



# The Yukon Legislative Assembly

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Number 24

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25th Legislature

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## **HANSARD**

**Tuesday, October 18, 1983 — 1:30 p.m.**

Speaker: The Honourable Donald Taylor

# Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Bill Brewster, MLA, Kluane

## CABINET MINISTERS

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

## GOVERNMENT MEMBERS

### (Progressive Conservative)

Al Falle	Hootalinqua
Bill Brewster	Kluane
Kathie Nukon	Old Crow

## 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 Serfeant-at-Arms  
Hansard Administrator

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

**Whitehorse, Yukon**  
**October 18, 1983 — 1:30 p.m.**

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

### INTRODUCTION OF PAGES

**Mr. Speaker:** Before proceeding to the order paper today, it gives me a great deal of pleasure to introduce our pages from Christ the King High School, Danielle Chasse and, from F.H. Collins School, Rachel Durant. I welcome them to the House.  
*Applause*

**Mr. Speaker:** Also with us at this Session will be from Christ the King School, Doug Bryant, Lisa Farynowski and Richard Vanderkley and, from F.H. Collins School will be joining us Jordan Borgford, Tiffany Felker and Oliver Olsen.  
 We will now proceed to the order paper.

### DAILY ROUTINE

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

### TABLING OF DOCUMENTS

**Hon. Mr. Tracey:** I have for tabling the Second Annual Report of the Yukon River Basin Committee.

**Hon. Mr. Pearson:** I have for tabling a Report on Regulations, pursuant to Section 37(1) of the *Interpretation Act*.

**Mr. Speaker:** Also, from the Chair, I have for tabling a report from the Clerk of the Yukon Legislative Assembly, with regard to deductions from the indemnities of members of the Legislative Assembly.

I also have for tabling today, from the Elections Board, a report on Contributions to Political Parties. I have a further tabling of a report of the Yukon Elections Board containing recommended amendments to the *Elections Act*.

Are there any further documents for tabling?

Are there any reports of committees?

Petitions?

Introduction of bills?

### INTRODUCTION OF BILLS

#### Bill Number 15: First Reading

**Hon. Mr. Lang:** I move that Bill Number 15, *Economic and Regional Development Agreement Act, 1983*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the hon. Minister of Municipal and Community Affairs that a bill, entitled *Economic and Regional Development Agreement Act, 1983*, be now introduced and read a first time.

*Motion agreed to*

#### Bill Number 16: First Reading

**Hon. Mr. Tracey:** I move that Bill Number 16, *An Act to Amend the Society of Management Accountants Act*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the hon. Minister of Renewable Resources that a bill, entitled *An Act to Amend the Society of Management Accountants Act*, be now introduced and read a first time.

*Motion agreed to*

#### Bill No. 18: First Reading

**Hon. Mr. Tracey:** I move that Bill Number 18, *An Act to Amend the Yukon River Basin Study Agreement Act*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the hon. Minister of Renewable Resources that an act, entitled *An Act to Amend the Yukon River Basin Study Agreement Act*, be now introduced and

read a first time.

*Motion agreed to*

#### Bill No. 20: First Reading

**Hon. Mr. Tracey:** I move that Bill Number 20, *Certified General Accountants Act*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the hon. Minister of Renewable Resources that an act, entitled *Certified General Accountants Act*, be now introduced and read a first time.

*Motion agreed to*

#### Bill No. 21: First Reading

**Hon. Mr. Pearson:** I move that Bill Number 21, entitled *An Act to Amend the Legislative Assembly Act*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the hon. government leader that an act, entitled *An Act to Amend the Legislative Assembly Act*, be now introduced and read a first time.

*Motion agreed to*

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

Notices of motion?

Are there any statements by ministers?

### MINISTERIAL STATEMENTS

**Hon. Mr. Tracey:** I would like to take this opportunity to clarify for the record this government's position with respect to the preliminary recommendations put forward yesterday by the North Slope Project Review Committee for the consideration of Indian Affairs and Northern Development minister, Mr. John Munro and this government.

I feel that it is important to be made clear that what the minister received from the committee yesterday, were preliminary recommendations which outlined the respective concerns of the committee nominees.

As you are aware, we have agreed to allow the committee an additional two weeks to formulate a report for consideration by the Yukon government and the federal minister before a final decision is taken on the two development proposals being considered for Yukon's North Slope. We have agreed from the beginning that we will publicly release that final report as soon as possible once it has been presented to the federal minister and to the Yukon government. We are not prepared to release the preliminary recommendations primarily because we are concerned that to do so would jeopardize the committee's ability to reach a consensus on those issues where there are presently differing views. I feel it would not be fair to the committee to release those recommendations when we have agreed to sit down over the next two weeks to try to resolve or reach consensus on these issues.

Ideally, what we would like to see is a consensus report from the committee and I feel it is only fair to all concerned that we do not jeopardize or prejudice the ability of the committee to try and reach a consensus on the issues where there is not agreement at this time.

**Mr. Porter:** I have a question regarding the ministerial statement that has been made by the Minister of Renewable Resources but I will choose to direct those questions to the government leader.

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

### QUESTION PERIOD

#### Question re: Public information

**Mr. Penikett:** I have a question for the government leader on the issue of public information.

In the course of the summer, the Government of Yukon made a number of public statements about its return to the land claims negotiations. Could the government leader confirm that, before the Council for Yukon Indians agreed to the territory returning to the table, in fact there were a number of written conditions that YTG

had to agree to?

**Hon. Mr. Pearson:** No, I do not think that I can confirm that there were written conditions. We left the table because of a disagreement with the Government of Canada over five or six issues. It had nothing to do with the Council for Yukon Indians. When we felt that the Government of Canada and ourselves had some accord with respect to those five or six conditions — and one of them, I must say, we capitulated on entirely, right, wrong or indifferent, but on the other five there was a general agreement — we felt that for the benefit of everyone in this territory we should get back to the land claims table.

<sup>14</sup> At that point in time the Council for Yukon Indians decided that they wanted some understandings and we gave them those understandings. They were not conditions.

**Mr. Penikett:** Supplementary on the same subject and I want to be very specific about this to the government leader. Does he then deny that the reports that there were written conditions for YTG's returning, including one, to work for a quick settlement; two, no more walkouts; three, to sit on all subcommittees such as training; and four, no laws or other actions to conflict with land claims in the meantime — does he deny that there was in fact some written accord along those lines?

**Hon. Mr. Pearson:** I can certainly say that we did not agree that we would not walk out of land claims again, because we do not know that. We have no problem agreeing nor did we have any problem agreeing with the fact that we were going back to land claims to try to work for as quick and as equitable a settlement as we possibly could. I can deny, and will deny, that there was anything signed between this government and the Council for Yukon Indians with respect to terms and conditions of us going back to the table.

**Mr. Penikett:** I would want to ask the government leader again on this point, since I am in possession of a report from a public document from the Council for Yukon Indians, which states that Chairman Harry Allen and the government leader of this government put in writing conditions that I have just mentioned, and these were the conditions by which YTG was admitted back to the table. The government leader in fact is saying that there were no such conditions and that they were not put in writing.

**Hon. Mr. Pearson:** I recall a meeting that I attended at the request of the CYI executive and I recall some conditions being put to me at that time. I undertook to go away from that meeting and see what kind of a reply I could put together on behalf of this government. Now, if the Council for Yukon Indians, according to the leader for the opposition — and I am not prepared to accept that fact at this point — is saying that there is some sort of a signed contract between the two of us, I disagree with it. I do not believe that is right. I will have the issue researched again and he can wave around all the documents he wants. They are not government documents.

<sup>15</sup>  
**Question re: White Pass railroad**

**Mr. Byblow:** I have a question, too, for the government leader on the subject of the White Pass Railroad.

In light of the prolonged closure that is effectively reducing its chances of ever re-opening and, in light of Cyprus Anvil's position to support a road haul entirely for its ore concentrate, what is the current position of this government on the re-opening of that railroad?

**Hon. Mr. Pearson:** The current position of this government is exactly the same as it has been since the day that it closed. It is exactly the same as our position with respect to the re-opening of Cyprus Anvil Mines; that we are anxious to have that railway back in operation at the earliest possible date.

We think that we have done the most positive thing that we possibly could in order to help that happen. We asked for, and are receiving, a report from the Canadian Transport Commission, a body of the federal government that is recognized to be expert in this particular field. We are hopeful that their report will make recommendations to the Government of Canada that will make it possible for the White Pass Railway to go back into operation again.

**Mr. Byblow:** Has the government taken a position of support on the maintenance or the extension of federal operating subsidies to that railroad for its continued operation?

**Hon. Mr. Pearson:** I do not know that that is going to be a recommendation of the Commission. I would anticipate that it will be because I am confident the member for Faro has heard me say publicly, a number of times, that my research indicates that the White Pass and Yukon Railway, for the past 80 years, has been the only railway in North America that has operated without a direct subsidy from government. I see no reason at all, in my mind, why that should continue into the future.

**Mr. Byblow:** By the announcement yesterday of the \$7,000,000 upgrading of the Carcross Road to be done by 1985, has this government effectively made a decision about the future of the railroad by its intention to upgrade that road to a road capable of handling the ore haul concentrate?

<sup>16</sup> **Hon. Mr. Pearson:** If the minister had not stopped his question half way through, I could have answered with a simple no, but he threw in a whole bunch of ringers.

We have not changed our stand with respect to construction of the Carcross/Skagway Road and the railway. That highway is being upgraded to the same standard as is south of Carcross, no more and no less — exactly the same standard as it is south of Carcross. It is not going to allow for the hauling of loads any greater than what the load limits are south of Carcross now. It does not imply in any way, shape or form that we are favoring a road haul over the railway because the philosophy of this government is exactly the opposite. We have always felt, very strongly, that that railway, for the good of all of Yukon, must stay in operation and that the road should not be opened up.

It is a fact that there has only ever been one report made by one company from outside of this territory that said that it was going to be cheaper for Cyprus Anvil to haul ore from Cyprus Anvil mine to Skagway via that road. The one factor that they did not take into consideration was that it was going to cost \$20,000,000 more than what is being spent now to upgrade that road so that they could haul the amount of ore that would make it feasible. They did not say in that report where that \$20,000,000 was going to come from, nor did they say where the maintenance of that road was going to come from after they started hauling ore.

It was not fair, because they were comparing costs with the railway, which had to maintain its own roadway, and own its own roadway; quite a bit different. I have never been convinced that it is feasible to haul ore by truck between Whitehorse and Skagway, via the Carcross road, cheaper than it is to haul it by rail.

<sup>17</sup>  
**Question re: Social assistance work requirement**

**Mr. Kimmerly:** A question to the new minister responsible for social assistance. He knows his name, I am sure. A simple question at the beginning. Is there or is there not a work requirement on the eligibility criteria for social assistance in Yukon?

**Hon. Mr. Phillipsen:** Knowing that this question was coming, I would like to state unequivocally that there is no person who is denied social assistance in Yukon. On the matter of work eligibility, we require that three months' work is necessary in a twelve-month period for assistance of the maximum level.

**Mr. Kimmerly:** Are officials of the federal government discussing that policy with officials of this government and what is the state of those discussions?

**Hon. Mr. Phillipsen:** To the best of my knowledge, at the present time, we are not discussing the social assistance policy and the way we perform it.

**Mr. Kimmerly:** Is the minister aware of any communication from federal officials or the federal minister to the effect that that policy is not contemplated by the *Canada Assistance Act*?

