



The Yukon Legislative Assembly

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HANSARD

Tuesday, November 8, 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**Tuesday, November 8, 1983 — 1:30 p.m.**

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

Prayers

DAILY ROUTINE

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

MINISTERIAL STATEMENTS

Hon. Mr. Tracey: In the last few weeks, there has been considerable discussion concerning the Porcupine caribou herd in the media, in government and user committees and boards and also in this House. These discussions all point to the concern there is for the proper management and protection of this great herd of animals. However, the discussions that are ongoing and the negotiations that have taken place in the past are becoming confused and convoluted so as to give improper impressions to the casual observer.

It is my intent, therefore, to set the record straight, so to speak, and to provide greater insight into the complex situation. The Porcupine caribou herd consists of some 130,000 animals that move through Alaska, Yukon and, to some extent, the NWT in their annual migration from summer to winter ranges. The total annual harvest from the herd averages between 2,500 to 3,000 animals, approximately 900 of which are taken in Alaska and the remainder in Yukon and NWT. Seven Inuit or Indian villages regularly harvest Porcupine caribou throughout their range.

While there have been numerous proposals over the years to protect the critical habitat of the herd, in both Alaska and Canada, formal negotiations for the cooperative interjurisdictional management was only initiated in 1978. In July of that year, the Minister of Environment announced that his department was opening discussions towards a caribou treaty with the United States Department of Interior to protect and manage the entire herd on both sides of the border, as an ecological unit.

¹¹ **Mr. Len Marchand,** the minister of the day, said there needs to be a comprehensive approach, which means close and continuing cooperation between the various agencies responsible for caribou in its habitat, in both countries.

Then and now, management responsibility for the Porcupine caribou herd in Yukon rests solely with the Yukon government. Consultation with this government prior to the announcement was minimal to non-existent. Subsequent discussions proved fruitless, largely because of the fears of Yukon and Alaska state governments that federal agencies on both sides were trying to usurp existing management jurisdiction and responsibility for the herd.

It would appear, during the intervening years, our fears were not unfounded. Management of a portion of the range of the herd would automatically pass to Parks Canada and to Canadian Wildlife Service if and when a national park is formed in northwest Yukon. In addition, Canadian Wildlife Service has been persistent in their attempt to see the remainder of northern Yukon turned into a national wildlife range under their management jurisdiction.

These two agencies have used every means in their power, including trying to influence the CYI and COPE land claims negotiations, to achieve their land base and wildlife management jurisdiction in northern Yukon. What they have not done is sit down with the Yukon government in an open and forthright manner to discuss the long term health and protection of the herd and any concerns they may have.

In recent weeks, the Minister of Indian Affairs and Northern Development has undertaken to establish an all-Canadian Porcupine

caribou management board. Meetings in this regard have been held in Whitehorse under the chairmanship of the Canadian Wildlife Service. We do not believe that the process to establish such an all-Canadian board, which includes federal agencies, is necessary. Instead, we have been in direct contact with the Government of the Northwest Territories and we propose that, together, the Yukon government and the Government of the Northwest Territories, the only two Canadian agencies with current management jurisdiction, reach agreement upon a common management objective.

Following that, it would be my intention to initiate immediate discussions between the YTG, the NWT and the State of Alaska to reach agreement on common objectives for the Porcupine herd throughout its entire range. I have had informal discussions in this regard. Therefore, in other words, the Government of Yukon strongly supports an inter-jurisdictional management agreement among the agencies responsible for management, but we do not support an international agreement or convention whereby we stand to lose management jurisdiction to federal agencies.

That is not to say that we do not or will not respect any diplomatic or protocol requirement to formalize agreements across an international boundary, but we will not needlessly relinquish our management jurisdiction.

We foresee a management structure for the Porcupine caribou herd as follows: a) an inter-jurisdictional agreement among Alaska, Yukon and the Northwest Territories, setting common management objectives in terms of harvest and habitat and setting annual jurisdictional quotas;

b) separate jurisdictional management boards made up of government and representatives of user groups and communities, which would advise on the allocation of the jurisdictional quota, advise on habitat management, and advise on any other matters pertaining to management of the herd. If a national park is established in northwest Yukon, a national park representative would also be granted membership on the board so as to continue to achieve continued joint and cooperative management throughout the range of the herd;

c) user community agreements which determine among themselves how their portion of the quota will be distributed among each community and between communities.

¹² The Yukon government and the CYI have reached tentative agreement on a Yukon caribou management board structure and function. I also understand that user groups met in Edmonton last weekend to discuss the future of the herd and their involvement.

This government stands ready to assist, involve and support legitimate users of the Porcupine caribou herd, but we will not tolerate the needless meddling and confusion currently being created by the federal government in this area.

Mr. Kimmerly: The minister talks about an inter-jurisdictional management agreement and the Governor of Alaska recently spoke about an international management agreement. I am assuming they are the same and, in principle, they obviously are, even though the change of wording is slightly confusing. Our ultimate position, or goal, is for an international treaty; that is the most desirable position. That is not inconsistent at all with the position put forward by the minister today.

We would urge the minister and the government to work quickly towards their stated goals in putting into place the international management agreement. The absence of this agreement, up until now, is clearly an impediment to development in the north and is a factor which puts the continued existence of the herd at risk. We support this international approach and urge a speedy resolution of an international agreement. It is a worthy goal and should be achieved.

The minister states that it is his intention to set the record straight because it is becoming confused and convoluted. I fear he has not done that.

¹³ It appears that it will probably be easier to reach an agreement with Alaska than to sort out the jurisdictional problems between the territory and the federal government. The statements concerning the influence on land claims and the statements concerning substantial criticism of federal initiatives, we perceive to be counterproductive at this time. A better approach and a more business-like approach

and an approach that would achieve agreement more quickly is a cooperative approach.

Thank you.

Hon. Mr. Tracey: I should have foreseen that the members across the floor would stand up and make a comment such as the last couple of comments that were made by the member. As I expressed in the ministerial statement, the jurisdiction now resides with the Government of the Yukon Territory. It is not the Government of the Yukon Territory that is promoting a problem. The problem is being promoted by the federal government. The Canadian Wildlife Service and Department of Environment, of which they are a part, is the problem. We do not have a problem with jurisdiction; we know who has the jurisdiction. The jurisdiction resides with us.

I have sat down with the minister responsible in the Government of the Northwest Territories. We have a tentative agreement. We will be continuing negotiations with them. We already have an agreement between the Government of Yukon and the CYI, regarding the Porcupine caribou herd. All that is required is the signature of the minister. We do not have a problem in this territory. I am fairly confident that we do not have any problem with the Northwest Territories or with Alaska.

⁹⁵ The problem we are having is with the federal government, and that is why I wanted to clarify the position that this government is taking with regard to the Porcupine caribou herd.

Mr. Speaker: We will now proceed to Question Period.

QUESTION PERIOD

Question re: Yukon College

Mr. Byblow: I have a question for the Minister of Education on courses at Yukon College. Can the minister say whether she has taken any direct initiative to institute courses at the college that would either upgrade or train Yukoners for jobs in the Beaufort

Hon. Mrs. Firth: We have just established in Yukon College, I believe some time in the middle of last year, the basic training for skill development program, or upgrading course, as it was known. We had to establish and expand on that program because there were so many Yukoners — I believe in the vicinity of 260 or so — who were not at a level where they would even qualify to go into Yukon College, so we have established that. And we are looking at some other programs in the hydro carbon industry but we have not established any definite programs.

Mr. Byblow: The minister must be aware that in many trade areas a relatively short marine upgrading course would permit ordinary qualified mechanics, or welders, to name a few of the trades, to in fact be ready for direct employment with Beaufort proponents. Will the minister be addressing immediately this aspect of upgrading to bring it in line with the marine requirements?

Hon. Mrs. Firth: We have been in discussions, the member from Faro and myself, at which time I have told him that when the industries were specific as to the requirements they needed we would pursue those courses; they have not been specific with us yet, and obviously for some good reasons.

Mr. Byblow: It is primarily the result of this government's inability to negotiate any kind of guarantees for jobs. I am advised by Beaufort interests that many Yukoners are in fact losing jobs because we are not even providing the minimum of training requirements for available jobs such as in the areas of radio operating, paramedics ...

Mr. Speaker: Order please. The hon. member is now making a speech; could he please get to his final supplementary question?

⁹⁶ **Mr. Byblow:** When I complete my sentence — in the areas of radio operating, of paramedics, of rigging, of marine emergency disaster. These are relatively short...

Mr. Speaker: Order, please. I shall ask the member to state his question or please be seated.

Mr. Byblow: Can the minister tell me what she is going to do about providing the relatively short upgrading courses in these areas?

Hon. Mrs. Firth: For a member of the Yukon Legislative

Assembly, who opens his arms and embraces the federal Minister of Indian Affairs and hugs him to his chest and defends him in this legislature, his question is not even appropriate to answer.

Mr. Byblow: The answer is no, then, I guess.

Mr. Speaker: I am sorry, the hon. member has used up his number of questions.

Question re: Whitehorse arena

Mr. Kimmerly: I have a question for the Minister of Municipal Affairs.

We have recently cleared in excess of \$2,000,000 for a new arena in Whitehorse: Whitehorse City Council is not proceeding with a new arena. Will the money be made available to Whitehorse for renovations to the old arena?

Hon. Mr. Lang: Unlike the member opposite, I do not necessarily answer to that Crown corporation called the CBC. I heard the news this morning.

I have not had any official discussions with the municipality and, until such time as I do, I am not prepared to comment on the situation.

Mr. Kimmerly: Last night, Whitehorse City Council decided to not proceed with a new arena. Will the minister continue to make the \$2,250,000 available for capital works in the City of Whitehorse?

Hon. Mr. Lang: I trust I do not have to provide the member opposite with a colouring book. I gave him a reply to his answer in the previous one.

⁹⁷ **Mr. Speaker:** I was just wondering if that was a question or a representation.

Question re: Victims of crime

Mrs. Joe: I have a question for the Minister of Justice. The minister has given many reasons for not supporting the ad hoc committee's proposal on victims of crime; one being that they were asking for money in mid-term budget. Could the minister tell this House the total amount that this government was asked to contribute?

Hon. Mr. Ashley: The question is irrelevant. There are a number of reasons, as I said. One of them is financing.

Mrs. Joe: The minister has also stated that he does not believe money is going to be necessary to implement the victim of crime's proposal to provide greater awareness and education to the criminal justice system and the victims of crime. Could the minister tell us on what grounds he bases that decision?

Hon. Mr. Ashley: That is not what I said, at all. The member opposite is totally confused as to what I have been telling her as to why I refused the board's recommendation.

Mrs. Joe: Since the ad hoc committee was prepared to implement the project as soon as possible, with very little assistance from this government, could the minister tell us why such a project was referred to his already over-worked in-house justice committee?

Hon. Mr. Ashley: What I have advised the House, in the past, is that I was establishing an interdepartmental committee to look at this; not the justice in-house steering committee. The member is confused again on that issue.

Question re: Public Service Commission

Mr. McDonald: I have a question for the government leader in his capacity as minister responsible for the Public Service Commission.

As the government leader is aware, there has been a restructuring of the hiring practices for casual workers employed by this government in that they must now be hired under the direction of the Public Service Commission. Can the government leader say what information these casuals receive outlining their rights, duties and obligations to and with their employer?

Hon. Mr. Pearson: No. I know that I have had a dialogue with the leader of the opposition with respect to this particular problem, on a number of occasions. There has not been a change in the structure of hiring. In fact, casuals are still hired by the departments, not by the Public Service Commission. All that

happens is that the paperwork and the files on these casuals are retained in the Public Service Commission. Our major concern is that they are terminated at the proper time.

There is a piece of legislation in this territory that says that we cannot have casuals on the payroll for more than six months. We intend to live up to that legislation. The only change is that the paperwork is now administered in the Public Service Commission; that is all.

