public Works: an architect and two engineers, who are specialists in retrofit programs, so it is very much appreciated.

**Mr. Kimmerly:** I will be very brief in responding to the statement. We totally support and encourage this retrofitting project. It is a shame, I say, that Whitehorse buildings are not included, or are not announced at any event, and I will have further questions about that, indeed, in question period today.

A question of fuel quotas is also relevant and the question of studies of retrofitting is also interesting. I remember discussions about the YTG building in previous years and I am sure the previous studies are also going to be looked at.

**Mr. Speaker:** Are there any further statements by ministers? This then brings us to the question period.

## QUESTION PERIOD

### Question re: Land claims

**Mr. Penikett:** As you heard, on Thursday, November 18, the Minister of Renewable Resources told this House that he did not know what was going on in land claims negotiations, though the government leader has stated previously, on a number of occasions, that Cabinet directed Yukon's land claim negotiations.

I would like to ask the government leader how, if Cabinet ministers are involved in directing land claims negotiations, can a minister of this government tell the House that he does not know what is going on.

**Hon. Mr. Pearson:** It is very conceivable that on a specific issue such as the one that was raised in the House, a minister, at that point in time, may not know. Cabinet ministers are briefed in respect to what is happening at land claims. But the other point that I have to make is, even if the minister had known about that

specific issue, he would have been in no position to have answered the question definitively, one way or another, in any event, because of the confidentiality.

**Mr. Penikett:** Whether or not he was in a position to speak, he made a general statement that he did not know what was going on in negotiations. I would like to ask the government leader, is he now saying that the Minister of Renewable Resources may have inadvertently misled the House on November 18th when he stated that he did not know what is happening in land claims negotiations.

**Hon. Mr. Pearson:** No, I was not asked to rule on whether or not he inadvertently misled the House. I have not considered it in those circumstances at all. I can say that I do not believe that he inadvertently misled the House at all. I do not believe that the member misled the House.

**Mr. Penikett:** Let me ask the government leader this very precise question. On a number of occasions, the government leader had told this House that the Cabinet specifically directs the land claims negotiations. Let me ask the government leader, how often did the land claims negotiator receive directions from the Cabinet, in what form and from whom?

**Hon. Mr. Pearson:** If the leader of the opposition does not know who the members of the Cabinet are, I could introduce him to them. They are sitting right here in front of him. This is the Cabinet. The negotiator is briefed on an as-needed basis, and we, in turn, are briefed by him on an as-needed basis. When the negotiator requires direction, he seeks it from us and he gets it.

### Question re: Education, alcohol in schools

**Mr. Byblow:** My question is directed at the Minister of Education. It has come to my attention that the Department of Education is intending to, or already has, prepared an order-in-council for Cabinet to authorize liquor consumption in at least one school in the territory. Can the minister confirm, just for the record, whether this is occurring and whether it was initiated as a recommendation of her department.

**Hon. Mr. Lang:** That should be more properly addressed to me in view of my responsibilities for the liquor corporation. There has been some discussion about the possibility of utilizing the facilities in Dawson City for the purposes of dances over the course of the winter months, due to the Diamond Tooth Gertie's being closed for the winter and no facilities of that size available. We have had some discussion on it and I am waiting for some further discussion with the mayor of Dawson. We will see whether or not we will permit it to take place.

**Mr. Byblow:** Can the Minister of Education or the minister responsible for the Yukon Liquor Corporation advise what representation precipitated this action?

**Hon. Mr. Lang:** I would assume that it was a question that was put by a number of people in Dawson City, and the MLA for the area brought it to our attention, and we are considering it accordingly.

**Mr. Byblow:** Could I direct this to the Minister of Education: was, or will, the Dawson school committee be consulted on this matter?

**Hon. Mrs. Firth:** Yes.

### Question re: Drinking drivers

**Mr. Kimmerly:** I have a question for the government leader on the policy supporting drinking drivers. Did the government leader receive a letter on the subject from the Consumers Association of Canada?

**Hon. Mr. Pearson:** Once again the member from Whitehorse South Centre is making an implication by innuendo, something that we have found that he is so good at doing. We do not support drunk drivers on this side of the House, no matter what his perception is. I would have to check with my office. I do not know if I have received a letter from the consumers in respect to this or not.

**Mr. Kimmerly:** In view of the strong position taken by the Consumers Association of Canada, is the government leader prepared to change his policy on the question of drinking drivers?

**Hon. Mr. Pearson:** It does not really matter what my policy is regarding drinking drivers. We have passed legislation in this

House that reflects the policy of this government.

**Mr. Kimmerly:** I would ask my supplementary to the Minister of Consumer and Corporate Affairs encompassing the motor vehicle branch. Will the minister make a commitment to survey all accidents in the Yukon in the next year to ascertain the degree of alcohol involvement in the accidents?

**Hon. Mr. Ashley:** We do look at this information. We receive it every year.

**Question re: Senior Citizens' homes waiting lists**

**Mrs. Joe:** I have a question for the Minister of Health and Human Resources. On November 8, I asked the minister about the waiting list at Macaulay Lodge and the case of one person at Alexander Lodge who requires more medical care than is available there. Can the minister tell us if he will personally look into the situation with a view towards facilitating this person's admission to Macaulay Lodge?

**Hon. Mr. Tracey:** That situation has been looked at. I had the son of the person involved in my office on Friday. We are well aware of the situation. As I have said, there is a waiting list at Macaulay Lodge and we cannot bump the other people off the waiting list in order to facilitate this person. We are doing our best to try to look after the person involved. If necessary, we can either try to keep her in Whitehorse General Hospital, which is a possibility, and the only other possibility that we have other than that is to send her outside to some nursing facility in one of the provinces.

**Mrs. Joe:** Because the person in question has been going back and forth between the hospital and the lodge, can the minister tell us what provisions his department has for required medical care for senior citizens on the waiting list for Macaulay Lodge?

**Hon. Mr. Tracey:** First of all, I think the member may be a little bit wrong in the statement that she made about the person having to go back and forth. Previously, through some problems with the part of the apparatus which was necessary for her to continue in her life-style, that may have been true. I think that has been overcome. My department is well aware of the situation and is monitoring the situation. It is trying to alleviate the situation. We are doing the best we can with our limited resources that we have in the territory.

**Question re: Employment standard legislation**

**Mr. McDonald:** I have a question for the Minister of Consumer and Corporate Affairs.

A spokesman for the Conservative Party, this past weekend, lamented the fact that, to put it mildly, the Yukon chapter could be doing more for working people in Yukon.

Can the minister now tell the House when the government will be bringing in employment standards legislation?

**Hon. Mr. Ashley:** I do not know quite what you mean by chapter but, certainly, I can answer the question. No, I will not be able to tell you exactly when right now.

**Mr. McDonald:** For the minister's information, a chapter would be the Yukon Conservative Party.

As the process for establishing new employment standards legislation is proving to be quite lengthy, will the minister consider opening the existing legislation to insert more effective provisions for wage recovery?

**Hon. Mr. Ashley:** We already have legislation covering that now. We are looking at all legislation at all times. If you know of a problem, please bring it forward.

**Mr. McDonald:** For the minister, I certainly will. Will the minister open legislation to provide room for a more fundamental principle, perhaps, equal pay for work of equal value?

**Hon. Mr. Ashley:** As I said, I think we probably already have very fair legislation. There is a twist in what he just said, but we are looking at it at all times.

**Question re: Schools mailing lists**

**Mr. Penikett:** A parent has complained to me that his child, a student of F.H. Collins School, received a personally addressed letter on House of Common stationery from Erik Neilsen, inviting

him to attend the Yukon Conservative Convention this past weekend.

My question to the Minister of Education is, how did Mr. Neilsen obtain a list of students? Was it provided by the Department of Education and, if so, why?

**Mr. Speaker:** I think that question more properly should be addressed to the member of Parliament, and I am just not too sure that that is a proper question to ask of this government.

**Mr. Penikett:** On a point of order, I beg your pardon. I am asking a question of this government: did they provide information to another individual? That is my question. It is in order.

**Mr. Speaker:** I will permit that part of the question.

**Hon. Mrs. Firth:** I did not provide that information.

**Mr. Penikett:** The question was whether the department did. I would like to ask the government leader, as a matter of policy, what private and confidential information, including lists of residents such as students, has this government provided to the Progressive Conservative Party for possible partisan political purposes?

**Hon. Mr. Pearson:** Absolutely none that I am aware of, and I am quite confident I am right in saying that there are none. Again, it is an implication that a list of students in a school might be private and confidential. I do not know whether that is true. We are, in fact, an open government, and I frankly doubt that a list of the names of students in a school would be considered to be private and confidential.

**Mr. Penikett:** They certainly seem to be open in one direction. Let me ask the government leader a direct question, since he seemed to indicate some indecision and some uncertainty, let me ask him the direct question: does he know if a member of this government or a member of the Cabinet provided such a list to the member of Parliament for Yukon?

**Hon. Mr. Pearson:** I am sorry, could the member please ask the question again? I just did not hear it.

**Mr. Penikett:** I want to ask the government leader a direct question: did he or a member of the Cabinet or a member of the Cabinet office provide such a list to the member of Parliament for Yukon? It is a direct question.

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

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**Question re: Cyprus Anvil**

**Mr. Byblow:** My question is to the government leader. That the federal government is intending some aid package for Cyprus Anvil once the labour contract is settled, is a matter of public knowledge. Can the government leader say, to his knowledge, whether the intended aid package includes any federal or territorial government equity participation?

**Hon. Mr. Pearson:** No, I am not aware of any. There has not been any discussion between the company and this government about an equity participation.

**Mr. Byblow:** I thank the government leader for his answer. Judging from recent news items, there are indications that Dome Petroleum is attempting to refinance itself, and get out from the obligations of the federal bail-out back in September. Given this oscillating position, or, sense of commitment by Dome, can the government leader say that he has had adequate assurances from Dome that they are serious about reopening the Faro mine?

**Hon. Mr. Pearson:** I believe that there are officers of Dome who are working very hard to get the mine open. All we can do is judge the intent of Dome by the actions that are being taken by that company.

**Mr. Byblow:** For final supplementary, I would like to ask the government leader whether he can advise on any discussions that his government has had, or may have had, surrounding possible CYI equity participation in the Faro mine?

**Hon. Mr. Pearson:** I have been asked my opinion by the media and no one else, about CYI's suggestion that maybe they would be interested in taking an equity position in Cyprus Anvil Mine, and my opinion then, and still is, that I thought it would be an excellent idea if it was one that proved to be practical.

Now, of course, the practicality of the matter is that CYI would have to have the wherewithal to obtain that equity. I do not have any problem with that at all.

**Question re: Yukon Housing Corporation**

**Mr. Kimmerly:** A question for the minister responsible for Yukon Housing. I asked a question on Thursday about retrofitting. It is answered in the annual report tabled on the same day. I do have a question about retrofitting on Taylor and Jekyll Streets in Whitehorse. Are there any programs available to residents on those streets?

**Hon. Mr. Lang:** Mr. Speaker, I will have to take notice on the question.

**Mr. Kimmerly:** I will ask the same question essentially about the fuel quota system, and specifically, is it intended that the fuel quota system apply to the senior citizens complex on Hanson street?

**Hon. Mr. Lang:** It is getting very specific, as far as the questions are concerned. I will have to take notice on that as well.

**Mr. Kimmerly:** I have a similar question about Greenwood Place.

**Question re: Yukon Youth Centre**

**Mrs. Joe:** I have a question for the Minister of Health and Human Resources. Since there is presently some controversy about the operation of the Yukon Youth Centre, I would like to ask the minister whether his department is involved in licensing such facilities as is done in other jurisdictions?

**Hon. Mr. Tracey:** No. I thank the member for the question because it is an opportunity I can take to clear up the situation. Presently our legislation does not allow us to control an operation, or license an operation, such as the Yukon Youth Centre. We are presently reviewing our need for legislation under the new *Young Offenders' Act of Canada*. This is one of the areas we will be addressing because I believe it is necessary that licensing and some form of general controls should be put on these types of operations.

**Mrs. Joe:** Does the minister's department set standards for the qualifications of staff working in facilities such as the youth centre, which are involved in the care of children?

**Hon. Mr. Tracey:** I thought I just made the point that we do not have any jurisdiction under our legislation to put any type of controls on such an operation. We are reviewing it and we most likely will have it in our new legislation when it is brought forward.

**Mrs. Joe:** Is it this government's policy that the director of child welfare is legally responsible for the welfare of children in such facilities while they are in Yukon?

**Hon. Mr. Tracey:** It is the same answer.

**Response to previous question: White Pass**

**Hon. Mr. Pearson:** I have an answer to a question that has been asked twice by the leader of the opposition regarding financial assistance for the British Yukon Railway Company.

The Government of Yukon on March 20, 1981 entered into an agreement with the British Yukon Railway to provide \$1,000,000 for fiscal year 1981-82. The railway shall repay Yukon the total amount in instalments of \$50,000 per year on December 31st of each year with the first such instalment due on December 31st, 1984. Yukon may require immediate repayment of the entire loan in the event:

- a) if any instalment is not paid on due date;
- b) if the the British Yukon Railway, its successors or assigns, ceases permanently to operate a railway service;
- c) if British Yukon Railway charges or purports to charge the assets granted as security to Yukon by means of any type of charge other than that which is subordinated to charges granted under paragraph five; and
- d) if the British Yukon Railway fails to comply with any of its obligations under these terms and conditions within 30 days notice thereof from Yukon.

We have a first charge on all of the scheduled assets, the acquisition, erection or installation of which has been paid for out of Yukon's financial contribution, and a first charge on all other presently-owned fixed assets of British Yukon Railway, including the railway right-of-way except assets which are unnecessary to railway operations.

<sup>13</sup> Enforcement shall be first against the scheduled assets and then,

should a deficiency remain against the other charged assets, action against British Yukon Railway is limited to the enforcement of such charges.

Should the Whitehorse to Skagway road be opened for the carriage of rail-competitive trade traffic, except in cases where the railway is shut down by emergency or strike, then Yukon recourse shall be limited to the scheduled assets only.

**Question re: Labour standards**

**Mr. McDonald:** I have a question for the Minister of Consumer and Corporate Affairs.

I have given the minister notice of the following question regarding the labour standards exclusion for Columbia Gas Development of Canada Limited. Can the minister tell the House what the employer provided for reasons for requesting the exclusion?

**Hon. Mr. Ashley:** I have put this order-in-council forward to Cabinet, naturally, but I am just following our legislation which states that the Labour Standards Advisory Board shall advise me, and I must act upon that in altering these hours. You would have to go back to the board and ask them why.

**Mr. McDonald:** I find it hard to believe that the government minister would not know the reasons for requesting such an exclusion. As the order-in-council obviously allows for a full year's exclusion, and it is not an allowance for seasonal work, can the minister tell the House what the government policy is regarding exclusion from such things as maximum hours of work, which is ultimately set as a standard for workers' safety?

**Hon. Mr. Pearson:** There seems to be some confusion in respect to what the hon. member is asking. The legislation is very, very clear. The minister has actually no choice in the matter. If the board says to him that a company shall be excluded, that is it, game over. The legislation is clear and explicit. The board makes the decision and the minister must act.

**Mr. McDonald:** If he could take this as notice then, obviously the minister is having trouble coming up with the reasons for the exclusion. Can the minister tell the House how, and to what extent, workers were consulted prior to authorizing this order-in-council?

**Hon. Mr. Ashley:** The legislation says, "The minister shall".

**Hon. Mr. Pearson:** Just to answer the hon. member, the legislation also requires that the workers be consulted before the recommendation is made to the board. It is clear in the legislation.

**Question re: Schools financing cutbacks**

**Mr. Byblow:** I direct this question to the Minister of Education again. Over the weekend, the minister was severely criticized at the school committee conference for not having consulted the school committees in recent budgetary cutbacks, which were debated in the House. Just for the record, why did the minister, or the department, not conduct that necessary consultation when the cuts were made?

**Hon. Mrs. Firth:** I was at the same conference and I am not quite clear as to what the member is saying. I did not get the impression that I had been severely criticized for not involving the school committees in some budgetary restraints. If he could be more specific, perhaps I could answer his question.

**Mr. Byblow:** I will attempt to refrain from making a speech. The minister obviously has a different interpretation of criticism than I do. The area that was criticized was one area of the cut-backs in the budget, that is the allocation of the three non-instructional school days, which has been historically, exclusively the jurisdiction of the school committees. So, I would then ask the minister what her intention is now to correct this erosion of school committees' authority that has arbitrarily been taken away?

**Hon. Mrs. Firth:** Oh, this "erosion". There certainly was no erosion of the school committees' authority. The particular question that the member is asking about is in regards to the three professional days where the Yukon Teachers Association decided that they would give up the salary for, and then not work the three days.