**Hon. Mr. Phillipsen:** At the present time, I am not aware of any communication of that sort.

**Question re: North Slope Project Review**

**Mr. Porter:** I have a question for the government leader. The Minister of Indian Affairs stated at a news report yesterday that the two opposing reports emerging from the project review group are

not that far apart. Does the government leader concur with the minister's statement?

**Hon. Mr. Tracey:** I will answer that question, as I have been the one who has been totally involved with its setting-up and the reports of the project review group.

I should clarify first of all that the recommendations that the minister is talking about are only positions of two or three nominees of the various people who have nominated people to this group. The Government of Yukon nominated three nominees, COPE nominated two and CYI nominated two. There are some differences of opinion between the various members of that committee. The chairman, rather than trying to form a consensus, attached the two dissenting opinions and presented them to the minister and to myself. The minister contacted me yesterday — that was the reason I was not in the House when we first started in session yesterday — to ask for a two-week extension because he felt there was some movement from some of these people and I agreed to a two-week extension. That is the reason why, as I stated earlier in the ministerial statement, that I did not agree to release the two reports that were put to the minister.

I want to make it very clear what these people represent. The three nominees who were nominated by the government are not there expressing government opinions; they are there as a member of a committee, a board, the same as any other board, the education council or the wildlife advisory council. They are there as a board to listen to presentations that were made to them by various interest groups and the public and they make representations to the federal minister and to the Yukon government. The federal minister and the Yukon government — in this case, me, as I have been dealing with Mr. Munro — will take those recommendations and make a decision on what will happen.

I want to make it very clear that the three nominees who are nominated by the Government of Yukon are not there expressing Government of Yukon opinions. They are there expressing their own opinions, the same as the nominees of CYI and COPE are expressing their opinions.

**Mr. Porter:** Based on that long-winded speech, I believe that the minister indicated concurrence with the federal Minister of Indian Affairs. On what facts does the minister base that opinion because the outcome of the report was that four of the members voted against development on the North Slope and three of the members voted for it, so, we have a situation of four voting for no development and three voting against. I mean, it cannot be any clearer than that.

**Hon. Mr. Tracey:** There were no votes. There are not votes taken. As with any other groups, it is supposed to be a consensus reached, so the chairman attached the two proposals together and passed them on to the minister and to me. They were not voted on, nor were they ever designed to be voted on, and that is the long and the short of it.

We agreed to two more weeks of negotiations, so no recommendations can come out of it if they are still negotiating.

**Mr. Porter:** Aside from one permanent port on the North Slope, does the Yukon government favour the creation of other temporary facilities in the future on Yukon's North Slope?

**Hon. Mr. Tracey:** I think we made our position quite clear yesterday. We said that we agreed with the King Point proposal of Kiewit's and we also agreed with the temporary facility at Stokes Point by Gulf Canada. Other than that, we said that every one of them should not be considered, or should be considered in a land planning process.

#### Question re: Incarceration rate of inmates

**Mrs. Joe:** I have a question for the Minister of Justice.

Statistics have indicated that the incarceration rate of inmates in the north is three to four times higher than the national average. Could the minister tell us if his department is monitoring the problem in Yukon with regard to improving the system or the situation?

**Hon. Mr. Ashley:** In answer to the member's question, we are always monitoring the statistics and keeping track of them so that, if there is a trend like that developing, we are right on top of it.

**Mrs. Joe:** Since the problem is of great importance to the justice system, could the minister tell us if he will consider setting up a committee to do a study on the high incarceration rate in our jails?

**Hon. Mr. Ashley:** I have an in-house steering committee within the Department of Justice that looks at all of this stuff and we are looking at all of these things all of the time.

**Mrs. Joe:** The lack of a fine options program is one of the reasons for the high incarceration rate in the Yukon. Would the minister tell us if there are further plans to replace that program?

**Hon. Mr. Ashley:** The fine options program was ruled illegal and so we cannot use that program. We have a community works program basically set up that is trying to be effective to replace that fine options program. However, we are still looking at other options.

#### Question re: Elsa recreational facilities

**Mr. McDonald:** I have a question for the government leader. For a considerable time, residents at Elsa have requested that their community get its fair share of Yukon government community expenditures. As these people, in most cases, are long-term citizens of Yukon and taxpayers, will this government support with capital funding the construction of recreational facilities in Elsa?

**Hon. Mr. Lang:** I have dealt with the situation in Elsa, as of yesterday. The request that was brought forward to us was whether or not we would lend, or make available, technical expertise to help them finalize their plans and the preliminary drawings so that they would abide by the necessary health and building standards. I have indicated to the manager, as well as the recreation director, that we are prepared to provide that expertise and it should be made available very soon.

**Mr. McDonald:** I heard the minister eke maximum press coverage from the \$1,500 it would cost to get the engineering expertise to the community. That was not the question I asked. I asked, will the government support with capital funding the construction of recreational facilities in Elsa?

**Hon. Mr. Lang:** No. The reason is, as the member indicated, that the company is putting a significant amount of money forward for the purposes of upgrading those particular facilities. It is really the only community in Yukon that has the ability of a company coming forward and picking up, say, 50 percent of a project as opposed to the community of Mayo or the City of Whitehorse.

The other compounding factor, of course, is the fact that it is on company property, which means that it is private property with respect to any infusion of dollars. We are pleased to see the company going ahead with their responsibilities, which they have chosen to take on. I wish them Godspeed and if they need technical expertise that we have available within or outside the government we will do what we can to help. We have done it in the past, we will do it again.

**Mr. McDonald:** I hate to contradict the minister, but the exact opposite is true, I believe. We are talking here of government responsibility, not the company's responsibility. Has the government developed a policy on its treatment of company towns in Yukon, such as Elsa?

**Hon. Mr. Lang:** Yes. It is obvious that the member opposite has not been listening. We give support wherever we possibly can. The company takes on their responsibilities and the community takes on theirs, so we share the various responsibilities. I think it is safe to say, in the area of education for an example, we have assumed full responsibility; we carry out those responsibilities.

In the particular case that the member opposite spoke of, obviously the capital responsibilities are, in most part, the company's responsibilities.

#### Question re: Daycare Services Board

**Mr. Penikett:** I have a question for the Minister of Health and Human Resources, and it concerns the Daycare Services Board.

On August 16th, the minister wrote to me saying "he was irritated that I would suggest that political patronage would enter into the appointment of individuals to fill vacancies on this board. The two persons whom he had in mind were suggested to me", he

said, "by his staff on the basis of qualifications and I do not know nor am I interested in what their political inclinations may be."

May I ask the minister, as a question of record, whether the two people suggested by his staff both received appointments to the Daycare Services Board?

**Hon. Mr. Philipson:** As I said in my letter to the leader of the opposition at that time, and I will reiterate right now, I had no idea at all what the political affiliations of the people appointed to the Daycare Services Board were, or are.

**Mr. Penikett:** The minister will, with respect, of course, know that he did not answer the question, and I would ask the minister, is it not the case that the minister's staff recommendations to the Cabinet were not approved, and in fact the cabinet substituted another name, an appointment which was, according to the minister's aide, a political appointment.

**Hon. Mr. Philipson:** I would like to inform this House and the opposition that Cabinet does not go entirely on my recommendations. I brought forward recommendations and I feel very, very happy to tell the House that 50 percent of them were adhered to.

**Mr. Penikett:** It is pleasing to know that only half the appointments within the minister's gift are patronage ones.

Given the minister's assurance in his letter to me that patronage would not enter into this appointment, and given the refusal of the department to explain to one of the originally-suggested nominees the reason for her not being appointed, could I ask the minister why this person named in the staff submission was given an orientation and an introduction to the operations of the board, then not appointed, nor were they given a reason for not being appointed?

**Hon. Mr. Philipson:** It is my understanding that the person who was not appointed was well aware of the fact before she went to the orientation, that it did not in any way mean she was going to be appointed to that board. That board is an appointment of Cabinet. That is all I am going to say on this matter.

#### Question re: Government contracts

**Mr. Byblow:** I have a question of policy I will direct to the government leader on the subject of government contracts.

In the awarding of public money for various government jobs and projects around the territory that are being done by the private sector, what is the process currently being followed in handing out these awards?

**Hon. Mr. Pearson:** I think that the member is asking, are we doing this by contract, or are we doing it by day labour. We are doing it by what we consider to be the most expedient method in each case. In some areas we are finding it possible to contract out this work and we are doing that. In other areas, we are asking for proposals. In other areas, we are having to do it with day labour; government employees actually hiring people on the payroll to do work. In other cases we are able to put people on a contract to do the work.

The one area where we did run into a bit of a problem was in one particular instance where we called for contracts, and in fact issued some contracts - I believe it was two or three - we discovered then that the people who had taken those contracts, because all of a sudden they were considered self-employed by UIC, were not eligible to make UIC payments any longer and therefore could not build up their benefits. We have changed our system to make sure that those people who are taking these jobs now are able, in fact, to build up their UIC benefits again for the remainder of the winter, because in almost all of these cases these are temporary jobs. They are finite and they will not last past March 31st in any event.

**Mr. Byblow:** I appreciate the government leader's detail. It may help in answering some of the inquiries I have had.

In that some awards are being made by what appears to be arbitrary selection and no tendering process, as such, will the government leader flatly deny that there are no patronage contracts being handed out?

**Hon. Mr. Pearson:** Oh, yes, I will flatly deny that without any problem at all.

**Mr. Byblow:** Is the government leader aware of, and can he advise this House, what percentage, approximately, of this past summer's \$10,000,000 awarding of project money was done

without a tendering process?

**Hon. Mr. Pearson:** I cannot possibly answer the question. I think what the hon. member is going to have to realize is that this was not a summer project, it is something which has just started. Surely, the earliest any of this work started was mid-September. Some of the work has not yet been put out, but we hope that we are going to be able to get it all out at the earliest possible date.

Those kinds of statistics in themselves become job creation and, I am sorry, I just do not have the staff to be able to gather that kind of information very, very quickly. It is possible that, over time, those statistics would come to the fore, but, to my knowledge, we just do not keep those kinds of statistics now.

#### Question re: Social assistance — appeals

**Mr. Kimmerly:** On the question of social assistance again: in view of the minister's statement about individuals, will he say that, on the first stage of the appeal procedure, that is to the supervisor, the supervisor has the authority to grant social assistance in individual cases where circumstances warrant, even if a three month's work period in the last year is not applicable?

**Hon. Mr. Philipson:** If you went into social assistance, you would go first to a social worker. If you were not happy with the outcome of that, you would then be able to see the social worker's superior. If you were not happy with that, you could go to the social assistance committee and, if you were still not satisfied, you could then go on to the social assistance board. So, there are four levels that a person wishing social assistance can go to if he is unhappy with the decisions that have been made at a lower level.

**Mr. Kimmerly:** There are, in fact, five levels.

The minister did not answer the question. At the first level of appeal, to the supervisor, does the supervisor have the authority to grant social assistance even where the applicant did not work for three months in the last twelve?

**Hon. Mr. Philipson:** It is necessary to follow certain guidelines and I believe, in this instance, if the person did not fall into the criteria the way it is supposed to be, the social worker would have to in fact take that to their superior.

**Mr. Kimmerly:** I ask again, does that superior have the authority to grant social assistance outside of the general rule of the three months work requirement? Is there any use at all in appealing?

**Hon. Mr. Philipson:** The superior who the social worker would go to before granting anything extraordinary would have to discuss it with either the deputy minister or the minister, if they had a problem.

#### Question re: North Slope temporary facilities

**Mr. Porter:** In his response to my previous question on temporary facilities, the Minister of Renewable Resources stated that, other than King Point and Gulf's application for Stokes Point, no other consideration would be given for the creation of temporary facilities. How can he stand by such a statement when his very own members on the project review group recommended that, "the creation of a permanent multi-use port facility should not preclude temporary facilities in the future. As well", they stated, "industrial, governmental and scientific activities may require temporary sites".

