



The Yukon Legislative Assembly

Number 15

3rd Session

25th Legislature

HANSARD

Wednesday, April 20, 1983 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

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

CABINET MINISTERS

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

GOVERNMENT MEMBERS

(Progressive Conservative)

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

OPPOSITION MEMBERS

(New Democratic Party)

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

(Independent)

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

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

⁰¹ **Whitehorse, Yukon**
Wednesday, April 20, 1983 — 1:30 p.m.

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

Prayers

DAILY ROUTINE

INTRODUCTION OF VISITORS

Hon. Mr. Lang: It is with a great deal of pleasure today that I have the opportunity to introduce to the House the Minister of Indian Affairs and Northern Development, Mr. Munro, Senator Lucier, as well as the president of Cyprus Anvil, Mr. Earle Forgues. Also, I would like to introduce to the House the delegations accompanying them.

At the same time, I would also like to welcome to the House, the Grade Six class from Christ the King High School, accompanied by their teacher, Mrs. Irene Brekke.

Applause

Mr. Speaker: Are there any returns or documents for tabling?
 Are there any reports of committees?
 Petitions?
 Introduction of bills?
 Notices of motion for the production of papers?
 Notices of motion?
 Are there any statements by ministers?

MINISTERIAL STATEMENTS

Hon. Mr. Lang: I am sure you are now aware that the hon. John Munro, Minister of Indian and Northern Affairs, has announced this morning that agreement has been reached on the stripping program to commence at Cyprus Anvil mines. At the outset, I would like to convey Mr. Pearson's congratulations who, unfortunately, did not know of the turn of events that were going to happen today and is presently in Juneau on government business.

The Yukon government is very pleased to see that the Minister of Indian Affairs and Northern Development, Mr. John Munro, has convinced the federal cabinet to recognize the major significance of this mine to Yukon's economy and that it has seen fit, after ten long months of constant lobby by this government, Yukon labour and business, to implement an urgently required recovery plan.

⁰² We are confident that this aid package will ensure the long-term viability of Cyprus Anvil and that it will assist the mine in preparing for a return to full production in the near future.

The Cyprus Anvil Mine had become a cornerstone of Yukon's economy. This action plan, to which both levels of government and organized labour, as well as business, have made significant contributions, will hopefully assist in returning the mine to its former position as a major component in Yukon's economic future.

Obviously, a return to economic stability in Yukon is dependent upon more than the limited re-opening of Cyprus Anvil. Solutions to the full range of our economic problems will have to be found if Yukon is to become a viable economic region of Canada. The Cyprus Anvil agreement does, however, show that a spirit of cooperation can be developed between all levels of government, labour and business that can result in the development of those solutions. If we can work together on finding similar solutions to many of our other problems, then Yukon can look forward to a speedy economic recovery.

Under the terms of the agreement, the Government of Canada and Cyprus Anvil Mining Corporation will each contribute \$25,000,000 over a two-year period to initiate a stripping program designed to employ 210 mine workers.

The Yukon government will contribute \$1,000,000 in 1983-84 and will provide a similar level of assistance in the following year, if required. In addition, the Yukon government remains committed to providing \$1,600,000 in aid to the mine once it returns to

production. I might also add that the Government of Yukon will be foregoing \$600,000 in property taxes that Cyprus Anvil would have been required to pay this year if it had been in production.

I have to express my appreciation to organized labour for the important contribution it has made to this agreement. The lobbying efforts they have made and the elements of their new contract have been extremely important in the resolution of this problem.

In conclusion, allow me to extend my thanks and appreciation from all Yukoners to Mr. Munro for his efforts in negotiating this agreement. His work over the past ten months and his understanding of our problems have, without question, been responsible in great measure for the agreement we have today.

⁰³ **Mr. Byblow:** From this side of the House, we, too, would like to extend a welcome to Minister Munro and the delegation accompanying him, and particularly a warm one in face of the announcement that has been made today in Yukon.

It is without question that my constituents and people around Yukon are tremendously relieved at the decision to commence the stripping program. Having been closely associated with the developments of events surrounding the Cyprus Anvil scenario over the past 10 months I share deeply in the impact of this announcement. The agonizing uncertainty of those 10 months we can say is now behind us and the people of Faro can get on with the rebuilding of the services and social fabric that is so necessary to stability of any community.

While the news is positive and it means that production costs will be reduced through the stripping program to make the mine's product more competitive on the world's market I do want to express one concern. Though some 200 people will be back at work and survival of the community is ensured, I am concerned about those constituents of mine, some additional 200 or 300, who will not be called back to work and I express this not in a critical way but as in a sad reality. Those people and their families, now facing the near exhaustion of their UI benefits are also faced now with an equally grim prospect of relocating and finding work. I will be pressing the government to examine its capital spending priorities and calling on available programs, federal and territorial, and personnel, to deal with this serious concern for those unemployed who are left in the community.

⁰⁴ Before I close, I would also like to acknowledge the tremendous assistance of the various people, organizations and groups representing a broad cross-section of labour, business and government for the support and the co-operation on the recent lobby to Ottawa. The kind of persuasion that the lobby afforded, I am sure, contributed in its small way to the announcement of the decision today.

Lastly, I would like to commend the Minister of Indian Affairs and Northern Development for having taken the kind of leadership and initiative that was required on this issue. Mr. Munro has clearly recognized the economic importance of Cyprus Anvil to Yukon. This may not put the trucks back on the road, this may not put the train back on the tracks but it is step one and, having carried the problem to its current resolution, Mr. Munro and his aides are to be thoroughly congratulated on their efforts.

Hon. Mr. Lang: I rise to commend the member opposite in his positive approach to the agreement that was reached between the various levels of government, business and labour to get the show on the road, so to speak. From this side of the House, we share with him the concerns for those people who will not be called back to work, whether it be in Faro or, for that matter, Porter Creek East. I am sure, and I am confident, that the minister also recognizes the very difficult situation across the territory at the present time and there is no question, from our perspective, that we will be pursuing, with the minister, the various federal capital works that could be put into place for the purposes of federal infrastructure for further development in the north. There is no question in my mind, in view of the budget and the minister's effort on this part, that he recognizes that this part of Canada has something to offer, something to also contribute to the rest of Canada if we, as Canadians, pull together.

⁰⁵ **Mr. Speaker:** Are there any questions?

QUESTION PERIOD

Question re: Kopper King Trailer Park

Mr. Penikett: I have a question for the Minister of Consumer and Corporate Affairs which may seem a bit mundane in light of today's announcement, but I should put it anyway in the absence of many other ministers to address questions to.

During this past winter, one of the operators of the Kopper King Trailer Court did not plow or remove snow from around the park, a service normally provided to tenants of the park. Could the minister tell me if the tenants of that trailer park, to his knowledge, were permitted to pay less rent than stipulated in their rental agreements because of this diminished level of service?

Hon. Mr. Ashley: I have no knowledge of this, so I would have to get back to the member on it if it is a matter that should be brought back.

Mr. Penikett: When the service charges to the Kopper King Trailer Park landlord were increased earlier this year, the landlord almost doubled the actual increase and added it to the rental rates stipulated in the signed rental agreement between the landlord and the tenant. To the minister's knowledge, was this additional charge questioned by his department and were any steps taken by his department to prevent its addition to the rental rate stipulated in the rental agreement?

Hon. Mr. Ashley: This is exactly what we have been talking about all the time. A landlord does not have to justify his rent increases in any way, shape or form as long as he gives the required notice, the three months' notice. So, no, my department would not look at it; we do not have rent controls in place here.

Mr. Penikett: Nor do we have a law that requires both parties to honour a contract, apparently.

Let me ask the minister: is he prepared to propose amendments to the *Landlord and Tenant Act* this year which will permit tenants to pay any amount less in rent than that stipulated in the rental agreement if a landlord offers a lesser level of service or fewer services than were offered at the time of the rental agreement and were committed to by the landlord at the time of the rental agreement?

Mr. Speaker: We will take that as a question, rather than a representation.

Hon. Mr. Ashley: No, I will not be.

Question re: Police Services Agreement

Mr. Kimmerly: A question to the Minister of Justice about the Police Services Agreement: on April 13th, the minister stated that it was a federal-territorial agreement and would not be released to the public without the consent of both sides. Upon reflection, or further advice, will the minister now say that this agreement is in fact a public document?

Hon. Mr. Ashley: As I stated then, and I will state now, it is between two parties, and if I get that direction from the federal minister and if I agree with it, then, yes, I would release it. Until then, the member opposite can come to my office and view it when it arrives.

Mr. Kimmerly: This agreement was signed by the minister approximately three months ago. When is the minister expecting a copy of the agreement he signed?

Hon. Mr. Ashley: I will receive it when I get it. We have requested a copy. When I receive it I will let the member opposite know.

Mr. Kimmerly: After being extremely frustrated by the minister's delay, I obtained a copy federally. I would ask the minister if he wishes to read it in my office or would he like his own copy?

Mr. Speaker: I will consider the question as being frivolous.

Question re: Land claims

Mr. Porter: My question is for the acting government leader. I understand that Yukon Indian Chiefs will be meeting next week to choose between a one-government or a two-government system as a basis for continuing land claims talks. Is this government planning to announce its return to the land claims talks before that meeting

takes place?

Hon. Mr. Tracey: I think the members across the floor are well aware of the position that we have put forward; there are six items that we have to have resolved with the federal government. Until those six items are resolved, no, we do not intend to go back to the negotiating table.

Mr. Porter: Given the very real possibility that all that has been achieved in land claims talks to date, predicated on a one-government system, could be drastically altered by a decision of the band chiefs next week, has this serious decision caused the government to re-examine its position?

Hon. Mr. Tracey: We examined our position very closely before we ever took that position. We took that position believing it to be in the best interests of everyone in this territory including the native people. We have re-examined it on more than one occasion and talked more about it. We have no intention of moving away from it because we feel that if we do, it will be detrimental to the people of the territory.

Mr. Porter: Given that the length of the YTG boycott which has halted the progression of the land claims talks, can this government at this time offer any substantive reasons why the chiefs should not abandon the one-government system?

Hon. Mr. Tracey: I think it would be very detrimental if the chiefs abandon that position. The Indian people of the territory recognize that the one-government system is by far the best system to have in this territory, where everyone is equal. We do not have two groups of people, with some supposedly more equal than others. All services are under a one-government system. I think it would be very detrimental to abandon that system and I believe the Indian people believe it as well. As far as our length of time away from the table, I think the members forget that approximately four years ago the Indian people were away from the table for over a year.

Question re: Sexual harassment

Hon. Mr. Ashley: I have a written question and an answer for the member opposite.

Mr. Speaker: Perhaps the hon. minister could be very brief in his answer.

Hon. Mr. Ashley: On April 18, 1983 the member for Whitehorse North Centre asked the following written question. "The minister stated the Women's Bureau and the Public Service Commission are working to develop a policy on the issue of sexual harassment. Could the minister inform us: one, how long these department's have been in the process of formulating policy; two, what progress has been made; three, when is the policy expected; four, how present complaints are being processed; five, are complaints from the Indian bands being dealt with under Yukon legislation; six, when will legislation be introduced to replace the *Fair Practices Act*?"

The answers are: one, the members of the House know that Public Service Commission and the Yukon Territorial Public Service Association have recently been at the negotiating table. During that process the issue of sexual harassment was discussed and the two parties have agreed that the Commission will develop a policy on sexual harassment governing solely employees of this government. A commitment has been made by the Public Service Commission that the draft of such a policy will be discussed with union representatives prior to being submitted to the deputy minister review committee.

⁹⁶ Question two has been answered by number one.

Mr. Speaker: Order, please. I am wondering if such a long reply to such a long question could be tabled rather than occupy a great deal of time in Question Period. Would that be agreeable to the House?

Hon. Mr. Ashley: If you will permit, Mr. Speaker, the members opposite asked for me to tell you this information based on a representation which you had allowed yesterday.

Mr. Speaker: I will permit it. In the future, it would be appreciated if the answers to written questions could also be in written form and tabled in the House.

Hon. Mr. Ashley: On three, we hope to have a policy

developed and implemented within two to three months. The Public Service Commission has requested and received information from other public service jurisdictions dealing with this issue.

On question four, only one complaint has come to the attention of the Public Service Commission dealing with an allegation of sexual harassment. This concerned a government employee and that complaint was several years ago and was brought to the commission's attention by the Women's Bureau. The allegation was made by a casual employee and concerned an allegation of harassment enacted by another casual employee. With coordination between the Women's Bureau and the Public Service Commission and the employee department, the issue was resolved promptly and efficiently.

It should be made clear that the vast majority of government employees are governed by a collective agreement which provides for a grievance process up to and including adjudication. Therefore, we feel that government employees are adequately protected dealing with issues such as this. Nevertheless, my government commits itself to developing and implementing a policy governing all government employees concerning this issue of sexual harassment. On five.; yes and no to that question. It is very important to catch this. People who are employed by Indian bands fall under federal jurisdiction, as do airlines, banks, railways, et cetera, and a complaint must be made to the Canadian Human Rights Commission under the *Canadian Human Rights Act*. All other employees, including natives, fall under Yukon's *Fair Practices Act*.

On six, I have directed that the *Fair Practices Act* be reviewed and possibly rewritten to ensure that its provisions, including those governing human rights, will be in tune with that of other provincial and federal jurisdictions. This process has just commenced and we hope to have legislation available for the fall session. However, the member must appreciate that this is a complex piece of legislation with manifold ramifications.

Question re: Fine options program

Mrs. Joe: I appreciate the speedy answers and, in view of that, I have another written question for the Minister of Justice.

Since the cost of each inmate is in excess of \$80 a day and the fine options program has not been in effect since March 5, 1982, will the minister inform this House: 1) when the government intends to replace the fine options program; 2) the total number of persons incarcerated since March 5, 1982 for failure to pay fines; 3) the total number of days, since March 5, 1982, served by persons incarcerated for failure to pay fines; 4) if he will continue to monitor the situation until a replacement for the fine options program has been implemented; and 5) the total cost to the Government of Yukon, since March 5, 1982, to keep persons incarcerated for failing to pay fines?

Question re: Occupational health and safety legislation

Mr. McDonald: I have a question for the minister responsible for occupational health and safety.

The minister has suggested that one of his summer projects is the development of occupational health and safety legislation. As only two groups have responded to the green paper issued by the minister's predecessor, is the minister willing to accept further submissions from the public and should the public consider the 1982 green paper representative of current government policy?

Hon. Mr. Ashley: I will be short on this one. I certainly will accept any response from the public towards it and, as I said, I will be reviewing the green paper. At that point, when I bring the legislation in, you will find out what the government policy is on it.

Mr. McDonald: The 1982 green paper suggests that a ministerial advisory council should be set up to provide informed advice to the minister on workplace safety. Is the minister planning to establish this advisory council this summer to assist in developing legislative initiatives?

Hon. Mr. Ashley: No, not at this point.

Mr. McDonald: If and when this council is set up, will groups including the Yukon Federation of Labour and the Chamber of Commerce be asked to submit nominations?