Now, the position of the Department of Education and of the Minister of Education is that we were dealing with a union, namely the Yukon Teachers Association, and I made a decision that I would not start a negotiation process with a union and go to someone other

than that union to do the negotiations through. If the YTA had wanted to discuss this with the school committees, they certainly could have, because it is the Yukon Teachers Association and the school committees who negotiate the three professional days, not the Department of Education and the school committees.

**Mr. Byblow:** I would enjoy a debate on this because I disagree with the minister. What I would like to then ask the minister, and perhaps I should have used the terminology "corrosion" instead of "erosion": is she prepared, on the strength of the weekend and the direction she received from the school conference, to consult with the school committees on matters affecting the authority of the school committee, and, distinctly, the three non-instructional school days are the exclusive jurisdiction of the school committees?

**Hon. Mrs. Firth:** I have just said to the member that the three professional days are the jurisdiction of the school committees and they negotiate through the principal of the school and the Yukon Teachers Association as to when those days will be taken. The Department of Education has nothing to do with it.

#### Question re: Whitehorse airport terminal building

**Mr. Penikett:** I have a short question for the government leader. From time to time, the government leader has referred to discussions in the Intergovernmental Co-ordinating Committee of a terminal building for the Whitehorse Airport. In his capacity as Minister of Intergovernmental Affairs, does he, as yet, have a definite date for the commencement of construction on that project?

**Hon. Mr. Pearson:** We are told now that it has been scheduled for construction in the 1984 construction year. There is some hope that it can be moved forward to 1983. I must say I am getting the definite feeling that it is getting closer.

**Mr. Penikett:** In light of that answer, can he confirm, or has he been advised officially, that we can look forward to this facility being opened by 1986, the originally announced date, or is there some possibility of it being earlier?

**Hon. Mr. Pearson:** Now, that is going to depend on when it does start. There is a possibility that it might be moved ahead a year, right now.

#### Question re: Yukon Housing Corporation

**Mr. Kimmerly:** A question to the minister responsible for Yukon Housing Corporation and the present waiting list. Is there an analysis of the cost to the taxpayer of maintaining people on the waiting list for Yukon Housing houses?

**Hon. Mr. Lang:** If there is a major problem where an individual cannot afford his own dwelling, there is some help there. I do not have the list with me, but I could find out just exactly what costs are being incurred by the housing corporation.

**Mr. Kimmerly:** In view of the present waiting list, and the need for jobs immediately, is the corporation planning now to build more houses.

**Hon. Mr. Lang:** I can say very emphatically, no.

#### Question re: Archaeological site in Riverdale

**Mrs. Joe:** I have a question for the Minister of Tourism, Heritage and Cultural Resources. As the minister may know, artifacts were discovered on the bluffs in Riverdale that may indicate a significant archaeological site within the boundaries of Whitehorse. That site is threatened by modern recreational use of the area. Can the minister inform us what action she has taken to protect the site? For example, has she urged the City of Whitehorse to protect the site?

**Hon. Mrs. Firth:** I apologize to the member, I did not hear the question. Could she please repeat it?

**Mrs. Joe:** As the minister may know, artifacts were discovered last spring on the bluffs in Riverdale that may indicate a significant archaeological site within the boundaries of Whitehorse. That site is threatened by modern recreational use of the area. Would the minister inform us what action she has taken to protect this site? For example, has she urged the City of Whitehorse to protect that area?

**Hon. Mrs. Firth:** I have not taken that particular action that the member is asking, but I have the present situation under review.

**Mrs. Joe:** Could the minister tell the House what provisions

there are under existing Yukon legislation for identifying and protecting similar sites?

**Mr. Speaker:** Perhaps the hon. minister could be brief as the reply would appear to be a lengthy one.

**Hon. Mrs. Firth:** It is federal legislation.

### GOVERNMENT BILLS AND ORDERS

#### Bill No. 7: Second Reading

**Mr. Clerk:** Second reading, Bill No. 7, standing in the name of Mr. Ashley.

**Hon. Mr. Ashley:** I move, seconded by the hon. Minister of Municipal and Community Affairs, that Bill No. 7, *An Act to Amend the Personal Property Security Act*, be now read a second time.

**Mr. Speaker:** It has been moved by the hon. Minister of Justice, seconded by the hon. Minister of Municipal and Community Affairs, that Bill No. 7 be now read a second time.

**Hon. Mr. Ashley:** The explanatory note to this act says that its purpose is to improve the uniformity of the *Personal Property Security Act* with the latest developments elsewhere in Canada to provide for registration of collateral by serial number and to rectify a number of technical deficiencies in the existing legislation. These statements require some elaboration or some background information and should be given first.

The *Personal Property Security Act* was considered and passed by this House in the fall session of 1980. Only a cursory glance at the act is necessary to discover that it is a highly technical piece of legislation dealing with an area of the law with which most people are not acquainted, let alone familiar. Although a reference to *Hansard* would provide members with some constructive information, I will presume, if I may, to cover some of the same ground again to refresh our memories.

It is common knowledge that many people often want things which they cannot afford or, at least, that they cannot afford right now. Likewise, it is common knowledge that such desires may receive instant gratification through some form of credit transactions. The person borrows the money to make the purchase, or the seller gives something to the buyer who will pay for it on time. However, giving credit can be risky. A loan may go unpaid because a debtor goes bankrupt, because he dies, because he skips town or for other reasons. If the risk is too high, credit becomes unavailable.

To make credit more freely available, which is an advantage not only to lenders but also to business and consumer borrowers, the law has created, over the centuries, special principles to reduce the element of risk that the lender will never see his money again. One of the most important of these special principles recognizes the provision of collateral of some sort as security for the repayment of a loan. This, in a nutshell, is the subject dealt with by the *Personal Property Security Act*, although I should say that the act does not deal with real estate used as collateral.

Before the enactment of the *Personal Property Security Act*, the law recognized a number of different mechanisms for a lender to secure repayment of a loan by requiring a borrower to put up collateral. These mechanisms range from the simple pledge or pawn transaction to the conditional sale and chattel mortgage commonly used for sales to consumers, to the floating charge and the assignment of book debts used for commercial financing.

<sup>17</sup> Because each of these legal security devices evolved independently, in response to different needs and circumstances, they never had much in common. As a result, the rights of lenders, borrowers and third parties varies, not according to any obvious logic concerning the use of the collateral as security for a loan, but instead according to the type of documents used in the transaction. Moreover, the law was not just arbitrary; it was also complex and obscure. Statutory provisions were too narrow and did not provide the means to sort out competition between lenders claiming interest on the same collateral.

Resort to the courts only compounded this bewildering complexity, as the judges were never able to provide the common foundation needed to sort out the priorities of competing interest. In short, the law was in a mess.

We, in Yukon, were not alone in that legal mess and although we were not the first to try and get ourselves out of the mess, we were not the last. Our *Personal Property Security Act* is modelled after Article 19 of the *Uniform Commercial Code* in the United States. That is to say, similar legislation is now in force in 49 of the 50 states, the exception being Louisiana, is a civil law jurisdiction like Quebec. More importantly, perhaps, for us, is that similar legislation is now in force in Ontario, Manitoba and Saskatchewan, and other provinces are expected to follow suit in the near future.

It is worth emphasizing that the old law in Yukon was similar, as far as we can tell, to the provincial law in most if not all of the provinces except Quebec. The value of uniformity of the law in this area, therefore, has been recognized for many years; however, the lack of logic and organization in the old system has prevented uniformity from being any more than an unobtained ideal. In the case of commercial financing, especially, uniformity of laws with that of other jurisdictions has practical merit.

The economy of Yukon is not large enough to be self-financing. Outside investment is essential to our very existence. In these circumstances, it is important that our laws should not make private investment in Yukon any more risky than anywhere else in Canada. In the design of a *Personal Property Security Act* for Yukon, it has been necessary to adhere to the principles of uniformity for one additional practical reason: Yukon is too small to create its own jurisprudence and educational material for a subject that is so vast and, despite the reforms, so complex.

As this House was told during debate of the bill, our act follows more closely the *Personal Property Security Act* of Saskatchewan, which continues to be the most modern the provinces have in this regard. The act has been tailored, in some respect, to fit the unique requirements of Yukon, but remains our basic policy to adhere to the provincial model except where a need for some difference is indicated by special circumstances. The advantage of this is that text books, articles and other educational materials for Saskatchewan can be used with a minimum of difficulty in Yukon.

« Likewise, we can continue to benefit from their lead in the continuing reform of the law in this area as well as from their experience and procedures developed for the administration of the act.

Perhaps I have dwelled too much on the value of the *Personal Property Security Act* as uniform law. The real merit of this act is the reform of the old antiquated system it replaces. The *Personal Property Security Act* sweeps away all the artificial distinctions and unrealistic technical pitfalls of the old law. It removes a great deal of risk from the financing of many commercial industrial enterprises. It opens the door for new reforms of loan transactions. It enables Yukon to benefit from business development practices that are now old hat in the United States and are now beginning to become available in Canada. It even improves the security of consumer purchases and gives consumers new rights.

Turning now to the bill which is before the House, in the context of my foregoing comments, Bill No. 7 is a culmination of what probably has been one of Yukon's most ambitious law reform projects ever. The *Personal Property Security Act* came into force June 1, 1982. You will recall that this House passed the original act in 1980. Incidentally, it took Ontario more than eight years to proclaim its act in force, but then they were the Canadian pioneers in this area. In Yukon, the intervening period of the year and a half has been spent in the design and implementation of a computerized registry system, in meeting with members of the legal and banking professions and consulting with outside officials and experts.

An educational program of seminars was held in conjunction with the Yukon Law Society to introduce the new law and registry procedures. During this process, some deficiencies were found in our act. Also the Saskatchewan *Personal Property Security Act*, with a few small improvements, was accepted by the uniform law conference of Canada at their meeting here in Whitehorse a year ago. A bill to improve and modernize the Yukon *Personal Property Security Act* was tabled in this House last spring. Bill No. 7 is substantially similar to that bill. Bill No. 7 proposes a number of changes to the *Personal Property Security Act*. Some of the changes have more legal or practical significance than others. Virtually all

of the changes, however, improve the uniformity of our act with either the *Personal Property Security Act* of Saskatchewan or the act adopted by the uniform law conference.

I will not make any special mention now of the merit of amendments made for the sake of uniformity alone, but will restrict my comments to those amendments that have additional importance.

First, the major reform provides for the registration of some collateral by serial number. The act is amended in a number of places to accommodate this new idea. The serial number registry will be maintained for automobiles, house trailers, aircrafts, consumer property taken as collateral. Here is an important benefit to consumers. A person buying a car will be able to find out if the seller's bank has a claim merely by requesting a search against the serial number of the car. Ordinarily, searches can only be made against the name of the debtor. This becomes a problem in what the experts call the "a-b-c-d" transaction. Here, a car financed to the bank by the original owner is sold to a purchaser who does not check the registry and who in turn sells it to someone else. The last purchaser in the chain checks the registry in the name of the person from whom he is buying the car. It will not show the interest registered against the name of the original owner.

« The serial number registry, however, will now show the earlier interest, and the financial purchaser, if he is smart, will refuse to buy the car until the earlier interest is released.

Since the proclamation of the act on June 1st, the registry has been requiring the provision of serial numbers for this type of collateral. The amendments are necessary to state the legal effect of the registry.

Members should know that not all property that may be used as collateral has serial numbers. Also even property that have serial numbers may not necessarily be accommodated in a registry. Some property has more than one number, and manufacturers have not yet adopted a universal system of serial numbers. Accordingly, serial number registration is available now only for certain classes of property, which will be specified in the regulations. As it becomes practical to expand the classes of collateral that may be registered by serial number, the regulations may be updated. The amendments providing for serial number registry appear in nine different sections of the bill.

A second major change relates to the description requirements set out in the act. The legislation requires collateral descriptions in a number of places. Collateral must be described in security agreements, which are merely the agreements made between the lender and the borrower to set out the loan transaction, and in financing statements, which are the documents that may be registered under the act, and in various notices that may be set under the act.

The act now requires something that is called "sufficient description" in each case. The term is defined in the definition section. It has been found that what may be a sufficient description in one case may not be sufficient for another. Accordingly, the definition is to be repealed, and specific provisions are to be set out in each section of the act, where sufficient description now appears. The amendments relating to the description requirements appear in thirteen different subjects within the bill.

Another important change occupies only one section: the definition of priority, security interests, and transitional provisions may not apply to all such interests. The transitional provisions are designed to provide for a change-over period between the new and the old law. Existing security interests, under the old law, have to be carried forward under the new law, and special problems relating to competition between new and old interests have to be dealt with. The result of this error is uncertainty in the application of the new law, and the possibility that some transactions, unintentionally, may continue to rely on the laws the new act was supposed to replace. Saskatchewan also had to make this amendment soon after their new act was passed.

Another section provides explicitly that unregistered interests generally are subordinate to registered interests. As the act now reads, the basic principle is only implied. A small number of subsections recognize the role of the sheriff under *Creditors Relief*



Act, which provides for representation of creditors in making collections under court orders.

<sup>20</sup> A new provision was added to deal with the problem of competing purchase-money security interests in the same collateral. A purchase-money security interest is the interest of a person who lends money to finance a purchase of whatever property is being used as collateral for the loan. The act gives special priority to this type of interest. Competition between such interest arise where, for example, a bank lends money for the down payment on a new car and the dealer finances the rest of the sale price. If the borrower does not pay for the car, it is necessary for the act to provide some means of sorting out the claims of the dealer and bank on the same collateral.

Several provisions of the act have been rewritten with no intention to change the policy of the act but, instead, to remove ambiguities in the expression of the policy. Changes for this purpose appear in the definition section and in sections dealing with the application of the act: the transfer of collateral by debtor, the change of a debtor's name and the procedure for serving documents on partnerships.

In addition, provisions of the act expressing judicial powers for the enforcement, primarily of the debtor's rights, under the act, have been amended to remove possible unintended restrictions.

Another change is to remove some redundancies in the act. Section 64 provides that all rights under the act must be exercised in good faith and in a commercially-reasonable manner, and that a person who fails to fulfill his duty under the act, is liable for a resulting loss that may occur. Some half dozen subsections incorporate this change. Also, section 64 is qualified with a provision that a person who has been reasonably diligent in the exercise of his duties under the act, is entitled to have that fact taken under consideration in court proceedings.

Another provision provides a new definition of "person" for the purposes of the act. "Corporations" were unintentionally left out of that definition in the original act. The new provision requires secured parties to discharge registrations relating to consumer goods within one month after the debtor makes his last payment under the credit transaction. The section requiring receivers to file notices of appointment are returned to the *Companies Act*, which is the most appropriate place for them.

The remaining provisions of the act make changes that are more technical or less important than those I have mentioned already. Errors in grammar, terminology and numbering corrected in a number of sections. Elsewhere, modern language is substituted for antiquated, legal jargon.

The final point I should like to make is that most of the bill is to be deemed to have to come into force on June 1, 1982, the date on which the *Personal Property Security Act* was proclaimed. The purpose of this is to establish all security interests under the act on the same legal footing as far as possible, so that any action taken under the act by persons since June 1 will not be prejudiced by retroactivity. However, some provisions come into force only upon assent.

In conclusion, I should like to thank members of this House for their patient attention to this lengthy explanation. I hope that they have found my comments helpful in understanding this very complex subject and appreciate the benefits to the Yukon of the *Personal Property Security Act* and the proposed amendments now before the House.

<sup>21</sup> **Mr. Kimmerly:** I also have a speech about this matter. Some people say it is the duty of the opposition to oppose: well, I have looked at this act, and I have even received other legal advice about it, and I do not find anything in it to oppose. If anybody knows of anything to oppose and wishes it brought up, I would be only too pleased to do that if they notify me. In my mind, the act is uncontroversial and I look forward to its speedy passage, and I have not a single comment in the committee stage, as far as I know now.

*Motion agreed to*

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

**Hon. Mr. Lang:** I move, seconded by the member for Faro, that Mr. Speaker do not 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. member for Faro, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

*Motion agreed to*

*Mr. Speaker leaves Chair*

## COMMITTEE OF THE WHOLE

**Mr. Chairman:** I will now call Committee of the Whole to order. We shall now have a short break.

*Recess*

<sup>22</sup> **Mr. Chairman:** I will call Committee of the Whole to order. We will continue with Legal Aid, under Department of Justice.

*Department of Justice — continued*

*On Legal Aid*

**Mrs. Joe:** I wondered whether or not the minister responsible for Justice would have any remarks which he would want to make with regard to this before I ask a few questions, because I am going to have some questions?