**Hon. Mr. Tracey:** It is nice to know that the members across the floor get these reports — these supposed reports — before the minister and the federal minister get them. I question some ties that they perhaps have with some people who are involved. But that still does not change the position that I put to you of this government that we do not disapprove of other temporary facilities; in fact, we feel that there may be a need for other temporary facilities. They would all have to go to the land planning process before they were approved.

**Mr. Porter:** Maybe if we had more answers, rather than innuendo, we would be better off here. In view of the developments on the North Slope, is it the minister's view that there is now some merit in achieving a national treaty covering the Porcupine caribou herd between the Government of the Yukon, the Government of the Northwest Territories and the Government of Canada?

**Hon. Mr. Tracey:** I think we have made our position quite well

known on that and I am surprised that the member across the floor has not got that as well — he seems to have everything else, he has been reading it word for word. Our position has always been that we have the jurisdiction for the management of game in this territory. We are quite competent in managing that game. In fact, the Porcupine caribou herd, for example, has increased 15,000 in the last few years, despite the fact that there is the Dempster Highway going through it, which was supposed to destroy the herd as well. We are quite capable of managing that herd. I have had negotiations with Alaska and I have also had negotiations with the Government of the Northwest Territories, and we are quite in agreement that we can manage this game without involving the national government.

**Mr. Speaker:** I believe the hon. member has used his supplementaries.

**Mr. Porter:** I did not, but I will sit down anyway.

#### Question re: Family court judges

**Mrs. Joe:** I have a question for the Minister of Justice. In July, 1982 and again in March, 1983, the minister told this House that appointments were being made for the position of family court judges. Could the minister tell this House if he has since appointed JP's as family court judges?

**Hon. Mr. Ashley:** Those appointments to family court judges are actually JP-3 appointments. We have only appointed one. That person is in place and she is in Watson Lake. There are six, I believe, being trained but the JP Council has to recommend those appointments to me and they have not done that yet. In other words, they do not deem them quite ready to sit and act in that capacity.

**Mrs. Joe:** Recent reports have indicated that the training for JP-3's is not satisfactory. Could the minister tell us if his department will provide the necessary training to those JP's who will eventually be appointed as family court judges?

**Hon. Mr. Ashley:** The chief judge of the territorial court is responsible for training the JP-3's. If the member opposite is an expert better than my territorial chief judge of the territorial court, then I have problems with that.

**Mrs. Joe:** Since the majority of children in family court are of Indian ancestry, could the minister tell us if the Indian organizations have been consulted with regard to the training of family court judges?

**Hon. Mr. Ashley:** I leave the training of these judges up to the chief judge of the territorial court.

#### Question re: Agricultural development

**Mr. McDonald:** I would like to apologize to the Minister of Agriculture for not having asked him a question regarding agricultural development in the House yesterday. In an attempt to make up for that oversight, let me first ask a question that is general in nature. Will the government be tabling any legislation in the House this session which specifically assists farmers?

**Hon. Mr. Lang:** As for any changes to the *Lands Act* at the present time, the answer would be 'no'.

**Mr. McDonald:** Failing legislation, is the minister planning to make any addresses, ministerial statements, regarding his government's progress in policy areas such as property assessment and taxation of farms, open grazing, with preservation of agricultural lands?

**Hon. Mr. Lang:** I would assume the possibility exists.

**Mr. McDonald:** Good heavens, this minister is very helpful today, as usual. Will the minister answer the written questions submitted this last spring regarding the release of names of persons who have successfully received land from the Agriculture Development Council, including plot size and location?

**Hon. Mr. Lang:** I intend to give a reply. Whether or not it is to his liking remains to be seen. I suggested that it is my prerogative to write back to the member opposite and then he can do with it what he will.

I should point out to the House that I sometimes have difficulty putting in very specific terms any conditions with respect to the various aspects of my responsibilities until I am clear on what he is asking. He goes all over the map and I do not quite understand what

the question is.

**Question re: Money broker**

**Mr. Penikett:** I have a question for the gentleman who does not need a question in writing, the Minister of Finance, the government leader.

I am in receipt of a government press release, dated July 28th, entitled "Yukon Government Hires Money Broker", announcing the appointment of the Bank of Montreal and Walwyn, Stodgell, Cochran and Murry, the Toronto investment dealers, as government agents with respect to borrowing on international capital markets.

What is the Yukon government's credit rating on these markets at the moment?

**Hon. Mr. Pearson:** I am not sure that we have a credit rating yet. It has to be established. We are in the process, as the member opposite should be aware, seeing as how he proports to be the finance critic of this government. We have just received from the Government of Canada the authority to borrow; to go to the open market and borrow.

Not only did we receive the authority, but all of our other options were cut off, as well. We have to do that now and we are in the process of doing that, and until we do do some borrowing and some paying back, credit ratings are going to be very difficult to establish.

The one thing that we do have in our favour — or I assume that it is going to be in our favour — is that the Government of Canada has to be, or is, pursuant to our legislation, a co-signer of loans, if you will. They end up being responsible in the final analysis.

**Mr. Penikett:** Let me say that this finance critic, I would suggest, does at least as good a job at proporting as the Minister of Finance does his reporting.

Could I ask the government leader, then, if, as he seems to be suggesting, there is a possibility that we may, at least as our loans are guaranteed by the Government of Canada, be able to share their credit rating and their interest rate, or if that is a reasonable assumption, will the international markets want to give us a different credit rating and a different interest rate?

**Hon. Mr. Pearson:** It goes without saying we are going to try and get a better interest rate and a better credit rating than the Government of Canada has, but I do not know what they are going to be, and until we actually do some borrowing, there is no way of knowing what they are going to be.

**Mr. Penikett:** Can the government leader give the House any indication as to what kind of fees or commissions these agents will be paid with respect to such borrowings they do on our behalf in international markets?

**Hon. Mr. Pearson:** We commissioned an agent on the basis of proposals made. We received a number of proposals from all across Canada from a number of organizations in Canada that are in this particular business. We chose the one that we thought was going to be most beneficial to this government and to the people of this territory.

**Mr. Speaker:** Order, please. The time allotted for the question period is now expired.

#### GOVERNMENT MOTIONS

**Mr. Speaker:** We will now proceed to government motions, motion number 17, adjourned debate, Mr. Byblow.

#### Motion Number 17

**Mr. Byblow:** I rise in debate on this motion. I am reminded of a constituent of mine who suggested to me last year that an excellent way to raise revenue and still benefit the people of the Yukon, particularly during times of recession, would be to tax every political speech made in Yukon. I am sure that if that came to pass the Minister of Economic Development would either pay the highest taxes or perhaps we might hear less of him. I draw this good humour with reference to the minister because economic development is quite obviously the theme of this motion. Economic development is Yukon's primary concern, and this government's economic development minister, along with the

Minister of Finance, are ultimately responsible for this government's economic policy.

Yesterday, the government leader described many positive developments of our economy in some rather glowing terms and, by way of a positive response, I want to say that much of what was said actually sounded very good. In fact, some of what was said sounded remarkably familiar to what was being said on this side over the past year and a half. We all recognize the very severe economic situation of the territory. We recognize the need for job creation and we appreciate that, finally, his government recognizes the need for long-term planning. In some measure, I believe we have persuaded this government that economic stimulation by government is necessary where the private sector cannot and will not respond. We also support the need for training.

But the problem is that words do not always translate into real action. And in that respect, I want to raise a number of questions about the real performance of this government.<sup>9</sup> Much has been said of the infamous \$10,000,000 distributed around the Yukon since the legislature shut down this spring; in fact, I heard the government leader referred to recently as the "\$10,000,000 man", without the bionics. Well, at least we think it is \$10,000,000, because the government says it is \$10,000,000. But when I took the time to add up the amounts of money that were announced umpteen times by umpteen ministers in umpteen communities, I got something like \$90,000,000. The point is, you can announce the same money many times over. In fact, I recall a story recently told to me about a particular government in Saskatchewan. It was planning an elaborate appropriation of funds in order to try to win back losing popularity that stemmed from economic mismanagement based on some strict conservative policies.

<sup>10</sup> Drawing on the funds established by a prudent but previous social democratic government, this government contemplated how to spend the money best in order to win the greatest number of votes. One conservative neophyte, I am told, came up with a brilliant suggestion. He said the government could translate the money into the greatest electoral strength by building a bridge across the South Saskatchewan River, lengthwise. This government has not suggested, I do not think, building a bridge across the Yukon River lengthwise, but somewhere my political savvy tells me that the story has an inference in the spending patterns observed this past summer and fall.

The government leader talked about planning and I say sincerely that what he said is encouraging. But what we see begs some detail.

In the first instance, we raise the question of the real planning that took place prior to the scattering about of the \$10,000,000. We get calls of projects announced such as the Elsa School, where the community had no prior knowledge nor consultation, of that project. I am told, quite reliably, that some communities were phoned for prioritization of projects in the morning for a listing that afternoon. I am advised, and I certainly can see by looking, that many of the projects would normally be laid out in a capital budget. And others, under the guise of make-work, are quite standard operations and maintenance responsibility of the territorial government.

In normal times there would be normal, responsible obligation by government, without fanfare, and the work would be done. There even seems to be some repetitious work. I spoke to a caller yesterday who said a painting contract was being awarded on the same facility in less than a year. This one reminds me of the fellow digging a hole and having to put the dirt back in but finding that all the dirt would not fit. Pondering the problem at some length, he hit upon a solution, and that was to dig the hole deeper.<sup>9</sup> Some have suggested this as the dirty solution to things. But far be it for me to suggest that this may also be a Tory solution to things.

The issue of tendering raises many questions. Many projects are not being tendered, and there is some clear resentment in some communities about who is getting the contracts and work. Now this government will deny the patronage suggestion. In matters of public expenditure there must not even be the appearance of patronage. In addition, we are being told that many projects were well underway before the fanfare announcements, and just as an aside, I find it

ironic that the new cabinet would venture out in the communities after making these spending decisions, instead of prior to making them, if they really want public input.

Speaking of public input, I find it a real exercise in double standard to witness cabinet and its entourage visiting the communities after the spending decisions for public input and to hear the Minister of Education say she will not stand for public input in matters on education to members of this House.

<sup>11</sup> The minister, unfortunately, is not here. The government leader says that these projects were closely developed within community consultation and that planning was central and consistent. I submit that this assertion is flawed in process and we will be asking many questions. You see, the Yukon public is getting rather cynical about a government that, one year, was on the verge of bankruptcy, restraint, doom and gloom, and within a year is spending wildly, talking recovery, extending its personal staff, arbitrarily bypassing this legislature, while out on the street there are real people struggling to make ends meet, tightening their belts even more, and contemplating how they will make it through the winter.

Inasmuch as we agree with principles of job creation, job training and economic planning — because these are ones we advanced to this government over this past year — we have some very serious reservations about the process, and the evidence of these principles in action. It is probably of no consequence to the average Yukoner that these spending initiatives of YTG this past summer and fall, are principally federal money, but it is of some consequence how that money is spent.

I want to talk for a moment about long-term, because the government leader spoke about it at some length. Now, it is a firm belief on this side that a long-term economic strategy is not outside the capability of this government. We believe in long-term strategy. We believe that it, in its rudimentary stages, can begin by the policy and expenditure initiatives taken today. We believe also in the long-range goal of self-sufficiency. Some of us on this side have waited since 1978 for a promised economic development strategy, and yesterday we probably heard from the government leader the closest statement on that subject in five years. The government leader identified those sectors that are to receive priority attention, namely, tourism, highways and public works, renewable resources, and the economy. And, again, glowing and commendable words are not translating into action. Aside from the mental dollars in these areas, what has Yukon put on the table for the long-term?