Hon. Mr. Ashley: If the committee was set up, I imagine I

would look at that.

Question re: Yukon hydro

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

Now that this government is buying a 49 percent share of Yukon Hydro, the question of regulating the rate of return of Yukon Hydro becomes important. Since the minister stated, when questioned about the problem in last fall's session, it was practice to lump Yukon Hydro's returns with Yukon Electric's, when Yukon Electrical Public Utilities Board determines a fair return, has the minister instructed the Electrical Public Utilities Board that the return to Yukon Hydro must, in the future, be considered separately from Yukon Electrical's profits?

Hon. Mr. Ashley: That agreement has not been signed as yet but, when it is, we will certainly be looking at that.

Mr. Penikett: Since this House is currently completely in the dark about exactly what constitutes a fair rate of return for a power company, does this government have a clear policy on this question?

Hon. Mr. Ashley: The Board actually sets that through consultants and it is dealt with in that manner. This government does not get into that.

Mr. Penikett: A most alarming answer. What assurance can the minister give that Yukon Electrical will be prevented from soaking up profits from Yukon Hydro with management charges or other internal accounting devices of the parent company and what assurances can the minister give the House and the Yukon public that any reduction in the returns to Yukon Hydro will be passed on directly to the Yukon consumer?

Hon. Mr. Tracey: I will answer that question. All of the charges that will be charged against the Yukon Hydro Corporation, after we become involved in it, are all part of the negotiations that will proceed and will be agreed on in the agreement preceding that agreement. I think the members and the general public will be protected before that agreement is ever signed.

Question re: Police services agreement

Mr. Kimmerly: A question about the police services agreement: as it is absolutely clear in the agreement that the priorities and goals, and indeed the allocation of personnel, are now the responsibility of the Minister of Justice, what is the position of the government respecting foot patrols in downtown Whitehorse?

Hon. Mr. Ashley: I missed the first part of the preamble but, as far as our position respecting foot patrols, there are foot patrols that are done; I am in constant contact with the RCMP. They are not the most efficient way of police enforcement and so they are always done but to a minimum; only when considered necessary or if there is extra staff on hand.

Mr. Kimmerly: Has the Minister of Justice communicated the priority of this government with regard to foot patrols in downtown Whitehorse?

Hon. Mr. Ashley: Actually, I answered that in the last question. Yes, I have been in contact with the RCMP and we have also met, the RCMP and myself, with the Downtown Businessmen's Association and foot patrols in the downtown area was one of the topics of our conversation.

Mr. Kimmerly: The minister has not answered my question. What position did the minister communicate to the RCMP on this question?

Hon. Mr. Ashley: I communicated our position as being that, if they find it efficient without having to add any more members to the force then, yes, by all means do it.

Question re: Salmon fishery agreement

Mr. Porter: I hope I do not get the next minister as mad. A question for the Minister of Renewable Resources: on April 18th the minister concurred with the State of Alaska's position that the international agreement covering the salmon fishery should be opened for further negotiation. In his concurrence with Alaska's position was he also agreeing with Alaska that the treaty is weighted in Canada's favour?

Hon. Mr. Tracey: No. The reason I agreed with Alaska's position that it should be opened for negotiation is because I believe that there are other areas that should be addressed; most particularly the Alsek-Tatshenshini drainage. The salmon in that drainage area should be addressed more for the benefit of the Yukon Territory than I believe it has been covered under the agreement. That is the reason why I agreed with Alaska. We do not necessarily agree with any other or any of Alaska's positions; our reason why I agreed it should be opened was for the benefit of Yukon.

Mr. Porter: In giving his government's support to reopen the talks, is the minister asking the Alaskans in return for his government's support, for a guarantee of a greater share of the fishery resource to be allocated to Yukoners?

Hon. Mr. Tracey: I think the member across the floor should be well aware that we are not negotiating between the Yukon Territory and Alaska; this is a federal negotiation going on between the Government of Canada and the Government of the United States. Alaska is only one player in the game, as is Yukon. I met with the Canadian negotiators this morning and I have put our position to them. I am not sure whether they are still meeting this afternoon, but they were meeting this morning and we discussed it this morning. I put the Government of Yukon Territory's position to them and made them well aware of what our problems are with the agreement.

Mr. Porter: Has the minister requested from the federal government a seat for the Yukon on the Canadian negotiating team set up to address the question of an international treaty respecting the salmon fishery, and should the government succeed in obtaining a seat, would he advance the position of a greater guarantee for Yukoners in obtaining fishery resources?

Hon. Mr. Tracey: I thought I made that clear; yes, we do want to be involved in the negotiations. That is the reason why we met with them today and that is one of the positions we put forward. Certainly, the only reason we would be asking for that is for more beneficial use of the salmon resource for the people of Yukon.

Question re: Yukon courthouse

Mrs. Joe: I have a question for the Minister of Justice. In view of the vastly increased federal funding for capital projects announced in the budget last night, is the minister immediately reapplying for federal funds to build the Yukon's first courthouse?

Hon. Mr. Ashley: We applied quite a while ago for that. When I was in Ottawa I discussed this with the Minister of Justice, Mark MacGuigan, and he is in support of our move for a justice centre.

Mrs. Joe: Could the minister tell us if his government has already acquired the land for the new courthouse and, if he has, where is it?

Hon. Mr. Ashley: We have designated land for it but I cannot tell the member opposite where it is until all the deals are made.

Question re: Agricultural land applications

Mr. McDonald: I know that the Minister of Agriculture is absent from the House today, so I have prepared a written question for his benefit.

Is the minister willing to table the following information this session: 1a) the names of persons whose applications for agricultural land have been received and the corresponding size and location of each applicant's land request; b) the time and date each application was received; 2) names of persons whose applications for agricultural land have been accepted; 3) names of persons whose application for agricultural land have been rejected; 4) land use conflicts associated with the applications listed above; and 5) names of members of the Yukon Legislative Assembly, with their families, who have made successful applications for Yukon agricultural land?

Mr. Speaker: There being no further questions, we will proceed on the Order Paper to Orders of the Day.

ORDERS OF THE DAY

Mr. Speaker: May I have your pleasure at this time?

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

Mr. Speaker: It has been moved by the hon. Minister of Health and Human Resources that Mr. Speaker do now leave the Chair and that the House do now resolve into Committee of the Whole.

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I will now call the Committee of the Whole to order. We shall take a short recess, after which we will continue with the budget.

Recess

Bill No. 5 continued

*Department of Health and Human Resources — continued
On Rehabilitation Services*

Mr. Chairman: I now call the Committee of the Whole to order. We will continue with the Department of Health and Human Resources — under Rehabilitation Services.

Mr. Kimmerly: The minister in past programs has given an introductory statement. I assume there is not one for this department?

I see the minister is now indicating that there is one so perhaps I will sit down and await my turn.

Hon. Mr. Tracey: I was under the impression that we had started general debate on this already, so that was my mistake.

There is a slight decrease in this budget area. It is attributable to the continuing pattern of limited or no growth in the number of clients requiring this service, as well as continued efforts to maintain clients within Yukon rather than placing them in expensive outside facilities. It is the same reason we have for reductions in other areas. We are trying to keep Yukoners in Yukon.

Mr. Kimmerly: I am intending to give a little more attention to this program this year than I did last year for this general reason: there appears to be a lot of money spent for relatively few clients and although that may imply a criticism I want to specifically say I am not intending to criticize; I am intending to investigate further for more explanation and further justification. I am aware of the efforts of the non-governmental agencies in this area; I am aware, I think, of the efforts of the department. And in my opinion, or on first blush, it appears to me that a greater coordination could occur in the future. It is in that spirit that I wish to debate the program for a moment or two this afternoon.

The stated objective is to return as many Yukoners who are now in expensive outside facilities to their homes. I totally agree with that objective. There is no debate or criticism of that. Also, a general statement of objective can be made and I would expect the minister to agree that the people receiving the services should be removed as far as possible from institutional type settings and put as far as possible or as practical in a residential home type of setting. I totally agree with that. There appears to be substantial emphasis on training and training on the job, and that of course is a laudable goal.

There is of course a policy decision, or a balance, to be drawn, and it is ultimately a political question concerning the priority of training and the priority of maintaining or providing comfortable accommodation for various people. What I mean in a practical and more concrete sense is, if there is a person who is a paraplegic, for example, the priority for that individual case should be to maintain a comfortable environment for the person as opposed to spending more effort on training that particular person. It is a difficult distinction but it is ultimately a political consideration regarding allocation of funds.

For children the balancing ought to be done, in my opinion, in the opposite direction; that is, that training is perhaps more important than the comfort of the particular individuals. I am interested in that general area as well as the area coordination of government services and the services of the rehabilitation society and Yukoner's for

Special Needs people, primarily.

¹⁴ I would ask these questions: where now are the four residences described on page 83; in what general categories do they fall and what are the average number of patients or clients in each of them? I am aware of a change at 39 Donjek, which is currently in progress, and I would ask for an explanation of the change in the policies, as opposed to the personalities, about that particular residence.

Hon. Mr. Tracey: I am glad that the member has stated the views of his party in regard to vocational rehabilitation training, because the way he has put it to us in the Assembly here is exactly the way that we are trying to treat it. We recognize it as being very costly to look after adult persons who are in need of rehabilitation. For example, we have seven or eight people outside who cost us, on the average, in excess of \$100 a day to maintain there which, if you multiply that out, very roughly and very fast, comes to approximately a quarter of a million dollars every year — just to maintain seven or eight people outside. It is very expensive.

As for the four residences here, I would have to get back to the member on that; I do not have the addresses of those. I can also bring him back the average number of people who are in them. I do not have that information with me, either, but I will gladly provide it to him.

Mr. Kimmerly: I thank the minister for that. I would, again, ask my question about the departmental policy concerning the coordination of the government services and the rehabilitation society, especially. I realize there is continuing, important communication between the two groups in the same service area and I would ask: are there any policy initiatives or directions underway to promote increased cooperation?

Hon. Mr. Tracey: We have had very good cooperation, to date. My department is in constant contact with these people; after all, for the limited number of people that we have, the amount of budget that we have involved in it, we certainly need to keep in constant contact and control over those dollars. So, there is a great deal of consultation that goes on between them.

As far as coming up with new policies, except for the policy of keeping people in the Yukon Territory and concentrating more on the younger generation, rather than on the older ones, I do not believe that we are working on new policies.

¹⁵ *On Administration*

Mr. Kimmerly: There are, of course, three person-years. Could the minister identify the job titles of the three people and is the amount voted primarily for the salaries of the three people?

Hon. Mr. Tracey: Yes; there is the coordinator of the vocational rehabilitation services, clerk typist II and a rehabilitation counsellor. Their salaries amount to approximately \$90,000 of the \$102,000. The reason for the increase is the return to the 10-day fortnight and there is a slight decrease due to a reduction in travel. The other is telephone communication, advertising and promotion, office supplies and repairs and maintenance — very small amounts.

Administration in the amount of \$102,000 agreed to

On Assessments

Assessments in the amount of \$11,000 agreed to

On Training and Training on the Job

Mr. Kimmerly: I am interested in a breakdown of the amounts of money, by category. I understand that approximately \$250,000 goes to maintain people in outside facilities. What is the real amount, and could I have an identification of the other categories of funds, as well?

Hon. Mr. Tracey: I do not have it broken down to that extent. I do have the figure for the occupational training; \$628,000 for this year, which includes the people outside on training. As everyone must recognize, rehabilitation training is very expensive. If we are going to look after these people to the level that is expected of us, it is very costly.

The other areas are just regular office-type expenses: travel, cartage and management consultant services, about \$1,000; hospitalization services — we also have teachers and instructors on contract and safety equipment and subsistence and maintenance — for approximately \$115,000; the allowances paid to trainees to cover living expenses and whatnot, \$115,000, which is a major part

of this budget. If you add this \$628,000 together with \$115,000, you are getting close to the budget. The rest is just incidentals.

Mr. Kimmerly: I thank the minister for that. I am specifically interested in making up my own mind on the question of the advisability of continuing to maintain people outside and the cost of maintaining the same people in the Yukon and the level of services needed. That is why I asked the question. I am sure the minister's officials are interested in the same question and, in fact, are studying the question on an ongoing basis. Could the minister, at a future time, break down the occupational training amount into the amounts spent to maintain people outside and such other categories as seem appropriate?

¹⁶ **Hon. Mr. Tracey:** No, I will not because, as I expressed earlier, we do not want to send people outside. What we are going to do and what we fully intend to do is try to keep our people inside the Yukon Territory rather than send them outside. As people drop off the rolls outside because they have completed their training, our outside costs will reduce. I have given the member the approximate cost to keep someone outside and we have about eight people out there now. I am hopeful that in the next two or three or four years we will reduce that to zero. Rehabilitation is costly and as far as we are concerned, and as far as I am concerned, especially, if we can do it within the territory, we might as well be investing our money in the territory as in Alberta or British Columbia, or somewhere else.

Mr. Kimmerly: I am not arguing with the minister at all. I believe our ultimate goals are the same and I am simply interested in a breakdown of the cost in the next year. I will set an inquiry in motion outside of the Assembly to obtain the general figures and if I cannot get them I will get back to the minister.

Training and Training on the Job in the amount of \$762,000 agreed to

On Prosthetic Appliances and Restorative Services

Prosthetic Appliances and Restorative Services in the amount of \$8,000 agreed to

Rehabilitation Services in the amount of \$883,000 agreed to
On Grants

Hon. Mr. Tracey: The income supplement program for senior citizens has been increased to reflect the full 12 month operation rather than the nine months of last year. The grants to Crossroads treatment centre of alcoholism has been increased to reflect their gross budget needs for the 83-84 year. Crossroads will, however, be in receipt of revenues, as I have stated earlier, outside of the Yukon government and that will be applied to recover money that we provide for Crossroads. The Yukon Women's Transition Home — our 50 percent of their operational needs, which I believe is \$73,000 or \$76,000 — increased our grants somewhat this year, so that is the reason why we have the increase in the grants this year.

Pioneer Utility Grant

Pioneer Utility Grant in the amount of \$117,000 agreed to

On Yukon Family Services

Yukon Family Services in the amount of \$56,000 agreed to

On Child Development Centre

Child Development Centre in the amount of \$65,000 agreed to
On Day Care Subsidy

¹⁷ **Mr. Kimmerly:** I am interested in this line. In some provinces the corresponding subsidies were increased, generally within the so called "six and five" guideline, but, in some provinces, as much as nine percent. I would ask if the real cost of day care service was surveyed and I would ask the minister if he can tell us whether the real cost of day care services, in fact, are expected to be maintained at last year's level, as well as the subsidies?

Hon. Mr. Tracey: I am not sure whether the costs of day care services have gone up. I expect that in some areas they have gone up and, in other areas, they have probably remained the same.

We have not increased our subsidy this year. It is something that I may consider later on but, when we were in the process of putting this whole budget together, we did not get that part addressed. If I do do it, we will bring it in as a supplementary.