Mr. McDonald: I appreciate the government leader's information. The question I asked was whether or not there was any information that these casuals receive which outlined their rights, duties and obligations to and with their employer. Perhaps, besides that, as the government leader may be aware, there is a well-established practice within industrial relations, called a progressive disciplinary system, whereby there is an obligation on the part of the employer to ensure that discipline fits an employment infraction and whereby efforts must be made to inform the employees of their work performance. Is such a system in place for casual employees and are casuals made aware of its existence?

Hon. Mr. Pearson: I am not sure that there is any such a system in place for casual employees. I certainly know that there is a system in place with respect to permanent employees. But casuals, it must be understood, are hired on a temporary basis for positions that we anticipate are not going to be necessary for any longer than six months.

Mr. McDonald: Obviously, in my questioning I am regarding casuals as working people with rights. So, in light of that...

Mr. Speaker: Order, please. Would the hon. member please get to his question. The hon. member is making a speech, as are many hon. members today, for some reason. This is an abuse of the rules of Question Period. I would ask members if they would live within the rules governing the question period and ask the question.

Mr. McDonald: Thank you, Mr. Speaker, for your wise direction.

Is the government leader satisfied, in the case of the workers at the Moose Creek campground whose employment was terminated, that they were operating under any kind of progressive disciplinary system which was well known to them?

Hon. Mr. Pearson: I do not know the details of this particular incident. I have left it in the capable hands of the people who are required to do this kind of work for this government. I am confident that if it was perceived by anyone that these people have been mistreated in any way, then that concern will be raised with the Public Service Commissioner. To my knowledge, it has not yet been raised with him.

Question re: Stokes Point port

Mr. Penikett: I have a question for the government leader.

Yesterday's statement by John Munro on the North Slope development proposal said, in part, "The government is committed to creating a national park so it would be inconsistent to locate even a temporary port within its boundaries". I would therefore ask the government leader: is it the position of the Government of Yukon that Mr. Munro, yesterday, in his statement, permanently rejected the Gulf-Stokes Point proposal?

Hon. Mr. Pearson: It would certainly seem so, but I do want to make one point while I am on my feet. It may well be a commitment of the Government of Canada, but it must be understood by everyone where this national park is coming from. We first — we, being the Government of Yukon or anyone in this territory — saw the suggestion of a national park on the North Slope in the COPE agreement-in-principle that was signed on Hallowe'en night in 1978 by the then Minister of Indian Affairs and Northern Development with a group of aboriginal peoples who live in the Northwest Territories. That was the first time we heard any suggestion of a park on the North Slope of Yukon.

Since then, we have heard on numerous occasions from bureaucrats in Ottawa about a park on the north coast of the Yukon Territory. This is the first time that there has been any kind of a definitive statement about what the boundaries for it might be.

Mr. Penikett: I thank the government leader for his answer.

Since Mr. Munro's statement yesterday concluded that the Kiewit

proposal "could be properly managed" and that one port could most likely be located at King Point, could I ask the government leader if it is his position, therefore, that the Government of Canada views the Kiewit proposal very favourably or much more favourably than the Gulf proposal?

Hon. Mr. Pearson: I am not going to let the Minister of Indian Affairs and Northern Development, or the leader of the opposition, get out from underneath this one. I have just been advised by Kiewit that their proposal does not exist any longer.

Mr. Penikett: Could I ask the government leader, since he has been communicating with Kiewit and since he was uncertain as to the timeframe of the minister's decision in the first part and since the minister's decision refers twice in the statement "for the time being" and "in reference to land claims", if he could indicate to the House what his position is in terms of the decision point for the federal minister?

Hon. Mr. Pearson: It was always clear and always has been clear. The Minister of Indian Affairs and Northern Development knew it and so did the leader of the opposition, that if Kiewit could not get a definitive answer from the Minister of Indian Affairs and Northern Development yesterday, they were finished. There is no tomorrow, there is no next year. I told the minister on the telephone yesterday morning that there was no tomorrow: it did not seem to make any difference to him.

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Question re: Yukon College

Mr. Byblow: I have the succinct question for the Minister of Education, with no preamble. Are there any marine-related courses at Yukon College now?

Hon. Mrs. Firth: I have a succinct answer for the member: no.

Question re: Police informers

Mr. Kimmerly: To the Minister of Justice concerning police informers who are guaranteed immunity from criminal prosecution. How many such informers exist in the Yukon now?

Hon. Mr. Ashley: There is no way I could answer that question.

Mr. Kimmerly: Is the minister interested in the question and will he ask the RCMP?

Hon. Mr. Ashley: I have already advised the House and the member opposite my views on the question of police informants.

Mr. Speaker: Yes, the hon. member is raising representations again.

Mr. Kimmerly: Is the minister planning to ask the RCMP if there are currently informers guaranteed police immunity on other charges?

Some hon. Member: Are you afraid to talk to them?

Question re: Victims of crime

Mrs. Joe: Since the ad hoc committee's proposal on victims of crime would have created at least two jobs with very little assistance from this government, could the minister tell us if it is his department's policy to reject job creation proposals?

Hon. Mr. Ashley: It is not this side of the House. It is the no development party. I will let the members opposite know that. It is ridiculous to come up with that kind of statement on job creation projects. There is no reason at all for those two jobs to be formed, as I have stated many times in this House before. I have given my reasons and discussed it, and you should read *Hansard* and you will learn.

Mrs. Joe: I do read *Hansard*, and that is why I continue to ask questions. I would like to ask the minister again if the victims of crime's proposal is being studied by his in-house committee and it is a high priority on their agenda?

Hon. Mr. Ashley: I answered that the last set of questions. It is not that committee that is looking at it.

Mrs. Joe: Could the minister tell us what the target date is for the implementation of this proposal that is not going to cost the taxpayers any money, as he stated previously.

Hon. Mr. Ashley: That is not what has been stated at all. The member opposite should read *Hansard*. The committee that is looking at it is an interdepartmental committee made up of justice,

health and human resources and workers' compensation board. Now, that committee is looking at it, yes, and they will be recommending to me, after they have looked at both that report and the federal victims of crime report.

Question re: Resource revenue sharing

Mr. McDonald: I have another question for the government leader. There has obviously been a great deal of interest in the extent to which Yukon will benefit from resource revenue sharing in future prospective development in Yukon. What negotiations have taken place to ensure that Yukoners will receive a fair share of revenue from such development?

Hon. Mr. Pearson: I notice that the shadow has left the gallery. I am sorry he is not here to hear this answer. I am confident that the members opposite recognize that one of the major sources of resource revenue sharing that we intended to have was in fact the Kiewit proposal, and it has gone now.

Mr. McDonald: The question was regarding negotiations. What specific negotiations took place to secure resource revenue sharing in the case of the proposed port sites, including the Kiewit proposal, on Yukon's north coast and what specific assurances did the government receive that would guarantee revenue for the Yukon government?

Hon. Mr. Pearson: Yesterday, I read out in the House — and I know that the member opposite had a copy — the Minister of Indian Affairs and Northern Development's press release. Attachment four to that press release was very explicit about what benefits were going to accrue to the people and the government of this territory. It was explicit; I read it all out in the House yesterday. I am sure he will recall that.

Mr. McDonald: I am asking questions about negotiations and guarantees. I will try to be a little more specific. Can the government leader say, regarding the division of resource revenue, what percentage of revenue this government would be prepared to accept from future development on the north coast.

Hon. Mr. Pearson: Once again, the member is not very often absent from the House, but I do not know whether he listens to what is being said. I answered a series of questions, put to me by the leader of the opposition, with respect to negotiations for resource revenue sharing some time last week, I believe. I explained to the leader of the opposition, at that time, that resource revenue sharing is a topic of conversation every time we meet with the Government of Canada, particularly when we meet with respect to financial negotiations that we are carrying on.

However, we are not anywhere near sitting down and talking to them about resource revenue sharing in specific instances. I respectfully submit to you, after the decision yesterday, what we really have to talk to the Government of Canada about is survival, never mind resource revenue sharing.

Question re: North Slope job guarantees

Mr. Penikett: Yesterday and today, the government leader has referred to attachment four in Mr. Munro's press release as evidence of job guarantees for Yukoners with respect to the Kiewit and Gulf North Slope proposal. Could I ask the government leader if he regards, as he seems to, the statements contained in attachment four as sufficient guarantee of jobs?

Hon. Mr. Pearson: I have not used the term "job guarantees". It seems to be a catch-phrase on the other side of the House that they are hanging their hat on.

I certainly have been more than satisfied with the intentions that were exhibited by Peter Kiewit and Sons Company Limited and their people in the numerous talks that they have had with us, in everything that they have done. I firmly believe that the reason that the minister blamed this on land claims was because he could not figure out anything else to blame it on. He could not blame it on the social aspects any longer; Peter Kiewit and Sons had taken care of that. He could not blame it on the environmental aspects because we had jointly taken care of that; we had answered all the questions. He had to blame it on something, because he was not prepared to take the blame himself, which he should have done.

Mr. Penikett: The statement referred to by the government

leader, contains words like "could", "possible", "depending on sales" and "providing the company fulfills its commitments". Could I ask the government leader if he really believes that such language is adequate to guarantee jobs on any development?

Hon. Mr. Pearson: Yes. I really believe it.

Mr. Penikett: Promises of local and native employment have been made in the past in connection with every major development in the north. Could I ask the government leader if he could name a single major resource development in the northern territories, either of them, where there were no job guarantees and where the majority of the workforce was hired in the north?

Hon. Mr. Pearson: I am not looking for job guarantees where a majority of the workforce is going to be hired in the north. I am looking for jobs for northerners, that is number one.

I know that when the Cyprus Anvil agreement was signed, initially, it required that 25 per cent of their workforce be native employment. That agreement is still in place today. It is still in place today...

Mr. Penikett: But it was never fulfilled.

Hon. Mr. Pearson: But then whose fault is that?

Mr. Penikett: It was not a guarantee.

Hon. Mr. Pearson: Oh, I see. So now the leader of the opposition is saying that was not a guarantee, it was an undertaking. There was an undertaking that they would, if they could, hire 25 percent of their staff as native northerners.

It has turned out, for one reason or another, and not for anything that Cyprus Anvil has done or not done, that it has not been practical. Who knows? Maybe if it had been practical, it is highly likely — or maybe — the hon. member for Faro would never have ended up in the territory. We just do not know that.

Some hon. Member: Wishful thinking.

Mr. Speaker: There being no further questions, we will proceed to Orders of the Day, under government bills.

GOVERNMENT BILLS

Bill Number 26: Second Reading

Mr. Clerk: Second reading, Bill Number 26, standing in the name of the hon. Mr. Ashley.

Hon. Mr. Ashley: I move that Bill Number 26, entitled *Constitutional Questions Act*, be now read a second time.

Mr. Speaker: It has been moved by the hon. Minister of Justice that Bill Number 26 be now read a second time.

Hon. Mr. Ashley: This bill is another step in the constitutional evolution of Yukon. The purpose of this act is to ensure that there is a straightforward way for the government to obtain judicial resolution of disputes about the constitutionality of legislation or government action affecting this jurisdiction. An act like this has always been desirable and a Canadian *Charter of Rights and Freedoms* makes it even more so.

As we all know, that Charter has introduced many new factors which affect the constitutional validity of legislation and government conduct. Perhaps the most important of these will be Section 15 of the Charter. This section concerns the main equality of rights and it comes into force in 1985.

There are seven important features of this bill and I want to emphasize these. In every case where the constitutionality of the Yukon legislation is attacked, the Government of Yukon will have the opportunity to intervene in relation to that constitutional issue. Conversely, in every case where the constitutionality of federal legislation is attacked, the Government of Canada will have the opportunity to intervene in relation to that constitutional issue.

Further, in every case where there is dispute about whether the legislation of Canada or the legislation of Yukon applies, both the Government of Canada and the Government of Yukon will have the opportunity to intervene in relation to that issue. The bill also specifies that the governments of Yukon and of Canada each have the right to take an ordinary court action to obtain a judicial declaration about the constitutional validity of any Yukon legislation. Paralleling this, the Commissioner in Executive Council can refer any constitutional issue, other than the validity of the legislation of Canada, to the court of appeal for determination of its

validity.