The government leader speaks long and passionately about Yukon's evolutionary journey towards provincehood, and he recognizes, I believe, that goal is synonymous with an increasing measure of self-sufficiency. In fact, he alluded yesterday to Yukon's potential of being a self-sufficient member of the Canadian Federation.

I ask, does the current spending pattern of this government encourage that goal of self-sufficiency? And to what extent is this government creating permanent jobs, encouraging permanent economic stimulation, or developing permanent initiatives in its policies and its expenditures? The government acknowledges that the principal thrust of current expenditure is employment and labour-intensive make-work. This is quite acceptable and it is quite necessary, but is any of it designed with the long-term in mind, or is it just words?

<sup>12</sup> Is this government acting on its stated long-term planning by utilizing the current expenditure? In other words, is it translating policy into action?

I suppose it may come as something of a surprise or, perhaps, an education, that the current economic development minister was also the minister of this portfolio back in 1980. I remember the minister speaking vehemently in debate on estimates that economic planning was redundant. I do not think he used that word, but what he said meant that. It seems to me he has come a long way in recognizing the value of economic planning. Economic planning seems to be more accepted by this government today and we acknowledge this government's acceptance of our point of view.

We would, of course, if we were on that side, be more aggressive in economic stimulation in the secondary permanent economic activity, in joint ventures and better management and utilization of

those resources that we do have in our control. Unfortunately, it appears that this government is coasting, to some degree, on federal apron strings, and everyone knows that if you are coasting you have to be going downhill.

I still maintain that Yukon lost a golden opportunity to make inroads in the struggle for resource control by its refusal to support an equity position on the Cyprus Mine last year. In fact, it has refused to do very much until royally prodded. A necessary tool for economic development could have been forged by a Yukon development corporation, but history will show the error of that missed opportunity.

My colleagues will no doubt raise additional points. I want to conclude by saying that we are encouraged by this government's statements on economic planning, but we will certainly be more encouraged when we see some results.

**Mr. Brewster:** I would like to say a few words on this motion after that very beautiful speech from the other side which went around and around and never did really produce any facts.

There are those who claim the government is wasting money in its effort to keep people working this fall and winter. These individuals claim that the government is not looking ahead. They claim that we are only making short-range plans. If one takes the time to seriously look at these accusations, you will soon see that the real motive is, simply put, partisan criticism.

It is the official opposition's main responsibility to criticize the government. If they really thought the government was doing a good job, they would be Conservative like the majority of Yukoners.

To make my point very clear, allow me to elaborate on the Yukon government's efforts in the beautiful Kluane riding. The clearing has been done for the long-awaited sewage lagoon in Haines Junction. Although this project was intended to be completed over a three-year period, the Yukon government is doing as much of this work as is possible during the fall and winter months. This is the time that we need the work most. This sewage lagoon will meet the needs of Haines Junction for decades to come.

There has been a substantial financial commitment by the Yukon government for the renovations of the Haines Junction Community Club. Because of this, the community club is to become a more versatile facility and has attracted a large number of meetings to the community. As a result, our motels and businesses have benefited from these improvements and will continue to do so in the years to come.

A number of business interests have looked favourably to Haines Junction for their working headquarters for their projected activities. They are looking at Haines Junction because of our social facilities, our schools, our newly renovated community club and our new swimming pool, among other things. The money spent on our community facilities is not a short-term waste of tax dollars; it is an investment in the future. In Destruction Bay, the government has initiated projects to clean-up the old buildings and construct a fire guard around the community. These activities fall within the recommendations of the Kluane Tourism Development Plan. They are short-term initiatives aimed at implementing a long-term tourism plan.

In Beaver Creek, the Yukon government has provided funds for the residents to enlarge their community hall. This community club has taken the initiative of showing its slide presentation to many tourists who have stayed there each night during the summer. This is not a short-term investment; it is an investment that pays off in two ways: it is consistent with the goals of the Kluane Tourism Development Plan and it provides an avenue for the community club to pay its own way. In addition to this, the new tourism building at Beaver Creek will be of significance to the region for years to come.

Improved firehall facilities in the Kluane communities are a necessary service that indirectly support the tourism industry by providing a better protection to the many tourist-related facilities. The recently completed campground at Pine Lake is a welcome tourist facility to our area. The tourists I have talked to have nothing but good to say about it, and the government should be congratulated on such a fine job.

The work being done throughout Yukon communities is of great significance to the small contractors and businessmen — the backbone of Yukon economy. If we neglect these sectors of our economy now, there will be little need for future planning. Many Yukon businesses will fold.

I promised my constituents that I would bring government to the people if I were elected. Since then, there have been a number of cabinet ministers traveling through Kluane, individually as well as on a cabinet tour. They were greeted by the people from all communities. This cabinet tour was money well spent. They had the opportunity to meet with people and discuss their concerns first-hand. This is the kind of government I will continue to work toward and the people will continue to vote for. The people in the communities did not criticize the projects announced as short-sighted. To the contrary. Almost without exception, they welcomed the opportunity to better their economic status and community through the benefits of these projects. I would like to caution the critics: the people of Yukon are good judges of valid criticism. As far as they are concerned, the case against this motion does not wash with anyone except those die-hard, partisan, opponents of the government. We all know who these people are. Good government involves short-term initiative as well as long-term planning. And the people of the Yukon are well aware that there are some things that are better left unsaid. The opposition's accusation against long-term planning by the government is one of these.

I hope it is noted that I talk only about the facts in Yukon. I am not running around talking about Saskatchewan and other far off places and making accusations without facts.

**Mr. Kimmerly:** I thank the members opposite for applause.

I intend to make only two major points. They are fairly general points, however, in answer to the government leader's criticism of the earlier speeches. I am going to be very specific on the first point.

The first point I wish to raise is the general area of the stabilization of the economy and, a little more specifically, the stabilization of the workforce. In the government leader's speech yesterday, he made a significant point and said we need to stabilize our workforce and keep the workers in Yukon. I could not agree more.

That is a laudable goal. I wish to elaborate on one method whereby we can do that, which method is largely ignored by the government. The largest employer in the Yukon is the government. The three levels of government include something around one-third of the jobs in the Yukon, and the territorial government is the largest employer among the three governments. I say that it is crucial, and it is of the utmost importance, that the territorial government, as an employer, sets the example for the territory to stabilize the work force and hire locally. Now, in the past, much was made of the local hire slogan and I am sure that the goals of the present government to local Yukon-hire are the same as our goals. I am sure. However, they do not achieve it and there are far better ways that it could be achieved than is the case now.

In the territorial civil service, there is a colonial attitude which works against the hire of local Yukoners. It is beginning to change, although not fast enough. I am going to be very specific now and I will stay in my critique area and I am going to speak about three specific jobs. I do not know the individuals involved. This is not a question of individuals. I am specific only to illustrate the point.

The first one is that some time ago there was advertised the position of a rural social worker supervisor. Several Yukoners applied who were qualified according to the qualifications and no one was selected. A week or so later there was an advertisement in the *Globe and Mail* re-advertising for the same position where there were qualified Yukoners. I will back that up later.

Another example is the recent hire of a senior probation officer. A local Yukoner, who was the acting senior probation officer in the Ministry of Justice for approximately a year or so, I am informed, applied for the job. He did not get it and somebody else, who was not a Yukon resident, has come in.

A third example is a social worker in Haines Junction. Now I am aware, through discussions with the Band officials, that there was an initiative taken by the Band and CYI to contract for that work.

They were first told it was illegal; they could not do it. It was later admitted it was not illegal; that was inaccurate. There are people in Haines Junction who could do that job and they were not hired; an outsider was hired.

Those are three examples, very specific.

Now, I make the charge that there is a colonial attitude in the civil service, and it appears to be that we are developing an expensive provincial infrastructure. We want degreed people from outside. We should be training local Yukoners for those jobs and we can do it. There are some efforts, notably in the Department of Finance, incidentally, where Yukoners were financed for further education in order to be qualified for senior positions. I say there is nothing wrong with Yukoners, and Yukoners can occupy the senior positions in the government. The colonial attitude is outdated and should be changed. That mechanism is a way that we could stabilize our workforce and stabilize our economy. It is a practical solution to a problem and I recommend it to the government.

My second point is on the issue of land claims. On page 27 of the government leader's speech notes, he says, "Finally, and most importantly, this government...", et cetera, is paying attention to land claims. These statements have been made for the last four or five years. "Finally and most importantly"; it is the most important issue in the territory, always — somewhere around page 27. The major impact of the speech is obviously about the economy and jobs.

I remember, 18 months or so ago, we went through an election campaign and I remember an ad in the newspaper, put in by the Tories, that said, "We will settle land claims within one year" and the "within one year" was underlined. They made a promise to settle land claims within one year. Clearly and specifically "within one year" was underlined. Now the year has passed and, in the course of that year, it was YTG that walked out of the talks.

The attention to land claims and, in the economic context, the attention of this government to facilitating the improved living conditions of native people, the improved employability and the improved employment in the territory in the private sector and in the government is totally deficient and, on that note, I will sit down.

**22 Hon. Mr. Philipsen :** The government leader has made it abundantly clear in his speech yesterday, that this government considers the relative health of the Yukon economy, especially over the course of this fall and winter, to be of the utmost importance. The government has taken a number of economic initiatives to nurse Yukon through these difficult times. I would like to assure the members here today that even though we have taken a number of economic initiatives, this government is not neglecting its social responsibilities.

To the contrary, I believe we can be proud of our programs in management of Yukon health and social services. I would like to take a few moments to elaborate.

In the area of services to senior citizens the government, through careful study and planning, has been steadily improving facilities for services to seniors throughout the territory. Yukon will soon be able to boast some of the best programs in the country. We make sure that our seniors are well housed. Approximately \$117,000 has been allotted as home operating subsidies through the Pioneer Utility Grant. Other seniors are provided housing through Yukon Housing Corporation, many of whom receive accommodation subsidies through lower rents. The government provides residential facilities for seniors who want independent lodging. It requires some limited care and supervision. One of these is Dawson City. I recently had the pleasure of visiting the staff and residents there during our recent cabinet tour. The atmosphere was bright and cheerful. I was told the people involved were happy with the service and the help that they received from the department.

In Whitehorse, Macauley Lodge currently provides basic nursing care for seniors who cannot live independently in the community. This facility is a priority with this government. Recently, \$1,286,000 was designated for additional space and renovation to existing facilities and for the purchase of new equipment. Work on the addition and renovations started a short while ago. Some of the new furnishings and equipment are on their way. We will see many

positive improvements.

Without question, there will be an overall improved quality of care through a general enhanced physical environment. The centralized nursing station will increase the efficiency of the staff and the level of services to residents. A fully-equipped sick room will be strategically placed behind the new nursing station; a call system will be placed in the building and the building will also have humidification added. The general level of health care will be upgraded with the new medical equipment.

Both the staff and the residents have the enjoyment of the new kitchen and dining room facilities and the recreational areas for social activities.

With programs available to seniors to supplement income, provide health care and provide aid for living in their own homes, along with development of senior citizens' housing by Yukon Housing, and the high level of care in Macauley Lodge, it can be said that the level of service to seniors is as good as, if not better than, that in most jurisdictions in Canada. It is continually improving all the time under this government.