**Hon. Mr. Ashley:** Yes, I will give a brief outline as to Legal Aid. Legal Aid provide legal counsel to persons who are unable to meet such cases from their own resources. Yukon, since the plan's inception, has used the private bar exclusively to provide counsel. This has been satisfactory, but recent cost increases have us considering alternate means of providing counsel, and we are looking at all the means that we can think of: staff lawyers, public defenders, and any kind of different plan that we can think of right now.

The local bar receives first call, on occasion. In complex cases, outside counsel has been used. One such case occurred last year. This was a complicated drug case with six defendants represented by a senior local counsel and a senior lawyer from Vancouver, specializing in drug cases. This is the case which cost \$41,000 and, incidentally, resulted in acquittals for all accused. We believe that the two expensive cases, experienced last year, were exceptions, and not likely to be repeated. Elimination of these costs, coupled with the reduction in fees by the local bar, have enabled us to reduce our costs.

**Mrs. Joe:** With regard to the drastic cut-back in the amount for legal aid for criminal cases, I would like to know what the department is prepared to do in case of the money running out and people requiring legal aid.

**Hon. Mr. Ashley:** These are, as you said, just estimates and, if necessary, we do have to come up with supplementaries. That is one of the reasons why we are trimming the impaired. If the cases are there and we have to supply the legal aid, then we have to come up with enough money at some point.

**Mrs. Joe:** I understand that we have to, in a lot of cases, because the money comes from the federal government, use... Excuse me, I have the wrong information.

In the case of non-resident lawyers, who have been coming up to the Yukon — I understand that, of course, we give preference to resident lawyers — I would like to know whether or not the minister can give me the information as to the amount of money spent on non-resident lawyers and the amount of money spent for special fees for resident lawyers?

<sup>23</sup> **Hon. Mr. Ashley:** No, I cannot give you that breakdown, right now. The major case, as I said, was that one and that is where the major funds went for outside lawyers.

As far as the funding goes, you are not correct in saying that it is supplied by Canada; we gain \$75,000, as a maximum, towards legal aid from Canada.

**Mrs. Joe:** I had received other information and thank you for correcting me.

**Mr. Kimmerly:** First of all, I would like to say and put on record that I am a licensed member of the Bar and I participate in

the legal aid plan. Consequently, I do have, I suppose, a pecuniary interest in this line and, according to the *Yukon Assembly Act*, I will not vote on it, if it makes any difference at all; but I have received instruction from the Clerk. I do wish to comment and ask a few questions about it.

The questions are in two general areas and they are basically the scope of the plan and the new initiatives that the minister is looking at. First of all, with respect to the scope of the plan, I asked the question in question period last week and I was fairly disappointed with the answer. It did not provide any detail at all, although, subsequently, the minister spoke with the press and provided even greater detail when he mentioned the figure of a \$50,000 cut. I would ask the minister to explain here in the House what is this \$50,000 proposed cut?

I have other questions along the same line, but perhaps I will ask them one at a time.

**Hon. Mr. Ashley:** This \$50,000 cut is what we expect to gain from the lawyers taking a 10 percent reduction in legal fees.

**Mr. Kimmerly:** There was reference in the *Yukon News*, I believe, to an additional \$50,000. Is that an accurate reference?

**Hon. Mr. Ashley:** I have not seen the press statement, so I cannot comment on that, but I am hoping to achieve a \$100,000 reduction in the legal aid costs from what are projected. We do not know if we will be able to do it. We may have to change some legislation to do it as well. But, at present, we cannot do it.

**Mr. Kimmerly:** I was going to ask about the legislation and specifically about section nine of the ordinance which, of course, is the most important section. Presently, the system is that, for impaired driving, no legal aid is granted. This policy of the legal aid committee — or, regulation — has been questioned and under discussion, especially with respect to the new law which came into effect on December 19th, and the prospect of mandatory minimum jail sentences on second and subsequent impaired drivers. Is the minister reconsidering the policy of not granting legal aid for impaired driving offences?

**Hon. Mr. Ashley:** As I said, we are looking at the legal aid act right now for revision. We are looking at it to cut the costs, so I do not see myself looking at it to increase the costs.

**Mr. Kimmerly:** I take it the answer is no, I will expect amendments in the law in the future. On the same topic, are there discussions or agreements with the native court workers to take up some of the work previously done by lawyers under this plan?

**Hon. Mr. Ashley:** You can ask the question under court workers if you want.

**Mr. Kimmerly:** Very well, I will do that under that line, I suppose that could be under either line. Are there categories of crimes or offences that are now excluded from the program?

**Hon. Mr. Ashley:** Not that I am aware of. The legal aid committee looks at it and it is based on legislation.

**Mr. Kimmerly:** I am aware of the policy that the legal aid clerk follows and I would ask the minister if he would undertake to answer the question. Perhaps I could give notice of the question now. Are there categories where legal aid is not generally given? What are they? That is a notice of question.

The next line of questioning I wish to go into is the question of the proposed alternatives. The minister made a statement that the government is looking at the public defender alternative and other kinds of alternatives. I would like to ask for further information about that and possibly a target date for the conclusions of the studies, and if the minister would announce if consultation with the law society and other interested groups, for example the native court workers, is going to be undertaken in the near future?

**Hon. Mr. Ashley:** We are looking at all different aspects that we can think of right now. I will not be bringing them forward at this point. My object is for next spring, to have things changed by then. You asked a question about the court workers. The legal aid committee, the board, can meet with the native court workers at any time.

**Mr. Kimmerly:** I would again ask the question about consultation. I took the minister's answer to mean that in the spring session, probably, legislation will be tabled to deal with this subject. Before the spring session, is there consultation about public defenders

contemplated with: 1) present judges; 2) the crown attorneys; 3) the law society; 4) the native court workers; 5) the juvenile committee; and 6) the consumer association?

**Hon. Mr. Ashley:** I will be taking my proposal, once it is made, to the people I feel need to comment on it.

**Mr. Kimmerly:** My interpretation is that the minister is not answering the specific question.

**Hon. Mr. Ashley:** I will be dealing with the law society on it, most definitely. That is the only one I will answer.

#### *On Criminal*

*Criminal in the amount of \$280,000 agreed to*

#### *On Civil*

*Civil in the amount of \$120,000 agreed to*

*Legal Aid in the amount of \$400,000 agreed to*

#### *On Police Services*

**Mr. Kimmerly:** I have asked in the question period about the contract negotiations and the police service agreement. I am interested in the degree of influence the Yukon government now has. Is it similar to the Department of Health, or is there a meaningful role in the negotiations for YTG?

**Hon. Mr. Ashley:** I have already answered that question in the past. It is similar to what the provinces have. I am not totally aware what the Department of Health has; it is not one of my ministries. We do not have a lot to say, we do have consultation between the RCMP and myself, yes, but there is a federal agreement worked out.

**Mr. Kimmerly:** I would like to ask a general question about the level of police service and I am being very careful to not imply a position, or state a position, in the content of my question because my mind is not made up in any meaningful way.

A state representative from Alaska discussed the problem with me some time ago, and he expressed what I can call amazement at the level of police services in the communities here, in that in all communities of any size, there is an RCMP officer — in most cases, more than one, because of the RCMP policy to not have one-person detachments, if at all possible. The situation in Alaska, regarding the state troopers, is extremely different. There are not troopers in all of the communities, by any means at all. The per-capita police service in Alaska is very, very much lower than in Yukon.

I do wish to express a position on the point at the present time, but is the government considering this question and is there a policy on it now or a policy being developed on the per-capita level of policing?

**Hon. Mr. Ashley:** No, we have not developed a policy on this. It is, basically, in the hands of the RCMP.

**Mr. Kimmerly:** To make a statement as opposed to a question, the position of the RCMP, of course, is going to be to expand. They have. The police-to-citizen ratio in the Northwest Territories and Yukon is phenomenally high, if we consider the national average. I would recommend that some policy be at least thought about. I suppose the next agreement would be the most practical time to bring it up, although I would expect it will occur before 10 years go by.

With respect to the question I asked about foot patrols in Whitehorse, I am interested in what is an apparent contradiction. It is not a misleading contradiction in any way. It appears to me that the Yukon government or the minister is following a policy of being supportive of foot patrols in downtown Whitehorse and the RCMP have stated there is not sufficient manpower or money to do that. Is that, in fact, a contradiction. What is the position of the government on that?

**Hon. Mr. Ashley:** The police do run some foot patrols in Whitehorse. It is up to them, they do not have to as part of the agreement. It is a federal-provincial-territorial agreement; there are 11 signatures to it, excluding the two provinces that have their own provincial police forces. It is for looking after the provincial police services, which the RCMP do do for us in the territories and

provinces.

The police have been holding the line on increasing their manpower so, yes, they are short, in actual fact, for their case-load and, as far as municipal acts and by-laws they do not have to enforce them. They have held the line to 104 officers in the territory.

**Mr. Kimmerly:** It is my information that there are some foot patrols in Whitehorse now. Is the minister aware of this and is there a discussion about this at the present time?

**Hon. Mr. Ashley:** I am sorry, can you please state the question again?

**Mr. Kimmerly:** It is my information that there are police foot patrols in Whitehorse at the present time. Is that a topic of discussion between the RCMP and the minister, and is it expected to continue?

**Hon. Mr. Ashley:** I just said that yes, I had talked to the RCMP and yes, there are foot patrols, and they are aware of the concern there. But, as I said, they do not enforce municipal by-laws.

**Mr. Penikett:** I would like to ask the minister if I understood him to say correctly that the RCMP was short staffed for their case-load, and if that is in fact what he said, would he explain his remark?

**Hon. Mr. Ashley:** The case-load per officer is higher here than anywhere else in Canada.

**Mr. Penikett:** I expect that that is a function of the number of policemen here rather than the criminality of the Yukon population. Let me ask the minister if he is aware that during the evening hours, the hours when eighty percent of the crime is committed in this city, for example, only a tiny fraction of the force is on duty. I think, about four officers, or less.

**Hon. Mr. Ashley:** For the officers on patrol, that is up to the RCMP. They are the experts in it. They look after the stats and know at what times their staff should be on the streets. And I must leave that with them.

**Mr. Penikett:** I do not doubt that they are experts, but they are also, in a parliamentary sense, not accountable to us for their expenditures. The fact of the matter is that a large number of the RCMP officers may well be involved in activities which are not, in the normal municipal sense of the word, police work. They may be involved as public servants of one kind or another.

I want to ask the minister, since previous ministers have said and indicated in this House, while the strict letter of the law in the contract of the Police Services Agreement is not capable of much negotiation, there is considerable scope for informal agreement and understanding between this government and the minister in regards to the kind of services offered and made available. Could I ask the minister specifically, has he discussed the question of the staffing of the police headquarters here during the high crime hours, and, two, what specific requests has he made in terms of an informal understanding as to the nature of policing services that the government wishes to receive for the considerable amount of money that it pays out?

**Hon. Mr. Ashley:** As I have said, I have met with Chief Superintendent Harry Nixon and his senior staff people. We have had meetings in regard to this sort of thing so they know where we stand.

**Mr. Penikett:** I heard previously the minister say that he had meetings. What I want to know is what specifically did he ask for in terms of police services that we require in exchange for the money we are contributing, namely, items that may not be covered in the police agreement?

**Hon. Mr. Ashley:** I guess what the member opposite is wanting is for me to say that the RCMP will not agree to municipal police enforcement.

**Mr. Penikett:** If the minister would just listen to the question, I think he would have a lot easier time answering it. I ask, specifically, in his meetings with the Chief Superintendent and other officers of the force, what requests, on behalf of this government, did he make to them for police services; services that might not have been specified in the legal agreement?

**Hon. Mr. Ashley:** I asked them to hold the line on manpower

and try to maintain the same service that they had been maintaining.

**Mr. Penikett:** So the minister is on the record then for not having asked for any additional services, and has not specifically asked for additional foot patrols. He has, in fact, changed or altered the policy slightly from the request of previous ministers — one or two I can think of particularly who gave undertaking to this House that they would make such a request next time the contract was negotiated.

**Hon. Mr. Tracey:** As I was previous minister of this department, I would like to say that first of all it is up to the RCMP and the superintendent in Whitehorse to use his best value judgement of how he is going to handle the police services. It is up to the minister of the government, where he may want some specific changes made, to negotiate with the RCMP in order to pay for those specific changes. As far as whether the superintendent wants to have foot patrols in the City of Whitehorse rather than have his people drive around in cars, that is a decision that he can make. As long as it will not increase the cost to the police services agreement then he is within his jurisdiction to make it. I should also point out that the RCMP are not obligated to enforce municipal by-laws. That is one thing I think that a lot of people in the City of Whitehorse think that the RCMP should be doing as foot patrol officers; to enforce the city by-laws. They are not required to do so.

**Hon. Mr. Lang:** I would like to make a point here, as a sitting member. Every once in awhile I get an observation from my constituents that a certain road should be looked at more from the point of view of the travelling public in respect to speeding. I have to honestly say, as a member, I contact the RCMP and say, "Look I have a problem out here, is there any possibility of stepping up a little bit more observation as well as enforcement to deter this type of activity?" I have to say that I have had total co-operation. As a member, I would like to hear from the member opposite what problems does he see? It is easy to ask a question of this side of the floor of the House, but I am trying to figure just exactly what the problem is. I, as a sitting member, have not had that many people come and complain about the RCMP.

The other point I would like to make that I know is on the record and should be rectified, concerns the shift changes of the officers. The majority of the people within the RCMP work during the day because a lot of it is in administration. It would seem kind of foolish to put them on night shift in the office, if they do not have to. I think that point should be clarified as well. Perhaps the member opposite could tell us what he is driving at. Has he got a problem in Whitehorse West?

**Mr. Penikett:** The minister would not have a hard time understanding what I am driving at, if he had been listening as I was speaking. As a matter of fact, he makes the point that I was making, very well. He used a few more words than I would have used, but he did it quite well. In fact, it is a different point than the one made by the member for Tatchun. The member for Tatchun seems to think that we buy a *fait accompli*, or sort of package, without being able to discuss the contents at all; a plain brown wrapper and we get what we are given.

The point the member for Porter Creek East made was one that I agree with; where there have been representations made in the past, I think the RCMP have responded quite readily. I believe, four years in a row, there was discussion in this House, during the discussion of the estimates, about the appropriateness and the need for foot patrols in downtown Whitehorse.

There were undertakings given by previous ministers that that would be a representation made to the police, and there are some going on, notwithstanding the fact that the minister told the House that they could not afford them and they were not going to do it.

**Hon. Mr. Ashley:** I did not say that.

**Mr. Penikett:** Yes, you did. The point I wanted to make was, in this round of negotiations about the police contract, whether this minister had made such a petition or representation to the RCMP, and he has clearly answered: no he did not. That is all I wanted to know.

**Mr. Kimmerly:** It is well known that, for the question of impaired driving, the likelihood of detection is a greater deterrent than the degree of possible penalty. In other places there are "check

stop" programs and, indeed, in the past, in Whitehorse this kind of program was followed. Did the minister, at any time, make a representation to the RCMP to increase, in any way, the surveillance for impaired drivers?

**Hon. Mr. Ashley:** In our meetings with the RCMP this was discussed. In answer to the previous member who spoke on that, he is talking of representations or undertakings from previous ministers, which I have no obligation to follow. If anybody comes to me, I do take that matter up with the RCMP.

**Mr. Kimmerly:** A minister informed us that the question of surveillance for impaired drivers was discussed. What was the government's position during the discussion?

**Hon. Mr. Ashley:** One of our undertakings was to increase the drinking/driving penalties and they, in turn, will be looking at ways of more enforcement.

**Mr. Kimmerly:** I ask the question once again. It is a very simple and direct question: did the minister, at any time, request increased surveillance for impaired driving?

**Hon. Mr. Ashley:** I have left this up to the RCMP; it is their duty and their job, and they are doing it.

**Mr. Kimmerly:** The answer is, obviously, no.

**Hon. Mr. Ashley:** That is not what I said. The member opposite should listen.

**Mr. Kimmerly:** I thank the minister for additional information. Did he, at any time, make representations for increased surveillance for impaired driving?

**Hon. Mr. Ashley:** As I said, the matter was discussed with the RCMP, yes.

**Mrs. Joe:** I have a question in regards to the RCMP and the Qwanlin Dun police. I had discussions with the Qwanlin Dun about their police force and I have a copy of the letter that they sent to the minister in regards to a meeting that they would like to have to talk about problems that have occurred every winter with some of the members freezing to death on the streets. They have been waiting for a meeting for quite a while with the minister and I would like to know if such a meeting is being planned?

**Hon. Mr. Ashley:** In answer to this question, yes, there is a meeting being planned. I have just received the information today from Chief Superintendent Nixon, and we are working on that right now.