However, there is going to be a decrease this year in the use of day care because some of the people have left the territory and others are not on the work roll anymore. We expect a slight

decrease; however, we have not changed our budget. If we do, in the future, give a six percent increase, perhaps the budget that we have in place will cover it.

Mr. Kimmerly: I thank the minister for that statement.

I would simply say that, because most frequently the people who receive the subsidies are single mothers who are working — and there is, of course, a correlation between the number of single mothers working and single mothers on social assistance, and I am sure the minister will agree on which is preferable — it is our policy that if the real costs are increased, even if it occurs in one area and not in some other area, that the subsidies ought to be looked at and considered in that light. It may be that it would be advisable to increase the subsidy only in that one area, if that was clearly appropriate because of the costs.

The other comment I make is: the minister talked about possibly giving a six percent increase and I would state that it is our policy that the increase ought to reflect the real increase in costs, whatever the percentage would be.

Hon. Mr. Tracey: My party is fully aware of what the opposition party's philosophy is in regards to day care. We do not share that philosophy; however, I concur that where we do supply the subsidy for people in need, I believe we should try to help them. I will give you my commitment that we will be looking at this and if it does require an increase we will probably give a six percent increase. We have held everything else to six percent and I do not believe that we would be going above six percent on this under any circumstances.

Day Care Subsidy in the amount of \$96,000 agreed to

On Alcohol and Drug Services

Alcohol and Drug Services in the amount of \$368,000 agreed to

On Community Alcohol Grants

Mr. Kimmerly: I wonder if it is possible to identify which communities the grants are going to and, in a very general sense, for what?

Hon. Mr. Tracey: No; all I have is grants funding for approved community-initiated alcohol programs, so I do not know to which communities it is going. It does go to communities that have an alcohol program. We fund them somewhat, but I do not have the figures with me and cannot give them to the member.

Community Alcohol Grants in the amount of \$20,000 agreed to

On Income Supplement for Senior Citizens

Income Supplement for Senior Citizens in the amount of \$382,000 agreed to

On Yukon Women's Transition Home

Yukon Women's Transition Home in the amount of \$73,000 agreed to

Grants in the amount of \$1,177,000 agreed to

On Alcohol and Drug Services

Hon. Mr. Tracey: The decrease is a result of the centralization of pool car transportation within the Department of Government Services and centralization of training for community alcohol workers within General Administration, Human Resources, and through allowing vacancies which occurred from time to time in our contract Community Alcohol Worker positions. So we have reduced that somewhat as well. That is the reason why it shows a reduction. It is not a reduction in services; it is only because of transfers of various parts of the program.

Mr. Kimmerly: I am interested in the statistics on page 87, especially under outpatient treatment. The figures appear to me to be lower than I would expect, and I would ask the minister if those are indeed correct and do they reflect the out-patient counselling service as supplied by alcohol and drug services of YTG, and are there in fact other services supplied by that branch and not identified in those figures?

Hon. Mr. Tracey: I believe the figures that you see before you are accurate. I have no information, from my department, that tells me that that is not an accurate figure. I would have to go with the figures that are printed there.

Mr. Kimmerly: It means that there are approximately 11 counselling sessions per month or two or three counselling sessions per week. I am under the impression that the counsellors are doing a lot more than that. Nevertheless, I will leave it. It appears to be

unrealistic to me, however, I have no concrete information on the topic.

Hon. Mr. Tracey: I would be quite willing to talk to my department and, if there are more counselling sessions, I would make the figures available to the member. Perhaps, what they are talking about is the number of clients instead of sessions; I do not know.

Mrs. Joe: On Page 87, under the Community Programs, Rural, the number of cases in those communities is 50. Also, forecasted estimates for it this year is 50; is that quite a high number? How many alcohol workers do you have in the communities? Under the number of cases, the number of community contacts; what does that mean?

Hon. Mr. Tracey: I do not think 50 is a high number for alcohol counselling in the communities. I think we have to recognize, especially on a community level, that it becomes much more obvious who is in need of counselling. I do not see that as being a high number at all. As for the number of alcohol counsellors that we have in the communities, I could not give you that number right off the top of my head; I do not have it with me. Most of these people are just contract casual employees for us, so I would have to come back with that.

Mrs. Joe: I also wanted to find out what the number of community contacts meant.

Hon. Mr. Tracey: Number of contacts is exactly what it states; it is the number of people who these community alcohol workers would be speaking to and contacting.

On Education/Prevention

Education/Prevention in the amount of \$11,000 agreed to

On Rural Community Programs

Rural Community Programs in the amount of \$151,000 agreed to

On Out-Patient Treatment

Mr. Kimmerly: I realize this line is only \$2,000, but I really wish to speak about the person-years which are not in the specific line but which relate to the program. It is my expectation that the figures on Page 87 are, in fact, all monthly figures, and that three are, under out-patient treatment, 160 ongoing patients over the course of the year and the number of counselling sessions is approximately 130 in a month, or approximately 35 a week, or so. Is the department satisfied that the out-patient service is appropriately staffed and is the minister aware of any pressure of work in the department which leads the managers to investigate the possibility of increasing the staff under this program?

Hon. Mr. Tracey: I believe the member is right; that is a monthly figure. That would clear up a lot of questions we had originally about the number. All the rest are monthly averages and I would guess that is the average, as well.

We have a new program manager for Alcohol and Drug Services. I believe that we are well enough staffed. I have been over there and have talked to the people there; they seem satisfied with the staffing arrangements. I suppose an argument could always be made that you need more people, but in these tough economic times I do not believe that we would be able to provide any under the circumstances we are in.

I think they are doing an adequate job. The whole Alcohol and Drug Services program is being looked at, at the present time, to see if there should be any changes made to it. If the recommendation is that there should be some changes, we will be addressing it this year.

Out-patient treatment in the amount of \$2,000 agreed to

On Alcohol and Drug Services

Alcohol and Drug Services in the amount of \$167,000 agreed to

On Residential Facilities

Hon. Mr. Tracey: There has been a slight increase in this budget that is due to accommodate increases in those areas where a little discretion exists such as food, household and kitchen items, et cetera, which are subject somewhat to occupancy levels within the facility. That is the reason why we have this slight increase this year of \$83,000.

On Youth Services Centre

*Youth Services Centre in the amount of \$762,000 agreed to
On Macaulay Lodge*

Mr. Kimmerly: I realize this is not the capital budget, but is a timetable established for the renovations identified in the last capital budget?

Hon. Mr. Tracey: We are hopeful that we will get some design plans done and get started this summer with renovations. I have had people come up from the department in Alberta to give us some recommendations of what we should be doing. I believe that that is completed now, so we will be going to get plans finalized for that building and, hopefully, we will get started within the next two or three months — at least get a start on it sometime this summer. I am not sure that we will be able to complete it this year, but I hope so.

*Macaulay Lodge in the amount of \$659,000 agreed to
On McDonald Lodge*

*McDonald Lodge in the amount of \$274,000 agreed to
On Detoxication Centre*

Mr. Kimmerly: Last year, I identified concerns about the capacity for admission beds, which I believe was and remains only three. With the average number of admissions per month at 92, it indicates that the admission beds are always occupied indicating, possibly, people being turned away. Is the minister aware of any problem in this area?

Hon. Mr. Tracey: No, we do not have a problem in this area. I think what we would find is that no matter how many beds we had, we would probably fill them up. There are people who come to the Detox Centre that really we should not have there. We have some people going to the Detox Centre for the 240th time. We have the bed space; we do utilize the bed space; however, these people should really be turned away. There is no way that we can help some of these people and if they are not willing to help themselves, or not capable — well it is not a case of not being capable, they are not willing to in a great many cases — and they treat the Detox Centre somewhat as a hotel. I do not think it would matter how many beds we had there, if we had them we would utilize them.

Mr. Kimmerly: It is interesting that the minister states it is not a question of the residents being not capable, it is a question of them being not willing. I suppose it is a fundamental question of attitude; however, I would reverse it. It is my opinion that the majority of the users of Detox are in fact not capable. It is an interesting difference in philosophy, of course, and I will not pursue that because the minister will probably agree to disagree.

I am interested in a policy question about allocation of resources. The minister and I, I am sure, would agree that many of people using the facility are not the client group that the stated purpose of the facility is designed for. Indeed the minister actually stated that. In view of that, and in view of the fact that there is not a facility in town that is a functioning — and I will use the phrase — flophouse, nightly hotel, mission or Salvation Army home, something of that nature, are there any discussions underway or any initiatives underway with perhaps private groups to attempt to supply the kind of service that is occasionally being filled by the Detox Centre? I raised the question very, very seriously.

There is discussion around public drunkenness and public drinking, as well. I suppose the question of the appearance of various areas in the city there is obviously a difference in the need for such a facility in the summer and the winter. In view of the problem stated by the minister concerning the use of Detox, are there any initiatives planned to correct the problem and supply an alternative facility?

Hon. Mr. Tracey: No, at this time there are no plans to supply an alternate facility. If some organization or group of people felt that this was justified, we would probably extend as much help as possible to them. I am not sure that we would extend the monetary help. I do have a different basic philosophy if he believes that these people are incapable, because I believe that they are capable; everyone has a mind and there is nothing forcing one to take that first drink. If they would stop themselves from doing that, then we would not have the problem that we do have. I have very mixed emotions about asking the taxpayers to supply facilities and to supply room and board for people who refuse to try to help

themselves. We do have a basic philosophical difference there. However, I recognize that there are people who do not want to help themselves and, if there are people who want to help them, then I say good for them and we will give them as much support as possible.

Mr. Kimmerly: I am moved to make a further comment. If the minister ever finds himself visiting any skid row in any town in Canada, I would recommend that he ask the people if they are there because they want to be. He may get an answer he does not like. The question of course is a very serious one and relates to various other issues. In a strictly monetary sense, it may be cheaper to assure the maintenance of a different kind of facility, and it is probably the preference of taxpayers that the maintenance of the failed people on skid row be done as cheaply as possible in a humane way. I am speaking to the minister as a result of our difference in philosophies only about the economies, and I believe it is the case that cheaper facilities can supply a better service to a greater number of people if the direction of the service, or the goal of the service, is maintenance or assistance or welfare, as opposed to treatment.

I simply reiterate that statement as a strong personal view.

Mrs. Joe: I just thought I would get into this debate in terms of the problems that we had with the number of people who drink and do not seem to be able to get along with the rest of society; and certainly, our philosophies are much different, but what I would like to make a comment on at this time is that I think that, even though the minister says he thinks very differently than we do in that these people are not willing to help themselves, I think they are fortunate that there are groups of people in the Yukon who have decided that they want to help those people who are, as he says, not capable or not willing to help themselves.

I think we can just go back to when Crossroads started up many years ago by a group of people who were concerned about the alcohol problem in the Yukon. The government has taken over that responsibility, and that was good. Also, the same thing happened with the transition home. I do not very often say this, but I was a little bit encouraged by what the minister had said in regard to an alternate facility, and that they would extend as much help to them as they could, possibly in terms of support, or whatever. So that all of these things that are happening are happening as a result of interest from the people of the Yukon who have taken it upon themselves to care about what is happening.

I would like to mention right now that when we talk about the problems with the youth — and the minister indicated yesterday that there is nothing we can do about it until society changes their attitude towards alcohol; I do not believe that — we can see what is happening right now in the detox centres as a result of waiting for society to change and there is no way that I want to see our youth today end up having those same problems. I think that we have to think very seriously about what is happening with our youth so that we do not have to build bigger detox centres and bigger Crossroads facilities for them.

Hon. Mr. Tracey: I cannot leave the member across the floor implying something that this government is not doing, has no intention of doing and has never done. The member across the floor raised the subject of the Detox Centre and Crossroads. The serious people who go to Detox and Crossroad are people who are trying to help themselves and we, as a government, are trying to help them help themselves. The people who the member for Whitehorse South Centre is talking about are people who are not trying to help themselves. They are not willing to help themselves and, philosophically, I disagree with your concept that we should help them not help themselves. I do not agree with that and my party does not agree with that.

You attempted to imply that we do not want to help children either, and that is not the case. Children are people who we can help and we do help. Incidentally, I have a note from my department with regard to the programs that we do put on in the school. We have several programs in the schools in the City of Whitehorse. In the grade eight class in Jeckell Junior High we have an alcohol awareness presentation. In the Porter Creek Junior High, grade eight and nine classes we have an alcohol awareness

presentation. In the Selkirk Elementary School, there is a panel discussion for parents of grade six students and it is open to all. In the F.H. Collins grade ten class, there is an alcohol awareness presentation, and that is part of an ongoing drinking and driving program. We have been involved in the schools trying to educate children not to become involved in alcohol and drugs and there has been close cooperation between my department and the Department of Education in order to do this.

Mrs. Joe: As my colleague said, I am not going to further debate this but I would like to thank the minister for bringing back this information that I had asked for yesterday. I am glad to see that the Alcohol and Drug Abuse Program is becoming involved in alcohol education in the schools; I think that is a very good move.

Detoxication Centre in the amount of \$298,000 agreed to
Residential Facilities in the amount of \$1,993,000 agreed to
On Administration-Health Services

Hon. Mr. Tracey: The increase in this area is primarily due to the return to the 10-day fortnight and, as a result, increased salary costs. An allowance has also been made for an increase in costs for the specialized forms such as hospital claims, doctors claims, et cetera. As a result of the cuts we made last year, we did not purchase many of these to try to save money to get us through. Subsequently, this year there is a slight increase in that area in order to bring our stocks back up to the level that is necessary.

On General

General in the amount of \$194,000 agreed to

On General Health

General Health in the amount of \$56,000 agreed to

On Yukon Hospital Insurance Service

Yukon Hospital Insurance Service in the amount of \$35,000 agreed to

On Yukon Health Care Insurance Plan

Mr. Kimmerly: I cannot let this item go by without clearly stating, for the record, that this is a totally useless expenditure and an NDP government would save this \$250,000.

Hon. Mr. Tracey: No, the NDP, if it were a government, would not save that money. What they would say is that the general taxpayer should foot the bill for everybody.

Yukon Health Care Insurance Plan in the amount of \$237,000 agreed to

On Administration — Health Services

Administration — Health Services in the amount of \$522,000 agreed to

General Health Services

Hon. Mr. Tracey: The funds projected in this area represent 70 percent of the annual costs of general health services as provided by the Medical Services Branch. The funding level projected is based upon figures provided by the Medical Services Branch and we have very little control over it.

Mr. Kimmerly: Rather than ask questions, I would like to make a comment or two about preventative health. I realize that this is not an area of exclusive YTG concern yet, although there is a strong influence that can be exerted by the minister.

Our policies are clearly to the effect that money spent on preventative health and fitness is well-spent and the taxpayer receives the benefit later on by reduced illness. Also, the general economy is benefited if the population is in a good state of health. Although that sounds very, very general and non-specific, some of the provinces are recognizing the very large financial gains or savings to be made in this area and it is an area of continued development. I would encourage the minister in any of the efforts that he will undertake in the future in this area.