As you know, there are federal-territorial agreements which are similar to federal-provincial agreements. An example of this is the RCMP Agreement. If an issue relating to one of these types of agreements arises, then the provinces can also take part in the proceeding. Finally, the court of appeal can allow other affected persons to take part in the reference.

We have modelled this bill after provisions in Alberta legislation, and it is similar to legislation in other provinces. The provisions of this bill ensure that there will be a reasonable opportunity for both private interest and for public interest to be represented in every constitutional case in any Yukon court. Also, in the instance where a court case between private persons raises a constitutional issue, the government will have the right to intervene. However, this intervention will relate only to that constitutional issue.

In conclusion, this bill will have been careful not to encroach upon the rights of the Government of Canada. Indeed, we include that government as a participant in the benefits of the new procedure this bill will establish.

Thank you.

Mrs. Joe: This side of the House agrees with this bill, in principle. We are always glad to see good legislation introduced in this House and we will speak on good legislation whenever we see it. I am glad to see that he did not take anything out of the BC legislation, as he did for the *Elections Act*. We probably would not have agreed with that. However, we will be going into Committee of the Whole and will probably be asking him many questions.

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 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 will call Committee of the Whole to order. We shall take a short break.

Recess

Mr. Chairman: I will call committee back to order. We shall proceed with general debate on Yukon Housing, page 64 of the Capital Estimates.

Bill No. 28: First Appropriation Act, 1984-85

Yukon Housing Corporation, continued

Mr. Kimmerly: I will repeat the last question I asked last night. The minister stated, twice, that in a general sense the government looks after senior citizens well. My question is more specific. Under this department, or this corporation, is there a separate seniors policy?

Hon. Mr. Ashley: Certainly there is.

Mr. Kimmerly: What is it?

Hon. Mr. Ashley: The corporation sets the policy and I will get back to the member on that.

Mr. Kimmerly: I take it that the seniors policy will either be spoken to me or delivered to me in writing, at some future date. I do not wish to be insulting but the minister, in the past, has never ever got back to me on anything and I am putting that on the record.

In view of the fact that there is a seniors policy and I will be getting it, I have questions about the allocation of funds; that is, capital funds for seniors housing.

I have several questions and I will lead up to them this way. I was interested in a press release over the summer, announcing senior citizens' housing financed through CMHC in Dawson City. I wish to say, at the outset, I am not being critical, I am asking for additional information.

There is no addition to senior citizens' housing stock in Whitehorse, this year, or planned for next year. What is the procedure used to establish priorities and what projections are made for community use of seniors' housing? I am interested in the way decisions are made allocating the addition of units to various communities.

Hon. Mr. Ashley: To the member opposite, any time he has asked me a question on the budget in budget debates, I usually answer it within that same budget debate, maybe not the same day, but I usually do get back to the member. Now, if there have been times when I have sometimes been remiss and I have said I would get back to the member, then I will.

Now, as far as seniors' housing in Whitehorse, that is what the Alexander Street line item is here, renovations to a seniors' complex.

Mr. Kimmerly: The Alexander Street line, as the minister well knows, concerns a retro-fit of an existing building, a welcome program. It does not include the addition of any additional units in Whitehorse.

Over the past year, there were additional units in Dawson, not in Whitehorse, and in the future year, under no line, are there funds for addition of any new units for seniors. I am asking what is the procedure by which policy is made and what demographics are actually studied?

Hon. Mr. Ashley: The Housing Corporation's policy is to try and keep seniors in their own homes. That is part of what the Pioneer Utility Grant is offered by this government for; it is to assist the seniors staying in their own homes. So, that is the way we try to plan for seniors and then, when we have to, when the corporation advises us that it is necessary, that is when we will put new units in.

Hon. Mr. Lang: Just to give some background to the debate, there is an ongoing discussion with the Department of Health and Human Resources and the Golden Age Society, and at times there is a questionnaire sent out to the senior citizens — I recall this being done a number of years ago — to find out what demands are being requested of government in respect of housing and other services. Also, at the same time, it should be understood that, on an ongoing basis, the housing corporation reviews the various numbers of applicants who come forward for the purpose of getting into senior citizens' housing. Subsequently, that gives you a guide, so to speak, in respect of the demand.

Also, I think the member opposite has indicated in debate and in questions in the House that he shares our concern that we should be doing everything we possibly can to try to encourage Yukon pioneers to stay in their own accommodation, as the Minister of Housing has indicated, as opposed to providing government housing, which takes much away from the individual and also, at the same time, is very expensive on behalf of the taxpayers — especially if your economy is as fragile as it is in Yukon. But I do not want to get back into debate on development.

The point being, to follow that through, when you take a look in respect of the number of programs instituted by this House — the question of pharmacare, the question of medicare, the question of the home owner grant, the pioneer utility grant — there are quite a number of government programs in place already in order to provide that incentive, in order to try to meet that fixed income need. And one of the primary purposes of bringing in the income supplement program approximately a year and a half ago was to offset the cost to the individual on a fixed income who was in his or her own home. So, there are a number of programs already in effect for the purposes of ensuring or encouraging our seniors to stay in their own homes, but at the same time it is an ongoing basis in respect of looking at the demand with respect to what is requested of government as far as senior citizens' housing is concerned.

The other comment that the member opposite made a mistake in was in respect of the units that are being built outside of Yukon, which is one of the principles that the members of this House all endorsed unanimously — one of the few — that there be, where it was necessary and where it was possible to put in senior housing, such as Dawson City, Watson Lake, Mayo, we should be going ahead and proceeding to do that to have those people stay in their

home communities as opposed to coming to another community and having to go through what is a major social adjustment when perhaps you are at that age.

Therefore, those decisions were made with respect to the knowledge that the communities are going to be there for a long time, that there was a demand, although limited, and that those accommodations should be made available. It is a very difficult area, demographically, to say you are going to go ahead and construct senior citizens' housing, because the seniors many times will not make a commitment.

I do know, for example, that in Haines Junction — the senior citizens' housing that was built there by the Champagne-Aishihik Band — there are a lot of the native people who do not want to move into it. And they are having some problems. Now, I think time will overcome that. Upper Liard is in the same situation. So, when it comes right down to it, it is a very subjective decision with respect to whether you are going to go with a certain project and whether or not it is within your financial capabilities. You have to remember that, on the O&M side of those particular facilities, it is the taxpayers of the territory in most part who pay those bills.

I think at these times, too — and I think the member opposite will share my view on behalf of the constituents he represents in Whitehorse South Centre — that we have to be very careful of further taxation because, the more programs you go into, somebody has to pay for them.

¹⁵ **Mr. Kimmerly:** I am glad at least one member over there knows something about the department.

To the same knowledgeable minister, I would ask a follow-up question concerning the financial capabilities and the subjective decision. It is obviously not completely a subjective decision. That is, the minister correctly and wisely states there is a coordination with pioneer utility grants and other senior programs. For example, homemaker services and those other services occasionally proposed and talked about. The nursing proposal spoken about a couple of weeks ago is obviously going to impact on the need for seniors housing. What coordination is going on for 1983-85 with regard to the impact of pioneer utility grants and homemaker services on the need for additional units. What coordination is actually occurring?

Hon. Mr. Lang: I think those are unfair questions with respect to the capital that we are discussing. Those are actually questions that should be addressed — as the government leader indicated the other day in debate with the member for Whitehorse South Centre — prior to the operation and maintenance budget being tabled in this House for debate. At that time, I think it would be more appropriate to key in to those particular areas. All I can say, with respect to the discussions, is that we are very fortunate here. We are a very small government. The Minister of Housing sits beside the Minister of Health and Human Resources. There is ongoing discussions at the political level and also at the departmental level with respect to looking ahead and projecting and looking at the future needs.

But I think I have to warn the member opposite that we are going to be looking at a very tight financial year next year with respect to the overall financial capabilities of government, just like I am sure the member is doing in private practice, just like I am sure that the member for Whitehorse North Centre's husband is looking down the road here and saying, gee, it is going to be tight next year with respect to job opportunities and subsequently we are going to have to tailor our own personal finances the same way, similar to myself, from a personal point of view. The same is going to apply to government. I do not think that the member opposite, for the purposes of getting this into *Hansard*, should be inadvertently raising the expectations of the general public that this government can deliver much more than what it already has, unless we come across something that is going to increase revenue to the Government of the Yukon Territory.

Subsequently we can look at various other developmental programs for the purposes of accruing more wealth and subsequently distributing it. I think the member opposite should take that into account. I just want you to emphasize there are specific issues raised here in the capital budget. They are line items. They are requests for capital expenditures and there are reasons for them.

When we get into homemakers, into nursing care and this type of thing I would submit that is something that will be discussed, in all likelihood, I am sure, because the member for Whitehorse South Centre, fortunately or unfortunately, depending on where you are coming from, will still be here.

¹⁶ **Hon. Mr. Ashley:** The member opposite had better also understand that it is not a department, it is a Crown corporation. One day, he may. He should also realize that the background of the minister who just spoke came from many years in the House holding that portfolio; I have had it for about three months now.

Some hon. Member: At least he understands what is going on.

Hon. Mr. Ashley: And so do I.

Mr. Chairman: Before proceeding, Mr. Kimmerly, the way I will call members to speak is to try to have the debate between the minister and the speaker for the opposition. If I get an indication from another minister, I will try to get him in; then, if the other minister wants to talk to the response, I will let him before I come back to the opposition.

Mr. Kimmerly: I understand the previous minister's comments about the questions I am asking going beyond the capital budget and he is absolutely correct in stating that. However, if I ask the same question in the spring, I will get the answer "it relates to the capital budget, ask it then". I will simply say that I am asking about capital planning as it relates to O&M expenditures. There is a connection and a coordination necessary.

What I will do is stop this line of questioning now and put everyone on notice that, in the spring, I will be asking questions about the coordination of capital planning and O&M expenses concerning such things as the Pioneer Utility Grants and services to seniors.

Thank you.

On Capital Grant to Yukon Housing Corporation

Mr. Kimmerly: Are we going to go through the lines on page 65? I was expecting that.

Mr. Chairman: The ruling that we have on that is that they are really part of the total amount and, as we had allowed you to discuss them...

Mr. Kimmerly: The minister referred to going through it; I have specific questions about two lines. I will ask them and it will solve the problem.

First of all, on facades, where is that? Is it in Dawson, as I expect, or will the expenditure be anywhere else, as well?

Hon. Mr. Ashley: Yes, that is in Dawson. It is the second year of a five-year project to place historic facades on all the Corporation units in Dawson. It is mainly because of the historic control regulation requirements that it is being done.

¹⁷ **Mr. Kimmerly:** Under vehicles, is that one vehicle or more than one and where will it be on a permanent basis?

Hon. Mr. Tracey: It is two vehicles; one pickup truck, which is replacing one that is already in service with the government, and I believe it is stationed here — that I am not sure of and if the member opposite wants me to get back to him on that, I will. The other is the purchase of a used 3-ton truck that will be stationed here, but it would be used for transporting building materials for the Emergency Repair Program, basically, and various other appliances or materials the corporation uses.

Capital Grant to Yukon Housing Corporation in the amount of \$591,000 agreed to

On Yukon Liquor Corporation

Hon. Mr. Ashley: There is very little involved in this capital budget for the Yukon Liquor Corporation. It is \$32,000 for shelving and check-out counters, batteries, small material handling equipment, and other minor capital expenditures by the corporation.

Liquor Store and Headquarters Equipment in the amount of \$32,000 agreed to

On Schedule A

Schedule A agreed to in the amount of \$25,959,000

On Clause 2

Clause 2 agreed to

*On Clause 3**Clause 3 agreed to**On Clause 1**Clause 1 agreed to**On Title**Title agreed to*

Hon. Mr. Lang: I would move that Bill Number 28 be moved out of Committee without amendment.

Motion agreed to

Mr. Chairman: *First Appropriation Act, 1984-85*, Bill Number 28 has been cleared out of the Committee of the Whole.