I recently attended a federal/provincial health ministers conference. I was very pleased to find that Yukon has one of the best health coverage programs in the country. Although there are some deficiencies the government recognizes and is working on, Yukon should be proud of its level of health coverage. Unlike some of the provinces, we have no user fees, authorized charges, nor extra billing. The program coverage is also portable throughout the country. It is comprehensive, covering a wide variety of conditions and is very accessible. All you need is your card.

There are those who argue that our modest health care insurance premiums deny access to health care. This is not the case. In most instances, health care premiums are a fringe benefit covered by an employer. Should someone be unable to afford to pay health care insurance premiums because of personal financial circumstances, premium assistance is available. Accessibility to our health care plan is denied to no one. It is our government's view that premiums are essential in meeting the high cost of delivering the health care program, for we do not feel individuals should bear the full cost of personal medical care. We do feel that beneficiaries of the program should be reminded that there is a cost associated with it.

**23** Our medicare travel plan is unique. Even in the Northwest Territories, which has some of the best government services in Canada, residents are required to pay \$100 on each trip taken outside the NWT for medical reasons. In Yukon, the cost of authorized medical travel is borne entirely by this government. Again, for our senior citizens, their health care package is one of the most comprehensive in North America; and again, I say, without charge.

I must point out, contrary to the charges made by the federal minister of health about health services in southern jurisdictions, there has been no erosion of health care service in Yukon; the thought does not exist. In fact, as deficiencies are encountered, the level of health service continues to improve under this government. I only have to point out several new cost-shared initiatives: the construction of the new health centre and nurses' residence for Carmacks, with a second nurse planned; the renovation of the Al Kulan House in Ross River with a clinic and nurses' residence, with a second nurse also planned. Negotiations are under way for the acquisition of a building in Beaver Creek for a new health station, and there is the placement of a second nurse in the Teslin-Carcross-Tagish health district; and also there is the recruitment of a community psychologist and native mental health co-ordinator in Whitehorse.

Since the tabling of the *Children's Act* last spring, I am pleased to say that we have made a great deal of progress with the bill. We have begun to follow through with our commitment to get as much input from various groups, committees and communities as possible. Since we were informed that the implementation of the federal *Young Offenders Act* is now deferred until April 1st 1984, we found we were able to give the communities and others concerned more time to thoroughly examine the program by discussing it in the communities. It will be likely that we will be resubmitting it to the assembly for consideration during the next

session in the spring.

Alcohol abuse continues to be a serious social problem in the Yukon and one which my department is dealing with as effectively as possible. During the summer, minor reorganization in the structuring of the program delivery of Alcohol and Drug Services was undertaken to better coordinate these services to the communities. A series of 13 training events has been developed. These are open to the general public, para-professionals and professionals.

The department is actively participating in a fetal alcohol syndrome study being undertaken in Yukon to identify fetal alcohol syndrome children so that proper treatment can be provided. We are also working with other agencies in this field to facilitate greater coordination in an effort to reduce alcohol and other drug abuse.

Concern has been expressed in the past in this House about the vacancies in my department, particularly in the social worker positions. I would like to point out that, despite a significant turnover in program staff last summer, many of whom returned to university for further training and have expressed a desire to return to the department on completion of that training, we have been successful in staffing the vacant positions with exceptionally competent people. I feel at this point it may be a good time to answer what Mr. Kimmerly said a moment ago: put a social worker in Haines Junction. Contrary to what Mr. Kimmerly has said, the person in the area that he feels should have been given the position was not in fact trained to the amount necessary to fill that position. Contrary to what Mr. Kimmerly has said, the person who filled that position did not come from outside.

We waited two weeks for the CYI to come in with their proposal and held the position until we were able to discuss it with them. We discussed it with them for approximately an hour and a half or two hours. The area that the Council for Yukon Indians wished to go on to fill that position was the area in the new *Childrens Act*, an act which I may remind you is not a fact. The portion that they wished to go to under was the area that said, "the commissioner and executive council may at his discretion appoint communities or persons to carry out the directors' responsibilities". That act is not in place yet.

<sup>24</sup> We are all aware that many Yukoners were forced to turn to social assistance in the past year because of the economy. As a result of the many job creation programs and employment stimulation programs undertaken by this government, we have seen a reduction in the number of individuals on social assistance this summer. In part, this reduction is due as well to the Yukon Opportunity Plan which, over the last 10 months, has assisted in placing many former social assistance clients in full- or part-time employment. It has been, and continues to be, the position of our government that those Yukoners who are in need shall receive the assistance necessary to return them to self-dependence.

Although I am responsible for the Department of Government Services as well as Health and Human Resources, I have chosen to speak today on the government's social responsibilities. I therefore support the motion of confidence in this government.

**Mr. Speaker:** Is there any further debate?

**Mr. Porter:** In my comments today to Bill 17, I will be very brief.

The first point of the statement that I would like to give concerns communities in my riding and the government's liberal dispersement of funds to the outlying communities. I think it should be noted that they did not deliver one red or Tory cent to the communities of Swift River or Upper Liard, and those are situated in the riding of Campbell. I have the list: there is nothing.

Those communities are members of the Yukon community as a whole and they cannot get away with the attitude that, well, there is nothing to do in those communities, because, I point out to them, there is. Last year, I raised the question with this government that the wood road located at Albert Creek, near Liard, was in sore need of upgrading. So far, nothing has been done.

There is a skating rink that could be upgraded in the Community of Upper Liard and the community hall can be fixed up. The children in Upper Liard do not have any recreational facilities, other than a broken down skating rink. The facilities are all in Watson Lake, but there is no way for those children to get from

Liard to Watson Lake. They could have provided transportation for those children. None of that has been done in that particular community.

There are, without question, massive social problems in the community of Upper Liard. There is a serious alcohol problem. The minister of health talked about fetal alcohol syndrome. I would like to inform him that there are six known cases in the Community of Watson Lake-Upper Liard of fetal alcohol syndrome in Yukon, and things could be done about those serious problems.

Alcohol is a very serious problem in that area. So far, there is nothing in the Community of Upper Liard, particularly, that is designed to combat the alcohol problem.

In the Community of Swift River, I told the government and the people of the community told the government, that they are in desperate need of some sort of accommodation for the children to sit and possibly have a classroom-like atmosphere to do their studies. Monies could have been spent there. People could have been employed in that community for that purpose, benefiting the children of that community. Again, this government has refused to do anything.

When they have made decisions to spend money in native communities, they spend relatively a lot less there than anywhere else: Pelly Crossing, \$36,000; Dawson City, \$800,000. In Pelly Crossing, \$20,000 of the \$36,000 is going to the Stewart Crossing end of the riding. Of the remaining money, \$16,000 is going to upgrade the Pelly Farm Road. It is not going to be spent in Pelly Crossing.

As a matter of fact, they have even spent additional monies for the bridge on the Pelly Road this summer, and that is just about complete.

When you look at the Community of Teslin, of the monies that they did spend in Teslin, the jobs that they did create in the Community of Teslin, there is nothing in terms of addressing the question of native employment. Of the six jobs that are currently underway in Teslin, only one job is held by a native member of the community and the native people of Teslin are a majority of the community. When we look at the jobs that they are doing in Teslin, there is no need for any highly skilled trades: community hall renovations, move ambulance garage, upgrade skating rink, fence dump, erect signs, local museum grant. There is nothing in there that tells me that they are going to need highly skilled electricians, plumbers, welders for those specific jobs. So, you cannot use the excuse, in this instance, that people are not employable, that people do not have the skills, because they certainly do.

In the community of Old Crow, I believe they spent \$30,000, all totalled, for all of the monies they spent on their Cabinet tour.

<sup>25</sup> This summer, upon the invitation by this government, the community put forward a proposal for \$148,000, largely aimed at upgrading the school in the community, to do some work in the community school in terms of upgrading the landscaping of the community school. The government came back and said that all we are prepared to do for you people in Old Crow is buy you a big toy. And this is what they are saying to the people of Teslin as well. There is another big toy on the way to the Teslin community. So, it is obvious the Minister of Education has run out of playmates and wants her own big toys in the communities so that when she visits she can have something to play with. I mean, that is the kind of situation that we have in terms of the attitude of this government to the small outlying communities.

And the whole question of native employment is sorely lacking in all of the discussions that we have heard so far and in any of the projects that we have seen allocated. Not one has been directly aimed at native people or employing native people in this territory. Of \$10,000,000, little, or no, money is being spent for the employment of native people. Yet native people employed constitute 30 percent of the population in the territory. They constitute a majority of the permanent population of this territory. Yet this government is doing nothing to address that fact. And this government need not look any further than the government institution itself to realize that fact. You go down to the cafeteria here, look at the people who come out of the government offices — how many native people do you see? How many?

**Some Hon. member:** *(Inaudible)*

**Mr. Porter:** It is a bunch of B.S. when you try to say that the CYI is stealing employees from the government. This government simply has no program, has no intent to employing native people. Look at the pages who have come before the House since I have been here: not one native student. Not one. That is a pretty sorry record. Are you saying that we do not have any native students going to school? So, I think we have to get at the core of this problem; and if it means using a sledge-hammer over your collective heads, then possibly that is what is needed to bring this forward. I mean, the government leader can get up and huff and puff and scream that we are all Yukoners until he is blue in the face or ready to pop a blood vessel, but when the smoke clears and your face has returned to its normal colour the situation is going to be the same. And, when the cards are cut and dealt this government ends up with five acés, and the Yukon Indian people end up with nothing. Further, the member for Porter Creek East can rant and rave as much as he wants and raise a stink high enough to knock a dog off a gut wagon, but that does not do anything for the problem, does it? The problem is still there. You are doing exactly nothing to solve that problem. And my message to you is that it is about time that you seriously addressed the issue and sat down and looked at it carefully and did something constructive about it.

**Mr. Speaker:** Order please. I do not believe that the chair has that responsibility and directing the chair in such a way would not appear to be quite in order. If it is the honourable member's intention to direct his remarks other than to the chair, perhaps he could identify to whom he is directing his remarks. Proceed.

**Mr. Porter:** I specifically mentioned the government leader and the member for Porter Creek East. In summation of what I have had to say today, I point out again the facts that no money has been allocated to the communities of Swift River and Liard in the Campbell riding. That, in terms of employing native people in the communities, this government is doing nothing to offset the high unemployment level in the community. The government leader, in his speech yesterday, talked about 16 percent unemployment in the Yukon generally, and the member for Kluane asked for some facts. Well, the fact is that in many of the native communities there is in excess of 75 percent unemployment in those communities. The community of Upper Liard will run higher than that — 80 to 90 percent. So, what are you doing about that?

<sup>26</sup> It has been said that a government must be judged by how it treats its minorities. I think that we look at this government and see in terms of the issue before us, of creating jobs and employing and training people, that this government, in this instance, has failed miserably. I can only hope that there is a spark of morality to recognize that within government, and that in the future we will see a change.

**Hon. Mr. Lang:** I have listened with a great deal of interest to what the member for Campbell had to say. I want to go on the record saying that perhaps maybe some of the reasons that the concerns of some of these communities are not coming forward to the government side of the House is because the member opposite has not been doing his homework.

I recall very vividly when I made the offer to the member opposite, with respect to the subject of roads for the purpose of getting to woodlots, that we would seriously consider upgrading a road in the Upper Liard area. He never, ever got back to me.

Now, it is one thing to stand up and pontificate in this House, when we happen to call a session, but I am saying to you that a member has a responsibility 365 days of the year, not just when he is called in to sit in this House. I say to you that he has a responsibility, just like all members in this House, to bring forward the concerns on a non-partisan basis to see whether we can resolve the problem.