**Mrs. Joe:** I would just like to know, because winter has come and it is quite cold, how soon we can expect that this meeting will take place?

**Hon. Mr. Ashley:** The meeting will take place just as soon as we can get it arranged.

**Mr. Kimmerly:** I have a question about police commissions. The minister has previously answered that he believes this is a matter for federal jurisdiction, as the agreement is obviously a federal-territorial agreement. Was the matter discussed in the past, and may we expect any federal or territorial action on the matter?

**Hon. Mr. Ashley:** As I have stated previously, it is out of our jurisdiction. The Supreme Court of Canada has ruled against it in both Alberta and Ontario. But yes, we have made representation to the minister and we would like to have it, but it has been ruled as being out of our jurisdiction.

**Hon. Mr. Tracey:** I am not sure whether the member is aware or not, but under the new laws of the criminal code there is a section in there which amounts to well over one hundred pages on how the RCMP are going to be investigated, how they will be disciplined, and how each jurisdiction will have their involvement in it. And, if the member does not have that, I am sure that Mr. Ashley's department could make it available to him. It is handled at the federal level. The provinces have no jurisdiction over it.

*Police Services Agreement in the amount of \$4,300,000 agreed to*

#### *On Criminal Injuries Compensation*

**Hon. Mr. Ashley:** Assessment of claims is carried out on our behalf by the Workers' Compensation Board. This is to the benefit of the person receiving an award. Workers' Compensation Board can deal more expeditiously with a claim than the courts, and the act itself is quite specific in the amounts which may be awarded. As in past years, authority is sought by a token vote to pay any awards

which may be made. At the end of the year, money to cover such claims will be sought by supplementary estimates.

*Criminal Injuries Compensation in the amount of \$2,000 agreed to*

#### *On Yukon Court Workers*

**Hon. Mr. Ashley:** This is the only program where the department has been able to make a voluntary increase. I say that because in others, such as police services, increases have been forced upon us by circumstances beyond our control.

At the working level, court worker legal aid clerk, there is an extremely extremely close co-operation. There have, to date, been no meetings or contacts between the Societies Board and the Legal Aid Committee. I am sure that this will not be so in the future.

There has, since last summer, been more frequent contact between the society and officials of the department. Both sides are cognizant of the difficulties imposed by financial constraints and are working to overcome them. Both recognize the need for some form of court-worker service in rural areas and are working to overcome this weakness.

**Mrs. Joe:** The court-worker program has been a good program, but the people in the communities are telling us that they need more services in the communities, simply because the court circuit does not get out there as often as they need them. They would need part-time court workers in the communities because the justices of the peace do deal with a lot of the summary matters.

In a lot of cases, the court workers speak on a sentence or something quite minor and they do a very good job and get very good training. But, over the years, there have been evaluations done in co-operation with the territorial government and I just wondered whether or not those evaluations that are done by the federal government are available to the territorial government and, also, to people like myself? I would be interested in finding out what those evaluations say and who the people are to contact to get that information from.

**Hon. Mr. Ashley:** I am not aware of who does the evaluation, other than what my department would do. It would be an internal in-house thing, on their part. I am not sure if the native court workers do one or not. I would imagine they would. They are working, as I said, closer with the department than they have in the past.

**Mrs. Joe:** The evaluations that are done are done by the federal government, the department that contributes part of the money. In the past, they have been done in co-operation with territorial government departments. I am not aware of one that was done this year, but I am aware of one that was done the year before. If the department is not aware of them, then I guess they do not know about them, but I just thought that I might be able to get that kind of information.

**Hon. Mr. Ashley:** I did not say that the department was not aware of it. I said I was not aware of it.

**Mrs. Joe:** If I could give you this question as notice, I would like to find out whether or not there is an evaluation that the Justice department is aware of and, if there is a report of the evaluation, I request a copy of it.

**Hon. Mr. Ashley:** Most definitely, certainly.

**Mr. Kimmerly:** I would re-ask the previous question about legal aid and court workers. Would the minister like me to repeat the question?

**Hon. Mr. Ashley:** I thought I answered it in my preamble.

**Mr. Kimmerly:** I did not. The question is: recently, in the last few months, and with the reorganization of legal aid, what services are now planned to be undertaken by the court workers that used to be done by lawyers? I understand that there was an announcement that there was going to be some. It was in a press release.

**Hon. Mr. Ashley:** This reorganization of legal aid is being looked at, as I said earlier. It has not been done yet. If you are talking about the reduction in funds to lawyers, that certainly is taking place, but that will not affect this.

**Mr. Kimmerly:** I am going to ask once more, and then give up. In the government press release about legal aid, it mentioned the increase in use of the native court workers. Also, it is clearly the

impression of the director of the native court workers' service that he is now, and will be, responsible for more kinds of cases in the minor areas. What is the new policy? What categories of cases are now going to be covered by legal aid? I would ask the minister to take notice of the question.

**Hon. Mr. Ashley:** Yes, I do not mind taking notice of the question. I will get back to the member.

**Mrs. Joe:** With regard to travel money that is allotted to this program, I understand that the travel to communities has been restricted and, in some cases, court workers are not going out where they are needed. The reason that I was given for that was that the money that they had just was not enough to cover those costs. Can the minister tell me if, in fact, that information that I received is true?

**Hon. Mr. Ashley:** We give the Native Court Workers Society that money on a transfer payment. They actually run the program themselves. We only have so much money available so that is what they can receive.

**Mrs. Joe:** Is the minister saying that they give them the amount of money and there are no restrictions to that money that is given to them, or no guidelines?

**Hon. Mr. Ashley:** Certainly there are guidelines. You could get them from the department.

*Yukon Court Workers in the amount of \$100,000 agreed to*

*On Native Indian Special Constable*

**Hon. Mr. Ashley:** This program is an integral part of the police services provided by the RCMP. It is isolated and identified as a separate expenditure only because cost sharing is with a different department of the federal government, in this case the Department of Indian Affairs and Northern Development. The concept of native representation on police forces is recognized and fully supported by my department. This program optimizes that concept.

**Mr. Kimmerly:** I am not going to ask a question, but simply make a statement. It is my information from several sources, indeed several kinds of sources, that the present policing of the Qwanlin Dun band is in something of a state of confusion with respect to jurisdiction. There are band by-laws and Whitehorse city by-laws and there is a confusion as to which apply when, if any apply, and also the policing which would normally be done by the RCMP in the band area is, I believe, generally done by the special constable. There is a confusion in roles and responsibilities. I simply comment on that. I will be asking next year on progress on sorting out the difficulties. I understand it is a long-standing problem and will probably take a long time to solve. I simply identify it for the record.

**Hon. Mr. Ashley:** This native special constable has nothing to do with that problem. These are native special constables to the RCMP, throughout Yukon and they are working very well and I am told that everyone involved is extremely happy.

The other problem of which you speak is part of the problem that Mrs. Joe was talking about, and we will be having a meeting on that.

**Mr. Kimmerly:** I thank the minister for that clarification.  
*Native Indian Special Constable, in the amount of \$133,000, agreed to*

*On Administration*

**Mrs. Joe:** I just have one question and that is in regards to the position of deputy minister. I am not sure how long this individual is going to be away, but I am a little bit concerned about responsibilities of that person and whether or not the department is getting the necessary work put into it that is needed. It is an unfortunate medical problem that he has, but I notice that when all other departments' budgets were being gone through that there were deputy ministers available to answer any questions. I could only see that we have a Mr. Tommy Duncan here to answer or help with any of the information that we might need. I just wondered whether the department was being ignored, in some cases, because our deputy minister is not available?

**Hon. Mr. Ashley:** No, the department is not being ignored. As I said, for certain legal questions we go to the private Bar, right now. Mr. Duncan is the acting deputy minister, at the moment, for

administrative reasons. I, at the moment, am looking for an acting deputy minister to come in to fill the gap — basically, on secondment from another government department.

**Mr. Kimmerly:** I would ask if there is a projected time or a target date, for the new acting deputy minister to arrive and, as a second question, what is the present expectation about the present deputy minister?

**Hon. Mr. Pearson:** I think I should answer the question. The deputy ministers follow under my direct responsibility. The Deputy Minister of Justice is on sick leave. We have no idea how long he will be on sick leave. We are trying very hard to second a suitable person to the territory now. We have some very, very good leads and, hopefully, within a week or so, we might be able to make a definite announcement to the House. I realize everyone is concerned. Members opposite have to know that we are more concerned than they are.

**Mr. Kimmerly:** I will ask a question that I previously asked under the other lines about legislative drafters and contract monies for legislative drafting. I previously asked this on another line, and the minister identified contract monies. Is that under this line, and what is the amount of the contract monies budgeted for?

**Hon. Mr. Ashley:** I thought I answered that again later in that same line. It was under the previous line, but there is possibly some contract money in this area.

**Mr. Kimmerly:** The minister stated there is possibly some contract money. What is the amount of that?

**Hon. Mr. Ashley:** What I probably should do is, under justice, wait until we get into that line and then I will explain it. Under court administration is where there could be some money identified.

**Mr. Kimmerly:** I will ask it under court administration.

*On Justice*

**Mr. Kimmerly:** I would ask the minister to break down the various sums into salary dollars and contract dollars, and any other category he has.

**Hon. Mr. Ashley:** The man-years under Justice are actually the deputy minister and his office, mainly one stenographer. I believe, in this budget is the area where the Peterson Report was covered, \$14,500 to \$15,000. Basically, what I should tell you is exactly what Justice is, and that is the administration of the department, the deputy minister and his steno, and any programs that he will implement dealing with the administration of the department.

**Mr. Kimmerly:** Of the \$127,000, what amount is for salaries for the deputy minister and his secretary?

**Hon. Mr. Ashley:** It is about \$84,000.

**Mr. Kimmerly:** Of the remaining \$43,000. What is it for?

**Hon. Mr. Ashley:** I did not quite follow down far enough. It is about \$97,000-\$98,000. The difference, as I said, is for the Peterson Report, so there is about \$30,000 extra there. That would look after the Peterson Report and travel for the deputy minister, long distance, office supplies, memberships, whatever is required for the deputy minister in running that department.

**Mr. Kimmerly:** I have always been amazed at Mr. O'Donoghue's ability to find a little bit of money. Now I know where it is, I believe, or at least one source. It is approximately \$30,000 for discretionary expenditures and contracts and those sorts of things.

I would like to ask about the Peterson Report. Obviously, if the minister is not going to tell us, we can save a lot of time if he simply announces that, but, are the results available? Is the minister going to announce them now or at some point, and is there a resolution of this problem?

**Hon. Mr. Ashley:** The Peterson Report is not available for the public but, yes, I have all the information, as I stated previously, and we are certainly working with that information now.

**Mr. Kimmerly:** I ask, not in an argumentative way, but for information, is the minister going to release the recommendations or tell us about them, or what are his present intentions about the recommendations that were made?

**Hon. Mr. Ashley:** I believe I just answered that question. I will not be making that available right now to the general public. My department is working on it.

If you would like, I will give you some of the details related to

the budget and the expenses of that extra \$30,000. As I have said, approximately \$15,000 is taken up by the Peterson Report. The other is outside travel, which amounts to about \$8,000; telephone charges for another \$5,000 or so; and then just the normal books and miscellaneous sorts of things for the office.

*Justice in the amount of \$127,000 agreed to*

#### *On Courts and Administration*

**Mr. Kimmerly:** I would ask a question about the court circuits. Is the schedule of court circuits in the resultant budget less than last year in order to achieve this reduction of last year?

**Hon. Mr. Ashley:** No, the budget is not based on that.

**Mr. Kimmerly:** A clarification question, as I am trying to get a clear, precise statement, are the number of court circuits budgeted the same this year as last year?

**Hon. Mr. Ashley:** The court circuits are done on an as-needed basis, as the judge and the department, looking at the whole system, see fit. There may be a slight reduction, but it is not, I think, represented in this budget.

What I will do is give you exactly where the reductions are. They are on the same level as last year and that is what is supposed to be projected here. The reductions are mainly in the building rental transfer to government services, which is \$20,000 worth, and in outside travel and office supplies. Machinery repair is another \$14,000. This is not just for the courts; it is for court administration, which is the part that Mr. Duncan actually administers.

*40 Courts and Administration in the amount of \$226,000 agreed to*

*Administration in the amount of \$353,000 agreed to*

#### *On Corrections*

**Mr. Chairman:** I will ask, if you feel there will be a lengthy debate on this, possibly, you would like a short coffee-break at this time.

**Some Members:** Coffee-break.

*Recess*

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

**Hon. Mr. Ashley:** In answer to the question that was asked about a fine option program, it would come under this, under the probation services. I will give some general information as well.

The fine option program was introduced to allow a person, who had been fined for an offence and who would be imprisoned in default of payment, to request that he/she may be permitted to perform community work at an agreed hourly rate, \$5.00 an hour, and have such amounts applied to the fine. The program was operated, from our point of view, with some success. However, that view was not held by the Crown Attorney. As a result of an appeal by that office, the program had to be discontinued and we are looking for an acceptable alternative. By the use of local organizations to supervise probationers engaged in community work, probation officers will be able to make the most effective use of their time. Probation workers in Mayo and Watson Lake will be subject to less direct supervision by the senior probation officer. Contact will be by telephone rather than a community visit. The experience gained by these two individuals has made this measure possible at this time.

Under the correction centre, those members who visited the centre last Friday have seen for themselves the measures which have been implemented to improve the operation. At a fairly minimal cost the rated bed capacity has been increased from 46 to 68 and program area and gymnasium have been provided and security has been improved. The increase of \$111,000 is caused by the fact that the nine-day fortnight restraint measure cannot be applied to professional officers.

I will give you a breakdown on probations and the staff involved in it and then corrections and the staff involved in it. There is one senior probation officer, five probation officers — this is in Whitehorse — two clerks, just in the Whitehorse office. In Watson Lake there is one probation officer and a part-time clerk. In Mayo there is just one probation worker.

Under corrections there is one director, two deputy directors, a training officer, one classification officer, one assistant classification officer, one social worker, one stores clerk, two clerk typists, one clerk instructor, two cooks, one nurse, one admissions officer, one work crew co-ordinator, two work crew supervisors, one maintenance man, six corrections officer 3s — in other words, shift bosses — and then 29 corrections officers, and 1.5 in the casual category for corrections officers.

<sup>42</sup> That leaves the total probation at 10.5 and the total for the corrections at 53.5, with one vacant position under corrections, which is the chief acting probation officer, and one vacant position under probation, which is the chief probation officer.

**Mr. Joe:** Just a couple of comments in relation to the information that we have just received. I am still a bit concerned about the large cut-backs because I do not think that they are going to be able to meet the needs of the programs. I was glad to hear about the government looking for an acceptable alternative to the fine option program, because it was a program that was working very well. In some cases, it kept people out of the jails.

In regards to the corrections persons, when the population increases in the center, I understand that there are not any more people put on duty to meet those services. If you get more prisoners, you do not hire any more people to work in the jails. I just wondered whether or not that was acceptable or whether or not that worked, and if you do need more officers working there, why are there not any more? It just seems that there is a set number of people working there all the time.

**Hon. Mr. Ashley:** There are no major cut-backs. Where the cut-backs are is in the actual rental of the buildings being transferred to government services. This program, as a total unit, has an increase of \$60,000. As to the other question, there are casual officers that are called in if the need is there, but the way the system is set up, it cannot accommodate these increases. It makes it difficult, but they certainly handle them. There is only so much money.

#### *On Probation*

**Mr. Kimmerly:** I am specifically interested in the decrease, or the cut, from the spring budget to this budget. And I understand that a substantial portion of the cut is the nine-day fortnight and another substantial portion is the rural service, or the travel costs inside Yukon. I understand the policy of the government is that there are no regularly scheduled trips by probation officers to communities outside Whitehorse, along with the court circuit and outside of the court circuit.

<sup>43</sup> One of the communities involved is Ross River, which used to be serviced from Whitehorse. Also, Carmacks, Teslin, Carcross, Haines Junction, and those places.

The present policy is that probationers report either to the RCMP, which, I assume, is a check to see if they are still in the vicinity; possibly phone contact and possibly contact by mail. In view of the fact that probationers, by their very nature, are not always co-operative or completely co-operative, and in view of the fact that many do not have phones, I am especially interested in the policy of servicing rural areas with regard to probation services. It is my impression that there is essentially no probation counselling, or anything approaching what we traditionally know as probation service, outside of Whitehorse, except for the two station officers in Mayo and Watson Lake. I would make the comment that probation is substantially cheaper than jail and, seeing as how we are talking about economic measures, I would question the policy of the government to cut back on internal travel in Yukon by probation officers and ask the minister if he wishes to comment on that?