18 Bill No. 29: Fourth Appropriation Act, 1983-84*On Clause 1*

Hon. Mr. Lang: Mr. Pearson should be here fairly soon. As you can see, you have before you the supplementary for 1983-84. As we all know, it was a fairly difficult year. We have done the best with what we have as far as the dollars limitation that has been put on the government. We have been very fortunate with respect to our negotiations with the Government of Canada to come up with a budget that did not really cut back the general services of government to the general public of the Yukon Territory. I think it is important to point out that, also, we have managed to do that without any increases in taxation as far as the general public is concerned. I do not think there is any question that we, in Yukon, believe that the prospects in the long term future of Yukon are positive. But the past year has been difficult; there is no question about the forthcoming year, especially in view of the announcement by the Government of Canada yesterday that it is going to make it that much more difficult for us as far as the long term future of the Yukon Territory is concerned.

There are a number of bright prospects on the horizon.

One is the economic development regional agreement that we are presently negotiating with the Government of Canada, which I indicated would be a five-year agreement and would bring approximately \$25,000,000 in cost-shared dollars with the Government of Canada into Yukon. We have a number of major federal initiatives on highways and also of major significance of course is going to be the Shawkak Valley project. Also, in the mining industry, I think there are a couple of bright prospects as far as precious metals are concerned and, of course, we have Cyprus Anvil back to the situation where we are doing a major stripping project.

I think that the budget before you is fairly complete as far as the supplementaries are concerned. It shows the operating grants and our income tax revenues. Our income tax was much better than what we had initially thought or programmed, primarily from Cyprus Anvil going back into a stripping project; that was a significant factor to that. Of course, our revenues are up somewhat as well as our recoveries. Subsequently, you can see the allocations of dollars and where they came from with respect to our responsibilities as far as to the Government of the Yukon Territory and the Government of Canada.

Mr. Kimmerly: In general debate, I have several concerns but the first one is perhaps the most technical and I would ask for an explanation of some of the arithmetical changes that occur from the amounts quoted in the main estimates for 1983-84 and the amounts claimed as reported to date. I notice inconsistencies. I will point them out in particular if necessary, but I would ask the government leader to explain the arithmetical inconsistencies; why the figures in the main estimates are occasionally different from the amounts voted to date in the supplementaries?

Hon. Mr. Pearson: I would be most interested to see some specifics because, at the present time, I cannot think of a reason why they might be different.

Mr. Kimmerly: On page three of the Main Estimates, the total expenditures for 1983-84 are \$130,379,000. This is of the mains. On page one, the expenditure figure of the supps is \$131,379; there is a million dollar difference. I would ask for an explanation as to why that would occur.

Hon. Mr. Pearson: I think what I would have to ask is whether

there is any difference. I will have to run through the list and see where the difference does occur. On page two of the supplementary estimates, there is a list of the operation and maintenance expenditure summary; it totals \$131,379,000 voted to date. I am sorry, I do not have my operation and maintenance Main Estimates with me. I assume then, that with respect to this, that there is a difference.

Mr. Kimmerly: I will point out a few of them. On page four of the mains, there is an expenditure summary under executive council office of \$1,650,000. On page two of the supps, the figure is \$2,359,000. That is one. For corporate and consumer affairs, in the mains, it is \$1,174,000 and, in the supps, \$798,000. Those are two examples.

Hon. Mr. Pearson: During the course of the year, we do reorganization because we think it is going to help with respect to the efficiency of the government. During the course of the year, there has been some reorganization. Specifically, the inter-governmental relations has been transferred from economic development to the executive council office. I am sure all members will recall when that happened.

The supplementaries reflect those changes. I respectfully submit that the member opposite has a good point and one that I will find the answer to. What happens is that it is not quite as simple as comparing one department with that department's O&M and supplementary estimates. In fact, we have done some reorganization. There is a million dollars difference; I concede that. Normally, a million dollar figure is a typo in one place or the other. I will determine that and find out exactly where it has happened.

Mr. Kimmerly: I am interested in the information that will come forward. In order that I may be clear, I understand that there may be, and in fact always is, a reorganization within the course of a year.

²⁰ However, it is my understanding that the reorganization must always be authorized by the supplementaries. I would ask if that is, indeed, the case, or am I labouring under a misapprehension? It is my belief that, if monies are transferred among lines in the main estimates, then the supplementaries must correct that. Is that not an accurate statement?

Hon. Mr. Pearson: Yes, that is an accurate statement.

Mr. Kimmerly: In that case, I am confused as to the example on the Executive Council Office. We voted one figure; the way we get from that figure to another figure almost \$700,000 larger is of extreme interest. It is that information that I am interested in.

Hon. Mr. Pearson: It is very interesting, but it is also something that the member opposite is fairly cognizant of.

We have not changed the intent of any of the voted money. If we do, we must come to this legislature and have that change recorded. We voted a block of money to pay the salaries of a group of people who are going to do a specific job for this government; we voted that in April. That same group of people, respectfully, is doing that same job, notwithstanding the fact that they are no longer in one department, they have moved from one department as a group to another department. The function has moved from one department to another, that is all that has happened.

The same thing, respectfully, happens between Consumer and Corporate Affairs and Highways and Public Works, where the licensing and motor vehicles, and inspections portion of Consumer and Corporate Affairs has moved, for efficiency sake, into Highways and Transportation. Those changes are reflected in the monies voted to date, but there has not been any change in how that money is being spent, nor what it was to be spent for. It is still being spent on exactly the same items and issues as it was voted for originally.

Mr. Kimmerly: I understand that and appreciate it. My confusion is, without knowing those reorganizations and the financial implications of them, it is virtually impossible to appreciate, in a realistic way, the effect of the supplementaries. I make the comment that that information would be very useful before the line-by-line consideration of the supplementaries.

Hon. Mr. Pearson: I was just quickly going through them and I believe, probably, we are going to find that there are four departments involved in this: Consumer and Corporate Affairs,

Economic Development, Executive Council Office, and Highways and Public Works. Government Services, possibly, to some degree; no, not Government Services. I think there are four departments involved.

It is strictly a case of mathematics. The changes are among voted to date, in the Main Estimates, except for \$1,000,000, if it, in fact, exists.

²¹ There might be a typo at the bottom of one of these two lines and I do not know which one yet. I am going to have to ask the Department of Finance to confirm that for me, but the change in the numbers allocated to the departments reflect the changes of the branch of intergovernmental relations going from economic development to executive council office, and reflect the licensing and inspection services of motor vehicles going from consumer and corporate affairs to highways and transportation. Those are the changes that were made.

I will find out where the million dollars is and what the ramifications of that are, at the earliest opportunity.

Mr. Penikett: I wonder if I could raise with the government leader a question which somewhat troubles me in this case, and this is just an example. I am not raising a question about the need for reorganization or the appropriateness of reorganization from one department to another. But I want to ask a question, if you like, about the form these supps are represented in. It is, I submit, a little difficult, given the kind of case or the example given by my colleague, to look at the information contained on, for example, page two of the supps. If you look at this page, you would assume that the numbers ascribed to the departments there listed are the way the House voted; but in fact that is not the case. In fact, we voted a certain amount in the mains; then there were transfers between votes which it may be perfectly proper for the government to do, but I wonder if in fact there might not be an editorial problem there; that in fact it would be much more helpful if this statement were reported as we voted it, not as it was voted and then the transfers. I admit, of course, in the detail the transfers will always be alluded to, and they properly should be, but I would ask the government leader if he might consider having a look at this and seeing if in fact it is proper to report votes that did not take place.

Hon. Mr. Pearson: I think I recognize the problem, and the point is very well taken. I will undertake, with the department, to make sure that in future, because it does happen and it is inevitable, it happens at some point in time every year, there are people transferred and it makes changes, albeit small ones. I believe we should, in fact, have an additional column on any summary page that would reflect those transfers. They are strictly cosmetic transfers; in other words, they do not have anything to do with the amount of money voted, because, as I say, if we are changing the emphasis or the method of spending that money, then we must come back to the legislature and have that approved specifically. I will ensure that, on summary pages, we do in fact have a column that would indicate what those changes are. And then we would be prepared, of course, to answer questions on them as well.

I think the point is well taken.

Mr. Penikett: The government leader will understand that, with all the announcements that have taken place in the last few months about various projects and initiatives, sometimes one has had trouble identifying exactly which budget some of these items were in. In some cases, because there is not a lot of detail in the supps, it is hard to figure out whether something that you would expect to have been spent under one department's item was in fact spent there, and the government leader, perhaps, or his minister may anticipate some questions in that regard.

A general question to the government leader. I found on my desk a sheet which, in fact, was not connected to another document at the time, which talks about the Government of Yukon 1983-84 additional projects which are, I gather, the sort of additional work related or job creation projects, over the ones previously announced, previously discussed and previously identified in the capital budget.

²² I am assuming, from looking at these, that some of these are coming out of surplus in 1983-84 capital. Some of these, conceivably, could be items which relate to items in these

supplementaries.

Hon. Mr. Pearson: They are all here.

Mr. Penikett: Okay, they are all here, the government leader says.

I do have some problem identifying where some of these are. Just let me give you one example to show the difficulty I have. I notice a project of interest to Whitehorse, the Cassiar Building Energy Retro-fit, which is a \$100,000 line item here. When I look for this item, I cannot find it under Municipal, I cannot find it under Economic Development, where I understand the energy retro-fit is, because there is nothing specified there, but it is under that \$301,000, or whatever it is, under the Economic Development? I will just use that as an example and they are all in this budget, so we can ask questions about that.

Hon. Mr. Pearson: I am confident that all of the ministers will be quite prepared to get into that detail with the members.

While I am on my feet, on the off-chance that the Deputy Minister of Finance is listening on his little box up there, I found the \$1,000,000. There is a difference in the main estimates and the supplementaries, with respect to Education, Recreation and Manpower, of exactly \$1,000,000. If you will note, in the O&M main estimates, it says that we are voting \$28,254,000; we say in the supplementary estimates, \$29,254,000. I will find out which one of those two numbers is correct, but that is where the \$1,000,000 arises.

Mr. Penikett: Oh, goodie, we can play Social Credit and spend it on creating jobs.

I want to ask the government leader one more general question about these additional projects. I want to ask this question, I would emphasize, by way of notice to the other ministers to whom I will be asking the specifics. If it is convenient, I would very much appreciate, if the ministers may be able to, with respect to the items identified in the 1983-84 additional projects list that we have, tell us, in broad proportions, what portion of these amounts in each case is spent on materials and labour?

I appreciate that the list does provide us with the estimated jobs created and the estimated person-weeks. I would be curious to know, with respect to these projects, the materials-labour breakdown, if there is one available with respect to some of these major projects. I give that question as notice.

On Yukon Legislative Assembly

Mr. Penikett: I will let my colleague ask about the sixth Cabinet minister, as that is clearly what he is more interested in.

I would want to talk briefly about the second item, and I would not want anyone in the public to think that this is new or additional money. This \$10,000 allocation is coming out of our research budget for the next three years, so that we are trying to exercise commendable restraint.

Mr. Kimmerly: I would ask about the necessity of the \$33,000 for the additional Cabinet minister and what expenditures are actually covered here. I am specifically interested in, if we relate page five to page 13, there is an additional amount, a part of which is relating to the new Cabinet minister. What part is here and what expenses are actually contemplated here or spent?

²³ **Hon. Mr. Pearson:** The part that is here is actual expenditures that are legislated for in the legislation. For instance, the salary of the new minister and the expenses that are incurred by the Legislative Assembly office, as a result of that minister. On page 13 will be all of the support; furniture and this type of thing. If the member opposite is specifically interested where the money for Mr. Philipsen's desk came from, that is out of Government Services, I believe. It is a complicated system, but it is, in fact, one that does work.

It is not to be said that Mr. Philipsen's total salary is represented here because, in fact, what is represented here is that portion of the year with respect to Mr. Philipsen's salary plus the salary increase that was given to all of the staff retroactive to April 1, 1983. You will recall that we did as we normally do because collective bargaining had not been concluded at the time that we passed the budget. There was nothing in the budget with respect to salary increases and we said that we would be bringing the agreed upon

salary increases forward in a supplementary estimate.