I submit to you he has not done that.

I recognize that he would like to stand up and speak with respect to the relationship between Upper Liard and Watson Lake. We recognize the closeness of those two communities. We recognize the facilities that are in Watson Lake that the young people in Upper Liard take advantage of, and they should. We would like to see more of it. There is no question, from our perspective, that we

want the small communities that are within an eight or 10 mile radius, 20 mile radius even, working together, as opposed to having a duplication of services, which the member opposite would like to see.

I want to say to the member opposite that in Swift River, over the course of this year, we have upgraded the garage, as far as the working conditions are concerned. If you take a look in the broadest perspective, across this territory we have taken steps. We have not stood up like the member opposite and thrown up our arms and said we have done a great and wonderful thing. We have, as a matter of course, for an example, working through the member from Kluane, done the graveling contract in Haines Junction. The native band did that as a corporate citizen. That put people to work. Burwash is the same example. On the brushing contracts that were let, there were native people and non-native people — Yukoners. We did not take a blood test, like the member opposite would ask us to do.

What would he like us to do; line up all the kids and separate them? Is that what the member opposite wants?

I say to you, the member opposite, that is not what this government stands for. This government stands for people working together as a whole to the racial overtones that are brought into this House every time the member opposite for Campbell seems to stand up and speak.

When you take a look at the benefits across this territory, and the potential of this territory, and you see this type of discussion in this House, I think it lowers the esteem of this House in the public's eyes.

To infer that one side of the House, or this side of the House, feels more empathy toward one segment of the population or the other is, in my point of view, totally destructive. I recognize people have problems — people. The member for Whitehorse South Centre may not recognize that she has people in her riding (inaudible). They have problems, and we as government have to deal with those problems in the most equitable manner that we possibly can.

The economic critic for the side opposite stood up and congratulated this House for the efforts that they put in to try to foresee in the short term this coming winter the possibilities of some hardships that Yukoners will see.

We are letting contracts out and we have some in a supervisory nature, depending on the contents of the contract. The reason for that is to have the flexibility to try, where possible, within the community of Haines Junction or Teslin, or Ross River, to get people locally hired.

The member opposite for Campbell talked about his riding and the community of Teslin. Is he telling me that he is giving a vote of non-confidence to the LID, to those people who ran and were duly elected? That is the body that we are working through to do those projects.

The member opposite speaks from both sides of his mouth. On one hand he goes down to the LID and says they are great guys and and up here he stands up and says well, the projects are not being administered properly. The reason we have gone through the Local Improvement District, the community organization, is to try to ensure that those people in the community who are employed, native and non-native, can have employment if they so wish.

<sup>27</sup> It would seem to me, when you take a look at communities such as Pelly Crossing, that the member opposite talked about, which government put in a million dollar school or, say, a \$2,000,000 school? We each in this Legislature are hoping he will stand up in the education budget and congratulate the MLA for Carmacks and the Minister of Education. We did it because we knew that there was a need there.

When you take a look at the various projects we have gone ahead with, it is not only from a short-term, but a long-term point of view, as the member for Kluane indicated. The side opposite are really in a dilemma, I can understand, with respect to the North Slope, because they are not too sure who makes policy for that side of the floor. Is it the Conservation Society or the NDP caucus?

When I take a look at the side opposite I do feel empathy for them, that what is termed as the left wing of the Party, perhaps, is controlling the side opposite. Now, I would be the last to make an allegation of that kind. I am just saying that that was brought to my

attention by some members of the public.

When you look at the potential of the territory, we have talked about a number of areas. The government leader has indicated our support in the area of tourism and the Minister of Tourism should be congratulated, along with the private sector, for the way they handled what could have been a very difficult year for that particular industry, with the White Pass going down, the recession internationally. Yet we have held our own in the tourism industry when you take a look at some of the other provinces who have gone down.

When you take a look at the work we did for Cyprus Anvil — the member for Faro stands up and says, "Well, ho, ho, ho, you haven't done enough, you haven't done enough". Well, I say to the member for Faro, the taxpayers of this territory have put \$2,000,000 of their money forward to go on with the stripping project at Cyprus Anvil.

I recognize the member for Whitehorse West has all sorts of respect for the member for Porter Creek East. I would be the last to argue with him, but, when you take a look at the other things that are going on, with United Keno Hill going back into production, and you look at the major contracts that are going to be going on on our highways, we are looking, next spring, at a fairly good construction season.

If the Beaufort Sea development goes, it is going to be a very positive thing for the territory. It is going to provide jobs and employment. We have been told it is environmentally sound and, the side opposite cannot decide whether or not they support it, but they say, "We are for development but we need more studies". Well, I find it totally and absolutely ludicrous. As one Inuit from the North West Territories said, "we have been studied to death, it is time we made a decision". That is what we are saying, there comes a time to make decisions. As I indicated the other day, maybe there are members opposite who are looking at going into the consulting business, I do not know. If you call that economic development, I guess, in one context, it is, especially if you are at the public trough. We think it is time for decisions.

When you take a look at Yukon and the work that this government has done dealing with all of the various factors that the government leader outlined, from land claims, to economic development, to short-term and long-term projects — and the list goes on, as the Minister of Human Resources indicated, with the social responsibilities of this government — I think, overall, we have coped very well within the financial limitations we have been restricted to.

The members opposite and the member for Whitehorse West, the leader of the official opposition, will laugh when I say that we have done this without increasing the taxes to the taxpayers of this territory. We have managed it well enough to keep the costs down to the taxpayer and yet, at the same time, reorganize priorities and realign various government programs to meet our objectives.

Now, perhaps the member for Faro, who would like to stand on his talk, does not care about the taxpayers of the territory; all he wants to do is spend money. Well, I will make it very clear, from this side of the floor, we do care.

The members opposite look there and they snicker when we talk about the taxpayer. Well, I am telling you, we take it seriously. I notice the sides opposite did not make any comment when the government leader came up with the policy decision that we were going to go with a significant increase in transfer of payments to the municipal governments in this territory. It is going to help them get through the course of this year and keep the taxes down to the property owners within those communities. To us, that is of major significance.

I know the member for Whitehorse South Centre would like to give social assistance to someone from BC who just arrived here yesterday. We believe we have a responsibility to the long-term residents of this territory and I believe we are carrying it out.

In conclusion, I would say to you that, as far as the strategy that was brought forward, that it was brought forward in the best interest of all Yukoners and it is going to work in the best interests of all of us.

**Mrs. Nukon:** We have all heard a number of interesting comments on this motion this afternoon. I must say that some of the comments are definitely more interesting than others and, in that regard, I would like to make several comments of my own on the operation of the government while the House was recessed.

In an effort to cut costs, Canada Post has taken it upon itself to drastically alter the mail service to Old Crow. As it turned out, this may hurt the regional airline that now operates a scheduled flight to north Yukon. It may affect air service to the communities of Dawson City and Mayo, as well. The decision to change the service was done in a Canada Post boardroom with no consultation with the people who are affected by the decision and with little thought to the consequences of the decision.

Most people were shocked with the way this decision was handled. I had the government leader and the Minister of Economic Development aware of the concerns of the people of Old Crow. The government leader, in turn, wrote Mr. Warren, the minister responsible for the postal corporation, to express our concern over the decision. As a result of this representation and other representations by members of the Old Crow Band Council, the postal corporation has postponed its decision and is now involved with a consultation process.

I must add that the Minister of Economic Development travelled to Old Crow to investigate the problem soon after the decision was made. It is special efforts like this that reassure my confidence in this government. The final decision on the postal service question is expected in November and I know that the Yukon government is working to ensure that the interests of my constituents are protected.

As the government leader, the Minister of Economic Development and the Minister of Renewable Resources have clearly stated in the House, the government is very concerned about the development on Yukon's north coast and the results of the North Slope Project Committee hearings. As everyone here must be aware of by now, this is a very important issue to my people. I made a presentation to the project review committee expressing the concerns of the people of Old Crow in the way that I see it.

The people of Old Crow are very concerned about the effects the Beaufort Sea development will have on their lives. They are asking how it will affect the environment, the wildlife and, especially, the Porcupine caribou herd. The whole matter of Beaufort Sea development, especially on Yukon's North Slope, is a very complicated one and, after hearing all the pros and cons, the people of Old Crow find it very difficult to answer.

As a result, many people in Old Crow have mixed feelings on development in north Yukon. The people of Old Crow have relied upon the Porcupine caribou herd for as long as we can remember. The effects that development would have on the herd is our major concern. The caribou must not be harmed.

One thing that was made very clear at the hearings, which will make my constituents feel better, was the testimony by the caribou experts from the federal government and the Yukon government. They said that there would be very little effect to the herd if the development was managed properly. This is encouraging news.

I would also like to say that, contrary to the impression left by some people, there are a great many of my constituents who are not opposed to development in north Yukon. The decision will be made in November regarding the two projects on Yukon's North Slope. As you can see, there have been two major issues that have come up since we sat last spring. I am confident that these issues will be resolved in a manner that fairly meets the needs of all parties. Therefore, I am in support of this motion.

As for the member for Campbell, if he is so concerned about Old Crow, I challenge him to run against a P.C. candidate in the next election if he is still around. I want him to keep in mind that I am the member for Old Crow.

*Motion No. 17 agreed to*

**Mr. Speaker** We will now proceed to government business.

**GOVERNMENT BILLS**

**Bill No. 19: Second Reading**

**Mr. Clerk:** Second reading, Bill No. 19, standing in the name of the hon. Mrs. Firth.

**Hon. Mrs. Firth:** I move that Bill No. 19, *Access to Information Act*, be now read a second time.

**Speaker's ruling:**

**Mr. Speaker:** It has been moved by the honourable minister of education that Bill No. 19 be now read a second time. Prior to proceeding with debate on the motion of the hon. Minister of Education, I would wish to rule on the point of order raised by the hon. leader of the official opposition on October 17th. The leader of the official opposition pointed out the existence on the Order Paper of Bill No. 101, namely *An Act to provide for Freedom of Information*, standing in his own name, and at that time he questioned whether that bill and Bill No. 19 were not substantially the same. The Chair has reviewed the two bills in question and agrees with the hon. leader of the opposition that they are in fact substantially the same as they both deal with the subject of access to government records. The Chair has also reviewed the relevant parliamentary authorities and the precedents of this House and has come to the following conclusions.

First, there is no rule which forbids the presentation of two or more bills relating to the same subject. There is, therefore, no impediment to Bill No. 101 and Bill No. 19 appearing on the Order Paper at the same time.

Secondly, the Chair would refer members to page 491 of the 19th edition of *Erskine May*, where it is stated, "If a decision of the House has already been taken on one such bill, for example, if the bill has been given or refused a second reading, the other is not proceeded with if it contains substantially the same provisions". An important point, which follows on the same page in *May*, is that, "If a bill is withdrawn after having made progress, another bill with the same objects may be proceeded with". It is clear, then, that once the House has come to a decision at the second reading stage on either Bill No. 19 or Bill No. 101, the Chair must not allow the other bill to proceed. This does not mean, however, that the bill not being proceeded with will now immediately be dropped from the Order Paper. Both bills will be allowed to retain their places on the Order Paper until such a time as the House has come to a final decision on the one being proceeded with. If the House should vote against that bill at any of its stages, both bills would fall from the Order Paper since the House had reached a final decision on the provisions found in both bills. If the House should pass the bill, then the House would have reached a final decision on the provision to be found in both bills. The one passed would be put forward for assent and the other would at that time be ordered dropped from the Order Paper.