**Hon. Mr. Ashley:** As I said, the main cut-back was in the building rental. There has been a very slight cut-back in probation travel. The cut-back here in the budget is about \$51,000 from last year to this year and building rental takes up about \$40,000 of that; the remainder is for salaries and some slight cut-back in travel.

The RCMP look after some of the communities where the people do not have phones and we cannot reach them. Ross River will, hopefully, in better times, and if we can find a person to put in there, have a probation officer; that is the hope of the department.



The worker in Mayo looks after Mayo, Dawson, Old Crow and Pelly; the officers look after an area of Yukon, not just the one community they are stationed in.

« **Mr. Kimmerly:** Just a clarification. I stated that it was policy of the probation department to not go on any internal travel in Yukon unless it is specially authorized as a specially needed trip. Is this in fact the case?

**Hon. Mr. Ashley:** Yes, that is the case.

*Probation in the amount of \$385,000 agreed to*

*On Correctional Centre*

**Mr. Kimmerly:** I have a fairly simple line of questioning. I am aware of the renovations and I must say the place looks better than it did. The line of questions is about an entirely different subject. I see the inmate cost per day is \$81.48, very close to last year's figure and obviously the costs are being kept at a very reasonable level. The question is about the policy decisions about cost in the following areas. There are two areas that I am specifically interested in. The first one is the easiest one and it is about sentences from the court of two years or more. As the minister well knows, those are federal sentences. What is the cost breakdown, or the decision-making process, that the department goes through with regard to actually keeping a person here with a sentence in excess of two years or sending the person outside to a federal penitentiary? I realize there are implications of security in many cases, but in some cases, where the security risk is very minimal, it is possible to keep a person here under the federal agreement, I believe, or the accreditation of the correctional centre.

« What are the cost implications? Does it cost more or less to send a person outside to the federal penitentiary?

**Hon. Mr. Ashley:** It does not cost us any more to send a prisoner outside. Presently, we do not have any at the corrections centre, but we do get paid back from the federal government if we did have some, but we do not have any at the moment.

**Mr. Kimmerly:** Is it the case that, if a prisoner goes to a federal penitentiary, it does not cost Yukon taxpayers anything, and if he stays here, it does? Is that the case, or is it somehow different?

**Hon. Mr. Ashley:** Yes, that is correct. It costs us \$81.48 per day for an inmate here, and it does not cost us a cent if it is over the two-year period. It is a federal responsibility.

**Mr. Kimmerly:** I think the question is clearly answered as to the financial incentive. The next question is about special services and I can think of individual cases but the general problem is if a person is serving in the correctional centre and there is a particular program outside that could possibly benefit the person or, for example, I have questions about mental stability. The most common alternative is either jail or a mental institution. What are the cost considerations in sending a serving prisoner to, for example, a mental institution in Alberta?

**Hon. Mr. Ashley:** One thing that I did not say when I was giving out the list of personnel is that we do have a contract person as a psychiatric nurse to help deal with the problem. We have not had to send anyone out this year, to my knowledge. As far as what those costs would be, I am not sure on that. I could get back to the member. I believe it would be taken care of in a supplementary.

« **Mr. Kimmerly:** I thank the minister for that undertaking. The particular problem is that if there is a serving prisoner who is treatable under a particular program or several programs with a respectable success ratio, it is occasionally more expensive to send the person there than it is to do nothing. Occasionally, not always, but occasionally, it has been "penny-wise and pound-foolish" for Yukon taxpayers and I raise the question for that reason.

**Mr. Penikett:** I have a very general question and it arises from the statement on page 159 about the goals of the institutional services branch. To quote it: they "...are to provide a safe and humane environment for persons who are sentenced to custodial punishment or ordered to be kept in custody in the courts, to provide inmates with an opportunity to improve their behaviour and return to the community as law abiding citizens..."

Now, it is that "return to the community as law abiding citizens" that I wanted to ask a question about. The statistics that are given on page 159 provide no information as to what our success rate is

according to that goal. I would like to ask the minister if he would give an undertaking that next year, on the statistics page, there would be some information about the recidivism rate in Yukon, that is the frequency of repeat offenders, because I would respectfully suggest that that would be the only performance criteria under which we could adequately judge the government's success according to that goal; therefore, really, it is a request for an undertaking, rather than a specific question at this time.

**Hon. Mr. Ashley:** Yes, I can undertake to do that.

*Correctional Centre in the amount of \$2,037,000 agreed to*

*On Corrections*

*Corrections in the amount of \$2,422,000 agreed to*

**Mr. Kimmerly:** I have just a comment. In light of the increased fines, especially under the *Wildlife Act*, I would have expected an increased estimate of recovery. The facts, of course, are going to be known fairly soon.

« *Department of Justice in the amount of \$9,288,000 agreed to*

*On Department of Highways and Transport*

**Hon. Mr. Lang:** I think that the budget as far as the Highways department is concerned is pretty straightforward. My one point is that it has undergone some reorganization in Highways and Transportation. We have moved public works out of this particular departmental responsibility. The budget of the department shows the increase of funding over and above that of the previous year as being twelve percent. And you will notice on page 164 in the estimated expenditures, an increase of fifteen percent over actual expenditures for 1981-82.

The highways maintenance aspect of the budget is the largest portion, and it shows an increase of seventeen percent due to the problems that we had last year getting our maintenance up to the standard that is required under the highways maintenance management system. The ST treatment has been applied to 270 km on the Alaska highway and 17 km on the Carcross-Skagway road section. I think it is safe to say that we have improved the road services and improved safety as well as the comfort of the travelling public. We will be continuing this program over the next number of years.

Also, in airport maintenance funding there has been an increase. That increase is mainly to allow the Government of Yukon to provide observer communication services to Ross River, where a new passenger-cargo shelter has been completed, and to take over weather and air communications responsibilities of Teslin, which was formerly operated by MOT.

I should point out that the member from Campbell some time ago asked me about how we contracted out the services in Ross River, as opposed to going through the LID in Teslin, since there is no organized body governing the community of Ross River. It was contracted out directly. The responsibility is between YTG and the contractor, so it did go out to private contractors.

A point that I would like to make is that this past winter, if you will recall, the Yukon River bridge was out of commission, and it had to be repaired to get up to standard loadings. I want to say that the reason that everything went as expeditiously as it did, in view of the events, was the co-operation that we received from Public Works Canada, as well as the contractor, and we were able to put it back into operation.

« If we had not had the co-operation, I am sure we would have run across a lot of problems.

I guess I do not have too much more to say. The budget is pretty straightforward. It has not changed that dramatically. I think that some comments should be made about the overall work-force within the Highways department. I think they do a pretty good job. I can only say that you can test that by how many complaints you receive and, of course, when you get major snowfalls we get a little bit behind. Overall, I think that the public is generally satisfied with the work performed by the Department of Highways. I believe it was the member for Mayo who was commenting on the roads and how well they are being maintained in some statement that was made some time ago, or maybe it was someone else from Elsa, but somebody made the comment. I think the budget is straightforward

and we can proceed accordingly.

**Mr. McDonald:** I would agree with the minister that, without question, the policies of this department are most keenly felt in rural areas. The people there are acutely sensitive to department actions. In any case, I shall try to come to terms with this important government department and I hope that this will not take too long to pass. We might get through Highways and Transportation by 5:30, if all goes well.

By way of notice and comment, I would like to address a few issues. Perhaps, if the minister would like to reply, he could reply when the time comes in the individual estimates. The first is the problem, according to my reading of the situation, of long-term planning, that is, integration of the operation and maintenance costs with capital costs and the ability to plan road maintenance for more than five years at a time.

We will get into some detail, I hope, regarding the types of pavement versus long-term maintenance costs in highway maintenance, and also look a little more closely at the bituminous surfacing to see whether or not it is, indeed, sufficient to meet existing weight and anticipated weight classifications; how it stands up in the winter conditions, et cetera.

The second issue, which probably should be addressed in more general debate, has to do with the decentralization of the department. I know that that is a bit of an issue in my own riding. Certainly people put a lot of time into working for the department in the outlying areas and I would just like a few brief comments from the minister regarding the ratio between rural and urban employees.

An associated issue would be the department's coming to grips with the new departmental organization. I certainly would like to come to grips with the new organization. I am not sure that I totally understand what effect the dropping of public works will be. I notice, on page 246 of the estimates, that public works is listed as \$3,000,000, yet the expenditure to be voted overall shows an increase, as the minister suggested.

« I guess a further problem which properly could be addressed is the ability of the department to come to grips with severe winter conditions. I understand there were complaints from various people last year regarding road conditions. I am wondering what remedial action the department has been taking and what new techniques are being developed for example? I think specifically in this area I would like to know what the government has been able to do to isolate particular problems associated with rapid changes in weather?

Apparently the problem last year, as put by the minister's predecessor, was that a large part of the problem with winter conditions was surrounded by the fact that there was a rapid change in weather and that they were finding it difficult to come to terms with that. What remedial action has the government been taking in that area? I guess a continuing theme throughout our discussion of the estimates for Highways and Transportation will be to see where there are special department cutbacks and effectively to examine the government's priorities. I would like to know specifically whether or not the government has considered closing roads in the event that cutbacks are necessary and alternatively, would the government be considering general cutbacks in all services on all roads? Specifically, considering disaster scenarios, what is being anticipated? There are a few specific areas which have general debate implications, one being a highway signing policy, and I guess we can get into that in some detail when we get to the line-item. Also the minister can certainly correct me and set me straight about where public works has departed from this particular department. I would like to get a few answer regarding services to government camps. I believe the minister knows one that I refer to, the Ogilvie camp on the Dempster highway. I guess for starters we can deal with that.

**Hon. Mr. Lang:** I will do everything I possibly can to set the member straight. Regarding the BST and its application on our roads, we are in a time of experiment with that. As far as I can make out, it has not been a major factor as far as roads are concerned. There has been some question in respect to the maintenance and whether or not it was going to cut our cost down. I think it is safe to say that we will probably show some savings in the course of the summer because we will no longer have to

purchase calcium chloride and apply it to the road system, and perhaps there will be some change as far as the personnel is concerned.

<sup>50</sup> Discussions with the department on this have been very preliminary, but their indications are that they cannot see a significant person-year saving as far as this application is concerned, because of our long winters and the need for snow removal.

One area that we are looking at is trying to update our equipment for the purposes of snow removal. In many cases we are using graders and there has been some discussion that perhaps we should be getting more snow blowers with the idea of doing a much larger section of the road in the length of time a grader takes to cover the same area. The problem that we had this past winter was that we had an 80 or 100 degree change in weather in a space of 24 hours. The real problem there was that the department did not have enough time to hit the road as quickly as they should have. I guess, if there was a mistake, that is where it was. Subsequently, we were left with the problems that we had to face for the next two months, where we could do nothing with the glare ice that resulted from that sudden shift in temperature. Instructions are out to the various foremen and superintendents that, when necessary, if they are called out, they hit that road as quickly as they possibly can. That is the only saving factor that we have, trying to respond as quickly as possible to the changes in weather conditions. I think, for the most part, it will work.

As to closing roads, we did close a number of roads, like the South Canol, two to three weeks early this year, but there is no thought at the present of closing down any of the transportation corridors. Once again, with the information that I have, it appears that when you do close down a road to winter traffic, in some cases it is going to cost you just as much to open it up as it would to partially maintain it over the course of the winter months, because of run-offs and various other things.

Respecting the question about the Department of Public Works, I should point out that it was transferred. Public works was strictly a branch of the department and it is nothing of any major significance as far as the maintenance of the highway is concerned, because they really had nothing to do with it. The buildings, et cetera, have been transferred there for the purposes of management and it seems to be working fairly well.

**Mr. Byblow:** I have a couple of very specific, short questions. Can the minister advise whether there have been any cost savings through reduced maintenance incurred as a result of the absence of the ore trucks on the Campbell Highway, if it is a calculable amount?

**Hon. Mr. Lang:** I do not have that information, but I can assume that there has been some. One thing that we do not have any longer is the White Pass truckers on that road. If there was an area that had to be maintained, their dispatch office used to call in to the department and, of course, we do not have that help at the present time. It was an asset to both the White Pass truck driver and the department to get an early jump on problems. As far as the monies involved and what the savings are, I do not have that statistic with me.

<sup>51</sup> **Mr. Byblow:** I hate to disappoint the minister. I still have one more question. Perhaps two, maybe even three.

I assume, from what the minister said, that perhaps there were some savings, and I assume in the course of budgetary allocations it just gets distributed to where it is needed and, in the restraint program and cutbacks, it just gets reallocated. Earlier, we had some debate surrounding the aid package to Cyprus Anvil by this government. One point which was not a direct aid but was intended to afford the company some savings was road maintenance. I believe the road in question is the mine road from the town of Faro, 13 miles to the mine site. I conclude, from what has been said previously, that it is the intention of government to maintain that road, which would afford the company some savings because highways was equipped with the machinery to do the job efficiently and well.

Is it the intention of the minister's department to set up some type of road maintenance headquarters in that area? Is a camp in mind? What kind of reorganization is going to be taking place with respect



to the Drury Camp on one side and Ross River on the other? Could the minister elaborate on some of the government's intentions surrounding that offer?

**Hon. Mr. Lang:** No, I cannot, because the offer has not been accepted. Once it is accepted we will have to sit down and figure out the details and we will charge the company whatever our costs are plus six percent administrative charges.

**Mr. Byblow:** I am not very clear how the minister would have his department maintain that road — from what type of base? We are talking about maintenance that takes place on a daily basis and requires manpower and machinery to a fair extent.

**Hon. Mr. Lang:** I can just assure the member opposite that, when the offer was made, there was no question that we would have the capabilities of doing it and things would be organized accordingly, whether it would be to rent a shop from Cyprus Anvil, or whatever the case may be.

**Some Member:** They will not stay in the Faro Hotel though.

**Mr. Byblow:** I would not touch it.

I raised the point in a previous debate because it was raised from the industry, if you will, with me, that that is the practice of highways, in recent years, to just pave the central layers and leave the shoulders unpaved. It was suggested that that may be a contributing factor to the saturation underneath the pavement contributing to the breakup of the road surface. Has the minister been able to research that at all and can he indicate it?

**Hon. Mr. Lang:** Either you are talking to the wrong truck drivers, or not the same ones that I know. I know that Mr. Chairman could probably contribute a fair amount to this debate, but it is my understanding from the complaints that I received from the industry that we were not leaving a shoulder of the road with gravel for the purposes of the trucks, when they are hauling these heavy loads, to have something to grab a hold on in the winter. So I suggest that you go back to your source and perhaps take the *Hansard* and compare notes and if you have any complaints, come back.

**Mr. Byblow:** As is customary in the practice of the minister, he has completely misunderstood my question. Regarding the unpaved shoulder, it has nothing to do with the choice of the trucker to stop on there or have some traction. Some truckers will pointedly say to this government that they should not be paving and in fact they should leave a gravel surface all the way. But that is another matter, and is not the point that I raised. My question was whether or not the department has had an opportunity to research whether or not paving the shoulders contributed to the saturation by moisture underneath the road bed, causing it to break up.

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

**Mr. McDonald:** One quick question of a general nature: I did not quite get a satisfactory answer to my question regarding the policy of decentralization. My colleague did refer to it in kind of an offhand way, but I would like to know whether or not there is a policy of decentralization in the department, whether or not it is in effect, if there has been any progress and if so, what exactly are the details of that policy.

**Hon. Mr. Lang:** To my knowledge, there is no problem. We have all our camps operating and we are intending to continue that, unless in some area there can be a major cost saving while still being able to carry out the responsibilities of the department. If the member is getting at whether or not we are going to shut down the shop in Mayo, I have reviewed that, and it would not be our intention to do that.

#### *On Administration*

**Mr. McDonald:** I have a few brief questions. I notice first of all that the personnel in this department has been maintained at 23.5 continuing person-years yet the personnel allotment has increased by approximately \$72,000. I was wondering what the reason for that was. If there are casual employees in this department, why are they not listed? If they are contract employees, who are they and what are they doing?

**Hon. Mr. Lang:** There was a 16 percent reduction in administration due mainly to the transfer of the contract administrator,

accounting clerk to the department of Government Services. We also are on a nine-day fortnight. I guess that would about cover it.

**Mr. McDonald:** My question was: why is there an increase in personnel costs, not a decrease? I notice that it was \$714,000 in the actual 1981-82 yet it is estimated at \$786,000 for 1982-83. Person-years are, I believe, still being maintained at 22.5. If there has been a juggling of departmental personnel, perhaps we could get a breakdown as to where these people are?

**Hon. Mr. Lang:** It is strictly the running of the department on a twelve-month basis; the other is going to be casuals and various other responsibilities that are required. We hire a fair amount of casuals in the course of the summer months that we do not take on in the winter. I do not have those statistics with me.