I would also wish to develop, in a more relaxed setting, a question I asked in Question Period about family planning and birth control. It is obviously a sensitive subject to many people, but it is a very important subject. Because it is a budget, I want to emphasize some of the costs involved, even though the most important considerations are, perhaps, in other areas for many people in the religious and moral area.

I am sure that most members would agree that abortions should be kept to a minimum. Some members will speak much more forcefully about that issue and state a very clear position. Especially

concerning young people who are, perhaps, most at risk, an argument has been made by several community people that, solely on a financial basis, it is a saving to the taxpayer to avoid unwanted pregnancies and unwanted children in society. Has any serious consideration been given to a simple program of supplying birth control information and birth control devices as a means of saving taxpayers' money?

Hon. Mr. Tracey: I will deal with the first part of it first — the preventative health care. We have an almost complete organization in the territory of health centres and nursing stations and they are very well-equipped. In excess of 90 percent of all the children in the territory are immunized and the medical services branch holds regular public health clinics throughout the territory. Doctors go out to various areas on regular trips. There is a comprehensive prenatal program and there are school programs on maternal and child health care, and there are child health clinics and, in addition to that, the field nurses in the outlying areas conduct acute care clinics daily.

On top of that, we also have the dental program in the school so I believe that we do contribute towards preventative medicine in the territory. I guess an argument could be made that it does not matter how far you go, you could go further yet and I agree with that; however, it reaches the point where it is very costly to go further. I believe that we do have a fairly good system of preventative medicine so far — that could be better, of course.

With regard to the abortion and the supplying of contraceptives for children: as far as information goes I think it is great. I would like to see more of it going on especially at the school level; however, when it reaches the point of actually supplying contraceptives free, my friend across the floor and I have a great philosophical difference there as well. He might maintain that it is cheaper for us to supply the contraceptives than it is to put up with the medical and other costs afterwards. However, another very strong argument could be made that once you get into a program such as this, what you are actually doing is encouraging the conduct of the children into a line of conduct that you would not, under other circumstances, wish to happen. I would have great difficulty with going along with the member's philosophical idea there.

Mr. Brewster: I am going to have to get this on record. I am very happy that the minister said "almost complete health station services". I think that should be on the record, "almost complete".

Hon. Mr. Tracey: Yes, we still have Beaver Creek to go yet.

Mr. Kimmerly: I am aware of two studies in Alberta, and I realize that the information in this area is yet tentative even in 1983, of the availability of birth control methods as it compares to teenage sexual activity. It was absolutely and clearly found, in both of the studies I am aware of — I will try to find them for the minister — that sexual activity precedes the person's knowledge and acquisition of birth control methods universally, at least in southern Alberta. The implications of that are very clear in my mind that the supply of contraceptives simply responds to a situation which exists and does not in fact encourage what may be thought of as immoral activity.

Hon. Mr. Tracey: I would just like to react to that. My philosophy on this is that, rather than accept what is happening in society today and provide contraceptives to handle the situation, I would much rather spend that amount of money educating those children in the school so that we can change our society so that we do not have to put up with what we are putting up with today. If we go along with the proposal that the member opposite is making, all we are going to do, in my opinion, is bolster the immoral conduct that is going on today amongst our younger generation, rather than try to educate them to become more adult in their attitudes.

Mr. Kimmerly: It does not work.

On Dental

Mrs. Joe: I just have one question and I should have asked it. I was wanting to know to what age group the dental plan applies to in schools?

Hon. Mr. Tracey: I believe it goes to grade eight in the school.

Dental in the amount of \$379,000 agreed to

On Mental

Mr. Kimmerly: I cannot let this item go by without a brief comment. I have commented in previous years that there are very

large gaps in the service available in Yukon; they are slowly being filled but, in my opinion, too slowly, and I wish to put on record again that I reiterate and re-emphasize our position that the direction in the service ought to be an increase in community-based and community level personnel as opposed to acquisition of more outside experts.

Hon. Mr. Tracey: As has been stated in this House on previous occasions, I believe that we need a mental health care facility here. I have been informed by the director of the medical services branch that they have focused a lot of attention on mental health and they have increased their staffing by two staff members, and a complete review of out-patient needs has been undertaken. I think the fact that we spent a fair amount of time discussing this last year has had a beneficial effect, at least under the medical services branch. They are focusing some attention on it. My department has been conducting ongoing discussions with the medical services branch to try to address this problem and I am happy to say that at least some things are being done about it.

²⁷ *Mental in the amount of \$207,000 agreed to*

On Environmental Health

Environmental Health in the amount of \$130,000 agreed to

On Health Education

Health Education in the amount of \$32,000 agreed to

On Special and Chronic

Special and Chronic in the amount of \$47,000 agreed to

On Health Centres

Mr. Kimmerly: I would just like to ask, in order to further build a case, if there are any initiatives planned for Beaver Creek?

Hon. Mr. Tracey: For Beaver Creek, the member for Klwane would be happy that he asked that question.

We have been working quite diligently to try to get a facility put into Beaver Creek. I understand that there is consideration being given to converting — I am not sure if it is a Yukon Housing Corporation building or a federal government building, but I believe it is a Yukon Housing Corporation building — a building to be used as a health centre. However, there is still the problem of trying to get a steady nurse there, so we are following up on that. In fact, there have been meetings as late as a couple of days ago regarding this so we are continuing and, sooner or later, we will win the battle and we will have a nursing station in Beaver Creek.

Mr. Brewster: I would like to thank the opposition. I now realize that they are coming to our side on a number of things. Thank you very much.

Mr. Kimmerly: In order to emphasize that point, I ask: is the planning underway for a centre in the projected community at Tarr Inlet?

Health Centres in the amount of \$736,000 agreed to

On Health Stations

Health Stations in the amount of \$28,000 agreed to

General Health Services in the amount of \$1,559,000 agreed to

On Yukon Hospital Insurance Services.

Hon. Mr. Tracey: This has been increased substantially to fully reflect the Government of Yukon's 100 percent contribution, as I said in my opening remarks. During the past years, limited resources have not enabled us to fully meet our budget, and we have actually been running a deficit with the federal government; we have not been paying our bills.

However, when we received this year's budget money from the federal government, we also received an increase in our budget in order to cover our full costs. We are now required to pay the federal government the full amount of the service and that is why you see a substantial increase in this budget, over \$3,000,000, in order to fully meet our costs. We still have some negotiating to do about the previous year's cost; however, from now on, we will be paying our bill in total for hospital insurance services.

²⁸ **Mr. Kimmerly:** This is a very large amount of money, \$11,500,000, and really there is not sufficient information to comment on the efficient operation, or otherwise, of the Yukon hospitals. There is not even a breakdown by community and, because of the rapidly changing jurisdiction in this area, is it the minister's intention, in the long term, as the Yukon government obtains more and more control in this area, that additional

breakdowns will be made in future budgets?

Hon. Mr. Tracey: I can assure the member that there has not been a great deal of change in our control over the hospital insurance services. We would very much like to take these over and, if we did, I can assure the member that it would be broken down more than it is right now. However, we do not have any control over the money that is expended for the hospital insurance services. That is done under the auspices of the medical services branch and we get the bill and we pay it.

On In-Patient Services

In-Patient Services in the amount of \$10,823,000 agreed to

On Out-Patient Services

Out-Patient Services in the amount of \$653,000 agreed to

Yukon Hospital Insurance Services in the amount of \$11,476,000 agreed to

On Yukon Health Care Insurance Plan

Hon. Mr. Tracey: The increase reflected here is to cover the negotiated increases for doctors' fees both inside and outside the territory. That is the sum total of the increase.

On In-Territory Doctors

In-Territory Doctors in the amount of \$3,722,000 agreed to

On Out-of-Territory Doctors

Out-of-Territory Doctors in the amount of \$614,000 agreed to

On Reimbursements to Residents

Reimbursements to Residents in the amount of \$39,000 agreed to

On Payments to Dentists

Payments to Dentists in the amount of \$15,000 agreed to

On Pharmacare-Extended Benefits

Pharmacare-Extended Benefits in the amount of \$120,000 agreed to

Yukon Health Care Insurance Plan in the amount of \$4,510,000 agreed to

On Mental Health Services

Hon. Mr. Tracey: This is a similar level of being maintained as in 1982-83. Based upon the continuing trend in medical practice being away from the institutionalization of the mentally ill, no increases are anticipated in this area.

²⁹ **Mr. Kimmerly:** I am aware of the ongoing study into the *Mental Health Act*, and I would ask: is it under this line that Dr. Cohen has a contract to give input to the territorial government on the review of the *Mental Health Act*?

Hon. Mr. Tracey: No, it is not under this line. If it was under any line, I suppose it would be under general medical health. This line item here deals with travelling in and out of the territory and supplying of drugs and supplying of escorts for mentally ill people, and such as that; it does not include the psychiatrist.

Mr. Kimmerly: Is there any projection or any long term goal, say, for a revision of the legislation in this area?

Hon. Mr. Tracey: Yes, my department has been reviewing it in conjunction with the federal government, and hopefully some time in the future we will be working on an act.

Mr. Kimmerly: Is the minister able to say, and I am not asking for a concrete commitment, that the act will probably be in the life of this legislature?

Hon. Mr. Tracey: I could not guarantee that, but I would hope so, yes.

Mental Health in the amount of \$237,000 agreed to

Mental Health Services in the amount of \$237,000 agreed to

On Subsidized Medical Travel

Hon. Mr. Tracey: The increase is to reflect the increased costs associated with medically approved travel, particularly travel to medical facilities outside Yukon.

On Travel Outside Territory

Travel Outside Territory in the amount of \$380,000 agreed to

On Travel Within Territory

Travel Within Territory in the amount of \$180,000 agreed to

Subsidized medical Travel in the amount of \$560,000 agreed to

On Disease Control

Hon. Mr. Tracey: The increase here is just to cover the increased costs of doctors' services in this area.

On Venereal Disease

Venereal Disease in the amount of \$25,000 agreed to

On Tuberculosis

Tuberculosis in the amount of \$17,000 agreed to

On Cancer

Cancer in the amount of \$100,000 agreed to

On Communicable Disease

Communicable Disease in the amount of \$42,000 agreed to

Disease Control in the amount of \$184,000 agreed to

On Speech Pathology

Mr. Chairman: Before we get into this, I think we should take a recess.

Recess

Mr. Chairman: I now call Committee of the Whole to order. We will continue under speech pathology.

Hon. Mr. Tracey: The increase is to reflect the full staffing of all four positions within the speech pathology unit, namely two speech pathologists, the audiologist, and one clerical support person. Last year, we were unable to staff these positions; therefore, the budget reflected this under-utilization. This year, we are budgeting the full amount. We will be interviewing for both positions within the next week or so and we have some very good candidates, and we hope to have both of these positions filled by July 15th.

Mr. Kimmerly: I welcome the good news that the positions are expected to be filled by July 15th. I realize the problems in attracting qualified people for these jobs and I realize the very well-documented need in the Yukon for the extension of this program. We totally support this program and are glad that the recruitment is now expected to be successful.

Speech Pathology in the amount of \$209,000 agreed to
Department of Health and Human Resources in the amount of \$29,514,000 agreed to

On Department of Justice

Mr. Chairman: Is there any general debate?

Hon. Mr. Ashley: Before consideration of the individual programs, I should like to give a brief overview of the department.

To achieve its goals and objectives, the department is required to fulfill two functions: that of Attorney General and that of Solicitor General.

The Attorney General is directed towards upholding the rights in law of the individual and society and providing the forum wherein redress may be sought for perceived wrongs. In doing this, it also provides legal advice and services to the government.

The Solicitor General is charged with the protection of the persons and property of society in Yukon. This also entails the provision of facilities for the custody of person apprehended or sentenced by the courts and the development of programs to assist such persons on their return to society.

There has been no increase in person-years, which is 108, but it must be noted that these are YTG person-years only. No person-years are shown for policing services: those services, as members know, are supplied by the RCMP under contract.

The total being requested is \$10,312,000, and I would like to deal with it on an item-by-item basis, starting on page 144.

Mrs. Joe: I have some questions that I would like to ask of the minister; they are in relation to all of the different departments of the Department of Justice.

I have some notes here that I would like to use, but I spoke at great length last year and did not really get much of a response. I think that the minister probably was not prepared for the questions that I had asked, so, if it is okay with the minister, I would like to proceed question by question, rather than all at once.

Hon. Mr. Ashley: On what?

Mrs. Joe: On general debate, on the whole department.

Mr. Chairman: Of course.

Mr. Kimmerly: I have some questions. I raised the issue of the departmental objectives last year and I must say that I am very pleased to see an attempt at a proper outline of the objectives of the department. The minister's remarks, of course, elaborate on that and I welcome them.

I am interested in the objectives — especially the statement of the objectives. It seems to me that many so-called experts or professionals in the justice system lose sight of the general objectives of most citizens. They occasionally cannot see the forest for the trees.

³² I am interested in the general objective to reduce crime, or to protect property and protect the person. I would ask the minister if he is willing to comment on a suggestion or two. I see under departmental objectives, the second one, "to protect the persons and property and society of Yukon". I would recommend that there be a slight re-emphasis on the objectives as follows, "to protect the persons and property of Yukoners and to reduce crime". I do not mean to be engaging in a useless argument but the objective "to reduce crime" in the general sense is not in fact stated in a clear way and it would relate to preventative programs, of course, in the justice area. I would ask the minister for a comment on that general question.

Hon. Mr. Ashley: I find the member's comments interesting. I will certainly have a look at it and see if maybe it should be in there. It is certainly an emphasis as to what the department has placed on things. We are doing that.

Mr. Kimmerly: I thank the minister for that and I raise another question about the objectives and the wording of them on page 141. The objective as stated is "to provide facilities for the custody of persons apprehended or sentenced by the courts and to develop programs which will assist such persons on their return to society". As a very minor suggestion, I would suggest that the words "develop" and "deliver" programs would be a proper objective, as the department of course actually does do that.

On a more important and a more serious topic, the corrections officials are frequently engaged in debates about rehabilitation and about protection of the public, and the debate in Canadian society, and indeed in the world, has gone through various stages in the last approximately 40 years, or so, and the objectives, as stated by corrections departments, have changed in the last 40 years. It used to be that the objective of jails was to protect society from dangerous people. That continues, although correction officials and ministers of justice around the world have frequently stated that their objectives are rehabilitation or correction, and that is the statement currently being made by this department.

³³ I would recommend a consideration be given to including as an objective the statement "protection of society", as it is still a relevant and important consideration, especially for violent and assaultive offenders, and it could be stated a little more clearly. More importantly, there is a developing philosophy in corrections that a large number of people who are in jails are revolving-door criminals, or recidivists, and in the Yukon that is clearly the case. The individuals, as personalities, indeed, are even known to the officials because of the size of the population here.