With respect to this whole supplementary on the O&M side, there is, in fact, the six percent salary increase that was granted to the public servants of the territory, and that is reflected department-by-department throughout this whole budget.

Mr. Chairman: I would like to ask the members to be distinct on the general debate, because after every general debate we will go into the line items. Perhaps we were on line items then and we should have been on general debate.

Is general debate clear?

Some hon. Members: Clear.

Mr. Chairman: Then we shall go into line item, Operation Maintenance.

On Operation and Maintenance

Mr. Kimmerly: This is not a question about the money anymore. I understand that of the \$33,000, \$20,000 or slightly more is a ministerial salary and the rest is in salary increases for all members, I believe. It would be more understandable to a simple mind like my own if the supplementary estimates were in the same form as the mains, in that there are things combined — this is all the way through, but I will ask the one line. It would be more understandable if the explanation was actually broken down into the same categories as it is in the mains. Why is that not the universal practice?

Hon. Mr. Pearson: In fact, practice has been that ministers give that kind of detail verbally to members, if they are interested, during the discussion of the supplementary estimates. This has been the format in the past. I can understand, I think, what the member is suggesting. Certainly it is a suggestion that I will take under advisement because I believe that it is the desire of the present government to make this information as clear to members opposite as we possibly can. I have no problem if the suggestion is that we should change the format specifically with respect to explanations. We will certainly take a look at that.

Operation and Maintenance in the amount of \$33,000 agreed to On Capital

Capital in the amount of \$10,000 agreed to

Yukon legislative Assembly in the amount of \$43,000 agreed to

Hon. Mr. Pearson: If I might, I have just been informed that the difference — and once again I respectfully submit we should have made it clear — of the \$1,000,000 was in fact money that was voted by a separate bill with respect to Cyprus Anvil and that has been put into the education budget.

On Consumer and Corporate Affairs

Mr. Penikett: I want to ask a general question here about this item. We understand that part of this money is in respect of professional services in connection with boards like the Public Utilities Board, but there is also reference made here to the development of employment standards legislation. A couple of things I am curious about there and would appreciate if the minister could give, in general debate, is a general statement about the schedule, or when we can expect that legislation? Two, to what extent will it be based on the committee report of this House and finally, exactly what professional services were employed in its drafting? Was this just a sort of legal expertise in drafting or was there some kind of expertise brought in from out-of-territory in respect of labour law or something?

Hon. Mr. Tracey: I already announced in the House that I would most likely be bringing employment standards legislation in this session. I am still hopeful of doing so. It is, as all members are aware, a fairly detailed legislation so it is going a little slower that I would have hoped for. We did bring expertise in and that is why it is fairly costly. The person we brought in was Mr. Robert Mitchell who was the outside consultant that we also had here for our industrial relations consulting a year or so ago. He also did most of the drafting of that legislation. Most of the legislation has taken into consideration the Green Paper that was done on employment standards. Further to that, I think the member should wait until I table the bill in the House.

Mr. Penikett: I obviously did not want to anticipate debate on

the bill or get the minister to commit himself too specifically about its contents. I was in a general way curious just to know whether the enormous effort put by certain members of this House into trying to make a report would have been relied upon by the minister or if he was attempting to duplicate that great effort, at great expense. And I was not, of course, wanting to be provocative by saying that in any way.

The minister has alluded to some other work being done by Mr. Mitchell in terms of industrial relations, which I think he said last year, and in fact the drafting of the bill. I wonder if he could indicate if the explanation be given if in fact that was all done under this auspice or paid this year or whether part of it was last year. I would be curious to know whether Mr. Mitchell's work is complete with respect to this item, or if it is an ongoing project?

Hon. Mr. Tracey: No, it has been more than a year ago, actually. It is approximately a year and a half to two years ago that I contracted Mr. Mitchell to do a study on industrial relations. I think all the members across the floor are aware he did sit at the time with numbers of employers and with union members extensively, but that money is not included in here. I think, two years ago it was in the budget. The money that is in here for Mr. Mitchell is specifically on employment standards. He is going to be doing a little further work on industrial relations. We are looking at whether we should proceed with industrial relations or not but there has been no decision made on it at this time.

Mr. Penikett: Just on that subject, because it is now relevant in terms of the present and the future, the minister seems to indicate that he is not about ready to introduce a new Yukon labour code or a new Yukon industrial relations act, but that is a possibility in the future.

Mr. Chairman: General debate on Department of Consumer and Corporate Affairs is over. We shall go to line item Operation and Maintenance.

On Operation and Maintenance

Operation and Maintenance in the amount of \$955,000 agreed to Department of Consumer and Corporate Affairs in the amount of \$157,000 agreed to

Mr. Chairman: We now go to Economic Development on page eight.

Can we please stand that for present and come back to it?

Motion agreed to

Mr. Chairman: We go to Education, Recreation and Manpower, page 10, the Supplementary Estimates.

On Department of Education, Recreation and Manpower

Hon. Mrs. Firth: I have just some general comments. A large percent of the money requested in Operation and Maintenance was for the six percent salary increases. For additional funding we needed, such as the returning of the school bus service from Keno, Elsa to Mayo, the new project approval, special education, gifted children, alternate programs, courses for the native language, a lot for advanced education, for job retention program, additional funds for student employment assistance program, and so on. The capital subs are largely due to the special projects. I can go into those in further detail if the opposition wishes.

Mr. Byblow: I have a general question. It relates, in some measure, to a discussion the minister and I had during the capital estimates.

Last year, that is the previous fiscal year, it was the practice of manpower under education to disperse all of the program funding for the shared projects between the federal government and the territorial government and I understand from previous discussion that there has been a reversion to the system whereby Yukon government makes its contribution on a joint program separately from what the federal government does and does not enter into the budget.

Recognizing that that appears to be what has taken place, I recall earlier this summer that, in fact, under the NEED Program, the Yukon government made application for and received some funding and, in fact, some of it went through the Yukon Archives for some three workers to conduct some basic conservation treatment to archival material. In addition, there was some \$30,000 for some upgrading work at Fort Selkirk and other Yukon River sites.

²⁶ I guess, to be specific, where this government has applied for and received federal monies, does it flow through these set of supps now?

Hon. Mrs. Firth: It is very complicated the way the federal government dishes out money. The federal government is very complicated.

The direct delivery system I was talking to the member about applies to the delivery of the funds that the federal government is now giving out. So, the amount of money we were talking about in tourism had been identified for us and was established under this new direct delivery system. However, with the programs in advanced education and manpower, the NEED program that we entered into with the federal government last year, it was, indeed, delivered by the Yukon territorial government, as was the Community Assistance Program and so on.

However, this year, the federal government has consolidated its 12 job creation programs into four and, in order to institute their system of direct delivery, they are delivering those programs themselves. For example, the public works program, the access program — they call it the new NEED program — are delivered under the direct delivery basis, through employment centres within provinces and the territory, where they have offices set up. There is only one program on which — as a job creation program under the federal government — we, as a territory, and the provinces are going to be eligible for a system of joint funding. So that, I hope, clarifies the federal funding.

Under this area of advanced education and manpower, there is quite a large amount of money identified — I believe it is \$594,000 — under the capital expenditure. That is a recoverable program and that is for the skills growth fund. If the member recalls questions in Question Period that he asked me, I have told him that the federal government made a large contribution of over \$700,000 and the Yukon territorial government made a contribution of \$92,000 for a joint course program facility upgrading in advanced education. We are delivering that and then we will be recovering those funds from the federal government. It is very complicated.

Mr. Byblow: If I thought that I had a clearer understanding of it before the minister spoke; I am sure I am more confused now.

Nevertheless, with respect to the general question, I would ask the minister if, in this particular supp, the money that it received under the NEED program, specifically for the Yukon archives and specifically for the heritage aspect of upgrading at Fort Selkirk — because the Yukon government actually applied for and received special assistance of a federal government program — flows through this budget or is this outside the supp?

Hon. Mrs. Firth: I am not 100 percent positive that there is more money that is going through the job creation program, such as NEED, in this budget. I do not think there is, but I can find out definitely for the member and let him know.

Mr. Byblow: The minister attempted to explain how this government now handles a certain program for delivery of federal monies into the territory under Manpower. Last year, in the previous fiscal year, the job creation projects proposed by this government were handled through the Manpower branch of the Department of Education. This year, it appears that each department is handling its own stimulative projects and I am wondering what change has taken place in the delivery of these job stimulation projects?

²⁷ **Hon. Mrs. Firth:** No, I do not believe that is completely correct. I believe there are departments that have applied for funding under these programmes but they are not necessarily handling their own; they are all still funnelled through the Manpower department in YTG.

Mr. Byblow: To be a little more specific, but still in general debate, when the Cabinet made its infamous tour this past summer, a number of projects were announced in various departments, including education. I want to ask the minister whether or not, in each case of an announcement where there was some improvement to a facility — and I will just talk to the minister in her department — or groundwork or advanced education or whatever historical improvement may have been announced, was the money that was going to pay for that announcement in this supp? I guess what I am

getting at is we had, as my colleague earlier explained, an operations and maintenance budget last spring and a capital budget previous to that and certain obligations of government were announced to come about in terms of spending and projects. This summer we heard a rash of new projects, and I am curious whether any projects were already established in the ordinary operation and capital budget process, and if any of those projects were announced as new funding. I suppose, to try and summarize the whole thrust of my question would be to put it this way: in all of the announcements made this summer of initiatives by the minister's department, were they all new initiatives that are now summarized in the supps?

Hon. Mrs. Firth: A lot of them were new initiatives; however, some were initiatives that were on the books, for example, in government services. Because government services has a schedule of schools and other government buildings that it is time to paint or it is the turn for that particular school to have some upgrading done on the grounds around — we do have a regular schedule and we did advance some things that were on that regular schedule — we considered them as new projects. For example, some of the groundwork we did was to pave the Selkirk-F.H.Collins parking lot and we are paving the Yukon College parking lot. I am not sure where they fell on the schedule within government services. However, we went ahead and did those projects.

Mr. Byblow: As I shadow the minister's tour through the Yukon this summer I see, when the minister was in Teslin, that she announced an industrial education renovation for \$100,000. When she was in Faro she announced \$20,000 for the drainage relocation. When she was in Dawson she announced a Robert Service school painting repair for \$16,000 and general school repairs for \$40,000. The list goes on. When I look at that list and I weigh them against two things: (1) the normal ordinary course of government responsibility to continually upgrade its structures and facilities, this is nothing particularly new or extraordinary. And on the other hand, could this money have already been appropriated in the regular O&M budgetting? I guess what I am trying to get a handle on is what the minister's intentions were when she went around making the various announcements of accelerated funding. Perhaps she could explain?

²⁸ **Hon. Mrs. Firth:** That is exactly what it was, it was advanced funding or accelerated funding. Our capital budget this year is half of what it was, and a good reason for that being so is because we had that accelerated funding or advanced funding. A lot of the work that was done was considered capital projects. For example, the industrial shops — also monies identified within the capital budget. Some was O&M money, for example, the establishment of the program for the gifted, the alternate programs and the extension of the courses for the native language teachers, which we extended or enhanced by \$47,000.

Mr. Byblow: I cited several instances in shadowing the minister's travels this summer and as I said, the list goes on. For example, in Haines Junction she made reference to a \$5,000 expenditure on school drapes; in Destruction Bay some more renovations for another \$5,000; and the list continues. I am sure, if the minister wants, I could recite all that she has recited.

Is all of that money in either the O&M or CAP supplementary here, now?

Hon. Mrs. Firth: Yes, it is. A larger portion, \$1,724,000, is in the capital expenditure supp.

Mr. Byblow: I want to shift in general debate to something more specific.

I want to talk about the gifted children program, for a moment. What exactly has the minister announced that is identified in the supps to go towards that program? I raise this because I want to know just how much is being spent, whether it be already committed through the supps and, therefore, spent. If the minister is free to expand, is there more in next year's coming O&M budget?