**Mr. McDonald:** Just one last thing: the reasons for the increase in personnel costs, could the minister outline what these would be? In particular, \$72,000?

**Hon. Mr. Lang:** We are on administration, right?

**Mr. Chairman:** Yes, we are on administration.

**Hon. Mr. Lang:** I believe the member is pointing down to allotments to personnel and other and you are asking why the increase from the \$13,000,000 to the \$17,000,000. Is that not correct? Where are we? I will have to take notice on that question. Could we go on to something else?

**Mr. McDonald:** For my own edification, I wonder if the minister could explain the transfer payments. I am afraid I do not know what that amounts to, and why the decrease of \$23,000?

**Hon. Mr. Lang:** I am going on memory now. I believe that is the money that was allocated at one time for the weigh scales and the selling of licences and overweight permits.

**Mr. McDonald:** As a notice of question, if the minister is going to come back on the 714 versus 786, and as he mentioned the fact that certain positions were juggled, perhaps he could come back with a breakdown on where the personnel currently reside in each one of these line items?

**Hon. Mr. Lang:** The only difference between this year and last year in highway department personnel is that there was a position of director of highway and transportation in the department, and the transfer of the manager of highway engineering, which was previously charged to capital projects, and the addition of a manager of airports. The converse was that a contract administrator and an accounting clerk were transferred to government services. That is why we have the same number of personnel as we had in the previous year.

**Mr. McDonald:** So the minister is saying that the increased costs for these administrators is \$72,000?

**Hon. Mr. Lang:** That would be part of it, and there are also merit increases, and whatever, throughout the whole department, so you could not attribute it to one position or another, because there were two positions we transferred out of the department. You have to understand that, as in, for example, airport maintenance, most of our costs are recoverable from the Government of Canada at 106 percent. For example, if you look at operations and maintenance, \$25,640,000, of that the Alaska Highway and the MOT recoveries amount to \$11,600,000.

What I am trying to say is that a lot of this is intertwined, as far as the Government of Canada is concerned, and if we just cleared this, it would be a lot easier.

**Mr. Chairman:** Possibly, Mr. Lang could come back with the answers to a couple of the previous questions after the supper break. I would now suggest that we recess until 7:30 tonight.

#### *Recess*

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

#### *On Department of Highways and Transportation*

#### *On Administration*

**Hon. Mr. Lang:** I am sorry I was almost late there. As soon as

we get the Porter Creek access road completed, there is no question in my mind that I will be much more punctual.

The area that we discontinued debate on was the personnel costs. I was asked for the reasons causing the difference between the \$786,000 and the \$714,000. I was, in part, correct. There were a number of variables involved. First of all, it involved the transfer of two positions out, but we replaced them with two new positions which were the Director of Highways and Transportation and the Manager of Highway Engineering, which was previously charged against capital projects, but now shows up as a direct expense and, also, the Manager of Airports. Therefore, this was the reason for the costs. Up until we went on the nine-day fortnight, there had been a ten percent increase in effect and that had to be retroactive, as well, to the employees. Then there was, of course, the merit increases within the total administration. I think that roughly covers it.

<sup>02</sup> **Mr. McDonald:** I think I am satisfied with that answer. Just to summarize it for my own purposes, the minister is saying that the \$72,000 increase is in fact due to the cost increase associated with hiring people who command a higher salary. There are merit increases which the minister led me to believe were throughout the department so I was wondering whether or not there were other person-years indicated in other sections of this department which would be receiving this merit increase in that \$72,000, but which would not show up for personnel costs in highway maintenance, for example, or anything else?

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

*On General*

**Mr. McDonald:** I am sorry, Mr. Chairman. I think that \$369,000 might warrant a short description.

<sup>03</sup> **Hon. Mr. Lang:** I will just repeat what I said earlier. In this particular section of administration, the 16 percent reduction represents the transfer of the contract administrator and one accounting clerk to the Department of Government Services.

**Mr. Kimmerly:** I understand what the 16 percent decrease was for. I was just wondering what it specifically refers to.

**Hon. Mr. Lang:** It is the administration of the department. There are 23 people working there, and between the general and the highways and transportation, the way the department is structured, that is where the costs would be accrued to.

*General in the amount of \$369,000 agreed to*

*On V.H.F. Trunk System*

**Mr. McDonald:** Yes, I wonder if the minister could just quickly give a brief explanation of the \$216,000. I understand that this was contracted out and I was wondering how many contracts there would be, if so.

**Hon. Mr. Lang:** This is the cost of running the service. There is a contract with — I forget the name of the organization. We just charge back to the various departments that make use of it. If you look below that line item, there are internal charge-backs of \$191,000. And, basically, what happens is that we charge back the cost of utilizing this service to each department, the RCMP, the various agencies, federal agencies, territorial agencies. The principle behind it is to have a Twentieth Century communications system throughout the territory. And of course, it was a major factor in respect to the fact that we managed to save a number of lives on the Dempster Highway. It was primarily through this service that we knew they were in trouble and secondly that we could get there to help.

<sup>04</sup> *V.H.F. Trunk System in the amount of \$216,000 agreed to*

*On V.H.F. Internal Charge-backs*

**Hon. Mr. Lang:** The reason for the increase this year is that there are more VHF radios being utilized over the course of this year as opposed to last year. That is the increase in the \$10,000 internal charge-back.

**Mr. MacDonald:** Can we assume then that the anticipated \$25,000 difference between the \$216,000.00 and the \$191,000 would be for a VHF system for the department itself?

**Hon. Mr. Lang:** I guess that it is one way of putting it.

*VHF Internal Charge-backs in the amount of \$191,000 agreed to*

*On Northern Exploration Facilities Grants*

**Hon. Mr. Lang:** This is reduced from last year. This is the grants program that is available for the purposes of putting in roads, or airports, or float docks, or whatever the case may be, for the mining industry. It reflects the present depressed metal industry with the obvious lack of demand at the present time.

<sup>05</sup> **Mr. McDonald:** I was wondering how much of this expenditure is recovered and, also, just briefly what the application procedure for such grants is?

**Hon. Mr. Lang:** None of this is recovery. In most cases it is cost-shared with the applicant. Basically, there is an internal committee within government. One puts an application forward. If it fits the criteria, they are cost-shared up to a maximum amount of dollars for the purposes of putting the access corridor into the area where they are working.

**Mr. McDonald:** How is the application made, and to whom is the application made?

**Hon. Mr. Lang:** It should be addressed to the Department of Highways and Transportation and I am sure it would cross Mr. Blackman's desk and be directed accordingly.

**Mr. McDonald:** My understanding was that there was a board that cleared these applicants. I am puzzled as to where Mr. Blackman would fit into this board. Is he a member of this board? Is he the chairman of this board?

**Hon. Mr. Lang:** Just going on memory, I do not believe that he is the chairman. I think there is a chairman who is appointed, in any case, and there are various departments represented. The applications are scrutinized accordingly. If one does not want to go right to the Government of the Yukon Territory, he can go to the Chamber of Mines who would direct it over here.

**Mr. McDonald:** Is it a first-come, first-served application?

**Hon. Mr. Lang:** Yes, in most cases.

*Northern Exploration Facilities Grants in the amount of \$30,000 agreed to*

*On Highways and Transportation*

**Hon. Mr. Lang:** I think I pretty well explained that between highways and transportation — it is the cost of administration. Basically, the reason for the increase is the additional position of the Director of Highways and Transportation, transfer of the Manager of Highway Engineering, previously charged to capital projects and pre-engineering, and the addition of the Manager of Airports.

**Mr. McDonald:** Could the minister briefly tell me whether or not the administration of capital projects would come under this line item?

**Hon. Mr. Lang:** Almost all of it. In some areas they are indirectly involved with the capital projects.

**Mr. Byblow:** In identifying the administrative work-load of this line item, can the minister indicate if the supplementary information on 167 is the activity they engage in?

**Hon. Mr. Lang:** Yes, that is the number of them. I think it is important to note that the number of construction contracts is up and not necessarily because we had more money but because we were splitting our contracts. We also, as I indicated, have an airport manager who is involved in negotiating with MOT, working for the transfer of various airports to the government, and various other things.

**Mr. Byblow:** In delineating the work-load of the 23.5 people in the administrative portion of this department, could the minister indicate some approximation of the amount of time spent in the office versus on the road?

**Hon. Mr. Lang:** Most of these people spend most of their time in the office. You have people who are every once in awhile going over to see a job, but you have your area superintendents and all this type of thing, which is largely administrative. There are some who work on the road, depending on the function that they are performing on behalf of the government. I did not bring a log depicting hours within the administration building as opposed to outside it.

**Mr. Byblow:** The answer was adequate in terms of what I was seeking. In previous debate, there was a tremendous amount of discussion surrounding long-term planning. I wonder if the minister could indicate whether this aspect of the responsibility of the administrative portion of highways is now being treated in some priority sense? The minister will recall debate, historically, through the Public Accounts Committee, through previous debates on estimates, through capital projects debates, that the planning component was one which this department, this branch had some difficulty getting a handle on. I am wondering if the minister could respond?

**Hon. Mr. Lang:** I am not saying that we would not like to be doing more planning. I think that with the reorganization, it has given more time to the senior people to do a little bit more planning. I do not know who was debating in respect to the department, but overall, I think that the department is doing a pretty fair job with the responsibilities they have. The priority it has with this government is quite obvious by the number of dollars we are allocating to it, compared to others. I recognize the member opposite would probably have highways less of a priority than some other departments, but the philosophy of this government is that the roads should stay open.

**Mr. McDonald:** As we are already engaged to a certain extent in a discussion of planning, something that has intrigued me for some weeks now in my studies of this department has been to what extent there have been plans or studies done concerning weather conditions, for example, cost ratios between various surfaces of roads over periods of time, cost comparisons with bituminous surface versus conventional gravel, to what extent secondary applications of surfacing would affect the life of a particular kind of surface. I was wondering if the minister would care to comment on this, on planning in general? Perhaps we will have more questions after that.

**Hon. Mr. Lang:** I have to admit to a bit of a shortcoming. I do not have a Ph.D. in engineering, and I really do not have the technical information at the tips of my fingers. It is a very humbling experience to stand up here and admit this, but I want to say to the member opposite that there are various experiments underway all the time in the department testing various parts of the highways. There is no question in my mind in respect to the 3,500 miles of the road that we have that it is one of the best-maintained highway systems in North America. I cannot add much more. I would be prepared to have my department go through the various technical books that would be necessary to be read to provide the information for the member opposite, and then I could send him to the library.

**Mr. McDonald:** In my experience, people who have a Ph.D. have a way of making their material understood to the general public. I would be more than happy to get copies of a more technical nature, and I would be willing to wade through them with the minister if he feels he is unable to interpret them. I think it is incumbent upon us to understand what we can in this regard, and, if the minister is about to run off to his department to ask for these cost comparisons, then perhaps he can inquire whether or not there has been any weather condition studies. I think that is of the most immediate importance to the people as we go into the winter months. And, perhaps the cost-ratio study of the bituminous surface versus conventional surfaces, et cetera.

**Hon. Mr. Lang:** This questioning is getting right out of hand. We do not need to take any tests on the weather because it is about as predictable as the member's questions across the way are. I explained earlier in the debate that in one day I think we had an 80 to 100 degree change in temperature. For example, there was a period of seven years that went by when we did not have to put road bans on because the weather and the frost were such that it was not

necessary.

So, if one looks at that track record, I think it is safe to say that overall we have a pretty good hand in respect to the type of roads that should be built in the territory and at the least amount of cost as far as maintenance is concerned. Now, there are areas that we are looking at improving, such as snow removal and this type of thing. There are things that we are discussing internally and once decisions are made, I am sure the member opposite and I will have a very interesting debate: snow plows versus graders, for example.

But if he really wants to delve into the technical side of it, and really get to know it, I would be more than prepared to tell him which books he should read and he can go ahead and read them. I will be very frank, I do not intend to do that. People are hired in the department who are supposed to have that expertise.

**Mr. McDonald:** The fact that there were problems last year with the degree of weather change are indicative that there is a problem. Have there been any internal studies? I am not looking for general technical engineering textbooks. I am looking for internal cost studies performed by the department, if any, and whether or not the department has investigated this problem on its own.

**Hon. Mr. Lang:** He was not listening, or else he forgot what I said prior to breaking off for supper. We should not have taken a break. I indicated the problem was the weather, not the road. Secondly, the reason we had the problems last year is that the department did not get out and hit those particular areas quickly enough, and subsequently they got caught between 40 above weather and 40 below weather in the space of about 10 hours. If the member opposite is convinced that I can do something about the weather, I would appreciate his advice to me on how I can do that as well as the job that I am doing at the present time.

**Mr. McDonald:** The purpose of studies is to anticipate problems. I am not suggesting that all problems, including that so-called 100 degree weather change, should be of utmost importance to the various departmental studies, but nevertheless there are unique Yukon problems associated with road planning. The Minister has already said that he is prepared to provide these reports — and I am prepared to take him up on his offer.

**Hon. Mr. Lang:** I was alluding to the technical engineering questions that he was asking me, and I was going to see whether or not we had the necessary books for the member to read. I am more than prepared to see if we have them. If we do not, I am prepared to direct him to the necessary universities so he could write away for them. We are here to keep the roads maintained and keep them graded. I am not going to spend all my time studying.

**Mr. McDonald:** This could last all night. The specific request that I am making is whether or not there are any interdepartmental studies which have been conducted by the department. If not, that is fine.

**Hon. Mr. Lang:** I would have to check to see what internal studies have been done, and if I think the member can understand them I will send them over.

**Mr. McDonald:** I would hope that the minister would not prejudice my intellectual capabilities, and would just pass over the studies.

**Hon. Mr. Lang:** Far be it for me to prejudice his intellectual capacity. All I was trying to do was make a point.

**Mr. Byblow:** Moments earlier the minister's humility almost overwhelmed me, but his more recent exaggerated sense of confidence is more in character. On the subject of planning, the minister earlier alluded to his infamous road and indicated that perhaps he could arrive here on time more promptly if that road were completed.

**What are the plans surrounding that particular road with respect to its completion, and with respect to its extension through another election term, to put it bluntly?**

**Hon. Mr. Lang:** I thought we were discussing the highways and transportation budget. That is a responsibility of municipal affairs, in part, and it will be involved in our capital budget. All I am looking for is the support of the member opposite when it comes time to vote for that particular part of the budget.

**Mr. Byblow:** What happened to the municipal services line item that used to be in this portion of the administration of

highways? I assume that has been transferred out.

**Hon. Mr. Lang:** I will refer the member back to *Hansard* when we discussed municipal affairs. Municipal services was transferred from highways and public works to municipal affairs.

*Highways and Transportation in the amount of \$548,000 agreed to*

*On Airports and Inventory Write-off*

**Mr. McDonald:** I would very much like the minister to comment on the reduction of \$41,000 under airports.

**Hon. Mr. Lang:** I did not want to rise to this one because I knew the member wanted to get through this part of the budget, but I will.

The cost of the manager of the airport was transferred to the previous item, which was highways and transportation. Inventory write-offs is nil this year. In 1981-82 there were some surplus sewer and water materials that were written off and no longer required.

**Mr. McDonald:** Are the monies being turned in for the airport manager being recovered by the federal government?

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

*Airports and Inventory Write-off in the amount of nil agreed to*

*Administration in the amount of \$972,000 agreed to*

*On Highway Maintenance*

**Mr. McDonald:** I did not know where this would exactly come under the line items: what is the policy of government in respect to clearing recreation roads during winter?

**Hon. Mr. Lang:** It is third party. If someone wants us to go in, he pays for it.

**Mr. McDonald:** Does this apply to all recreation roads or private roads only?

**Hon. Mr. Lang:** I think there are a number we go into. I do not have the list here, but in most parts, it is third party.

*On Road Surface and Shoulders*

**Mr. McDonald:** As the minister is not jumping to explain a \$13,000,000 expenditure, I was wondering whether or not he would provide a brief explanation of that.

**Hon. Mr. Lang:** I will try to make it brief again. If you look in the actuals of 1981-82, that is the second column to the right, you will still have road surface and shoulders for last year at \$6,786,000 and if we go down eight to \$3,853,000, what we have done for the most part is combine the projects money for 1982-83 under the terminology of road surface and shoulders, which goes up to \$13,161,000. The increase here is a result of transferring crushing and surfacing costs from the activities of projects. It will more clearly describe the actual cost for maintaining surfaces and shoulders. Also, grading and dust control, which was reduced in previous year, was brought up to the previous standard to prevent serious deterioration in the road base.