Keeping many, and I will say most, of those people in jails at approximately \$80 a day, is a very, very expensive social program and I would make the claim that over the last 10 or 20 years or so it is quite clear that the success rate, if the goal is rehabilitation, is very, very small. The recidivism rate in the Yukon is in the neighborhood of 80 percent, which is about the same as the national average.

For some classes of people in jails, and I am going to make the claim that it is the majority of people in jails in Yukon, they are not security risks in the sense that the public is in danger of being assaulted, or even that their property is in substantial danger, if those people are not either drunk or completely destitute at the moment. An objective of providing meaningful supervision and employment at a far cheaper rate than is traditionally the case in jails, I submit, ought to be looked at.

The expense of jails is largely due to the very large staff-inmate ratio, and that is largely in response to security risks. I do not mean to suggest for one moment that there are not security risks; there clearly are. However, in the Yukon, they are very small in number. The majority of people in jails could be well looked after in such facilities as camps, cutting wood or building parks, as examples. It is interesting that there exists already a very productive work program at the jail and many of the inmates in the jail do productive

work under supervision.

4 I am proposing that more serious consideration be given to expanding that program and expanding it to include a residential component. It appears to me that it would be very much cheaper and also very much more humane, and I would expect it would receive a great deal of public approval if people sentenced to jail worked, and were maintained in a cheaper way.

I am very conscious of the existing rehabilitative programs and I do not wish it said, or have my remarks misinterpreted, that I am opposed to those. I am not. The rehabilitative programs are generally very good efforts, although there are some inmates who would be far better served, as would be society at large far better served, by a work camp, for example.

I am also interested in the prospect of wood heat at the jail and the use of inmate labour to supply the wood. I raise that as a general comment about the departmental objectives in this department and would invite a response.

Hon. Mr. Ashley: I would like to inform the member that, in fact, we have tenders out for such things as camps. As soon as I came into the department last fall and saw the work that they were doing out in their areas, I felt that it would be certainly a worthwhile program to initiate. I am working towards that now, so we are certainly looking into alternate methods rather than just having them sitting in the correctional institute.

As for wood heating, part of the Pelly School is wood-chip heated now. If that program works well we will certainly be looking at — and I believe the government leader has stated that before in the House — putting that into other centres. The Whitehorse Correctional Centre is one of the places that we would be putting it in for sure, if it is practical.

Mr. Kimmerly: I thank the minister. Again, that is an interesting revelation of a general direction in the department and I say, personally, that I welcome it. Will we possibly see an expansion of the wording of the objectives in future years to include an objective to maintain meaningful employment for people in custody?

Hon. Mr. Ashley: I am not positive on that one, but we will certainly be looking at it.

35 **Mrs. Joe:** I keep coming back to the position of deputy minister. I realize, of course, that is a very personal thing, as was mentioned by the government leader. I see again, this session, that Mr. Duncan is in the Gallery.

I had asked a question last year about my impression that there was an acting deputy minister being looked for, at that time, to possibly do the work of the deputy minister while he was on sick leave. The information that I got back during this session was that they are not looking for one, although that was the answer I got in a written question. Rather, they are only looking for a solicitor.

I keep harping on how important the justice department is and I always feel that the government does not put that high a priority on it. I believe that it should have that. Could the minister tell me what the status is of that? I suspect that the deputy minister is not going to be coming back until he feels that he is well enough to do so.

During the last session, I understood that we were short of a solicitor in the department and I just wondered if that was still the case. If, in fact, the deputy minister is not coming back for a few months, are we going to be looking for an acting deputy minister?

Hon. Mr. Ashley: Yes, we have an acting deputy minister; he is in the Gallery at the moment.

I am actively looking for a consultant to come in to do some restructuring in the department. Hopefully, within the next month, I should have that person here.

Mrs. Joe: If the acting deputy minister is in the House right now, who is replacing him as the judicial administrator?

Hon. Mr. Ashley: He is doing both jobs and has been since Mr. O'Donoghue became ill.

Mrs. Joe: I guess what I want to know is: how soon can we expect whomever it is we are looking for, whether he is an acting deputy minister or whether he is a consultant? How soon does the minister think that we might be able to obtain that person?

Hon. Mr. Ashley: As I just finished saying, hopefully within this month I will have that person.

Mrs. Joe: I have no more questions on that, but I would like to go into the *Young Offenders Act* and, of course, we know that we will be dealing with that this fall, I believe.

I have some statistics from the RCMP, from last year, that tell me that from July to December of 1982, there were 95 crimes committed by juveniles, in only that short period of time; that is, kids under 16 years old. In that same period, there were 39 crimes by people 16 and 17 years old, who will probably come under that act. So, there is a large increase in the work that is going to have to be done and I wondered if the minister could tell me what plans there are to deal with that?

36 **Hon. Mr. Ashley:** There is a problem there. The Solicitor General has felt it not necessary that he advance funds to us for it, and so we are actively negotiating with him to try to change his mind. We have actually come up with funds on legal aid, which will be part of this as well. Under the *Young Offenders Act*, more people will have the right to legal aid. My talks in Ottawa in January with the Attorney General were much more productive than they have been with the Solicitor General. He is willing to kick in one-half, up to \$250,000, I believe, to our program, for which we were only receiving \$50,000 from him before. Those talks with the Attorney General were very successful but, so far, not with the Solicitor General.

Mrs. Joe: Still dealing with juveniles, I asked the minister, during the last session, about the drinking problem among teenagers, and I keep going back to that. One of the things that I did mention at the time is that a charge of under-age drinking comes under a voluntary fine; you get charged and you can go pay the fine. One of the things that that does is take it away from the courts, and prevents the court from being aware of who those problem drinkers could be. Before it was a voluntary fine, and all of the young people who were being charged had to go to court, we did have a record of them. If we felt it was necessary for that person to go for some kind of alcohol counselling, it would be ordered by the court and the person would be placed on probation. I think it was one way of trying to deal with the under-age drinking problem that we have.

The minister said to me at that time that he would check into it and find out whether or not the process could be brought back. It was just one small way of trying to deal with a problem through the courts.

I am sorry, the minister said he was not sure what the question is. I hate to start it all over again.

We have an under-age drinking charge under the *Liquor Act* which is paid now by a voluntary fine — you can just go and pay it without having to go to court. Before that, if a young person was charged, he would go into court and there was a record of how many times a person was charged with under-age drinking. If the judge or the JP felt there was a problem with that person — if that person was charged maybe five or six times — then we would, in most cases, assume that that person did have a drinking problem, when you start getting them back to court that often. What we did in a lot of cases was them on probation, and one of the conditions of that probation was that they attend the alcohol awareness program for young people that the department had.

That cannot be done anymore because of the voluntary fine, where the courts are no longer aware of how many young people are being charged for under-age drinking or other alcohol offences. What I was saying to the minister was that something was taken away that could have been beneficial to solving the problem of young people drinking. I wondered whether the minister would look into that and see if there is any way that that could be taken care of again through the courts.

37 **Hon. Mr. Ashley:** Yes, I can look into it, but it is a complex area, because of the *Young Offenders Act*, and all the rest of that, complicating it. I will look into it and find out exactly what is happening and if we can change it, I see no reason why we should not.

Mrs. Joe: It would not necessarily fall under the *Young Offenders Act* because under-age drinking is under 19, and it would not be considered under the *Young Offenders Act* at this point in time.

Hon. Mr. Ashley: The *Young Offenders Act* will deal with anyone under 18 and the *Juvenile Delinquents Act*, right now, is 16, and so it does deal with a lot of them. I believe that is where the problem comes in, and I will look into it.

Mr. Kimmerly: I am reminded of an infamous case in March, 1979, in Yukon, on the general issue of under-age drinking, and I am also reminded of the previous discussion on birth control that occurred earlier in the day. The general problem, in my opinion, is that under-age drinking is a universally disobeyed law and that certainly in excess of 95 percent of teenagers do break the law at least once in a while.

The seriousness of the crime, in the public view, suffers because it is a universally disobeyed law, essentially. The problem is, if a teenager drinks and gets caught, it is probably appropriate that the penalty be relatively minor and that no big fuss is made of it. There is a very serious problem, in that some youngsters have an alcohol problem, and almost all the youngsters with alcohol problems go through the courts repeatedly on the very simple charge of under-age drinking. It is possible to identify that problem very, very early.

There was, at one time, a probation program whereby under-age drinkers, instead of being awarded a fine, were ordered to attend two evenings of alcohol education and group therapy concerning alcohol. Clearly, if you are interested in getting information about alcohol abuse to the abusers, that population of under-age drinkers is, of course, a very efficient target. That program no longer exists, and I believe my colleague is wishing to draw attention to the problem. I certainly wish to advocate the position that that program should exist, although possibly not for every under-age drinker. However, spending time and spending taxpayers' dollars on the problem of under-age drinkers is probably money very well spent as, later on, the problem grows and grows and it is more costly to citizens, taxpayers and the government in later years.

That is the general issue, I believe, and I would add my voice to recommend to the minister that the probation department look at that program again. I understand the planning is basically already done and other programs exist in other parts of the country. It could be offered with no additional manpower in Whitehorse.

Hon. Mr. Ashley: I would hesitate to say it is a universal under-age drinking problem, labelling 95 percent of our community as having that problem. I think that is rather high. I certainly would not state that anyway. I do believe there is a problem and so, seriously, I will make a commitment to look into it for the members opposite.

Mrs. Joe: I think what we were saying is not that all teenagers had a problem; we do know that most teenagers drink, but some of them do have problems. One of the things that I had thought about was, instead of the voluntary fine, have the RCMP order that a person appear in court. It is something that can be done. It is just another suggestion.

Hon. Mr. Ashley: Actually, some of the *Young Offenders Act* may look after part of this with the diversion programs that are being established under it.

Mrs. Joe: I am a member of the Juvenile Court Committee that has been set up by the court in the Yukon and I have been involved with it right from the start. The types of things that they are dealing with at this time are juveniles — juveniles under 16 years of age — but what we are talking about are juveniles between that age and under 19.

While I am on my feet, I would like to mention the Juvenile Court Committee, which consists of three committees, one of which is the Juvenile Diversion Committee. I think that it is a good program because it is one way of trying to deal with a young person who has just begun to get in trouble with the law. What we are trying to do in this case — with the committee that I am on — is divert that youngster from the courts so that they do not end up with a criminal record, and not only that, but try to deal with them in a different way. I think it is another thing that was set up by the courts, in a way, to try to deal with a problem that we knew was very great. There probably are about 35 to 40 people who belong to the committee.

I might mention here that there is a conference this weekend that

starts on Thursday night. For anybody who is interested in going, there are some workshops that are open to the public. I would like to commend the courts for setting up this kind of a program because I think it has got a large number of the community involved, which I think is the type of thing that should happen. The community has to become involved with the problems in the Yukon, especially with our young people. We can only deal with children at this time under 16.

Mr. Chairman: I would thank Mrs. Joe for the short commercial.

Mr. Kimmerly: I am going to raise an issue and I am probably going to talk about it again under legal aid. I raise it now because it affects various programs, most importantly, legal aid and the courtworkers and, to some extent, administration and court services. Also, legal services, I suppose.

³⁹ It is the relationship between the courtworkers and legal aid lawyers, or the legal aid services. I am going to be asking a few questions about any future directions in connection with those programs. I am aware that the Council for Yukon Indians, some time ago, made a request to essentially take over the courtworker program. I believe that is not actively under discussion at the moment, but it was in years back.

I am also aware that discussion occurs in, I suppose, all of the provinces and territories about the delivery of legal services under the various legal aid plans in the country. I would ask the minister if any plans are underway, or any evaluations are on-going, concerning the concept of a public defender.

Hon. Mr. Ashley: In answer to the question, no, I am not contemplating a public defender-type system. The department is having discussions with the Law Society right now and we are trying to figure out the most efficient plan, whether it be government-operated or Society-operated or a combination of both. That is what we are dealing with right now and I figure that should be worked out, hopefully, by the end of summer, that I will have legislation in here at some point dealing with the Law Society, the *Legal Profession Act* and legal aid.

Mr. Kimmerly: Is there any discussion about the changed or, perhaps, increased role of the courtworkers in the general scheme of providing legal aid services?

Hon. Mr. Ashley: No more than what they are actually doing right now, until we get this system worked out, then we will be able to work on that.

Mrs. Joe: People have maintained for years that there should be courtworkers in the communities and, of course, each year we keep getting the word back that there just is not enough money. But, if you are going to be having courts in the communities where JPs are dealing with summary matters that are quite serious, then I think that they also have to have a courtworker there to help that person who is going to court. I should not say in most cases — in all cases there is not anyone there to help the person who is being charged. I think that that is an injustice and I think that that has to be dealt with because you have to have something there. If you are going to have a JP court, then you are also going to have somebody there available to help the person who is charged, because if he does not really understand what is happening, he could very well be swept through the courts without realizing that, possibly, something could have been different.

⁴⁰ **Hon. Mr. Ashley:** I do not refute the statements the member makes but we still just do not have the funds to enable us to put a courtworker in every community. Until we have those funds I cannot do it.

Mrs. Joe: Last session we talked about the accountability of the courtworker program to the YTG and I understood at that time that there did not seem to be any accountability and they did not have to account for their activities. I think that I would certainly like to know a little bit more about the courtworker program; how effective it is, especially in Whitehorse, because that is where they spend most of their time.

Hon. Mr. Ashley: As far as the funds go, our internal auditor for the government of Yukon is auditing this program this year for both the Government of Yukon and Canada. That will basically only deal with the dollars and cents figures involved in that. What

you are asking for is a program audit of what it is delivering, and I will certainly look at that. If it can be done, I will get back to the member.

Mrs. Joe: I thank the minister for that. I would like to talk about the justice of the peace program right now, if I may. One of the things I would like to know about is the position of the executive secretary — that was my position at one time, the executive secretary to the Justice of the Peace Council — and last year the amount of money that was allotted to that person was decreased by \$5,000. I believed at that time, and I still do, that it has to be a full-time position because that person is very valuable in terms of dealing with the program and the court system. I would like the minister to give me some information on that.

Also, while I am on my feet, I would like to talk a little bit about the appointments of the justices and I would like the minister to respond. He is very aware, right now, because during Question Period I asked many questions. I think we all believe, and so do the people who go before the courts, that a justice of the peace should be trained. What is happening right now is that there are JPs who are being appointed who are not trained.

One of the things that used to happen was that before that person was appointed they would have to attend a JP conference. One of the reasons for that was for them to find out if in fact they were interested in becoming JPs, and at the same time for the JP Council to meet that person. That kind of thing was quite necessary because I think the JP had to know whether in fact they were going to be interested in becoming a JP and the council also had to find out whether in fact they thought that that person was the right person for it. I think, in order to eliminate appointing untrained JPs, there has to be some money found somewhere to have two training sessions a year. That is what used to take place. It probably saved money in the long run because you were able to use those trained JPs out in the communities rather than sending court circuits out there with about ten people. I do not think that it is fair to the people in the Yukon to have untrained JPs, in spite of what the minister has said about their not doing anything until they have had training. I think there are some documents that are being signed without prior training. That could very easily happen. There used to be a problem with search warrants being signed before people had had the proper training for it.

