



The Yukon Legislative Assembly

Number 40

4th Session

25th Legislature

HANSARD

Wednesday, November 21, 1984 — 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 Leader -- responsible for Executive Council Office; Public Service Commission; and, Finance.
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Community and Transportation Services; Education; and, Government Services.
Hon. Howard Tracey	Tatchun	Minister responsible for Economic Development and Tourism; and, Renewable Resources.
Hon. Andy Philipson	Whitehorse Porter Creek West	Minister responsible for Justice; and, Health and Human Resources.

GOVERNMENT MEMBERS

(Progressive Conservative)

Clarke Ashley	Klondike
Bill Brewster	Kluane
Al Falle	Hootalinqua
Bea Firth	Whitehorse Riverdale South
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	Patrick L. Michael
Clerk Assistant (Legislative)	Missy Follwell
Clerk Assistant (Administrative)	Jane Steele
Sergeant-at-Arms	G.I. Cameron
Deputy Sergeant-at-Arms	Frank Ursich
Hansard Administrator	Dave Robertson

ERRATUM

Tuesday, November 20, 1984 — page 751 — Right column — line 10 should read "on the \$700,000 subdivision was completed?"

Whitehorse, Yukon
Wednesday, November 21, 1984 - 1:30 p.m.

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

Prayers

DAILY ROUTINE

Mr. Speaker: Under daily routine are there any returns or documents for tabling?

Reports of committees?

Petitions?

Introduction of bills?

INTRODUCTION OF BILLS

Bill No. 35: First Reading

Hon. Mr. Pearson: I move that Bill No. 35, entitled *An Act to Amend the Legislative Assembly Act*, be now introduced and read a first time.

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

Motion agreed to

Bill No. 43: First Reading

Hon. Mr. Pearson: I move that Bill No. 43, entitled *Fourth Appropriation Act, 1984-85*, be now introduced and read a first time.

Mr. Speaker: It has been moved by the hon. government leader that a bill entitled *Fourth Appropriation Act, 1984-85*, be now introduced and read a first time.

Motion agreed to

Mr. Speaker: Notices of motion for the production of papers?

Notices of motion?

Statements by ministers?

MINISTERIAL STATEMENTS

Hon. Mr. Tracey: I would like to take the opportunity today to make a statement on the agricultural industry in Yukon and to indicate our government's intentions and support for the farming and livestock community.

As you are aware, both from the government leader's announcements and from the fairly regular questioning from across the floor, responsibility for agriculture has recently been assigned to my portfolio as Minister of Renewable Resources. Since the transfer of the Agricultural Program from Community and Transportation Services to Renewable Resources in August, I have had the opportunity to meet several times with some of the representatives of the Yukon Livestock and Agricultural Association. At the same time, members of the department have participated at the fall meeting of the association. They have built strong informal contacts with members of Yukon's agricultural community and they have worked closely with the Agricultural Development Council on issues related to land and to the development of Yukon's agricultural capacity.

These activities over the course of the last three months have helped to build a clear picture of Yukon's potential as a food producer. The picture is an optimistic one and our intention as a government is to ensure that the picture remains optimistic. One of the most significant facts about farming in Yukon today is that it represents a productive use of Yukon's natural resources: its land and its water. Vegetable growers, feed producers, poultry farmers in Dawson and Whitehorse and the individuals who harvested a grain crop this fall, have all reaped a return for their investments in Yukon. These returns, whether they are big or small, have had a direct impact on Yukon's economy. They have meant less

foodstuffs and feed imported. They have resulted in money circulating through the hardware, supply and transportation sectors of Yukon's business community.

Additional agricultural activities in the region will have an added net benefit to Yukon's economy. They will have a value, beyond a purely monetary one, by ensuring a supply of fresh products to the Yukon market.

Viable agricultural enterprises then have an important economic role to play in Yukon's future. They have a central role to play in Yukon's growing renewable resources economy.