*Road Surface and Shoulders in the amount of \$13,161,000 agreed to*

*On Drainage*

**Mr. McDonald:** I wonder if the minister could explain the 37 percent increase in drainage?

**Hon. Mr. Lang:** This was increased due to the fact there was an underexpenditure. If you look in 1981-82, as opposed to 1980-81, it is something that we felt should be done over the course of this year because there were areas we thought were being neglected.

*Drainage in the amount of \$609,000 agreed to*

*On Roadside*

**Mr. McDonald:** Again, I would like the minister to explain the 28 percent increase in roadside and ask him also whether or not there has been any co-ordination with other brush clearing projects which have been announced in recent weeks?

**Hon. Mr. Lang:** This is basically on the existing role of highways. The one brush cutting area that was announced — I am going on memory, was the Tagish road — is an ongoing program. It was down somewhat last year and in a lot of the Alaska Highway and other areas throughout the Yukon, it is an ongoing exercise in the areas where there are curves, and whatever, to ensure that one's vision is not impaired by an overgrowth of foliage.

*Roadside in the amount of \$188,000 agreed to*

*On Winter Conditions*

**Mr. McDonald:** Obviously, a decrease here would be expected as last year was a bit of a record year. Could the minister outline what procedures are involved besides salt and hot sand, and whether or not the department is confident that their methods are sufficient?

**Hon. Mr. Lang:** What can I say? Your guess is as good as mine and I am sure it is as good as the deputy minister's or the foreman's as far as the weather is concerned. I am sure that they feel confident that they can perform the job we are asking them to do within the financial allocation we have here.

I should point out that this reflects the nine-day fortnight, which reduces the cost of labour in respect to this item. It would seem to me that, at least to date, we have not had any major shifts in weather. Perhaps, if the member knows when it is going to happen, he could give me a call and I could put the department on alert.

**Mr. McDonald:** If I have a reason to read the *Farmer's Almanac*, I will be sure to pass on that information immediately. The reason why I would ask whether or not the minister is confident is because, obviously, we are allocating well over \$2,000,000 of the taxpayers' money and I think it is incumbent upon us to be confident that these procedures are adequate. If the minister does not care to comment any further, then that will have to do.

**Hon. Mr. Lang:** I could stand here and talk about the weather for the next three months. I am confident that we are going to be able to do it within the parameters that we have here, unless something very major and unforeseen comes up. Maybe the member can stare into the crystal ball and give me an indication of what is going to happen.

*Winter Conditions in the amount of \$2,261,000 agreed to*

*On Bridges*

**Mr. McDonald:** I know the minister in his preamble mentioned the Yukon River Bridge. I was under the impression that such a project would be covered under capital expenditures, but perhaps the minister could set me straight on that. Could he also indicate whether or not it was done by contract and, if so, who had the contract?

**Hon. Mr. Lang:** The member is getting confused and perhaps when he spends a little more time here he will understand that you have your capital budget and your operational and maintenance budget. This is the O&M budget. This is an allocation for the maintenance of our bridges throughout the Yukon Territory: erosion controls, some depth maintenance, some painting and sand-blasting on the bridges, looking and cleaning out expansion joints on our bridges and things of this nature.

We are very pleased to see that the Department of Indian and Northern Affairs is doing a detailed bridge condition study, time permitting, and we are looking forward to this to see exactly what the results of that study are going to be, because I think that there is going to have to be some major reconstruction over the next number of years on the bridges that have been here for quite a number of years.

**Mr. McDonald:** The minister did not mention the Yukon River

Bridge. I am just wondering if this figure, a 390 percent increase, includes any work done on this bridge.

**Hon. Mr. Lang:** No, that is why I did not mention it.

**Mr. McDonald:** Great. Then perhaps the minister could explain, as he did suggest that the federal government would be taking a lead in this area, what the territorial government is spending the extra \$300,000 on?

**Hon. Mr. Lang:** I just pointed that out. I do not have the figures specifically as far as dollars are concerned. I can go through the list again or else the member could read *Hansard* tomorrow. It is for the maintenance of our bridges, erosion control around the piers, deck maintenance, painting, sand-blasting, cleaning out expansion joints and various other functions that the department feels is necessary to be done, and I happen to agree with them.

**Mr. McDonald:** Certainly we would not want to jeopardize the footing of the bridges. I was just wondering whether the department had an ongoing policy of bridge maintenance, and why the increase all of a sudden in one year, and what are the purposes of the increase in one year?

**Hon. Mr. Lang:** As I explained, a number of our bridges are fairly old. It is not an area that we have put a great deal of concentration on in the past and we feel that it has to have a higher priority and that is exactly what we are doing.

**Mr. Byblow:** I wonder if the minister could say whether he would include the erection of commemorative name plates in the maintenance of bridges and, if so, would the minister have any bridges named after him?

**Hon. Mr. Lang:** I think I would leave that to my father. He has much more expertise in the matter and has built a lot of bridges. Mind you, if the member wanted me to put my name on one, I would certainly consider it.

**Mr. McDonald:** The mention of the minister's father brings me back to a question that I do not think I had received an answer to. First of all, is any of this work contracted — this bridge maintenance — and, if so, to whom are the contracts allocated?

**Hon. Mr. Lang:** If the member opposite is inferring that perhaps we would be allocating the bids to people whom we know, that is not the case. Any contract would be tendered out and the low bidder would automatically be seriously considered. Depending on the size and volume of the work, some of it could well be tendered out. I do not know what portion of this particular item would be. A lot of it is travelling throughout the territory and doing various geo-technical examinations, et cetera. What I would recommend to the member is that he watch the newspaper and keep the clippings of the various tenders and figure out how much is tendered out. Then I could give him a report six months hence.

*Bridges in the amount of \$377,000 agreed to*

*On Traffic Service*

**Mr. McDonald:** I have to initiate all these discussions myself. \$715,000 represents a 98 percent increase and I understand that traffic service includes signs, line painting and traffic counting and things of that sort. I was wondering what the department's priorities are in this case and whether or not signs, line painting and traffic counting really warrants a 98 percent increase.

**Hon. Mr. Lang:** Yes, it also includes road lighting. For example, the BST that we are putting down — I do not know how many hundreds of miles of road is going to be required to be done, or has been done — is spread throughout those areas that are outlined. The member answered his own question.

**Mr. McDonald:** This brings me back to highway information signs. I understand that the minister promised that the Minister of Tourism would be bringing in a highway sign policy. This, however, does not exactly jive with the information that I have received from the minister himself. In answer to a query that I put about a specific piece of casework, the minister provided me with a policy directive entitled *Highway Information Signs* and led me to believe that this policy was in effect. It does deal with guidance signs, theme routes, distance markers, intersections and route markers. I was wondering if the minister plans to increase the

information service on the Alaska Highway specifically, Klondike Highway included, and when he plans to do so?

**Hon. Mr. Lang:** It is a very distinct possibility that if the member has any good advice to offer I would be more than prepared to listen.

**Mr. McDonald:** I cannot pass up the opportunity to give him a little bit of advice, in that case. There was the information sign at Crestview indicating the route to Dawson and points north. I understand, as the minister himself has said, that this is a long-standing request. It seems to me that, unless the minister steers me differently, that the current policy directive is in effect, as he led me to believe. Perhaps that would be one of the first projects that he would be looking at satisfying.

**Hon. Mr. Lang:** Rest assured, Porter Creek East will be taken care of.

*Traffic Service in the amount of \$715,000 agreed to*

*On Ferry Operations*

**Hon. Mr. Lang:** My notes say that the variance is so small that there is really nothing to comment on.

*Ferry Operations in the amount of \$356,000 agreed to*

*On Projects*

**Hon. Mr. Lang:** This is a project which I am sure the member opposite will have no problem supporting. It covers some hydro seeding near Teslin and is taking care of the turning lanes in Porter Creek.

*Projects in the amount of \$206,000 agreed to*

*On Territorial Airstrips*

**Mr. McDonald:** I cannot allow the minister to shirk his duties at all. This does represent a 33 percent increase. Why is there a 33 percent increase? Where are these territorial airstrips, and are they fully cost-recoverable.

**Hon. Mr. Lang:** I am not too sure if this is cost-recoverable. I do not believe it is. This is to resurface the airstrip at the southern end of Kluane Lake so that the member for Kluane can get to his riding in a comfortable manner.

**Mr. McDonald:** A surprising revelation, that the member for Kluane could perhaps support the cost of a plane on his salary, let alone a car.

Is this territorial airstrip isolated to that one airstrip that the minister mentioned, or are there others? If so, where are they?

**Hon. Mr. Lang:** It is for a number of airstrips throughout the territory. The new one on the list is at the southern end of Kluane Lake and I am sure that the member for Kluane is very pleased that we are taking care of that particular area of Yukon, and appreciates the obvious support being exhibited by the member across the floor.

*Territorial Airstrips in the amount of \$44,000 agreed to*

*On Field Supervision and Facilities*

**Mr. McDonald:** Could the minister give me a breakdown of these facilities that are mentioned, as this line item is well over \$5,500,000?

**Hon. Mr. Lang:** There are 22 camps throughout the territory and that is largely where the money is. It includes foremen's salaries, the light and heat of all the maintenance shops and the operation of the camps, the catering, and all these items.

**Mr. McDonald:** Briefly, could the minister provide, in the near future, a more thorough cost breakdown. I understand that there are 22 camps. I would be very interested to find out how this particular \$5,500,000 is broken down among those camps, and where there is a division between field supervision and the cost of these facilities?

**Hon. Mr. Lang:** I do not have a specific breakdown, camp by

camp. I did not realize the member wanted to get into that technical type of a discussion. I am more than prepared, over the course of the next month, to get the necessary information together and send it to him to study over the winter.

*Field Supervision and Facilities in the amount of \$5,761,000 agreed to*

*Highway Maintenance in the amount of \$23,678,000 agreed to*

*On Airport Maintenance*

**Mr. McDonald:** \$700,000.00 is an 18 percent increase. Would the minister please explain?

**Hon. Mr. Lang:** That covers the addition of the observer communication services for part of this year at Ross River and Teslin.

**Mr. McDonald:** I understand from the supplementary information that perhaps Beaver Creek and Ross River do not have air terminal buildings. Is this an oversight in the information?

**Hon. Mr. Lang:** The answer is no. They are building a new customs building up in Beaver Creek, close to the airport, and whether or not that is a major air terminal, I am not too sure.

**Mr. McDonald:** For my own information, I was wondering if there are any other airports maintained under this expenditure at all?

**Hon. Mr. Lang:** No, we try to provide the members with as much information as we possibly can.

**Mr. Byblow:** The answer might be obvious but I do not see it. Why is there an expenditure recovery of \$745,000 under airports and only \$700,000 be spent?

**Hon. Mr. Lang:** The answer is obvious. If you go back to *Hansard*, you will recall that I talked about 106 percent recoverable. If you spend \$700,000 and take six percent of that, that is our administration costs that we charged to the program.

**Mr. McDonald:** If that explanation is the case, I wonder if the minister could tell us why they are not recovering the territorial airstrips under highway maintenance, which amounts to \$44,000? If it is 106 percent recoverable, they have \$700,000 here, \$44,000 there, there should be more than the \$745,000 listed in recoveries.

**Hon. Mr. Lang:** The member once again is confused. This is a separate item over here. Territorial airports are a separate line item. Those are not airports classified under the federal policy of A, B and C, and the responsibilities that we continue to assume and directly hold money for as opposed to recovery.

**Mr. McDonald:** While we are on this then, I wonder if the minister could tell us then under what line would the recovery show for territorial airstrips, which he suggested were recoverable?

**Hon. Mr. Lang:** As I indicated earlier in discussion under that line item, I did not think that they were recoverable, which they are not. But this particular section that you are on is. It is a differentiation that airports are deemed to be necessary from a regional and national point of view. And, if there is a common agreement on that, then the federal government will pay us for maintaining them. In the other cases, where airports have been put in at various times through the history of the highway system being built, we take the responsibility in some cases in continuing to maintain them.

**Mr. McDonald:** There is one intriguing little piece of information and that is that there is an increase of \$123,000 in personnel and yet the number of person-years is equivalent from 1981-82 to 1982-83. I wonder if the minister could explain that?

**Hon. Mr. Lang:** The increase is actually 224 percent. It was an accounting favour to separate highway maintenance personnel engaged in other airport maintenance from one another in 1981-82. So, it is trying to clearly differentiate what the difference is.

**Mr. McDonald:** Then, the number of person-years here could be misleading.

**Hon. Mr. Lang:** No, we tried to make it so that it is not misleading.

*Airport maintenance in the amount of \$700,000 agreed to*

*On Recoverable Services*

*On Third Party Services*

**Mr. McDonald:** Could the minister explain the \$290,000 and six percent decrease, and could he also discuss what the government policy is regarding snowplowing for driveways. I understand that there is 110 percent cost recovery. The minister suggested two weeks ago during question period that that was not enough as private contractors who have been performing the service starting this year are charging a 300 percent increase over what had been charged by the highways department.

**Hon. Mr. Lang:** I do not know exactly what they are charging. They told us that they were not going to charge any more per hour than we had been charging. I should point out that they are all estimates. Third party services is where we go into an area, do X amount of work and charge it back to the individual or company that we have been doing the work for. It is always an estimate, and we are estimating \$290,000.

**Mr. McDonald:** For the minister's information, I had shown him from a distance a receipt for services that last year were \$27 and are now \$95. I think that does represent about a 300 percent increase. I would be happy to supply that receipt to the minister and if the minister would like to take remedial action, it surely would be encouraged from this side of the House.

**Hon. Mr. Lang:** I am more than prepared to have a look at it.

*Third Party Services in the amount of \$290,000 agreed to*

*Recoverable Services in the amount of \$290,000 agreed to*

*On Garage Operations*

*On Whitehorse*

**Mr. McDonald:** I notice, as far as general discussion is concerned, that person-years remains at 67 from last year. I was wondering, with the nine-day fortnight, et cetera, why there would not be a partial decrease in personnel costs?

**Hon. Mr. Lang:** I have to, once again, point out that we gave a ten percent increase in our collective agreement. We went on the nine-day fortnight in August. Subsequently, for those hours that were worked, that money had to come forward, so that is why you see an increase in part.

**Mr. McDonald:** Can the minister tell us then for how many months the increase was provided? Was it three or four months? In the balance of the fiscal year, which would be seven or eight months, there ought to be a personnel decrease. I wonder if the minister could explain that?

**Hon. Mr. Lang:** There should not be a personnel decrease. We did not fire anyone; we did not lay anyone off. The point is the collective agreement started April 1st and went until August, so you have April, May, June, July and August: five months for which we have to pay the ten percent increase, and we are continuing to pay the same amount of salary as we did the year before. Hypothetically, as we are on the nine-day fortnight and nothing unforeseen happened in the 1981-82 actual, it would be the same cost as would apply in 1982-83. But then you also have increments within staff, and all these other things that come into account. I think that adequately explains it.

**Mr. McDonald:** Under expenditures, it indicates that Whitehorse and Dawson City account for the majority of expenditures. For the other garage operations in the territory, under what department would that be included?

**Hon. Mr. Lang:** Could the member repeat his question, if he remembers it?

**Mr. McDonald:** Under garage operations expenditures, there are listed two cities: Whitehorse and Dawson City. I understand there are other garage operations in the territory. Where do these costs show up in the budget?

**Hon. Mr. Lang:** We already voted for them. They are

maintenance under page 170. You have already voted for that. This reflects the cost of the Whitehorse operation and the Dawson City operation and the remainder are classified as maintenance camps.

*Whitehorse in the amount of \$2,603,000 agreed to*

*On Dawson City*

**Mr. McDonald:** I was wondering why, in the Whitehorse estimate, there was a 14 percent increase and in the Dawson City estimate there is a 17 percent decrease?

**Hon. Mr. Lang:** The parts are all distributed out of Whitehorse throughout the territory. At one time Dawson City had some responsibilities for parts, but that has been phased out. It proved to be too costly.

*Dawson City in the amount of \$232,000 agreed to*

*On Internal Charge-backs*

*Internal Charge-backs in the amount of a recovery of \$2,835,000 agreed to*

**Mr. Byblow:** I have one question on the expenditure recoveries on page 176. On the line under recoverable services/office rental, can the minister confirm that is office rental of other departments to which space is leased out or is this in a commercial sense?

**Hon. Mr. Lang:** This \$338,000 expenditure is the third party services that we charge out: Fraser camp customs space, which is \$13,000; and in Eagle Plains, the Department of Indian Affairs and Northern Development have a space there for \$6,000.

*Department of Highways and Transportation in the amount of \$25,640 agreed to*

**Mr. Deputy Chairman:** Before we go on to the next department, I would like to call a short coffee-break.

*Recess*

**Mr. Deputy Chairman:** We will proceed with the Public Service Commission.

*On Public Service Commission*

**Hon. Mr. Pearson:** This budget is for the service department of the government that in fact facilitates the hiring, promotions, demotions and what have you of the public service of this territory. Before we get started into detailed discussion, I would like to quickly run through some typographical errors that show up in this budget and if everybody can cross out the numbers there and put in the numbers that I am going to give them, it will make sense and will follow through all the way.