“I will just let the minister respond to that.

Hon. Mr. Ashley: There are no JPs signing documents or anything before they have some kind of training and knowledge in the field, mainly because we will not swear them in until they have that knowledge. They cannot, even though Cabinet has appointed them and designated them as JPs, sit or function as a JP until they are sworn in. That is how we control that aspect of it. I do not believe that we necessarily have to have two training courses. It would be nice, but we cannot afford it right now. What we are doing, in lieu of that, is having a judge train the JPs when they go to the communities. The JP sits in the court and observes, and is trained through that system. He also works with other senior JPs in the court, as well.

Mrs. Joe: I am quite aware of some of the things that the minister has just told me, but what is the purpose for appointing a person who has had no training? That is so totally unacceptable to me. The person who is appointed does not really know whether, in fact, he is going to like being a JP. I do not know what the process is and how they are recommended; I believe it is the same way it used to be, that they are recommended through the JP Council. However, I wonder about the purpose of appointing these untrained people and then training them later.

I know I will never get an answer on this, but the other thing I would like to mention is the denying of appointments to well-qualified people who are respected in their communities and whom the communities have recommended. If I could speak in the case of Barbara Hume, because she did give me permission to use her name in the House, the CYI, in their negotiations, have determined that they wanted to set up a justice program and there have been discussions on the types of things they would want to do. One of them, of course, was the training of Indian JPs under the present system. The people of Haines Junction and I cannot really accept

the denial of the appointment of Barbara Hume. I would have thought that that would have been a start in this type of a plan that they had. I find it very hard to accept the fact that she had been denied an appointment. Not only that, there was another JP required up there.

Hon. Mr. Ashley: I particularly do not like wasting public or taxpayers' money in training people and then either not having them appointed or having them dropping out. That is probably the main reason why I do not train them first. We will appoint them and, if they do not work out, we will have someone else appointed. There are no taxpayers' dollars spent in conferences and that sort of thing. That is the answer to that.

As I have stated many times in the House, it is a Cabinet prerogative, and that is the way it sits.

Mr. Kimmerly: I would like to enter the debate on JPs because there are a few things on my mind which I believe are very important. The direction in the Yukon in approximately the last five years has been extremely interesting. The direction in Canada is the reverse of the direction that the Yukon took approximately five years ago and it appears as though the program or the general direction is now faltering. I wish to explain it in some detail, I suppose, from my perspective.

In the provinces, there was increasing public dissatisfaction with both justices of the peace and lay judges or lay magistrates. All of the provinces have now changed their legislation and in order to be a judge or a magistrate under the *Criminal Code*, the judge must be a qualified lawyer with some years of experience, and the Yukon is no different. At the same time, in the provinces, there was a decline in the use of JPs and now JPs are not used anywhere except to sign documents, with the exception of some northern communities. The Northwest Territories experimented approximately 15 years ago by appointing a number of community-based native JPs, both Indian and Inuit. The experiment was very unsuccessful because, I believe, all of the JPs except one or two functionally left the job because of lack of training and especially because of the public perception of the untrained JPs being the robots of the RCMP in JP courts in the communities.

Indeed I have talked to many native JPs, and two specifically in northern Yukon — one in Old Crow and one in Dawson City — who were appointed and who stopped functioning as JPs because of a lack of training and they knew in their hearts that they were not doing a particularly good job and refused to continue. It was felt, in Yukon, that the JP court system was very valuable in that it increased native participation in the justice system and it increased community involvement in the justice system — a very desirable goal. To put it in concrete terms, a magistrate or a judge on a court circuit, going into the Junction or into Carmacks or into Old Crow, did not really understand the community problems and the people who lived there were the best people to deal with the problems.

“That principle, I am sure, enjoys a great measure of public support, especially in the communities.

In order for the JPs to fulfill that goal to act properly and independently in the communities, substantial training is necessary

—
Mr. Chairman, I am going to go on for some time and perhaps this is a proper time to adjourn.

Mr. Chairman: At this time, we will recess until 7:30

Recess

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

Mr. Kimmerly: I was informing Dr. Falle about JPs, I believe, when we left off before the supper break. To briefly recap, the direction in Canada has clearly been to move away from the use of JPs and towards the use of professional judges or, in layperson's language, experts. In Yukon, the direction has actually been the reverse in that, in the last five years, there was an increased movement towards increasing the job of JPs and for very good reason.

The JPs can only function well if there is adequate training provided for them. It is unfortunate, in my view, that the training dollars appear to be drying up somewhat.

⁰² The minister spoke about wasting taxpayers' money training people who may not eventually be appointed as JPs and I would like to firmly disagree with the statement that that is a waste of taxpayers' money. First of all, if any training is going on, it costs very, very little — probably only the travel costs — to extend the size of the class by a few more. If existing JPs or appointees are being trained, the training program can be adapted to a few more people at very, very small cost, and in some cases at absolutely no cost. Secondly, even if the people never become JPs, it is by no means a waste of money. The added information is returned to the communities, the awareness of the justice system generally is increased, and it is a method of public education and community development that is very, very cost-effective. I would disagree with the comments that it is a waste of taxpayers' money.

⁰³ **Hon. Mr. Ashley:** One thing it does do is build up false expectations and false hopes if people are not appointed. As I told the members opposite, it is a Cabinet prerogative, which will remain, so that is one of the reasons why we will be doing it this way.

In Yukon, I disagree. I am using JPs just as much, or more, actually, than they ever have been. We are training a number of JPs right now to the level of JP3s. We only had one prior to my coming to office. Shortly, within six months to a year, we should have at least six to ten, I believe, who are actually upgrading from the JP2 level to the JP3 level. I feel I cannot accept the member's comments when he says we are not using the JP system. It is a much cheaper system to use than that of Magistrates or judges, so naturally we are using them. It is also more expeditious for the communities.

Our JPs are being trained while the judges go on circuit. When you are sitting with experienced JPs in the communities, and we do have in almost every community, I believe, at least one JP2, who has been there for a while now and helping to train the new ones. They do have a much greater expertise than they did in the past.

We have a JP seminar coming up very shortly to train any new ones that have been appointed. We have, I believe, 38 JPs now on the roster. I believe there were only 34 when I took office so we have actually increased the number.

⁰⁴ **Mr. Kimmerly:** I am interested in the arguments the minister used. I defy him to show me a case where the building of false hopes was a problem. There are a couple of cases where certain applicants were not appointed and that is not in any way a function of training; it is a function of the increasing politicization of the appointments of the judiciary that is ongoing in the Yukon and is probably coordinated with the increasing structure of party politics in the territory.

As far as training existing JP1Is to be JP1IIs, that is a different issue. It is an extremely interesting issue and I remember, specifically, a meeting of existing JPs talking about the assumption of powers essentially as family court or juvenile court justices. All of them very responsibly said that they would be willing to assume the increased responsibilities provided that adequate training was provided.

⁰⁵ I am very glad that training is provided in this area now and it is a different issue than the training of JP applicants. It is ongoing on-the-job training for existing JPs. In any event, I believe I have made my views fairly clear and I do not wish to bore Dr. Falle.

Hon. Mr. Ashley: I cannot accept the member's allegation that we are politicizing the JP system, because we are not. Just because Cabinet does not appoint somebody, that does not mean that it is on political grounds, and that is exactly what the member opposite is saying.

I just cannot accept what the member is stating, and I will refuse that.

Mr. Kimmerly: The minister says he cannot accept that, which only leads me to say more loudly that the appointment of judges and justices is developing in the territory towards an increasing influence from the political arm of government. The appointments are increasingly politicized. It used to be that judges were appointed pursuant to a civil service competition. That is no longer the case.

⁰⁶ There is an increasing political influence in the appointments in the last year or two. I defy the minister to point to any public opinion which disagrees with that statement, because the public

believe that to be occurring. I simply state public opinion.

Hon. Mr. Ashley: Mr. Chairman, I cannot accept that either. The public I talk to certainly does not believe that, so I do not know where the member gets his information. I have just established a new *Territorial Court Act*. We have a judicial council. I do not see how we are going to get a political appointment through the council, even if we wanted to. That is what this whole process is all about. I just cannot accept the member's comments.

Mrs. Joe: I would like to ask the minister if, now that we will have a new judicial council, are they going to be doing the same kind of work as the JP Council is doing right now? The process would be that they would have to recommend a JP, which the JP Council does now. Does Cabinet still not have the final choice about whether or not that person is going to be appointed, or not get appointed? As you keep saying, it is your prerogative.

Hon. Mr. Ashley: Mr. Chairman, in answer to the member's question, yes, Cabinet must have the final say.

Mrs. Joe: I cannot see that anything is going to change, because there already was a process that some of these JPs had gone through, along with the RCMP check, the training and whatever else was necessary before that person could be recommended by the JP Council. You just said that the judicial council would stop all of those things from happening, and then again, you said it was not going to stop it from happening, because you do, in the end, have the final word.

⁰⁷ **Mr. Brewster:** I am going to have to get into this; I am a little sick and tired of this. I gather, from the way people are talking, that our JPs, for the last 33 years, have not been reliable people. I have been 33 years in this country; I have watched these JPs be appointed in all these areas and every one of them has been a responsible citizen in the communities. I am a little sick and tired of hearing that they are political appointments and they are not that good. Every one whom I have ever known on the north highway has been appointed because he has some stature in the community; he works in the community; he is well respected in the community and does his best to do justice for everybody. I am just a little bit sick and tired that we keep saying that they are political appointments. There are some good Conservatives around and there are good Liberals, and a few others; I know them all to have been JPs at different times.

Mrs. Joe: I thank the member across the House for his comments. I think that most of the people who have been involved in the justice system, or have been concerned about it, have a little more knowledge about some of the things that are happening within the department. I can go along with the member when he says that, as far as he knows, all of the JPs are outstanding citizens and I do not doubt that they are. However, there have been problems in the past where JPs have been appointed because the RCMP in that community has recommended that appointment. Up until not too long ago, that was a process that was followed: there was a recommendation by the RCMP and — as we always keep saying about justice must not only be done but must be seen to be done — if you have a member of the force recommending that person for appointment, then that does not apply, because the people in the communities can only see that those two people are working together.

It was something that we tried to get away from, and I think it is one of the reasons why the Justice of the Peace Council was set up. I am not saying that all JPs are not good JPs. What we are saying right now is that the JPs are not being appointed in the way that they possibly should be. I speak from experience when I talk about training. I was under a training course for 10 months just to be a justice of the peace and also to have the position that I did. That required an awful lot of work. I have a very difficult time trying to see, in my own mind, that you should be appointed without any training; I think that is very, very poor policy. Apparently, we talked to two different groups of people because the people whom I have talked to are not in favour of anything like that.

⁰⁸ **Hon. Mr. Tracey:** I have to enter this debate as well. I have a little problem with the opposition making accusations that they cannot back up, and I would charge them to come forward and prove their point if they say that there are political appointments.

The member for Whitehorse North Centre says that we have changed the system. You are darned right we changed the system. She was not complaining when she was an NDP member and head of the JPs and was recommending the names for appointment. I did not hear any complaint then. The names are recommended to the Cabinet. The Minister of Justice brings the names in and Cabinet chooses those people. Sure they are political appointments, because they are chosen by a political party represented by the Cabinet, but they are not political appointments, and if the members across the floor want to make that accusation, I challenge them to prove their point.

Mr. Kimmerly: I am moved to re-enter the debate because of the comments of the last three speakers. I think there is some misunderstanding, especially on the part of the member for Klwane as to the position on this side. The comments of the member for Tatchun, of course, are simply partisan comments, and I will deal with them in that way. The system of appointing the JPs in the last 33 years has changed considerably. Now, I am not personally aware of the system 33 years ago, as the member for Klwane possibly is, but there is a fine tradition in the Yukon and the member is absolutely right when he speaks about it: that JPs were appointed as respected members of the community and they rose to the occasion and they grew with the job and, on the whole, did a fine job. That was in the tradition of the independence of people and the respect that communities had for leading citizens in various areas.

The system worked fairly well. It did not work perfectly, in that the people appointed were members of the establishment group, if I can call it that. I am not saying that that in itself was bad, because at the time I believe it was not bad; it was in fact a good process. Times have substantially changed and it is recognized that the population of JPs ought to reflect the population in general, and specifically I mean — and I state provocatively — if the population is 50 percent women, 50 percent of the JPs ought to be women. And, if the population is one-third native, a third of the JPs ought to be native. Years ago that did not occur. It is occurring more and more now and that is an improvement. The situation in recent years, and indeed recent months, is changing, and it is obvious that there is discussion in Cabinet about the appointment of judges and JPs. I ask the Cabinet members who are here to look in their hearts and to remember the discussions that occurred about the recent appointments. It is objectively obvious that there is a political component in the appointments.

Hon. Mr. Ashley: The people in Cabinet are political people, so, in that respect alone, yes, I guess it could be said that they are political appointments that are being made, but in that respect only. That is what the minister of Health and Human Resources referred to.

As to what he was suggesting about the female and native percentages of the population, we are working very strongly towards that, although for the native portion it is very hard to get JPs who will sit for any length of time. We have appointed a few members and they have quit soon after they were appointed. It is very difficult to make a native appointment.

Mr. Kimmerly: Lack of training.

Hon. Mr. Ashley: No, that is not the case. That is the member's opinion. We are actually working on that as well. We are trying to look at all aspects of trying to get them involved. Again I have to refute what the members opposite are saying. These are not political appointments; that is not the way they are looked upon. It is an independent judicial council that recommends them to the minister, who then takes them to Cabinet, and the Cabinet appoints them.

Mr. Falle: It is coming across to me on this side of the floor that what you are saying is that you should only pick from trained people; you should not give the opportunity to anyone else who is on the street, or any other laymen the chance to become a JP — only pick from the chosen few. That is what it sounds like. You may frown but it sounds like you want to have a select group of people you pick from, you train, and then you appoint as JPs. That is how it is coming across and actually we are trying to get away from that. As Mr. Ashley said, it is probably, in the political sense, an appointment from a political view. I can remember the same

political party, not too long ago, did not care about the stripe of a judge or JP, as long as they did their job. I am sure it still holds. As long as they can do the job, as long as they are respected in their community, as long as they are acceptable to the RCMP, then give them a chance. You seem to be saying "No, they have to be trained first". You may not be getting across the right way, I do not know.

Mrs. Joe: What I was saying previously was that the JPs have a very extensive training conference each year. The former Minister of Justice is probably aware of it, and the present minister as well. That was a time when potential JPs would come into the training session and they would have a chance to decide whether or not they wanted to become JPs. It also gave a chance to the JP Council to see those people and find out how interested they were. It is a different story to say to someone who has never been inside a courtroom, "do you want to be a JP", just because you are a respected person in the community.

The training conference that they had would be able to tell whether in fact they were interested in becoming JPs and also give the group a chance to see them as well, because it was very, very extensive and you go away with your head shaking.