Agriculture relies on Yukon's service sector for many of its needs and, in doing so, it stimulates that sector. "Made in Yukon" agricultural produce will, as the industry grows and expands beyond its present level of development, supply many of the food requirements of Yukoners, of visitors to Yukon and, ultimately, of our neighbours in Alaska, Northwest Territories, and the northern regions of our neighbouring provinces.

Because of its importance as a developing industry in Yukon, the Government of Yukon intends to work with, and support, the agricultural community in several ways. Agriculture will be a separate and identifiable program within the Department of Renewable Resources. The department will continue to have staff assigned to agriculture, and will have a separate budget for agricultural research and development projects.

The Government of Yukon will continue its efforts to obtain and assign land for viable agricultural pursuits. As to most of the future of agriculture in the area, the government will work with the community and the Livestock and Agricultural Association to inventory and determine the present range of agricultural activities in Yukon.

Indeed, the government will work directly with the Livestock and Agricultural Association as the primary representatives of the community on a variety of programs and projects, including crop improvement programs.

It will consult the association on a regular basis on matters such as development of legislation. It will ensure the association a voice on general natural resource management through the appointment of a member to the Wildlife Advisory Committee.

As minister responsible for agriculture, I will be meeting with the federal minister in the near future to discuss the extension of federal agricultural programs to Yukon, and I will be working to ensure that the economic development programs such as the EDA, where possible, make funds available for feasibility studies in such areas as crop storage, produce marketing and game ranching.

As a government, our first priority with respect to agriculture is to develop a complete understanding of the present range of agricultural activities in Yukon, as a critical step in supporting and facilitating viable agricultural enterprises to meet the needs of Yukoners and visitors to Yukon. Once we have worked with the agricultural community to develop a strategy for the next few years, once the question of land availability has been discussed and resolved with the federal government, we will look to new expanded and non-traditional ventures. Just as we grow crops, and feed and raise poultry, and produce eggs, honey and vegetables, we may be able to game ranch and to fur farm. The potential is enormous and the limits to that potential are far from being tested.

In our efforts to support agriculture we are aware of, and we value, the independent and free enterprise spirit of the agricultural community. We will work cooperatively with the community rather than attempt to direct and control it. Dick Filteau's work with the farmers around Yukon last summer is an example of our cooperative approach.

His test plot results not only demonstrate the economic returns to farmers of applying commercial fertilizer to the soil, and of using particular types of seeds, they also demonstrate the value of government advisors working cooperatively with farmers in the best interests of the agricultural industry.

The recent farmer's market in Whitehorse, the meetings and the activities of the Livestock and Agricultural Association, and the demand for agricultural land, point to a strong and developing industry in Yukon.

The museums around Yukon have many historic photos about

agriculture in times past. Dr. Joe Tsukamoto, at the 8th Northern Resources Conference last month, spoke about us not knowing the full bounds or range of agriculture in the future. I will echo the theme of the Northern Resources Conference with respect to agriculture: it is our move. Yukon farmers are prepared to take that move, and our government will work with them all the way. Thank you.

Mr. McDonald: With less than ten minutes' notice of this ministerial statement, it is impossible for me to respond in concise terms in just a few minutes.

It seems that the statement is an exercise in damage control, perhaps the damage that was wreaked yesterday in our discussions in the Legislature during the Committee of the Whole debate. I am convinced, at the moment, that the statement was written probably by the department, and not by the minister. I trust that the minister will sit down with the statement and take the trouble to understand what it means. It speaks of a very positive future for Yukon agriculture, and that is the positive approach that we would like to take as well.

The department is obviously optimistic; the farmers are optimistic, and so are we.

There are some statements in the ministerial statement about an inventory of Yukon agricultural activity and support for produce marketing, which we dealt with, to some extent, yesterday, which do not, I suppose, gibe with what the minister had to say. Perhaps, in the future, we can have the opportunity to actually tie down what is being said by the department and by the minister. We will make our position clear as to where we would stand. The statement does mention that the government will not attempt to direct and control agriculture, and I would be surprised if the government could even do so, even if they wanted to.