We deal with actual person-years. I will explain what has happened. We have had some reorganization in the department and this is what has caused it. On page 180, in Office of the Public Service Commissioner where it says 3.25 it should be 2.0; Employee Records and Pensions, 5.0 should be 5.25; Compensation, 4.0 should be 5.0. Totals are the same. One page 181, Director of Compensation, 4.0 should be 5.0; Director of Records and Pensions, 5.0 should be 5.25. On page 182, under person-years; 3.0 continuing 2.0; Casual, .25 should say 0; the total should be 2.0. On page 185, just an update of statistics, under Labour Relations it says under number of employee grievances or complaints investigated, 30 should be 45. Formal Hearings before an adjudicator or arbitrator, where it says 4, should be 8. On page 186 under the person-years section, casual, instead of 0 it should .25, thereby making the total 5.25 instead of 5.0.

<sup>21</sup> Under compensation on page 90, under person-years, instead of 4.0 it should say 5.0, and the total, needless to say, should say 5.0. And on the next page, 191, again under the information, under proposals reviewed, it says 25. It should say 250.

The policy of this government has been local hiring, wherever we

possibly can. We have also had a stated policy for a number of years now to try and not have the public service grow as horribly as it had in the past. I think we have been quite successful at that. We have tried to maintain our staff at reasonable levels without going overboard with respect to hiring. With those few remarks, I would be most interested to hear from the opposition.

**Mr. Kimmerly:** I have a few observations and questions in the general sense, and very few in the specific. In looking at the background or the debate in the last few years about this department, the opposition always brings up local hire and always brings up affirmative action. I am going to do the same thing.

Looking back to the 1980 debate, two years ago, there was considerable discussion about affirmative action and indeed, in the Throne Speech, there were indeed three paragraphs about affirmative action. I was extremely interested in that. It is my understanding that there are no affirmative action programs ongoing at the present time, and if I am wrong in that, I would ask the Government Leader to correct me. I would like to ask for a general statement, especially drawing on the experience of the last two years: is there a plan for affirmative action? I want to talk about three areas.

The first area is an extension of local hire, I suppose, and I would call it an affirmative action program for Yukon residents. It strikes me that, in the colonial economy, I will call it, in Yukon, in the age of computers and professional managers, and especially as Yukon does not have a post-secondary institution or a university within its borders, there is obviously going to be some importation of professional talent or specialized expertise.

<sup>22</sup> I am particularly interested in the affirmative action program of the government in promoting its own employees. There are several philosophies of management of employees in the private sector. I would refer very briefly and generally to the concept of some companies who do not mind a turnover at a fairly substantial rate, especially in the minor jobs, in the view of the directors. Some companies consciously try to keep employees in the long-term, and promote within the company wherever possible, and engage in on-the-job training, and those kinds of things. The public sector, and morale in public sector, and the pay raise of public sector employees, are a national topic of debate, politically, and also a territorial one. I remember, in the election campaign, many constituents of mine commented about the size of the government and the efficiency of the government, in the general sense, expressing an attitudinal kind of perception of the public service. I would ask the minister to comment on that general question with regard to the policy of the department on on-the-job training, the policies of educational leave and incentives for educational leave, and those kinds of issues. I would ask first of all to give the question a focus: is there a policy which goes beyond local hire? Is there an affirmative action program for past employees and Yukon residents?

**Hon. Mr. Pearson:** I want to assure the hon. member that his constituents who did express concerns are the victims of an attitudinal perspective that is wrong. On October 31, 1981, this government had 1,184 permanent positions in its employ and October 31, 1982 it had 1,186 permanent employees, an increase of two.

<sup>23</sup> Both of those were casual positions that were turned into permanent positions. During that time, the number of casuals that we had in the government on October 31, 1981 was 217. On October 31, 1982, 251. The number of contract employees on October 31, 1981 was 122, and on October 31, 1982, 94. While departments are making conscious efforts to only fill vacancies where absolutely necessary, turnover is an awful lot lower this year than last. Fewer people are quitting and, therefore, the number of vacant positions has not increased this year over last. Casuals include people who work infrequently, for instance, persons called out for relief work as needed in corrections, senior citizens homes, detox centres, weigh scales, et cetera. The number of casuals actually working at any time fluctuates, depending upon weather conditions, primarily, because so many casuals are used for snow removal, highway maintenance and this type of thing. A great majority of the contract employees consist of people hired on



federally-funded programs which prohibit such persons being taken into YTG permanent positions.

The member raised the issue of affirmative action and local employment. Between April 1, 1981 and October 31, 1981, we had 205 appointments made to the public service. In the same period in 1982, 103. Terminations from the service, between April 1, 1981 to October 31, 1981, was 189. In the same period in 1982 it was 102. We had transfers within the service between April 1, 1981 and October 31, 1981, a total of 67, and in the same period this year, a total of 35, a number, I am sure, that is going to be of great interest to the member for Whitehorse South Centre.

Promotions within the service between April 1, 1981 and October 31, 1981 were 58. In the same period this year, 23. Our turnover in 1981 was 16 percent. In 1982 it was 8.6 percent, just a little more than half. Our total outside hires in the 205 positions between April 1, 1981 and October 31, 1981 was 22. Our total outside hires in 1982 for the same period has been 14. I want to assure the hon. member that competitions are only advertised outside when the Public Service Commission and hiring departments feel that qualified and suitable candidates are not available in Yukon.

<sup>24</sup> In such instances, vacancies are advertised simultaneously outside and in Yukon. If qualified and suitable candidates are found in Yukon they are hired in preference to non-Yukoners. The majority of outside hires fall under the classifications of computer workers, social workers and financial management job categories. In addition to that, at present time we are participating with 459 of our employees in 17 different courses that are being conducted by the Public Service Commission. We are at the present time extending tuition assistance to 161 of our employees on 39 different courses; we expect an additional 115 applications between now and the end of the fiscal year. We have five employees on educational leave and we have another 92 supervisory personnel who have taken special program courses primarily in employee assistance.

**Mr. Kimmerly:** I sincerely thank the Government Leader for that information; it is most informative and generally good and provides a basis of comparison with other years. It is unfortunate that the previous minister in the previous department tonight was not as forthcoming. I am encouraged by those figures and I would wish to comment that the prospect of affirmative action for residents and existing employees will be supported by this side and we will certainly give credit where the statistics are as good as they appear to be. Looking over the figures, especially from two years ago, it is a substantial improvement. There are, of course, always new vistas in the future. Is there an affirmative action program or any thought to an affirmative action plan for women in the Public Service at the present time?

**Hon. Mr. Pearson:** We do not have an affirmative action program per se but a very large percentage of our public service is made up of women. I do not believe that anybody can say that we do not give them an equal chance. Certainly I am convinced that they do have an equal chance.

<sup>25</sup> We have a program of underfill that I guess is an affirmative action, but, again, that is not directed towards women specifically, nor is it directed towards any specific group. It is primarily to give people who do not have the experience or the education, the chance to go into a job, but who may have an inclination to get to that kind of a level. At the present time I do not think that the Public Service Commission perceives a necessity to have it. If the necessity was there, I am quite confident that we would have such a program in place.

**Mr. Kimmerly:** I notice in the Throne Speech in 1980—and I want to put it into some kind of context—there was an announcement of an initiation of an affirmative action program in the recruitment and training of handicapped, natives and women. I would ask about the experience in the past two years as to the plan program and the obvious abandonment of the program, if it ever really came into existence. I fully recognize that the figures, or percentages, of women in the Yukon Public Service are pretty close to the national figures and the figures in other provinces. However, it is a problem all over, and I would ask if the experience in the last two years is developing, or is the experiment of the affirmative action program now dead, and what is going on currently?

**Hon. Mr. Pearson:** Well, we have a number of people who I guess you could say are handicapped, working for this government. It was a program that we put into place in 1980 or 1981. It is not a special program anymore because it is not deemed to be necessary, as such. It is just a policy. It is something that we do. We hire these people and they work and I think everyone is better off for it. By the same token, we have women working at every level of this government, but I cannot say that anymore, because we do not have a female deputy minister anymore. The one that we did have is on an extended holiday at this time. She has terminated her employment.

<sup>26</sup> I might also say, too, speaking of deputy ministers and local hire, the last deputy minister that this government hired was an internal promotion and that I consider to be a major step. The reason that I read these figures off is because I am very proud of them. They are a lot different than they were two years ago. I want to point out to the hon. member that figures two years ago were a lot different than figures two years before as well. We have done a tremendous amount of work to turn around the hiring policies of this government, to put into place the kinds of courses, the kind of an education program that helps our employees to be able to be locally hired and locally promoted.

**Mr. Kimmerly:** The last line of questioning about affirmative action is about Indian people. Obviously, a third of the population is of native ancestry, or Indian, and the make-up of the public service is substantially different. There are very few Yukon native people. Are there evaluations or is any program going on to look at practical ways to make it possible to involve more Yukon Indian people in the public service?

**Hon. Mr. Pearson:** Once again, we do not go out and specifically look for Indian employees. As well, we have not ever turned one away because he was Indian. We have had Indian employees and, at other times, we do not have them. It depends primarily upon the market and, respectfully I suggest, it depends, to some degree, upon how many and when CYI might be doing their hiring. I can think of a number of former territorial employees who, I submit, were well trained by this government and now work for CYI. I do not have any problem with that. NorthwTel claims that we steal employees from them. It goes around that way. We do not have a specific policy saying that one third of our staff will be Indian people. However, I would respectfully suggest that if we had that many applications, I suspect that is what it would be.

**Mr. Kimmerly:** It raises another point. When the minister speaks of CYI, I immediately think of the federal government, also. Is there a similar, I will call it, friendly competition with the federal government in this regard, and is the federal government's affirmative action program for Indians, the Northern Careers Program, being looked at in any way, or is the Yukon government a participant in that program in any way?

<sup>27</sup> **Hon. Mr. Pearson:** We are a full participant in the program. I do not have any comparison as to which government hires more. I just do not have any idea, but we are a participant in that program.

**Mr. Kimmerly:** On another line of questioning about local hire and local affirmative action is the question of employee benefits, the buy-back program, supplying homes, and northern allowance, and that kind of thing. Could the minister comment generally about the Whitehorse policy and the rural policy of supplying housing and the question of northern benefits, and the possible competition with the federal civil service. Is the department looking at kinds of incentives to either stay in the Yukon, or employ Yukoners, in its bargaining and planning around employee incentives?

**Hon. Mr. Pearson:** I have always refused to refer to them as northern benefits; we call them the Yukon bonus because, as far as I am concerned, this is where we live and nobody should be getting a particular benefit for that because this is home. I can understand the federal government having a northern benefit policy for their employees because they employ them south of the 60th parallel as well as north. Everybody knows that there is added cost here. I do not have any problem with them supplying that to their employees. As far as I am concerned, employees of this government know what the situation is when they come here, and they are hired to work here, and these benefits are negotiated. The major thrust of every



one of them is to try to encourage, wherever possible, permanence. Our buy-back scheme on housing, the supply of housing and the limits that we have on it, are all designed to get people to put down roots, if you will, here in the territory.

**Mr. Kimmerly:** When a new person-year comes into being, is it necessary that a job description actually be in place before a person is employed? And I ask the minister, for my education, to very briefly in a sentence or two, describe the public service procedure in increasing the person-year allotment in a department.

**Hon. Mr. Pearson:** Yes, a job description is required, but I think I should deviate and go back one step. The Public Service Commission will very likely assist the department in the writing of the job description, but it is the responsibility of the department to write the job description because the Public Service Commission does not know what the manager of that department does require.

Once the job description is written, then it is the Public Service Commission's responsibility, under our legislation, to certify that whomever does get hired meets the criteria of that job description. That is the primary function the Public Service Commission in the hiring of people. That is only one of their jobs, of course, but in the hiring of people, that is what they do. Normally there is somebody from the Public Service Commission who is on the interview board because of the certification question. There is a lot of liaison between the department and the Public Service Commission, but the Public Service Commission does the actual certification of the employee.

In respect to how they participate, I guess that is really it. Their primary function is certification.

**Mr. Penikett:** Rather than get into a very general discussion at this point, I wonder if I could just begin by asking the Government Leader is he has had a chance yet to look at a question I raised with him in question period, I think at least a week ago, on the work sharing question, and whether this government has examined that contingency with the federal government. He will recall, at the time, his information and mine, obtained locally, was that that program that was being used to avoid lay-offs or to mitigate against lay-offs in many large employers in the south was probably not available to local governments.

However, as I mentioned at the time, we had made an inquiry to the people in charge of the program in Ottawa, and at least one person in the office said that they would be receptive to perhaps an application or an experimental project with the government — a small government, I suspect, rather than a large one. I would be curious as to whether the Government Leader has had a chance to follow that up and if he has any information at this point?

**Hon. Mr. Pearson:** No, I have not received the information as yet. We are following up on it. One of the problems that I do foresee is that one of the criterion, and one that I do not think that we are going to be able to meet, and I think it is why all governments have been exempted in the first instance, is that an employer virtually has to plead poverty before he can get this assistance. And, of course, government is notorious for never going broke. They can always get money from somewhere. Certainly we would have a hard time convincing the federal government that we were at that point. But we have followed up on it. I just do not have the answer yet.

**Mr. Penikett:** The Government Leader talked about lack of money. I understood that that was not a criteria, that the employer must show that the problem is not a lack of revenue, as such, but the problem is that there is less work to go around, which I think a harder case to prove for a government because you can always argue that there is work to be done. However, presumably if there was a reduced demand for highway services and roads, that were not carrying the same kind of traffic, or reduced demand for school teachers because of fewer students, or reduced demands for certain kinds of officials to provide certain services because there was not the public demand, and that layoffs would be unavoidable under normal circumstances, or if this program were not available. I understand that the situation also has to be rectifiable within six months under this program, which, even for a government, is pretty hard to prove. But I look forward to the Government Leader undertaking more information on that.

Perhaps, as my colleague for South Centre has pursued some of the more very general questions, could I ask the Government Leader, since he has given a number of statistics in the beginning of his address, if he could give some anticipation of the kind of Public Service Commission programs that may change this year, or how things may change as a result of new financial restraints. I will explain what I have in mind. I would assume that there is going to be a lower turnover. I think that will be increasingly the case. I would assume, by virtue of government statements, that there will be fewer outside recruitments, and therefore, possibly, our advertising costs for the department would be reduced. I assume for that reason there would be less travelling outside of the territory if there were less outside recruitments, and so forth. How are circumstances changing the spending patterns in this department in other ways? How, for example, is the trainee expenditure affected? Are we in a situation where some kind of training programs become a luxury or do we now have an opportunity by virtue of having, perhaps, a more stable work-force to be able to do more career development projects?

**Hon. Mr. Pearson:** I think I probably answered most of that before but I will try once again. Our turnover is down by one half, from 16 percent last year to 8.6 this year. As a consequence, the number of recruitments is down but, because of a couple of completely unforeseen things, our staff has been reduced as well. One of the personnel officers was on maternity leave for six months, — that was unforeseen — but now is reflected in the work-load in the department — I should, in fact, say that the last two promotions to deputy minister have been internal promotions. — Mr. Besier's promotion to deputy minister left his job unfilled, but rather by a series of internal promotions in reorganization that caused these number shifts, we end up with a position that is literally vacant. We know that we are not going to have as much work. We do not intend to fill that position.

I indicated that we anticipate, in the remainder of this year, getting 115 more requests for courses for employees to go on. I think that that kind of thing will be increasing, and we will be encouraging it. On the whole, it is a case of business as usual. The nine-day fortnight also has quite an impact. That does decrease the time to get the work done or, conversely, it increases productivity.

Mr. Chairman, I would move that you report progress on Bill No. 3.

*Motion agreed to*

**Hon. Mr. Pearson:** I move 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 Deputy Chairman of Committees.  
**Mr. Falle:** The Committee of the Whole has considered Bill No. 3, *Second Appropriation Act, 1982/83*, and directed me to report progress on same.

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

**Some Members:** Agreed

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

**Hon. Mrs. Firth:** I move, seconded by the hon. leader of the opposition, that this House do now adjourn.

**Mr. Speaker:** It has been moved by the hon. Minister of Education, seconded by the hon. Leader of the Opposition, that this House do now adjourn.

*Motion agreed to*

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

*The House adjourned at 9:30 p.m.*

**The following Sessional Paper was tabled November 22, 1982:**

**82-2-8**

Auditor General's Report for year ended March 31, 1982 (Speaker)