The other statement that the member across the House made was that they had to be acceptable to the RCMP. They have to be accepted and respected by the whole community, not just the RCMP, because the RCMP is the guy who comes in and lays the charge and the JP is the one who decides what to do with that person.

I had one question that I asked but did not get an answer to. I wanted to know the position of the executive secretary. What is happening with that at this time; is it going to be continued, expanded or is it going to stay the way it is?

Hon. Mr. Ashley: The executive secretary to the JPs has been reinstated. That position is back in the budget; the dollars are there. It was out prior to last budget, so they only worked about half the year, or just over. That should answer that question.

Lay people are recommended by the community because they are well respected, and that is why they are being recommended, no matter what aspects of the community may be represented, such as women, men, natives, whatever. I happen to have a different belief than the members on the opposite side. I want to find out whether they want to be JPs or not by them sitting in the court and finding out whether they think they would like that or not. We appoint them after they have shown an interest. The recommendation has had to come to us before they are appointed, so they have shown an interest, and they have also been checked out through the RCMP process and the community process. Once they are, and they show that interest, we train them. I do not feel it is up to us to train all people in Yukon. It is not up to us to train everyone how to read the laws and to deal with lawyers, and that sort of thing. Lawyers have taken it upon themselves, as Law Day on Monday has shown. It is raising the level. I do not intend to raise the level of the respect for law in the communities through the JP training system. It is ridiculous to think that that is the way it should be done.

Mrs. Joe: Could the minister give me a description of the process for appointing JPs? There has to be some kind of policy; I know what it was when I was in the department. It has changed considerably since then and I know what you have said to me in the House, but I would like to have that in writing. I would like the minister to send me a letter telling me the process of selecting and appointing JPs, including the information he has given me today.

While I am on my feet, I would like to mention, in response to the former Minister of Justice, that, when I had the position of executive secretary to the JP Council, I was not a member of a political Party. If he looks back and sees the people who were recommended by myself to the JP Council, he will see the names and know that they were of different political affiliations.

Hon. Mr. Tracey: The accusation came from across the floor that we were appointing no one but Conservatives because we are a Conservative Party and a Conservative government. All I raised was the fact that the member across the floor, who is an NDP member — and she did not change her stripe just because she put her name in and joined the party and ran for election; she was an NDP-leaning person before that; she was the secretary of the JP

council. She was also the person who was recommending the names to the JP Council for appointments as JPs. I know, because I was a member of the JP Council before I took the minister off of the JP Council. She was quite influential in appointing JPs in this territory and I never made any accusations against her. That is why I do not like to see accusations made against us because we happen to be the ones making appointments.

Mr. Brewster: This is the last time I am going to get up. I think there is a misunderstanding. The police do not, to my knowledge, in all the years I have known, appoint JPs; they simply investigate people to see whether they have a criminal record, or such things as that. The other thing I would like to point out is that what you are trying to do is let this JP Council, or whatever the hell this is, sit in Whitehorse and tell us, in the communities, who we are going to have, instead of us telling you who we want. Again, Whitehorse is going to control everything. Let us get off of this stuff. These people are appointed in the communities, by community people.

Mrs. Joe: I would like to mention that, while I had that position, we had many recommendations from the RCMP. That is a fact and it is in black and white. What the minister said about me in that position is true, but the point that I was making was that there were people of many political affiliations appointed whom I had recommended.

Hon. Mr. Ashley: There still are people from many political affiliations being appointed. What the opposition is saying does not hold water. I will undertake, if the member opposite really insists upon it, to give, in writing, the processes of the appointment of the JPs. The recommendations come in many forms. I will undertake that.

Mr. Kimmerly: I would like to go on to a new topic. I am interested in the general issue of the Minister of Justice's concept of freedom of information. I wish to put a comment or two on the record before I ask the question.

In late January this year, the minister's department issued a press release about the signing of the Police Services Agreement. The minister will forgive me if I am slightly skeptical of government press statements, and I wished to check the facts for myself; I wrote a letter dated January 31st to the minister, asking for a copy of the Police Services Agreement. I got a letter dated February 21st advising me that the minister did not have a copy of the agreement that he had signed; however, when he got it, I could look at it in the deputy minister's office if I wished. On April 13th, I asked, and it is in *Hansard* on page 138, about the Police Services Agreement. The minister indicated he did not have it; however, when he got it, I could look at it in his office and that it was not a public document and would only be released if both sides agreed. Today, the minister indicated he still is not in possession of a copy; however, he reaffirmed that it would only be released on bilateral agreement.

I make the statement, and I make it categorically, that a federal-territorial agreement is a public document. It is covered by the federal *Freedom of Information Act*, for one thing, and, in a much more important and more general sense, it is the public business of the territory and the public has a right to know what that kind of business is. I would like to say that, through ordinary channels open to any citizen, I obtained from the federal government a copy of the agreement, which the minister signed on January 25th, 1983. I would like to put it on the record that if anybody asks me for a copy, I will supply them with a copy free of expense, and I am pleased to do so.

After that lengthy and, perhaps, unnecessary preamble I would ask the minister if he now agrees, as the Minister of Justice, that federal-territorial agreements are, in fact, public documents and are open to any Yukoner?

Hon. Mr. Ashley: I signed the agreement; that is correct, but it has to be ratified by the Commissioner. When I signed it in Ottawa I signed it ahead of the Commissioner and it is the first agreement that had been signed as such. I left my copies there to be signed by the Commissioner. Until it is ratified totally by the Lieutenant Governor, who is our Commissioner, the agreement was not in effect. Even though we have been asking for it they have not supplied us with one. I believe it is on its way now; that is what my

information is but I still have not received a copy of it.

Mr. Kimmerly: If I may permitted uttering a word of legal advice to the Minister of Justice; it is a good idea to keep a copy of what you sign.

Hon. Mr. Tracey: It is not a legal document until it is signed by the Commissioner.

Mr. Penikett: You should still keep a copy until there are actually copies available.

Mr. Kimmerly: The particular document is very interesting and on page 4, section 4(5) and 4(6), it gives the Minister of Justice rather interesting new powers which are not within our experience in the past. I will be asking the minister, under the appropriate line, about the objectives, priorities and goals of the department as far as policing goes. Also, the allocation of personnel is now the minister's new prerogative and duty. I give the minister notice of those questions. However, in general debate, because it is a freedom of information-type of issue, and the Department of Justice is, and should be, a leading department in this area and, in fact, advises the other departments, will the minister agree — and I am not asking for a legal opinion — that federal-territorial agreements ought to be public business and ought to be available to any interested Yukoner?

Hon. Mr. Ashley: Depending upon circumstances, certainly.

Mr. Kimmerly: That, of course, is not an answer. Depending upon what circumstances?

Hon. Mr. Ashley: Depending on any number of circumstances. If negotiations are going on, it could influence another negotiation. Any number of things could come by.

Mr. Kimmerly: I will simply state my position that any agreement that any Crown official signs about the public business of the territory, and especially if it involves some \$5 million a year, should be open to all members of the public. I say again, if any member of the public, depending on absolutely no conditions — I will not look into any circumstances — wants a copy of this agreement, I will give it to them.

Hon. Mr. Ashley: That is very kind of the member opposite. The Commissioner and my department have not received copies back yet, so, I may even ask the member opposite for a free copy.

Mr. Kimmerly: I will send the minister a copy and I will say again, I keep a copy of everything I sign.

Hon. Mr. Ashley: I will certainly be getting a copy of what I signed. I know what I signed, but I did leave the copies there for the simple reason there were three copies — one for the feds, one for the Commissioner's office, one for this government. Now, our two copies had to stay because the Commissioner had to ratify those copies, just to make it legal.

Hon. Mr. Tracey: I can assure the member across the floor that we have copies of the Police Services Agreement, but it is not a legal agreement until it is signed by all three parties; so the Minister of Justice is not going to release to the public a document that is not a legal document. He is trying to make big political brownie points out of it; he, as a lawyer, knows perfectly well that it is not a legal document unless it has all those signatures on it.

Mr. Kimmerly: Speaking about the political brownie points, this was signed, finally, by the third person on February 10th, a substantial period ago. It is interesting that, unless I did not obtain a copy in the way I did, no copy would be available during the debate on this program. That leads me to be politically suspicious, in response to the member's comments. I am informed that unsigned copies do exist, which I was not provided with. It would be, of course, of extreme interest during the debate; as I am sure it will prove to be.

Hon. Mr. Ashley: The member opposite is just stating things that he should not be stating, I feel. I disagree with what he is saying totally. I have not kept this information back from the member opposite. We simply have not received the total legal agreement yet, and that is what we have been stating all along. It has been asked for. I have not been back to Ottawa to pick it up. All I can do is ask for it in that respect. It is up to them to send it to us.

Mrs. Joe: I would like to go on to something else. I would like to ask the minister a couple of questions with regard to some

government statistics that I have. It is the racial breakdown of inmates in the Whitehorse Correctional Centre. These are the latest statistics that I could find. In the calendar year, 1980, there were 247 inmates of Indian origin and 197 Caucasian is how it was listed. The minister is probably aware of those figures. Does he recognize that there is a very deep problem because of the large amount of Indian people in jail when they, at this time, take up 25 percent of the population. The figures are just a little bit lopsided; 25 percent of the population and then figures like this of a number of Indian people who are incarcerated as opposed to white inmates. Does the minister recognize that there is a very deep problem and has he any plans to check into the situation or come up with any different kinds of ideas or plans to try to deal with the problem because we do have a problem?

While I am on the floor, I would like to mention the recidivism rate. The minister had promised to have them in the budget and they were. I notice that the rate for men is 50 percent and I realize that is quite high. I wondered if the minister and his department had also recognized that as being a big problem.

Hon. Mr. Ashley: I am not really sure if I was asked any questions there other than the fact that, yes, I am aware of it and the department, being aware of it, is looking at a number of different ways of trying to deal with it. It is a problem and that is where different diversion programs and other things come in. Yes, we are aware of it and we are naturally trying to do something.

Mrs. Joe: I understand that there are not any Indian people working in the jails. That is the information that I have and I suppose it is probably true. Is there any move towards promoting that kind of work for Indian people, when you think in terms of how many Indian people there are in jail and in terms of how many Indian people work there? I am not saying that you should advertise for Indian people to work there but to promote that type of thing. There has to be some kind of a balance there.

Hon. Mr. Ashley: I believe what the member opposite is talking about is something like the Native Special Constable program. That costs a lot of money as well. Natives are certainly free to apply for a job up there. It is possibly an idea that we could start some kind of a different program. It will cost dollars as all do, and it would have to then compete, as well, for the funds available.

Mrs. Joe: I understand that the director of corrections has been in conversations with the CYI and what they are doing is meeting to talk about some kind of a working relationship with regard to the Indian people and their culture, which, I understand, is quite successful in some other jails across the country. I would hope that the department is encouraging that type of thing because five years ago they would not allow it. If the department is encouraging that type of thing then I would certainly like to know.

Hon. Mr. Ashley: Yes, I think it is only right we do. I have nothing against that sort of thing happening. I did not know it did not happen in the past.

Mrs. Joe: I want to talk about legal aid and my colleague has said a couple of things about it. The decrease in that amount has gone down by 12 percent. Could the minister tell me if, in fact, there was an increase in the funding for last year? I know that there was some concern that they would go over the budget that was allotted for legal aid and I wondered if they did. If they did go over that, it certainly is going to happen again this year, because it has dropped by 12 percent.

Hon. Mr. Ashley: The reduction of \$56,000, I believe, is what the member opposite is talking about. The reason for that is that the population of Yukon has decreased and will continue to decrease until the economy turns around. Decreases in the requests for legal aid, consistent with population decrease, has been anticipated. That is the reason for the budget in that line.

As I was saying earlier, we have negotiated with the federal government for more of an increase so that should help offset. If there is a supplementary needed, it will offset a lot as to what was compared in this year.

Mrs. Joe: Could the minister tell me if the territorial court is going to be moving to another building?

Hon. Mr. Ashley: We are certainly looking at that, but there is no final decision made at this point.

Mrs. Joe: I heard a rumour and I wanted to have it clarified. I have a question that I would like to ask on the Women's Bureau. There has been a slight increase and I imagine that is because of the 10-day fortnight. As a result of the announcement on International Women's Day, when the minister announced that a committee was being set up of intergovernmental people to review legislation, I just wondered if that was going to take a great deal of time from other departments, or if it could possibly cost more money than is budgeted for it?

Hon. Mr. Ashley: No, that has actually been figured into the budget; it is an interdepartmental consideration between all of the departments.

Mr. Chairman: If that is the end of the general debate, before we carry on, we will recess for coffee — or tea, if you wish.

Recess

Mr. Chairman: I call the Committee of the Whole to order.
On Legal Services

Mr. Kimmerly: Just a short comment about the statement about program objectives: I see that Women's Bureau is under the general program to provide legal services to the general public and government departments. Is this a mandate for the Women's Bureau: to provide legal services to women on women's issues? If it is not, why not?

Hon. Mr. Ashley: No, it is not. It is under this line item on the budget, that is all. That is just where it has been placed.

Mr. Kimmerly: The minister provokes me into a debate, at times.

Clearly the objectives that are stated for the program must be right, and this line is under that program. Now either the objectives should be changed or adapted, or the bureau ought to be under another program. I am sure the minister will agree.

After making that comment, my more serious, more important question is: when is the Women's Bureau going to get into the business of advising women on women's issues, in a legal sense?

Hon. Mr. Ashley: They may never do that. It depends on the funds available. They have put pamphlets out trying to educate women. I am sure the members opposite have seen the documents. They have talked about them in the House, especially Mrs. Joe. I do agree with the member opposite; the Women's Bureau, I believe, should be a separate line item in the budget. If we are going to have it here, it should be a separate line item; it should not just come under the legal services heading, but that is where it actually is established within the department.

Mrs. Joe: The Women's Bureau has indeed put out pamphlets on legal information last year. What do they intend to do this year?

Hon. Mr. Ashley: The Women's Bureau is a continuing support service, basically to women, to get information out to women in the Yukon. I am heading to Ottawa on June 1st to a federal-provincial minister's conference on the status of women. Judy Erola will be chairing it and I will be taking part. For the Women's Bureau itself, we do have a research student coming in and we will be putting more information out.

Mrs. Joe: What has happened to the committee that was set up when the Women's Bureau was set up? There was a group of eight or nine women who were appointed at the time this program was implemented and I have not really heard any more about them. Last year, I asked if they had had any meetings and the minister told me, no, they had not. Are they still active?

Hon. Mr. Ashley: This group was put on hold by me. That was announced in a press release. They had had meetings before that happening and before I came into government. I do not believe there were any meetings held after I was the minister. It is being studied as to which approach should be taken, and whether a new approach should be taken. When we get into the vote, there is a little bit there to establish an advisory group to me; as to the best way I should go with it.

On Solicitors

Mr. Kimmerly: I am interested in a further breakdown under this line. I know the number of solicitors working for the government and \$250,000 appears to be too large a salary, even for

lawyers. Obviously, there are other items in the budget. I am specifically interested in contract monies and the amounts allocated. Could the minister give a breakdown?