I will be more encouraged in the future if the statements written by the department mirror the statements made by the minister in debate. I am certainly prepared to start once again from ground zero.

Hon. Mr. Tracey: I want to stress the fact that I am the one who made the statement in the House here. That is my statement; that is not the department's statement. We have been working very cooperatively with the agricultural industry in Yukon, regardless of what the member across the floor has been speaking of for the last few days. It is certainly our intention to continue working cooperatively with them in the future.

Mr. Speaker: This brings us to the Question Period.

QUESTION PERIOD

Question re: Mary Lake subdivision

Mr. Penikett: I have a question for our friend, the Minister of Community and Transportation Services. Yesterday morning, a constituent of mine was told by the territorial lands office that the sale of lots in the new Mary Lake subdivision was being delayed because of problems with installing septic systems in the soils of some of the lots. A few hours later in Question Period, the minister indicated that the soil tests at Mary Lake were favourable. Still later in the day, the minister told reporters that 20 of the 58 lots planned for sale were not suitable for conventional septic systems. Could the minister explain the discrepancies in these official statements.

Hon. Mr. Lang: I am very pleased the member opposite raised the question because it was my intention to stand, after the first series of questions had been asked, to clarify the situation.

At the outset, I was very concerned about the allegations that were made yesterday. The inferences, in my opinion, brought false fears regarding the sale of lots in the Mary Lake subdivision, and I do not think that is in the best interest of the general public. I believe we have an issue here which does not need to be an issue, so I want to clarify it for the record, if I may.

First of all, the allegation was made yesterday, indirectly, that, perhaps, we were making a lot of money on the sale of the lots in comparison to the lots in the Golden Horn subdivision. I should explain to the member opposite that the Golden Horn lots sold for

development costs of \$15,000 to \$17,000 last year. Present calculations put the Mary Lake lots at \$11,500 to \$12,500, depending on proximity and size. It should be noted that the Golden Horn lots are long and narrow and, therefore, do not require as much road frontage as opposed to the Mary Lake lots which are, in most cases, square.

The other point I want to make is with regard to the allegation made that there was no preliminary geotechnical work done on the area in question. That is not an accurate. The geotechnical information was gathered for the site in 1977. That was in conjunction with the Wolf Creek development. The information was positive; therefore we made the decision to proceed in that particular area in cooperation with the City of Whitehorse.

Further to that, when the decision was made to go ahead with that subdivision, we commissioned further geotechnical work to be done this past year. The reason for the lateness of procuring the information was that the percolation testing could not be done until all ground frost was out. As a result, we have just received the test this past month.

It should be pointed out that there are some problems regarding the use of septic tanks. They are minor problems. I know the member opposite has not lived in the community that long, but those same problems were encountered in Crestview. Those problems can be solved through conventional methods of putting in septic tanks, perhaps with larger septic tanks, and perhaps longer fields, and perhaps with some gravel being brought in.

I want to assure all members of the House that there are no problems as far as putting septic tanks in. The only thing is that a modified method of installation may have to be used.

The other thing that I would like to point out is that there was some question as to whether the earth in that particular area could hold the foundations. That is an inaccurate statement, as well. I want to assure the House that any home can be built in that area and that the ground will hold the foundations.

I also want to point out to the House —

Mr. Speaker: At this point, I would just like to say that questions, such as have been asked, are so broad in nature as to require a lengthy reply. Perhaps they could be posed as written questions. I would also ask that if the ministers, in responding, could be very brief. It seems that we are taking up a long period of the Question Period in making statements that more properly could be addressed, procedurally, at other places on the Order Paper. I will permit the minister to finish, but I would ask him if he could be brief.

Hon. Mr. Lang: I was coming to the conclusion. Those were very serious allegations yesterday, and I did promise to update the House. I felt this would be the forum to do it in. Perhaps, I could find some other forum at some other given time.