Hon. Mrs. Firth: It is only logical that if it is a program for gifted, it is going to be ongoing and we are going to be requesting more in next year's O&M budget. It is not a program that is going to happen and then dissolve because we do not have the enhanced funding. So, it is an ongoing program.

We identified particularly for gifted children \$124,000 and, for

alternate programs, \$124,000. That may not all be spent, because we do not know if we will be establishing the program this year. We do not anticipate that we will be, considering we do not have the necessary expertise within the department and that we have had to bring a consultant in to give us some advice. We are going to be looking at a person-year, probably, to deliver the program to our Yukon schools.

So, I can tell the member it is going to be an ongoing program and it is going to require further funding.

Mr. Byblow: Perhaps the government leader will recall that, at one time, I was, in some jest, but with a serious undertone, saying that when you announce the same money many times over you can never really pin down how much is being spent. I think gifted children falls into that category where, in several communities, it was announced and never identified as to actually what the exact amount of expenditure committed was. I am glad to hear the minister tell me today that it looks like \$248,000, in total, identified for the gifted and alternate program.

I have to separate those two a bit. What is a gifted child and what is going to be the gifted child program, as opposed to the alternate program?

²⁹ I ask this in the context of the minister's full knowledge of a mainstreaming policy in our schools currently.

Hon. Mrs. Firth: I am sure the member does not need me to tell him in a long detailed way the difference between alternate programs and gifted. I somehow get the feeling that that is what he is asking.

We have established within the mainstreaming system presently an alternate program. That program is for the 10 percent of children — they refer to it commonly as 10 percent — who are considered unmotivated and require some additional enhancement. Those children are pulled from the mainstream system and given that additional enhancement or education.

The concern that had been brought forward to me as the minister, through the school committees and the public and the education council and teachers and principals was that the other 10 percent of children considered at the upper end of the scale were not getting additional stimulation and additional motivation. They were being left on their own within the mainstream system to self-motivate. We refer to it as a program for gifted children, as is done across Canada. It is those children who we are anticipating picking up with the gifted program, and further enhancing the alternate program.

Mr. Chairman: Should we break for a short break?

Recess

Mr. Chairman: I will call committee back to order. We are now on general debate on Education, Recreation and Manpower.

Mr. Byblow: The minister had a brief exchange during the break on some details surrounding the gifted children program versus the alternate program. Perhaps the minister may want to put on the record clarification of those two programs in terms of what they mean in the classroom situation.

Hon. Mrs. Firth: The gifted program and the alternate program are two different things. The member and I have had discussions about the gifted program and who is going to be eligible for the gifted program and how we are going to identify these children. He has made some comment about there only being four gifted children in Yukon, according to some people who have given him a prediction as to how many there are.

A lot of provinces have been very reluctant to give a specific definition of what they consider gifted children to be. We are of that opinion also, because we are finding in order to establish a gifted program, you have to start somewhere. As you develop your program, you will pick up other children who are considered gifted. What I am saying is that you have to look at it in the terms of the long range basis. We will be starting, probably, with the children who are considered to be academically bright. As we accommodate those children and provide an environment for them that they can be enhanced and motivated and stimulated in, other children will also be identified. Then we will become better at identifying what we consider gifted children. So the first thing to do is to look at it in

terms of a long range goal and look at it in terms of starting up with a group of children, such as academic achievers, that we know we can enrich and stimulate, and then we will probably be expanding on the program. There could be under-achievers who are considered gifted as well.

The alternate program is for those children in the system who are really not benefiting from the regular program that we are providing. They were referred to as under-achievers, which was the terminology. They are now referred to as unmotivated children. They really are not benefiting from the regular curriculums or the regular program.

³⁰ An example that I could give the member for Faro to maybe make it a little clearer, and I am sure from his professional experience in the past he will know what I am talking about, is if you have a group of children, say, in the high school level who have somehow slipped between the cracks and have lost out on some particular areas of their education, we will be able to pick those children up with alternate programs and perhaps give them a second chance.

That is the differentiation between the two programs as far as we are concerned within the Department of Education in Yukon.

Mr. Byblow: The minister made reference to the gifted program addressing the academically bright and, on the weekend, at the school conference, the minister talked about the top 10 percent. If I am understanding what the minister is saying, then on the \$124,000 of the supps that is identified towards expenditure for this program, we are really talking about an academic 10 percent top end of the spectrum or bell curve — whatever you want to call it — in terms of who is going to benefit from the program. Given that all I have said is correct, I would like to ask the minister what she anticipates the \$124,000 to spent be on. She made reference to a person, which she can elaborate on, and perhaps at the same time, given that a person will cost in a \$30-40,000 magnitude, what is the additional money going to provide? I am only talking about the gifted program now.

Hon. Mrs. Firth: As with any new program that is established, you look at operating and maintenance costs for personnel and we have to look at consultative expenses for the consultant that we had to give us some advice on establishing the program. We then have to have monies identified in the event that we have to provide in-service for the teachers and any materials or any special things we will be requiring for that program. So, upon the research that the department had done when it came to establishing such a program, that was the amount of money they had identified for those establishment costs.

Mr. Byblow: I am sure the minister realizes that, to provide such a program in a full-blown fashion to address a top 10 percent in Yukon schools, it does not come anywhere near the amount of money required, because we are talking about something in the magnitude of 300 or 400 classrooms in which every one has a top 10 percent and the practicalities of implementing the program are quite formidable. I will be curious indeed to see the development of the program and how it will in fact be implemented to the advantage of that particular group of students. I will not pursue it more now because I realize that the minister has essentially identified seed money; that is really what it all amounts to.

I want to talk briefly about the alternate program, and I want to draw to the attention of the minister some of the concerns expressed in the last while, and which came to light over the weekend.

One of the concerns in the average Yukon classroom, when you have a policy of mainstreaming, is that the teacher is often severely taxed to meet the individual needs of the broad range of abilities, aptitudes and skills that you find in an average classroom. It came to light over the weekend that teachers felt the need for more support staff, for more support services and more resources. I suppose, in some measure, what the minister is talking about in terms of an alternate program for that particular group of students may complement that problem to some degree. I want to ask the minister, in light of the mainstreaming policy, in light of the concern of the average classroom teacher trying to meet a broad spectrum of student ability and the request or the desire of the school committees and of course the classroom teacher to see more support staff to the average classroom teacher, how does the

minister feel that this is going to complement that area of concern?

Hon. Mrs. Firth: The money we have identified is for program establishment and I do not think I have ever tried to convince anyone otherwise. I am not sure that is what the member is inferring, but I caution people that we are just starting the program.

I am not in anyway saying that when we have the start-up of the program for the gifted children that it is going to be perfect or that all gifted children are going to be identified. I would only say that, as we go along and as we further develop and enrich the environment for the children, that the program will also be enhanced and enriched. As I said before, we look at the long-range, look at it from a long-range point of view for the gifted.

One point I want to make, too, about the 10 percent I keep mentioning, it is a simplistic term I have used because that is how these programs have been described to me. There are approximately 10 percent of children at either end of the curve or scale that the member refers to that need the extra stimulation and need the extra motivation for one reason or another.

It may not be 10 percent here, in Yukon, it may be 10 percent in some other area of Canada, it may be 14 percent for some, it may be four percent for us or five, and so on. That is just an arbitrary number I have picked to understand the program a little more clearly in my own mind.

As for mainstreaming, as I was going to go on to say, on resources and support services we do have, I think, a well-balanced number of teachers in proportion to support service people, remedial tutors and learning assistants. I believe, from the weekend conference, the deputy minister of education released some statistics about pupil/teacher ratios. I believe they were favourable, however, I am not totally naive and I realize that in some classes that pupil/teacher ratio is probably more than the ideal.

We are endeavouring to provide those support services if there are children in the class who are being left on their own to motivate themselves. Those children, at the beginning, will probably be removed from that class to be given that extra stimulation, that extra enrichment. I am not sure how they are going to plan it and I do not know if the department has it settled in their minds, yet, as to exactly how it is going to work, because we are still working in a consultative capacity when it comes to gifted programs and alternative programs on how we are going to provide that extra person power for the teacher within the classroom who has a mixture of students.

So, what I am probably saying to the member is that if we can try to maintain the pupil/teacher ratios at the low levels and provide a good number of remedial tutors and learning assistants and provide some expertise in the area of the gifted programs, hopefully, the students will be getting the required attention that they need from the teacher and developing the relationship that they feel is adequate between themselves, as a pupil, and the teacher.

Mr. Byblow: I think it was a prominent member of the minister's Cabinet who made some statement that you can do anything you want with statistics and, in fact, the pupil/teacher ratio came up for deliberations at some length this past weekend. I believe there was a resolution turned into the minister that called for the pupil/teacher ratio to be a more accurate reflection of what really is taking place in the classroom. We do have situations of 30 and 34 students in a classroom, but, in fact, the ratio says more like 17, 18, 21 and so. The explanation for that is a number of non-teaching personnel is included in the calculations for the ratio, including principals, who are strictly administrative.

¹¹ When you build that into a statistic, it looks good. The point I was making was that while it is encouraging to see money identified for alternate programs, at the other end of the scale, as the minister notes, we have to be cognizant of the very real situation taking place in the classroom where teachers do need support staff. That is in the area of special ed, in the area of specialized and trained personnel to address those individual needs I was talking about earlier.

I am hoping that while we identified a new program, it does not lose sight of, but rather works in complementary fashion to, whatever programs we do have in place and that the net result is that it achieves what would ultimately we all want to see achieved,

and that is addressing the individual needs of the broad range of student ability in the classroom.

I have a couple more general questions on related topics. They deal with capital items. Do you wish that I ...

Mr. Chairman: Is this general debate or would you rather bring them up in the line item?

Mr. Byblow: They fit quite well into line items.

Hon. Mrs. Firth: Just to respond to some of the comments; the principal, of course, is given the responsibility in the schools of distributing his establishment of staff, so he is in the pupil/teacher ratio. In conjunction with the school committees and the teachers — at least I hope that is how the principals work, I do not tell them how to work. I just assume that that is how they do it — they have to make the decisions as to whether that school is going to have an art teacher and a phys ed teacher and a librarian and a secretary, and so on. We are presently looking at the pupil-teacher ratio to see if we cannot establish something that is a little more definite and specific. However, I am sure the member can appreciate that it is going to be extremely difficult to have the department say who is going to have a gym teacher, a phys ed teacher, an art teacher, librarian and so on.

I am aware of the resolution that was presented and I am aware of the concern in some of the larger class sizes. I have not heard of them being as large as 30 or 34, however, I have seen some as large as 27 and 28. Hopefully, we are addressing those issues within the department and within the Cabinet.

I do not think anyone feels more strongly than this government does about the goals and objectives of the Department of Education, and that we are addressing the needs of the individual student in the classroom and hoping that that child is going to be able to attain his education to a capacity that he will be able to go out into the world and look for employment and to, basically, be able to take care of himself, and survive. I look forward to comments from the opposition about education and about the changing times and about the department keeping up with the changing times. I just want to reiterate that we are concerned and we are addressing the issues and needs as best we can.

Mr. Kimmerly: I know the minister enjoys my questions, so I thought I would ask one. It is my only question, if it is answered. It is a very simple, factual question.

The minister, at the beginning, approximately an hour ago, went through a list of the categories of expenditures and was reading a list, obviously. Would the minister give us the dollar amounts for those categories, please?

¹¹ **Hon. Mrs. Firth:** I am not sure which list he was referring to. If he could say whether it was capital or whether it was O&M, I could give him the amounts.

Mr. Kimmerly: The O&M list.

Hon. Mrs. Firth: I was referring to six percent salary increases. In public schools it was \$88,000; in administration it was \$23,000; French language \$7,000; recreation \$11,000; advanced education and manpower \$180,000. What I had done was to highlight some of the major costs that contributed to the amount in the supplementary, the fee-hire costs. In the new project approvals of \$464,000, there was some painting \$145,000, special education \$24,000, the gifted and alternate programs \$124,000 that I have already mentioned, and the courses for the native language teachers for \$47,000. We also did a French language lab overhaul for \$10,000; the job retention program, I had mentioned previously, was \$132,000. If the member is adding them up, the total list I have comes to the \$1,558,000.