The reason both bills are allowed to remain in the Order Paper until the House has fully dealt with one of them is the possibility that a bill which is under consideration may be withdrawn. In such an event, no decision has been reached by the House and the House would then be free to deal with the bill remaining on the Order Paper.

For a precedent in this matter, the Chair would refer members to the 4th session of the 24th Legislative Assembly when the House had before it Bills 101 and 13, both entitled *An Act to Amend the Motor Vehicle Act*, and both of which dealt with substantially the same subject. In that case, second reading of Bill 101 was moved on November 3rd by the hon. member for Whitehorse South Centre, debate took place and then was adjourned on motion of the present Minister of Municipal and Community Affairs.

No decision has been taken on Bill No. 101. The Chair allowed a motion for second reading of Bill 13 on the following day. The House proceeded with Bill 13, ultimately, giving it third reading and passage on November 8, 1982. On the next day, the Chair informed the House that since it had reached a final decision on Bill No. 13, the Chair was ordering Bill No. 101 to be dropped from the order paper.

Therefore, it is hoped that this ruling will provide members with some guidance as to how the Chair will deal with questions relating to bills containing substantially the same provisions.

The hon. Minister of Education may now speak to her motion for second reading of Bill No. 19.

**Hon. Mrs. Firth:** I am pleased to introduce the *Access to Information Bill*. The intent of this bill is to provide a process which will enable people to obtain access to information in government files. The bill is designed to ensure that access is uncomplicated and to ensure, at the same time, that individuals, private businesses and information received in confidence from other governments is protected through limited designated exemptions.

The bill is a strong example of our open government policy. It enshrines in legislation the process whereby people can review the business of government. We have had regulations which provided for access to information since 1975. This procedure was not well known, however, and constitutional changes in the past few years have made the original access process outdated.

We have determined that it is more appropriate to introduce the present legislation rather than to modify the old regulations.

The previous regulations were passed under the *Archives Act*, since that act provides for the care and preservation of the government's records. The Yukon Archives will continue to be the access point for records under this new *Access To Information Act*, as it maintains the responsibility for holding the government's information in safekeeping. By designating the archives as the focal point for access, we are providing a single window to the public.

This will permit the expeditious processing of access requests. Archives staff trained in reference service can readily identify the relevant department or departments and the relevant files.

The one window approach has its advantages to government as well as to the public. It makes most efficient use of staff and resources, which is particularly important in times of restraint; no new person-years are required. The process will be incorporated into a currently funded program. Fiscal impact on other departments will be minimized.

We are preparing an inventory of all government records in order to implement this legislation. The purpose of preparing this inventory is to provide for easy access to the information by identifying classes of government files organized both by department and subject. This inventory will be available in the Archives, in community libraries and in territorial agents' offices throughout Yukon.

We have provided for certain limited categories of exemptions in this act. The exemptions are designed to protect citizens and businessmen who have given information in confidence, other jurisdictions which have written confidentially to the government, the conduct of enforcement activities, and the competitive position of both the private and public sectors.

These exemptions are necessary as a reassurance and protection to people and institutions whose legitimate expectation of the government is that it maintains certain types of information in confidence.

In the event that an access request is denied, we have provided for two levels of appeal. The first level is an informal procedure in which an appeal is made to the minister responsible for the department whose files have been requested. The minister may reverse or uphold the denial as he or she deems appropriate.

The second level is a judicial process in which an appeal is made to a judge of the Supreme Court. Again, the judge may reverse or uphold the denial in accordance with the provisions of the act.

To conclude, in introducing this legislation, we are making information available to members of the public without them having to demonstrate that they are acting in either a private or public interest. We are providing for open government.

**Mr. Penikett:** I must say, at the outset, that I take no pleasure in addressing Bill 19 today because, as I stand here, I am quite literally flapping my gums. I confess I would have preferred another day, but dictates of the government House leader have decided otherwise with respect to this legislation. Most legislatures, where the British standards of political conduct operate, would have called for consultation between parties on the timing of this debate but, given yesterday's appointment of a deputy speaker without any prior consultation with the opposition, perhaps we can expect no better.

I do want to say that I regard this as a pity because I have taken considerable interest in this subject. For some years now, I have sponsored a freedom of information bill and, as Mr. Speaker has indicated, my bill is still on the Order Paper. That in itself, without regard to my standing as opposition House leader, would have guaranteed, under normal circumstances, some consultation in most parliaments about the timing of the debate on Bill 19, but not here, apparently. Enough said.

This may not be a bad bill. I think it could be a very good bill and, when I say that, I hope the minister will understand me when I say that I would very much like to have delivered this baby myself. And, if the mother of this legislation will forgive me, I may yet claim paternity.

Perhaps, if the Minister of Economic Development could forestall his giggling, it was not that funny, Mr. Speaker.

It differs in a number of significant, but not profound ways, with legislation previously presented in this House, which, I might say to the Minister of Economic Development, could have been law prior to the last election if that excellent piece of legislation had not run into a shameless filibuster in the committee stage from certain members of the other side. However, that is past and I am a forgiving person.

The difference in title between that bill and this bill probably is best illustrative of the difference in tone and intent of the bills. The one bill was called *An Act to Provide for Freedom of Information*; this government bill is entitled, *Access to Information Act*. However, I want to say this, and I emphasize this to the minister, the bill does embody, or respect, three very important principles in terms of this kind of legislation. The first is public access, the second is the respect of privacy and the third, and very important, point is judicial review. I want to compliment the minister on having respect for those principles and enshrining those principles in the legislation.

I am a little bit concerned about the weasel word, "reasonable", in reference to public access, and I do expect to quarrel with the minister about the grounds of refusal for access because they could be interpreted to exclude, if they were interpreted liberally, let me say, almost any imaginable request.

The minister, in her remarks just now, was quite conservative in describing the grounds on which access to information could be refused. However, my reading of the bill, and the one clause which details and covers it, seems to me a much wider territory than that, and I think that is a proper subject for some extensive discussion in committee stage. There is, for example, mention in that section of reference to communication to and from Cabinet which, in a government this small, covers just about everything and I would hate to see that such a rule be used to render such a useful piece of legislation as this, for all intents and purposes, practically ineffectual.

I am also concerned that there is not in this bill, as there is in Bill 101, an explicit statement of an individual's right to examine material which the government may have on file about him or her. The list of restrictions could preclude his access to information which the government maintains about him or her, and that I think is a serious concern.

The bill before us does not as well incorporate an important principle which was part of the other bill to which I referred, and that is a clause which protects the privileges, immunities and powers held by members of the assembly. This may be a small point, but members of the last House will know that we had a couple of occasions on which this issue was important. Let me suggest, for example, that we would be in a somewhat ridiculous situation here if we passed a law limiting access to certain kinds of information which some cabinet, perhaps not this one but some in the future, might use as grounds to deny the House information which the House had in fact resolved it wanted. There may be, I think, a need for an additional clause in there, which is not now in the bill, to make clear that the traditional prerogatives and rights of the legislature are protected. I am sure, of course, the Minister of Education would not want to be party at all to any measure which would in any way limit the democratic rights and privileges of this body, since she clearly takes such delight in belonging to it.

There is also, I notice, in this bill, an interesting time limit rule. The 30-day time limit set by this act for responses to requests for information seems somewhat generous, perhaps, in comparison to the U.S. Freedom of Information Act, which has a 10-day framework. But I am glad, at least, that the bill is fairly specific on that score because it does find a clear framework both for the original archivist decision and the ministerial review. Of course, there is no way that this House could dictate how long judges might want to sit on an appeal of those decisions.

However, the time limit section of the bill also makes reference to extended time allowances under two sections, 3 and 4, which, I point out to the minister, one of which, 4, does not exist in my copy of the bill. The same section on time limits also relieves the archivist of a time-governed responsibility for notifying an individual that his request for information may have been denied. This could be a problem. I hope the minister's intentions are clear and if the minister's intentions are clear we can straighten this out, because I would not want to see a situation where you had 30 days to make a decision but then there was no time period governing the transmittal of the information about the denial. For example, if the archivist had to provide an individual with a denial, the bill does not say when this has to be done. If the archivist, for example, was slow in providing a reason for refusing the information, an individual could, theoretically, lose his or her right to appeal because of the 30-day rule in which they have to appeal. If an individual does not receive the information he has requested within the 30 days or is otherwise informed, is he then to assume that the request has been denied and that a reason will eventually be forthcoming? I make this as a modest and not harshly critical point. It seems to me the bill, to my mind, is not sufficiently clear on this point. It may, of course, be very clear to lawyers or my friend to the left here, but it is not clear to me, who can only read English.

In conclusion, I am prepared to say that this bill, with some slight improvements, could be a very good bill. Dare I say it could even be a better bill than Bill 101, that marvellous artifice of legislative drafting. I would like to congratulate the minister, and I hope she will be as open minded - to use her words - enough in committee to consider reasonable amendments to the bill, because I am sure the minister will appreciate that an open mind on that point will even further contribute to her reputation as the great standard-bearer of open government in the Yukon here today.

**Mr. Kimmerly:** I welcome this opportunity to speak to this principle because it is an exceedingly important principle.

In the debate in the past on this issue, in previous sessions, I said that the most important impediments to modern democracy are the issues of government regulation that is not reviewable in the normal legislative sense, and freedom of information. So, two issues, I think, are the major issues in the forefront or the vanguard of the development of government in the free world, and access to information is extremely important.

It is interesting that I was reading an article in Saturday's *Globe and Mail* about the federal legislation and about communications between governments, which is covered in this bill. There are interesting developments. Specifically, a number of provincial governments — Alberta and Ontario being the worst — restrict access to virtually any information given to the federal government. That issue will come up again in the committee stage, I am sure.

Aside from saying this is extremely important or crucial legislation, I would like to say it is extremely important that legislation be written in a commonly understandable form and this bill stacks up pretty well, in my opinion. It is written in plain, simple English and the government, who is constantly looking for compliments, deserves a compliment on that score. However, in my former profession, it was my job to interpret the dictates of legislatures, though it is not always an easy job, and there are many problems with this bill. I will speak about them in the committee stage, perhaps, at greater length.

I do wish to raise one of them, because it is a very major one, at the outset, and at the stage of the principle of the bill. The bill is worded and explained so as to provide for a process to provide for access to the public business of the government of the territory. Now, to lawyers, public business is probably something different

from private business and there is a confusion in my mind, after reading the provisions in the bill, as to the intent of the government as to private business. I will be very interested in clarification on that point.

Just as an example, I wish to raise a specific example. The member for Mayo has now, on the order paper, a written question to do with individuals who have received land leases from the government and various information about that.

44 In virtually every other jurisdiction in the free world, that information is contained in a land registry system of some sort or other and in fact is public knowledge, and that issue will be an interesting one as it applies to this particular bill. A very real advantage to individuals of this kind of legislation is that they ask for government records about themselves. It is probably, by definition, private business, in that it is the citizen's own private business and he wants information about himself, or the records, and that issue is somewhat confused in the principle of the bill. I will be interested in a clarification of that.

In summary, I would like to say on the principle of the bill that I would reiterate the comments of the leader of the opposition. On the principle, it is not a bad bill. The purpose is to provide for a formal process and it does that, and the process in principle is a good process. I do not argue with it. It is relatively uncomplicated and it is understandable. There are clarifications and interpretations and probably a few amendments that we will talk about in the days to come. But in general we welcome the government initiative, albeit a little late.

*Motion agreed to*

#### **Bill No. 17: Second reading**

**Mr. Clerk:** Bill Number 17 standing in the name of the hon. Mr. Ashley.

**Hon. Mr. Ashley:** I move that Bill Number 17, *An Act to Amend the Workers' Compensation Act*, be now read a second time.