I want to tell all the members that it is our intention to have a brochure together so that the areas where there could be problems, will be pointed out, and it will also give information as to the options as to what can be done with respect to meeting the health standards and installing a septic tank.

Mr. Penikett: Let me suggest that the minister's answer could have been brief if he had answered my question. Let me ask a very precise and direct question: does the minister deny that two separate consultant's reports, completed this fall, both say that 75 percent of the lots in the subdivision are unsuitable for conventional septic systems?

Hon. Mr. Lang: It is a very general statement, but it is a question of how you are going to interpret it. The point is that there are some areas that are not conducive to septic tanks, but they can be installed. I think that is the point I want to make to the member opposite. He is making the innuendo, in this House, to the general public that the subdivision should not have been proceeded with.

We have consultants' reports that indicate that it should have been proceeded with. It has been proceeded with and we will meet the health standards if septic tanks are put in in a modified form as opposed to the normal practice. Those things can be met. I resent the inference from the member of the opposition, because I do not think that it is in the public interest that these innuendos be put on the floor.

Mr. Penikett: The minister did not deny that 75 percent of the lots are unsuitable for septic systems, according to two consultants' reports. Can the minister indicate to the House whether or not those two consultant reports, to which I have referred — one of them commissioned by the consulting engineers hired by the minister — also indicate that there are significant water problems in the subdivision, both in questions in regard to the adequacy of the supply and —

Mr. Speaker: Order, please. I believe the hon. member now is providing information to the House when, in fact, the Question Period is for members to ask questions. Would the hon. member please get to his question.

Mr. Penikett: I did ask a question, Mr. Speaker, if you had been listening. I am asking that he confirm some information.

Hon. Mr. Lang: The information I have received from the department is that the water is available for those lots via wells, which was the idea of the subdivision. Secondly, it was pointed out to me yesterday that approximately 20 lots would be affected where the modified form of installation of septic tanks would be involved. This is the information I have been provided with. I am trying to present the House with all the information and knowledge I have.

It should be pointed out that, with that information, the following statement was provided, and I ask the member opposite to listen. "This material is not the best for septic installation, but it is not untypical of soils which are encountered throughout the territory, and methodology and techniques are available to deal with these conditions".

I want to emphasize to the member opposite that I can go on my own personal experience, because I happen to have lived in the subdivision of Crestview for approximately 15 years. We did have a septic tank. There were problems, but we overcame them. The lots will be up for sale and they can be utilized by the public.

Mr. Speaker: Order, please. Is the hon. member wishing to raise a new question?

Mr. Penikett: Yes, Mr. Speaker.

Mr. Speaker: Is there any other member wishing to raise a question at this time?

Question re: Mary Lake subdivision engineering contracts

Mr. Penikett: A new question to the Minister for Community and Transportation Services: with respect to the engineering work at the Mary Lake subdivision, could the minister explain why one company was chosen to receive the engineering contract for Mary Lake, rather than advertising for tenders, or inviting proposals from a number of companies, as is the usual custom?

Hon. Mr. Lang: I will have to take notice on the question. It involved the normal procedure, and I believe it was a distribution of the work between the companies in town so that every company got a portion of the work that was being done in land development over this past year, so that we could spread what monies we have throughout the local economy.

Mr. Penikett: Since I believe there may be engineers and engineering consultants in this town who have had no work from this government, was the decision to award the contract, without tender or without inviting proposals, a political one?

Hon. Mr. Lang: There was a decision taken in concert with the administration through my office. The decision had to be taken to proceed with the Wolf Creek development. I am going on memory and I will provide further information, but it was on the principle that we had to release the work in order to be able to have the subdivision completed by this fall, to release this early winter, so that people could begin building next spring.

Mr. Penikett: The government has a commendable policy of selling such lots at development cost. In this case, where it appears there are lots that may be unsuitable for sale, could the minister indicate which will apply. Will the government be taking a loss on the development or will the total cost of the development be charged against the lots that are suitable, thus raising their cost considerably?