Hon. Mr. Ashley: Personnel includes: one legislative draftsman; one solicitor, who is on vacation leave but comes back in about two months; one that is vacant; a secretary to the legislative drafting, a CT III; and another secretary to the solicitors. The amount that is budgeted for — and we will be putting those people in place during this year — is \$178,000. The remaining \$81,000 is: travelling, communications and equipment rental. The part that the member opposite is asking about, in the neighbourhood of \$57,000 of that \$81,000, is to Alastair Bissett-Johnson, who has been here drafting up *The Children's Act*. He leaves in June; so part of that goes to him.

We have independent legal advice and representation in civil cases, which makes up the majority of the other, plus contract legal drafting. That makes up the rest of that figure.

²⁰ **Mr. Kimmerly:** What was the figure last year and what is the figure for 1983-84 for contract legal drafting?

Hon. Mr. Ashley: We are going to have more contract legal drafting this year because we are attempting to consolidate the acts this year, as well, and that becomes part of that figure. So, it is going to be very hard to tell the difference; you cannot compare the difference with this year. We will be contracting more service out than what we have in the past. It is a \$13,000 increase from last year.

Mr. Kimmerly: I understand that there is a \$13,000 increase. If the minister gives the amount for either of the two years now, I can figure out the remaining year.

Hon. Mr. Ashley: I am going to have to get back to the member on that.

Mr. Kimmerly: I thank the minister for that undertaking. What I am interested in is that I have been told and I do not know if it is right — that is why I am asking it — that there is a contract legal draftsman who is paid a very, very large amount of money. Now, normally, lawyers are paid a fairly large hourly fee; many, including myself, would say an exorbitant hourly fee, and the justification is similar to the doctors' justification, and that is that that office expense and overhead are substantial. Indeed, lawyers probably keep about half of what they bill before taxes; so after income taxes, it is substantially less than half. I was informed that, in the case of the legal draftsman, he was paid a very large amount based on, I guess, the standard way that lawyers bill on an hourly basis. However, the secretarial service and support staff were supplied by the government. That being the case, the hourly fee ought to be approximately half of what lawyers in private practice may charge. I am interested in getting to the bottom of it and I put those comments on the record to advise the minister that I hope the real salary of the legislative draftsman is in line with the salary of other managerial people in the government.

²¹ **Mr. Ashley:** The contract legislative draftsman who we have been using does not have a secretary. He contracts his secretarial work out to one of the private firms that offer secretarial services. He supplies that through his part of the contract; the government does not supply that service.

Mr. Kimmerly: I believe that my point is well made and I will look forward to receiving the information as to the fees that the draftsman actually gets on a yearly basis.

*Solicitors in the amount of \$259,000 agreed to
On Public Administrator*

Mr. Kimmerly: The public administrator fulfills a very useful function and I have no particular questions or concerns about the office. I will ask one question about the direction that the office is taking. For some private estates, the public administrator will perform a function for the estate. It is my understanding that in the provinces this kind of service is generally not supplied to estates that, in fact, are worth money. I would ask the minister as to the general policy regarding the continuance of this service. It is, of course, a very welcome service to the beneficiaries of the estates, but it may be questioned as to whether the taxpayers ought to be providing the service for estates that are actually worth something. I would ask for a policy statement on that.

Hon. Mr. Ashley: It is my understanding that the only time the administrator steps in is if there is no will. In that case, then, yes they do administer that estate. If it is intestate, they administer it up until there is a will found. After there is a will found, that is when it leaves the public administrator's hands. That is what I believe is the case.

Mr. Kimmerly: I am aware of a specific case where a contrary practice was followed and I will ask for the same general policy statement next year.

²²

Mrs. Joe: I just want to ask a question of the minister in regards to coroners. I do not want to get into a deep discussion about training again. Some of the JPs also act as coroners and I am not sure whether you can be a coroner without being a JP. I understand that that is the case. The question that I have is: is there some kind of course or workshop that is put on in preparation for them doing the job of a coroner?

Hon. Mr. Ashley: My acting DM says no, and the member opposite says yes. I am going to have to check on that.

Mrs. Joe: Yes, I would just appreciate that information from the minister, thank you.

Mr. Kimmerly: On a point of information, in fact all coroners are JPs, although it is not a requirement. Coroners, in the past, have received instruction in connection with JP conferences, I know, because I have instructed them in the past.

Hon. Mr. Ashley: I will have to get back to the members opposite on this.

*Public Administrator in the amount of \$178,000 agreed to
On Land Titles*

Mr. Kimmerly: Just a policy question, as opposed to a monetary question: much of the non-Crown land in the Yukon is presently leased, and the registry of leases, of course is very different — or can be very different, and it characteristically is — from land ownership. Is there an initiative on the part of the government, or any concern, about the registration policy for leased land? I am thinking about a service to the lessees, of course, and the lessors as well.

Hon. Mr. Ashley: That is something I am not sure about, so I am going to have to get back to the member on it. As for land titles, of course, that is what this department is, but on leases I am not positive if they are dealt with in the same manner, no.

Hon. Mr. Tracey: Leases are dealt with either in the Department of Municipal and Community Affairs for Yukon government leases, or they are dealt with in the Federal Lands Branch for federal leases; not in the Department of Land Titles.

²³ **Mr. Kimmerly:** I am aware of that information. Given that, is there any plan to register leases, as the same kinds of policy considerations are relevant for owned land as for leased land. In many of the provinces, leases are, in fact, registered, and it is a service to the public and to the people interested in the land ultimately; exactly as the land titles system is a service to the general public and it is a very good service, generally.

Hon. Mr. Ashley: From what the Minister of Health and Human Resources just informed us, I believe there are those systems but they are in different departments.

Some Hon. Member: *(Inaudible)*

Hon. Mr. Ashley: There is a record kept, but they are not registered as true land, fee simple, would be.

*Land Titles in the amount of \$95,000 agreed to
On Women's Bureau*

Mr. Kimmerly: I have commented in the past about the expansion of this department. In light of the generally stated policy of the government, that there will be no new initiatives, I am not going to belabour the point. However, I am interested in the same question that Mrs. Joe asked a little while ago. What is the Women's Bureau going to do in the next budget year? The Women's Bureau was transferred several times in the past. It has finally come to rest in the Department of Justice. What is the long-term plan, or what are the goals, of the Women's Bureau for the next year? What are the priorities that it will actually have in the next 12 months or so?

Hon. Mr. Ashley: As I have already stated it: the goals and

objectives of the Women's Bureau are to enhance and develop women's issues in Yukon to provide information to the women of Yukon. They are also going to produce pamphlets explaining recent legislative changes, and that sort of thing. It is the same as was done last year by producing those pamphlets. There is a lot to be done so there will be more of those things coming out.

Also, Shelagh Rea, who is the coordinator for the Women's Bureau, is this government's foremost expert on human rights, and she is working in that area for this government. She is also chairing the committee that reports to me, which the member for Whitehorse North Centre talked about earlier. It is an interdepartmental committee, which is looking at all legislation to bring it in line with the *Canadian Charter of Rights* and, at the same time, it is looking at women's rights in that. That is the main thing that will be done this year.

24 Mr. Kimmerly: The minister has previously spoken about this draft of legislation and a survey of Yukon law to find the many examples of outmoded law implying sexual discrimination and a correction of that; that is a good project. Is that the first priority of the department or is it only one of several priorities of the first magnitude? Is there some sort of a timetable? May we expect a report in the next budget year or is it going to be later?

Hon. Mr. Ashley: I hope that it will be in this budget year, not next budget year. I believe it will be taking place now, hopefully, by the end of the summer.

Mr. Kimmerly: I know Shelagh Rea and I have asked her about her job duties and she answered me, although I get more and more confused as I listen to the various statements made about the bureau. I have spoken with three of the major women's groups in Whitehorse and I am interested in the relationship between the Women's Bureau and the women's groups. The Women's Bureau, as I see it, is fairly uncoordinated with the Indian Women's Association. At times there are major disagreements and policy arguments between the the Status of Women's Council and the women's group, and the women's centre appears to be off on its own at times. The transition home is coordinated in one sense. Is there a priority or initiative that the Women's Bureau ought to promote a greater coordination and cooperation among the various women's groups in Yukon?

Hon. Mr. Ashley: That is one of the functions of the Women's Bureau. It does try to coordinate. The director's position title is, basically, coordinator of the Women's Bureau and that also relates to that function.

25 Mr. Kimmerly: Are the various women's groups in town going to be given a seat on the advisory board just talked about?

Hon. Mr. Ashley: That is one of the questions I will be deciding when I do form this new group.

Mr. Kimmerly: The minister did not ask for my advice, but I am going to give it anyway. I would recommend that all of the established women's groups be on the board and coordination will never be achieved if the various parties do not talk to each other.

Women's Bureau in the amount of \$55,000 agreed to
Legal Services in the amount of \$587,000 agreed to

On Court Services

Mrs. Joe: Could the minister give us a brief rundown of personnel in that department — just a brief one; I do not want all their duties or how many secretaries and sheriffs and whatnot.

Hon. Mr. Ashley: The best way to do that, I would suggest to the members opposite, and to the Chair, would be to go through the line item then I can tell the amount of person-years. The total years are down at the bottom of the page.

Mr. Chairman: Will that be acceptable, Mrs. Joe?

Mrs. Joe: Yes.

On Supreme Court

Mr. Kimmerly: I am interested in the relative efficiency of the court registry as a person who occasionally goes into the registry. If you go into the Supreme Court, it is always fairly quiet and there is always a person available to assist you. If you go into the territorial court, it is always extremely hectic and there are always people at the counter, occasionally a wait and it is extremely busy. The personnel, of course, are always pleasant, as they should be, but I

wonder of the ability, sometimes, of the territorial court clerks to maintain their equanimity under the conditions under which they work.

In some jurisdictions, notably the Northwest Territories as a neighbour, the registries are adjoined and I wonder if any saving might be achieved and, also, an efficiency in manpower if the two registries were combined. I realize that physical location of each may be a problem in the present building, however, in the new building — which could possibly be built under Mr. Lalonde's new budget — has any consideration been given to combining the two registries?

26 Hon. Mr. Ashley: In answer to why the one registry is a lot busier than the other, as I believe the member opposite knows, the Supreme Court does about five percent of the work and the Territorial Court does about 95 percent of the work; that is why they are so much busier. I have just had a report in by Bradley Consulting, done on a study of the court services, and we are going through that right now to see exactly what he is recommending. He has made a number of recommendations throughout the court services.

Aside from that, even when we combined them, they were still kept separate, so there were still two separate registries. Once in a while, they used the same personnel. The one in New Westminster, BC, used the same personnel, to a certain degree. A couple of the members are interchangeable. Most registries across the country do keep separate registries and, I believe, that is the way Mr. Bradley stated we should go. We will be discussing that report in the department just to make sure we find the best way to do it.

Mr. Kimmerly: The small claims court is very useful, especially to small business people, and the only registry exists in Whitehorse. For example, it would be very efficient if, in Old Crow, Carmacks or Haines Junction or Beaver Creek, there was an efficient way to receive a small debt application by the local JP. Is there any consideration being given to appointing the JPs as small debt officials?

Hon. Mr. Ashley: At this point, no. I should not say that there is no consideration given. We are looking at all aspects of the court services and trying to improve them in all ways. I will keep the member's suggestion in mind.

On Supreme Court

Hon. Mr. Ashley: I made an undertaking to give the member opposite a bit of a breakdown on person-years. There are five person-years allotted to this area: a clerk, deputy clerk, secretary, judge's secretary and federally appointed judge, who is not actually paid out of this vote, but all the services are.

27 Mrs. Joe: Is there a librarian in the law library?

Hon. Mr. Ashley: No, there is no librarian in our vote. The law society is actually paying for that person-year right now.

Supreme Court in the amount of \$286,000 agreed to *On Territorial Court*

Hon. Mr. Ashley: There are 13 person-years allocated to this area: the chief judge; a second judge; clerk of the court; three deputy clerks; senior court reporter; two court reporter IIs; accounting clerk I; another clerk-typist II; the judge's secretary; and small debts clerk. There are 38 justices of the peace and the executive to the JP Council

Mrs. Joe: I just have one question of the minister: last December, I bought him in a slave auction and I paid for him and I wondered if he would let me know if he was going to live up to his obligations?

Hon. Mr. Ashley: I will certainly live up to the agreement. The problem is that the member opposite added a stipulation on that agreement, and that is that I must attend on Thursday morning, docket day, at the territorial court. Thursday morning is Cabinet day, and I must not miss Cabinet, unless there is no Cabinet meeting. If there is not a Cabinet meeting and I am in town, I will most definitely take her up on her offer.

Mr. Kimmerly: I would like to ask a question about the balancing of financial resources and the administration of justice, which of course under the *Territorial Court Act* is the minister's responsibility as opposed to the judge's. Before the minister's time, there was a press release, and it occurred when the second territorial

court judge was appointed; it said, simply and clearly, that the frequency of circuits in the communities was going to be increased, so that the long waiting periods would be decreased. Now, in fact, since that time — it was in late 1979 — the frequency of court circuits has not increased and, to some of the communities, it has actually decreased due to recent budgetary constraints. I am interested in the general question of the frequency of the court circuits to some communities. The minister, being from Dawson, will understand, perhaps even better than I, that this is a matter of some importance to many people in smaller communities. It is often thought that if a crime is committed a long time before an expected circuit, it is not brought to justice for too long a time. Especially, if the accused person is a juvenile, it becomes a serious problem. Also, if for some reason the case is adjourned, it is not adjourned for a week or two weeks; it is adjourned in some cases for two or three months. There is an old saying, "justice delayed is justice denied".

²⁸ I realize that circuits are extremely expensive and I am fully aware of the recent conversation about the utilization of JPs, which clearly bears on the same question. Is there any plan to increase court circuits or, perhaps, discussing with the judges a scheduling program to increase the flexibility of the courts to allow emergency circuits more frequently? In the balancing process in making budgets, are there any considerations to increasing the frequency of circuits, especially in Dawson, Watson Lake and Mayo?

Hon. Mr. Tracey: I hope that the member has overnight to handle this question.

I move that we report progress on Bill No. 5 and ask leave to sit again.

Motion agreed to

Hon. Mr. Tracey: 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 Chairman of Committees?

Mr. Philipson: Committee of the Whole has considered Bill No. 5, *Second Appropriation Act, 1983-84*, and directed me to report progress on same.

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

Some Hon. Members: Agreed.

Mr. Speaker: May I have your further pleasure?

Hon. Mr. Tracey: I move we do now adjourn.

Mr. Speaker: It has been moved by the Hon. Minister of Health and Human Resources that we do now adjourn.

Motion agreed to

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

The House adjourned at 9:30 p.m.

The following Legislative Return was tabled April 20, 1983:

83-3-21

Policy on issue of sexual harassment (Ashley) W.Q. No. 5