This is an amendment to Section 10 of the *Workers' Compensation Act*. It will enable the government to appoint an acting chairman to the Workers' Compensation Board when the fulltime chairman is in fact unavailable or unable to perform the functions of chairman for any of the Board's meetings. At present, the Workers' Compensation Board consists of a full time chairman and two members, one presenting industry and the other presenting labour. Two members constitute a quorum. In the absence of the fulltime chairman, an acting chairman is appointed from the remaining two members. A stalemate could arise if neither member wished to appoint the other as chairman or if there were disagreement on matters requiring the Board's decision. In order to prevent such a situation from arising, the amendment then will enable an acting chairman from outside the Board to be appointed by Order-in-Council instead of by the Board from among its members. In normal circumstances, this problem rarely occurs because the scheduling of board meetings is set to accommodate industry and labour and all members, including the chairman, are normally present.

The amendment also provides for the acting chairman to sit as a member of the Board only when the inability to act by the fulltime chairman occurs. It is contemplated that the appointing of an acting chairman would only be necessary if the fulltime chairman were absent due to long periods of disablement.

In conclusion, this amendment provides for an improvement of the administration of this crown corporation and thus improves the services to the people it serves.

35 **Mr. McDonald:** At second reading of this bill, I believe it appears fairly obvious that this change enabling the appointment of a temporary chairman, in the absence of a permanent chairman by order-in-council, is necessary. The chairman, of course, must come from the public service, as was established in the amendments to the *Workers' Compensation Act*, last year and it is the duty of the Commissioner and Executive Council to make such appointments.

It is made especially necessary, in our opinion, given the size of the new board and the nature of the chairman's new duties. The chairman must now tend to day-to-day activities of the board to prepare adequate briefings for other board members at their regular

meetings. Under the new organization, the duties of the chairman make his presence an integral part of the decision-making process and, obviously, the absence of a chairman could mean special problems for the remaining members of the board. For example, as the minister suggested, should the chairman be absent, it certainly might be possible for differences between labour and employer representatives to be irreconcilable.

It appears that the change stipulated in the amendment is desirable and we support it. However, it may be worthwhile to permit the Commissioner and Executive Council to appoint other members to the board, both labour and employer representatives, on a temporary basis, in cases where there are prolonged absences. Certainly, labour groups and employers would wish their interests to be represented in those instances where absences could be foreseen. Perhaps the minister could review this and consider bringing forward further amendments to accommodate such a suggestion.

*Motion agreed to*

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

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

**Mr. Speaker:** It has been moved by the hon. Minister of Municipal and Community Affairs that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

*Motion agreed to*

*Mr. Speaker leaves the Chair*

#### **COMMITTEE OF THE WHOLE**

**Mr. Chairman:** I call Committee of the Whole to order. At this time we will take a 15 minute break for coffee.

Recess

36 **Mr. Chairman:** I will call Committee of the Whole to order. We are dealing with Bill Number 17.

#### **Bill No. 17: An Act to Amend the Workers' Compensation Act**

**Mr. McDonald:** We have said practically everything we had to say during second reading, which is only a few minutes ago. I did make a suggestion to the minister regarding a further amendment, allowing the Minister or the Commissioner in Executive Council to appoint members to the board, specifically the labour and employer representatives, on a temporary basis in cases where there are prolonged absences.

The minister mentioned in his own second reading speech that these regular meetings are generally held with the timetables for both the labour representatives in mind. Generally speaking, they are held so that both the labour and employer representatives would be present, if at all possible. I know for a fact that they do not always do that. They try to do that when certain matters come up before the board. However, whether or not that is the case, I made my suggestion referring to those situations where there may be an anticipated prolonged absence by one of those two representatives. For example, the employer representative who, for reasons of sickness or whatever, would be out of the territory for perhaps three months. In order that the board's business can go on, it might be necessary or even beneficial for the minister to be able to appoint somebody in his absence. I am interested in hearing the minister's reaction to that particular suggestion.

**Hon. Mr. Ashley:** In response to the member opposite, the labour industry members are part-time only and this board only meets about once a month. Even if that problem did happen, we can appoint another member and we could very easily revoke that, with the other members, on appointment. It is possible.

**Mr. McDonald:** The minister made three points in answer to my suggestion. One is that the members are part-time. That is certainly true. They do only meet occasionally, once a month, sometimes more times a month, depending on the need. The

suggestion I made, of course, was that if there was an anticipated prolonged absence for more than a month - for two months or three months - perhaps it might be necessary to appoint somebody in his place.

Now, the revocation of appointments may not be the ideal way of going about this business. I mean, quite easily, the minister could say that he would revoke the chairman's appointment on a temporary basis should the chairman be absent. I recognize that as not being the best way of going about things. Perhaps, in a situation where the industry representative could anticipate that he would be missing for about three months, and in those cases where it might be necessary to appoint an alternative, then it would seem to be in the best interest to appoint such an alternative and allow the privilege to return when his absence had been complete.

**Hon. Mr. Ashley:** As I did advise the member opposite a moment ago, we have that ability now, except we did not have it for the chairman. Now we will be able to do it for the chairman as well.

**Mr. McDonald:** I understand that this amendment allows the commissioner and executive council to appoint an alternate rather than to revoke, technically speaking, the appointment of the chairman. All I am suggesting is, in order to maintain continuity, to allow for those instances where there is a prolonged anticipated absence, that rather than going through the formal position of revoking appointments we just make it possible that alternates could be appointed. It might be the most expeditious way of handling it and the way that would reduce any potential conflict. Now, obviously, if the minister feels that this is absolutely a worthless argument, then there is no point in continuing.

**Hon. Mr. Pearson:** I believe the member for Mayo is suggesting that we should appoint alternate members from labour and industry to the Workers' Compensation Board. Is that correct?

**Mr. McDonald:** When I say alternate members, the point I am trying to make is that, in those cases where there are absences, where there is an anticipated absence by a board member, that the interests of labour and the interests of industry should be represented especially in those cases where there are prolonged absences and not merely those absences which can be rectified by merely changing the schedule of board meetings.

**Hon. Mr. Pearson:** At the present time, we can in fact accommodate both labour and industry under the *Workers' Compensation Act*. If there is going to be a prolonged absence of either representative then the Board is required to reconstitute itself and have the proper representation. The provision for a deputy chairman or an acting chairman is simply one of expediency; it has absolutely nothing to do with representation at all. Representation is covered in the act.

*On Clause 1*

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. Ashley:** I move Bill no. 17, *An Act to Amend the Workers' Compensation Act* out of committee with no amendment. Bill number 17.

*Motion agreed to*

#### **Bill No. 19: Access to Information Act**

**Mr. Penikett:** On a point of order, I request the consent of the government side to give us time, as we only got this bill yesterday, before going into committee, to perhaps delay committee consideration of this bill until tomorrow afternoon, which will allow us I think to have a more expeditious and less ragged debate. As I say, we have only just seen the bill yesterday; we have given it second reading this afternoon. There are some suggested amendments that we might like to bring to the minister's attention and, with the assistance of my colleague, we may be able to in fact not only have the drafts but give notice prior to discussion so that the minister could be fully apprised of the exact nature of our concerns.

**Hon. Mr. Lang:** On the same point of order, I just want to say from this side of the House we are prepared to give the opposition time.

I just want to emphasize to the members opposite that we do have a very heavy schedule coming up over the course of the next two months and I hope the co-operation extended from this side of the floor is also provided from the other side of the floor when it comes time perhaps later on this session when we may have to work late on a number of evenings if we get behind, as far as scheduling is concerned, so that we can be finished this session prior to Christmas.

I should point out, while I am on my feet discussing the order of business, it would be our intention to proceed with clause-by-clause reading of the bill tomorrow afternoon as the member indicated. We should point out also we intend to go ahead with second reading of the *Society of Management Accountants Act*, the *Yukon River Basin Study Agreement Act*, and the *Certified General Accountants Act* as far as second readings are concerned.

<sup>38</sup> Also, I will be indicating to the side opposite, if they do get the opportunity of a briefing, with respect to the *Financial Administration Act*, perhaps we could give that second reading, as well. I will consult with the House leader opposite to see whether or not the side opposite is prepared to move with it.

**Mr. Penikett:** On the same point of order, I would just want to emphasize to the minister opposite that cooperation is not only our middle name, it is an entrenched and important part of our constitution as a political organization. So, expect nothing less.

I would make a suggestion to him in terms of the problem that this is not the first time we have run into it. The problem is that at the beginning of the Session not having enough business to go into Committee. It may be useful to revert to an ancient practice of this House of making available certain non-controversial draft measures to all members of the House, instead of just the members on one side, prior to the Session. Further, it may be possible, by that measure, to get some kind of agreement about some bills so that we could go into Committee almost immediately in such a case. It is a useful suggestion, I think, but I will let the members opposite dwell on it.

On the subject of Bill 14, just moments ago we made an arrangement for a Thursday morning briefing, which is the first time that we can get to do that and I cannot give any absolute undertakings now about that but, having had that briefing, I think we will then be in a position to discuss an early debate on that measure.

**Mr. Kimmerly:** On the same point, but in a much more general way, I would strongly recommend or make my personal representation that, for major bills — and the Access to Information Act, although it is not long, in terms of pages, it is a major bill in terms of research and consultation — it is entirely appropriate to allow the various members at least a week or so to digest it and consult. As the government will understand, if it is debated tomorrow and we received it late in the day yesterday, there is absolutely no time to consult with members of the media, perhaps, who may be interested, constituents, and various other interested parties. A consultation process is only good preparation for all members on both sides and, because of the lack of knowledge on our side or the confidentiality of knowledge on the other side, consultation is impossible, of course, prior to introduction of the bill. A consultative process is part of the democratic method and a week or so is not at all unreasonable.

**Hon. Mr. Lang:** On the same point of order, I think I have indicated the calendar business and have tried to be as open as I possibly can with respect to all members of the House. I have indicated the schedule of business the way we see it. We are dealing with items that, to some extent, have been on the order paper as far as the general principle is concerned. It would seem to me that that gives enough time, the past year, to discuss the principle in its general context. We are actually looking at the legalities and the question of the writing of the bill, I think, moreso than the principle. Therefore, I think we have allowed enough time on that particular piece of legislation.

I just want to re-emphasize that we are going to have a heavy schedule and, hopefully, all sides will cooperate so that we can get through it prior to the Christmas season.

<sup>39</sup> Mr. Chairman, I would move that Mr. Speaker now resume the chair.

*Motion agreed to*

*Mr. Speaker resumes the Chair*

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

**Mr. Brewster:** The Committee of the Whole has considered Bill No. 17, *An Act to Amend the Workers' Compensation Act*, and directed me to report the same without amendment.

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

**Some Members:** Agreed.

**Hon. Mrs. Firth:** I move that the House do now adjourn.

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

*Motion agreed to*

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

*The House adjourned at 4:52 p.m.*

**The following Sessional Papers were tabled Tuesday, October 18, 1983:**

**83-3-17**

**Second Annual Report of the Yukon River Basin, April 1, 1982 to March 31, 1983 (Tracey)**

**83-3-18**

**Report on Regulations, October, 1983 (Pearson)**

**83-3-19**

**Clerk of the Assembly: Report on Deductions from Members' Indemnities made pursuant to the *Legislative Assembly Act* (Speaker)**

**83-3-20**

**Report on Contributions to Political Parties 1982 (Speaker)**

**83-3-21**

**Report of the Yukon Elections Board. Recommended Amendments to the *Elections Act* (Speaker)**