Hon. Mr. Lang: This is a joke. I just told the member of the opposition two minutes ago that the lots were satisfactory for sale and, therefore, they will be put up for sale. He has just inferred that

they could not be sold because of the problems that he had outlined earlier. I think that I have corrected that false impression left by the member opposite — maybe not in his mind but in the general public's which is more important as far as I am concerned.

Question re: Cyprus Anvil

Mr. Byblow: I have non-provocative questions for the government leader on the subject of Cyprus Anvil.

Mr. Crombie, the consultant appointed by the federal Indian Affairs minister, will be in Yukon next week to speak to various Yukon and Faro interests in his preparation of a proposal for the re-opening of Cyprus Anvil. What firm positions or proposals will this government be advancing to Mr. Lassande as evidence of this government's commitment to stave off an imminent closure of the mine?

Hon. Mr. Pearson: I have been contacted by the person whom the minister has asked to do some research for him. I am going to be meeting with him on Monday, and I am sure that I will answer all of the questions that he can put to me. I am not prepared to put forward any proposals nor, as I understand it, is this gentleman going to be prepared to listen to any proposals at this particular point.

Mr. Byblow: The government leader drew reference to a request for information or research. Has this government considered appointing a territorial counterpart to Mr. Lassande in order to provide that supportive role to Mr. Lassande in Yukon?

Hon. Mr. Tracey: No, we have not even considered appointing a territorial counterpart. We have people in my department who are very knowledgeable of what has been happening with Cyprus Anvil. As I have stated in the House on previous occasions, we have fairly well all the same information that the federal government does and other companies and consultants do. We have all of those reports and we have the capability in our department without appointing someone specifically to handle this matter in conjunction with Mr. Lassande.

Mr. Byblow: Does this government still stand behind its 1982 offer of purchasing over a million dollars worth of housing from Cyprus Anvil as well as providing some recreation monies as their measure of contribution originally and what discussions, if any, have taken place on this offer recently?

Hon. Mr. Tracey: There has been contact from Cyprus Anvil with regard to whether we are still prepared to stand by the previous offers that we made. We have replied to them. Some of them relating to my department have been replied to by my department. Others have been referred from other departments to us and a letter has gone from the government leader back to Cyprus Anvil with regard to our commitments in the past. We fully intend to remain and support the offers that we made previously.

Question re: Local hire

Mr. Kimmerly: A very easy question to the government leader about local hire. The Minister of Justice announced a new courthouse and he stated that he hopes that most of the construction jobs will go to Yukoners. Would the government leader identify what the differences will be in the contractual provisions on this issue between the courthouse and the federally-sponsored airport building?

Hon. Mr. Pearson: Yes, I would be happy to. The primary difference is that the airport is being built under federal contract. It is our intention to build the justice centre under territorial contract. There is a considerable difference then.

Mr. Kimmerly: What steps has the government taken to take full advantage of subsection (4) of the mobility rights clause in the *Constitution* to allow for the greatest economic benefit to local workers?

Hon. Mr. Pearson: The *Constitution* is quite explicit with respect to mobility, and how much we can restrict hire. It all depends on either our employment rate or unemployment rate at that particular time. If it is possible, we would, of course, like all jobs to be let locally. It is not possible in some cases. I might point out too, it is not very desirable to some of the union people, in particular, whether we restrict jobs locally or not. We do run into

this kind of problem as well.

Mr. Kimmerly: Has the government leader taken any steps to join with his provincial colleagues in other economically disadvantaged regions of Canada in organizing a joint legal test of the mobility rights clause of the *Constitution*?

Hon. Mr. Pearson: No.

Question re: Local hire on airport terminal

Mrs. Joe: I have a question for the minister responsible for economic development. Could the minister indicate what actions, if any, he may have taken at this late date to obtain maximum employment of Yukon tradesmen in the construction of the Whitehorse airport terminal.