On Operation and Maintenance

Mr. Byblow: Probably a couple of my questions could be eliminated if the minister would identify the major items of expenditure for that \$1,700,000 relative to ... I thought we were at capital?

Mr. Chairman: No, not yet. We will be there shortly.

Hon. Mrs. Firth: I just did that for Mr. Kimmerly. I identified the major ones of the \$1,558,000 for the member from Whitehorse South Centre.

Operation and Maintenance in the amount of \$1,558,000 agreed to

On Capital

Mr. Byblow: I believe I placed my question.

Hon. Mrs. Firth: Yes, he did. He would like the major capital expenditures identified. I have already previously identified one, the \$594,000 for Yukon College under the skills growth fund. That was for a total of \$569,000 approved to provide for the upgrading of Yukon College, and the funds are 100 percent recoverable. We also had a revote on that \$25,000 of lapsed 1982-83 funds and that was to complete a specified project. There was a house that Yukon College had been upgrading that needed the heating system fixed before it could be disposed of. There was also \$181,000 for Yukon College renovation. That was to provide some upgrading at Yukon College. Our skills growth fund contribution was identified under there, and some new project approvals were identified under there. The Ross River school and Teslin school industrial workshops each for \$100,000. The Elsa school renovations for \$75,000. The Porter Creek junior secondary school for \$155,000. That was a revote of lapsed 1982-83 funds in order to complete some specified projects: it was a revote. \$188,000 for some school ground improvement, and I have already mentioned a couple; the F.H. Collins-Selkirk pavement, the Yukon College pavement. There was some work done at Jack Hullah, Christ the King Elementary and Christ the King High. Grey Mountain primary had some and there were two or three schools in the outlying areas, three I believe, that had some work done.

There is also miscellaneous school equipment, \$135,000, for another enhancement for some equipment, such as typewriters, stoves, and refrigerators for the home economics facilities.

Mr. Byblow: There was no money identified in the supps for the computer studies program. Is that correct?

Hon. Mrs. Firth: If the member for Faro is referring to the \$267,000, I believe when I discussed that with him I said that that would come from this year's working capital, so it is not in the supps.

Also, while I am on my feet, there was a question asked about the job creation monies being funnelled through this. I had said I did not think there was and there is not, except for a very small amount that would have been needed to clean up tag ends. It is a very negligible amount of money.

Mr. Byblow: I recall some controversy, perhaps, to use a strong term, surrounding the amount of consultation there was on the \$75,000 at the Elsa school. Could the minister tell me if there was consultation with the community prior to the announcement of those monies? There seems to be some question mark about that.

Hon. Mrs. Firth: Yes, there was. In any communities that we identified monies for there was consultation with the community and with the school committees, when we could be in touch with them, and there definitely was consultation with the Elsa School Committee.

Mr. McDonald: I have a question. I wonder if the minister could identify who the people in Elsa were who were consulted prior to the announcement of this expenditure? I remember, from my own experience, upon hearing of the expenditure in a press story, that I returned to Elsa within a day or so and contacting the chairman of the school committee, a Mr. Dennis Hanrider, who told me at that time that he had not heard of such an announcement and did not know what such an announcement would be for.

At the same time, in the same office, I spoke to the mine manager, Mr. Tom Dixon, who was equally puzzled as to what the money would be going for. I went around the community asking people — it was certainly not a scientific study, but asking people around the community, anybody I could think of who might be connected with such a proposed project — if they knew what the situation was going to be with the \$75,000. Nobody had heard what the money was supposed to be for.

However, some time later, the principal of the school told me that, after the money had been announced, he had been told that it was for what was essentially a long-standing request by himself; that the money should go for a playroom activity centre for the students. That, I stress, was after the fact.

So, I am just wondering with whom the minister's department was discussing this proposal because, certainly, it is somewhat of a

puzzle to me — the minister's claim that the proposal was discussed with the community. It is surprising.

Hon. Mrs. Firth: I will try to be as objective as I can and as calm as I can.

I questioned as to whether Elsa had been consulted and I was told that Elsa had been consulted. I really did not think that I had to call Elsa myself and ask them if they wanted \$75,000 to upgrade the school facility. Really, if you do not give Elsa money, they criticize you; you give them money, they criticize you. So what am I supposed to do?

All I am saying is I was under the impression that the consultation had been carried out. If the member is saying, no, nobody within the community has had any input into the consultation, well, we will not spend the money there, we will talk to them about it for a year and we will not spend the \$75,000 on the school. So, maybe the member could discuss with me what he wishes us to do.

Mr. McDonald: I will try to contain myself as well.

What we are discussing here is the issue of consultation with community. At no time has anybody in the community suggested that the money not be spent. I am asking the minister — if the Minister of Municipal and Community Affairs would like to speak, he has every opportunity, but he should not speak while I am trying to speak — briefly, who was consulted. I am not suggesting for one moment that the minister phone up the community. I am not suggesting that she travel to the community. I am merely asking with whom did the department discuss the proposed expenditures of \$75,000. The claim was made that the consultation had taken place. I have not seen, in my investigations, any such evidence that the consultation ever did take place. I am only asking with whom it did take place.

Hon. Mrs. Firth: Really, I think I have always expressed to the members opposite, particularly the member for Elsa, that if he had some particular concerns, my door was always open.

Now, really, he could have come to me and he could have said, "who did the consultation take place with?" But he never did that. Instead, he chooses to raise it now. I do not know who the consultation took place with. I instructed the department to please consult, when we were spending money within the communities, so that the money that was being spent was being done with the approbation of the school committees or the principal or the people within the community, and that they were aware that this was going to be happening, that there was going to be local employment and so on. I will tell the member. I will find out who was consulted, by whom. I have a feeling that Mr. Shuman, who has since left, did the consulting and I will phone him long distance to find out for the member.

Hon. Mr. Lang: Charge it to the member for Elsa.

Mr. Penikett: I must say to the minister, there is a fairly serious issue here which she seems to be ignoring. She seems to be suggesting that the member, who has some problem in identifying something about the manner in which the government behaved in a particular case, should somehow ask the minister privately. I remind the minister that there was a public statement by this government that certain consultation had taken place prior to the government committing itself to making an expenditure in the community. The member for that community, who was not party to any discussions prior to the announcement being made, learned in the media that certain expenditure was to be made and certain consultation had taken place. On the evidence that he has obtained, the consultation did not take place prior to expenditure. That raises a very serious point. If the consultation was no consultation prior to the expenditure, and I understand there was some problem initially in identifying exactly what this money was for, it raises the question that somehow the amount may have been arbitrarily decided on some kind of pro-rationing or rationing basis among the communities, and then an effort made to find something to spend it on, which I am sure the government leader, as the Minister of Finance, would be caused great concern, because he would not want the government money spent that way.

The government leader says "especially in Elsa", since this government is opposed to spending money there, as a general rule.

I want to say to the minister that is not a quibbling matter because

it does, in fact — as the auditor general says, we always end up having in the legislature to deal with the tips of icebergs, not a great lump of ice, because most of the time it is out of sight — raise questions about the budgeting process and the decision-making process with respect to such expenditures.

I heard my colleague say that he did not that consultation took place. He asked the minister what consultation took place. She has undertaken to find out. I appreciate that, but, I raise this serious question: If no consultation took place prior to the decision to spend \$75,000, I think that is a serious question. It is not in the total amount of the budget an enormous amount. But it is a serious question about the process by which spending decisions are made. I think the government leader would have to accept that.

Hon. Mrs. Firth: Perhaps we should withdraw the \$75,000. I am quite prepared to do that, and we won't spend \$75,000 in Elsa this year. Obviously, there are some questions about consultation. I am saying that, as the Minister of Education, I went to my Cabinet colleagues and said the proper consultation and so on has taken place, we are looking for \$75,000 for the school in Elsa to do some work there. They looked at me and said fine, we agree with that; we approved the funding for the \$75,000 in Elsa. I further said I would look and see about the consultation and in the meantime, is the opposition suggesting that we do not spend the money, because that is the feeling I am getting — that we do not spend the money because for some reason the leader of the opposition does not think that everything is on the up and up with this and perhaps I would not want to do something that is not on the up and up. Definitely, I know I would not. So perhaps we should just withdraw this \$75,000?

Mr. Penikett: The minister is adopting the very unfortunate habit of the member for Porter Creek East which is, rather than to deal with the question that is presented to him or her or the issue which is being presented, to customarily set up a strawman and then knock it down. Nobody, nobody on this side of the House has suggested for a minute that the \$75,000 or some other amount, even more money, should not deservedly be spent in the community of Elsa. We have raised questions, a serious question, which the minister has undertaken to answer and we accept that undertaking, about consultation. But I raise this question and I raise it as a serious matter with the government leader: if in fact expenditure is made on such a scale without consultation or with improper consultation, it does raise questions in general about the budgeting process. And that is not particularly for the minister, but for the Minister of Finance.

Hon. Mrs. Firth: With all due respect to the leader of the opposition, I am not developing any habits of any of my other colleagues, no matter how he wishes to sum it up or assess it. What I have said to him and his colleagues is that I have always been extremely cooperative and I have always been very open with my answers. Now, if the member for Elsa has some concerns about the consultative procedure that went on in Elsa, I have said to him I will look after that.

I am trying to be calm, I really am. I will find out about the consultative methods. What I am saying is: are you prepared to approve the \$75,000? Because if you are not and you are suspicious that there is something that is not on the up and up and legitimate about it, I am quite prepared to take it out. I am not knocking down any strawmen or anything else. I would never ever want to enter into anything that was not on the up and up and that the Public Accounts Committee would find some shady dealings with, and so on.

Mr. Penikett: I thought I emphasized that we are not talking about shady dealings ...

Hon. Mrs. Firth: But you are ...

Mr. Penikett: I am not talking about shady dealings. I am talking about process. Not a shady process — the member for Porter Creek East cannot hear me if he is talking at the same time.

I am not talking about anything shady; I am talking about what is the method of making financial decisions. I am raising, on the evidence of the member for Elsa, a question about the method by which this decision was made, which the minister has said she has answered. The only reason I am on my feet again is because she is

now again suggesting that we are objecting to the expenditure. I want to make it clear that we are not doing that. There are various methods by which any government can go about making a decision about spending money, and all we are doing is asking a question about how this decision was made, whether certain consultation took place and, in fact, because the question is a serious one — the question about the process is one because in fact it appeared from the evidence of the member for Mayo — because it was at odds with the stated and the customary procedures of the government. That was the issue. It is not intended to be slanderous or libelous in any sense. It is a question about the method that was used. And the minister has undertaken to answer the question. I just want to close by saying that I have not heard anybody on this side suggest that the item of \$75,000 should not be spent.

Hon. Mr. Lang: Let me begin by saying that I have never heard the opposition state that money should never, ever be spent. It is a trademark of their party.

I want to make the comment, with respect to the member for Mayo on the debate that is going on here about who was consulted. He answered his own question when he said that he had a discussion with the principal, who had had discussions with the department. Therefore, it would seem to me and appear to me that the member for Elsa had answered on his own question and we are going on a long, drawn-out debate that the member for Elsa totally confused, and I do think, no matter how much investigation he has done, you will ever clear the poor man's mind.

Mr. McDonald: I am really having a very difficult time containing myself because of the completely outrageous statements made by the Minister of Municipal and Community Affairs.

I said that there were community leaders in that town and there was a school committee who were completely unaware of the expenditure and the reasons for the expenditure. They look forward to the expenditure. As a community in this riding, they obviously feel they are not getting their fair share of expenditures. They were looking forward to the expenditure. They were merely surprised that it was coming.

I said, regarding the — the Minister of Municipal and Community Affairs is still not listening — issue, that the principal found out what the expenditure was for after the decision was made, not before the decision was made. That is not consultation for the determination of expenditure of funds. That is, in fact, the opposite; it is merely informing the principal that the expenditure was going to be made and it was going to be made for a particular purpose.

So, the Minister of Municipal and Community Affairs is making a point which I certainly do not understand. There is no confusion from this side of the House, there is no confusion from my position. I am hoping that the minister will understand what is being said here, will listen to the whole argument and not listen to only parts of the argument, and understand what our position actually is. It is merely requesting that we find out how the consultative process went.

We look forward to the expenditure of the monies for the building of a playroom for the kids as the Elsa school. There is no dispute that that is a worthwhile expenditure. Obviously, there were troubles, there have been troubles in the past with bundling kids up, sending them to the community hall, which is about half a mile away, to engage in playroom activities. There is no question but that this expenditure is a valid expenditure. We look forward to it, we look forward to the improvements to the Elsa school.

However, I am merely asking, because I am responding to what the minister, herself, said publicly, that there was consultation. I went to the trouble of finding out what the consultation was — it was my duty as a member of my riding, for that community. I tried to find out where the consultation was: I could not discover who had been consulted. I was merely asking who had been consulted.

If the minister now says that she is going to undertake to find out who was consulted, then the matter will rest there, for the time being.

Mr. Byblow: I have one minor question.

I did not hear, when the minister recited the main list of the capital expenditure, whether or not any additional money was appropriated for the Carcross school expansion that is taking place.

We appropriated some \$500,000 for it last year: did we require any more? The second question would be what is the actual expenditure on that expansion?

Hon. Mrs. Firth: I believe \$50,000 is included in this budget and that was for design work.

Mr. Porter: Earlier, she had received a proposal from the band in Old Crow to do some improvements to the school there, as well as other work around the community. The original work was for \$148,000. How has the department responded to the request?

Hon. Mrs. Firth: We have been in consultation with the member for Old Crow and the department has responded according to that member's directions and the problems in Old Crow have been alleviated.

Mr. Porter: Of the \$148,000, there was some discussion with respect to work in the ballfield, a fence, a fire lane, grassing the area around the school, putting in a foundation, do some foundation work and also some topsoil work, do some work in the playground, and a garden area for the community. With respect to the response that has been delivered, how much money has the department allocated and in which areas those funds be expended?

Hon. Mrs. Firth: About the amount of money that the member is talking about, I really do not know where he got that from. It is not identified in the budget. We are presently in consultation with the people in Old Crow through their MLA. I have been to Old Crow two or three times now. I just want to reassure the member that we have everything under control in Old Crow. The wishes of the people will be met and the member for Old Crow does an extremely good job representing her people. She brings their concerns to us immediately.

Mr. Porter: In the capital allocation that we see here, has there been an approved expenditure for a big toy for the community of Old Crow?

Hon. Mrs. Firth: I believe that Old Crow School received a big toy, or is going to be receiving a big toy. That expenditure has come under school ground improvements.

Mr. Porter: Will there also be a big toy delivered to the community of Teslin?

Hon. Mrs. Firth: I believe Teslin has a big toy in their yard. I do not know when the member was last there; obviously not for some time. Teslin School has a big toy.

I would only say to the member, maybe he should look after his own house. Keep it clean before he starts looking after others.

Mr. Byblow: When the minister was in Teslin, she announced the industrial education facility. I believe that is all in the area of education for Teslin.

On the subject of Old Crow, when the minister was in Old Crow, she announced \$26,000 to be spent on improvements to the school. Perhaps for the member's edification who was inquiring moments ago, could she indicate what the \$26,000 was actually spent on? Was this strictly renovations? Was it some capital equipment? What did the \$26,000 do?

Hon. Mrs. Firth: There were some renovations that needed to be done. There was some leakage of the sewer underneath the school itself and there was a problem of sewage accumulating in a pool under the school. We had that taken care of.

Mr. Porter: With respect to that particular expenditure, was there not some problem in terms of the original work that was done by the contractor?

Hon. Mrs. Firth: If there are some specific deficiencies that the member wishes to pursue, I am not exactly sure what he is talking about.

Mr. Porter: There were some problems in the original construction for the repairs to the school.

With respect to the big toys that the minister is purchasing and sending to the communities, where are these toys built and what is the cost of them?

Hon. Mrs. Firth: I do not know where the toys are purchased and I do not know how much they cost. If the school identifies a need — a school committee and the school principal and children — we try to, within the Department of Education, facilitate that need and ensure that the children in Yukon schools have the toys to play on.

Hon. Mr. Lang: Just to give the member some background, maybe some ideas for what he could do on the weekend: what we did in Jack Hulland is a number of us got together as parents and as citizens in the community. We went out and salvaged, in a truck that was donated, a great number of the telephone poles along the highway and brought them in to the school. Subsequently, some dollars were put forward by the Department of Education and they were erected.

Perhaps, if the member opposite had a spare weekend, he could think of doing that if he was so inclined.

Mr. Chairman: Order.

Mr. Porter: The member needs somebody to babysit him on the weekends and I would offer my time to do the job.

With respect to the discussion at hand, my information is that the big toys are not being built in Yukon, that they are being built and assembled elsewhere and brought to Yukon.

In Teslin, there is \$100,000 allocated to the construction of an industrial education shop. The construction of the shop, if I am correct, is being built on the former playground area and, as well, the construction of the shop will effectively shut out light to two classrooms in the school. I was wondering if those problems were taken into account prior to the construction project being approved and if the construction project, in any way, infringes on the playground area of the school, is there going to be an attempt to have more school area added to the playground area?

Hon. Mrs. Firth: I find this absolutely and totally incredible. The member for Teslin never once identified to this government a need for an extension of an industrial arts facility within his community, never once identified something for that school.

I went and visited the school. I did a tour of all of the schools in the outlying areas. I asked the principal how many children were using the industrial arts facility and he indicated to me that there were a lot of children. This government identified the need for that industrial arts facility; this government, not the member for Teslin, even.

We are going to be taking into account all the aspects of that expansion, not only the extreme need for it — which the member was totally unaware of and which had never been directed to this government — we are going to take into account every little bit of space that it is going to use up — the fact that the windows are going to have an exhaust system that works, and on and on and on — and we have also identified a considerable amount of money for that expansion.

Mr. Penikett: I was not going to get up, but I wanted to remark that I find the minister's remarks, in the last few minutes, simply incredible, too.

She has just provided us, in answer to some questions which could quite properly be asked by any member in this House about expenditures anywhere in the territory, with respect to the budget, a little lecture on what a wonderful job the member for Old Crow has been doing. She is quite entitled to give that lecture, but it is not an answer to a question about an expenditure of government money.

I would also say to the minister, since she is now suggesting that we ask questions in the House, or make representations in the House during the estimates about needs in our communities, that this is directly at odds with the other statements she previously made on a number of occasions: that we should go see her privately.

We have had enough concerns in the past about, given the kind of responses that we get when we make representations on the floor from members opposite — I can think of some from the member for Faro and the kind of jeers and hoots and howls that we get — that, in fact, you cannot always guarantee that even a representation made on the floor of the House will be received civilly in any case.

There is another point, if we are talking about what should be done and what should not be done in the House. Let me tell you something that is a custom in every other Commonwealth jurisdiction and that is, when a major public expenditure is made in a member's constituency, whatever the side of the House he or she may occupy, it is customary for those members to be advised, especially if there is an official opening or an official ceremony of any kind, and have those members invited. I will tell the minister,

in my time in this House, even as leader of the opposition, not once when there has been an expenditure made in my riding has there been any such invitation or any such courtesy extended.

So, I want to say that when the minister is handing out advice about how to behave —

Some hon. Member: What expenditures?

Mr. Penikett: The ski chalet, for an example.

There have not been any such courtesies observed. It does not matter what the partisan feelings of individual members or about the parties may be, that type of courtesy is customarily observed everywhere else in the Commonwealth: they are not here.

Hon. Mrs. Firth: You know, really I like to think of myself as a gentleman and I like to think that I have extended courtesies. However, the leader of the opposition obviously feels he is an authority on civilized behaviour in legislatures, courtesies, and so on. I am saying to you, Mr. Chairman, to these individuals within the opposition, we have extended those courtesies from this side of the House when it comes to consulting and so on, at which time I feel like I am coming under some cross-examination and my integrity and my word are being questioned as to whether I consulted or not. Then, when we are talking about a major expenditure in another member's riding, he, in the interim, proceeds to question about another riding. I do not mind the questions. I understand what we are here for. However, when the questions come with the innuendos attached, and the attitudes that are displayed by the members in opposition, then I feel I only should get up and defend this government's position, because this government is fair.

This government says it consults. Because the member for Elsa does not know of any such consultation, he questions my word about the consultation. Well, I think if you do not defend yourself, you just sit in the chair here and have the opposition continue to make these innuendos and accusations without ever letting the public know that you are doing your job.

As for consultation in Elsa, when I was there in May meeting with the school committee — and I believe Mrs. Dixon was on the school committee at that time — we talked about the condition of the school, the fact that it was a very old school, probably the oldest in Yukon, the fact that it needed some upgrading and when funds were available we would be doing that upgrading. We had some discussions with them at that time, at which time they demonstrated to me a very strong desire that the school remain open, because they were still unsure of numbers of students at that time. I said fine, the school will remain open providing you have so many students and we will look at the renovations at a later time. Also, the need arose for a school bus to be put back on — a service that had previously been there and had to be re-established. That school bus service was put back on, I believe for \$45,000. Then we identified the \$75,000 for the renovations, having previously discussed it. A further \$75,000 went to Elsa for the renovations of the school.

Now, if I did not phone the school, or the department did not phone the school committee immediately upon that time that the \$75,000 was going to be identified, I am very sorry. However, we have had some previous discussion about renovations at that school.

Hon. Mr. Pearson: I want to make sure that the record is straight. I happen to be aware of the fact that there is some considerable construction with government money going on in a certain constituency in this territory at the present time, and we were invited out to inspect that construction last Friday. I happen to know that the member in whose constituency it was was invited to be there, albeit that he was a member of the opposition. Now, I do not want the record left that they are not invited to these things.

Mr. Chairman: I think we are all starting to get off the subject of capital and we are wandering a little astray.

Mr. Porter: I would like to set the record straight on this issue as well. It seems like there is a very defensive kind of attitude developing here, but in respect to why I asked a question on the Old Crow position and the expenditures in that community for educational facilities, is that I was approached by way of a letter in terms of the expenditure in Old Crow, and the situation was that the \$140,000 the community requested they were not impressed with

the response from government.

So they have a right in Old Crow, as anywhere else, to representation from the opposition, and nobody in the government can tell me otherwise.

With respect to the whole process of consultation on expenditures in the community, the minister suggested that the members opposite were consulted, are being consulted, and on the question of the renovations to the school in Teslin, I was never consulted on that particular point; I found out from members in the community.

Hon. Mrs. Firth: I am not even going to respond to that question or whatever he said. I do not know if there really was a question there.

I really think that if the members feel that strongly about consultation, that perhaps they should write me a letter now and then. We have been the government now for a year and a half and I have never received a letter from the member for Teslin. I have from the leader of the opposition. I have received letters from the member for Faro. I believe I have received letters from the member for Whitehorse South Centre and from Elsa. Perhaps the member for Whitehorse North Centre has had no particular instance to write me a letter. However, the member for Teslin has never written me a letter.

*Capital in the amount of \$1,724,000 agreed to
Department of Education, Recreation and Manpower in the
amount of \$3,282,000 agreed to*

On Department of Economic Development

Mr. Chairman: We shall now go back to Economic Development, page eight.

Hon. Mr. Lang: In view of the hour, I move that we report progress on Bill Number 29.

Mr. Chairman: You have heard the motion. Are you agreed?
Motion agreed to

Hon. Mr. Lang: I would move that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Speaker resumes the Chair

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

Mr. Brewster: Mr. Speaker, the Committee of the Whole has considered Bill Number 28, *First Appropriation Act 1984-85*, and directed me to report the same without amendment.

Further, the Committee of the Whole has considered Bill Number 29, *Fourth Appropriation Act, 1983-84*, and directed me to report progress on same.

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

Some hon. Members: Agreed.

Mr. Speaker: May I have your further pleasure?

Hon. Mrs. Firth: Mr. Speaker, 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 5:20 p.m.