Hon. Mr. Tracey: That would be more a question for the Minister of Labour; however, he is not here. I can speak to it because I am fairly knowledgeable about what happened up there. As the government leader previously stated, the Whitehorse airport is a federal government contract and it is, therefore, bound by their rules, which allow a contractor to bring their people from anywhere. However, after consultation with the superintendent who would be running that job, he agreed that he would try to use as few outside people as possible, and as many local sub-contractors as possible. I think, until evidence to the contrary is given to me, that he has pretty well lived up to that agreement with us.

Mrs. Joe: I will then direct the same question to the same minister. Has the minister made any representation to the new ministers of Northern Development or Transportation or Employment, or any other ministers in Ottawa, to ensure maximum local employment on this project?

Hon. Mr. Tracey: Yes, there were remarks made to the federal government previously — in fact, it was made to Mr. Frith when he was here — that we would like to see as much local employment as possible on that project. However, Mr. Frith cannot direct the contractor to hire all local people either. Although he stated that that was the government's wish and, as I stated earlier, I think that the contractor has lived up to those wishes.

Mrs. Joe: What weaknesses in the local hire provisions of the federal airport contract limited the minister's authority in dealing with the contractor?

Hon. Mr. Tracey: There are no local hire provisions in the federal contract. That is the problem. Under the federal contract rules, anyone from anywhere can get a contract in Canada. Any Canadian company from anywhere in Canada can bid a contract and get it anywhere. However, the stated wish of the federal government was that they would hire local people, which this contractor has done.

Question re: Mayo banking services

Mr. McDonald: I have given the government leader notice of this question regarding banking services in Mayo. I am sure that the government leader is aware that the lack of banking services in the Mayo district is a continuing concern to local residents. Coming to Whitehorse to conduct banking business is considerably expensive for individuals and businesses. Has the government recently attempted to negotiate, once again, with Whitehorse banks to provide a service in the Mayo district?

Hon. Mr. Pearson: No, we have not attempted to have further negotiations. I might avail myself of the opportunity to recap what has happened, because this was a question that was raised a number of times in the last session by the member for Mayo.

In March, we contacted all five banks here in Whitehorse and asked each one of them to submit a proposal to us with respect to banking in the Mayo-Elsa area. We received proposals from two of those banks and, in June I believe it was, I had to make a very difficult decision that we could not, for various reasons, accept either one of these proposals, as much as we wanted to. Having made that decision, we then arranged, through the Liquor Corporation, for the float for the liquor vendor in Mayo to be increased substantially, so that we could at least provide a cheque cashing service in the community of Mayo.

After about a month or two of this procedure, we found that the float was too small. We have since then, in September, increased it

once again. It is a fairly substantial float now. On top of that, there is another source of funds available to the liquor vendor, which he can use for cheque cashing purposes if he needs to, in the bottle deposit funds. We are doing what we can in that area. Because it has been less than a year ago that we talked to the banks, we have not gone back to them. I doubt that there would be any change in their proposals in this short period of time.

Mr. McDonald: Within the discussions that the Department of Finance held with the banks, has the government told the banking fraternity at any time that the government will only deposit with banks that provide banking services in major rural communities such as Mayo?

Hon. Mr. Pearson: What has transpired in the past is that we have asked the bank for proposals with respect to who we should do our banking business with. We have told them that we were interested in knowing what services they would provide to outlying communities. Frankly, at the time that this was done, Mayo was not all that much of a concern because there was a banking facility in Elsa. The last proposal is about two years old now. It may be three years ago that we went out for proposals. We bank, to some degree, with a number of the banks in town, but our major accounting is held with the Canadian Imperial Bank of Commerce who provide the major banking facilities to the outlying areas in the territory.

Mr. McDonald: Perhaps during the debate, I can try and convince the government leader that Mayo ought to be considered for banking services now. I understand that the current cash fund in Mayo is sufficient to meet current local demand for cheque cashing; however, is there a policy in place for persons in the territorial agent's office to protect them should they cash cheques for which there are insufficient funds?

Hon. Mr. Pearson: I am sorry, I am not aware of exactly what kind of indemnities might accrue to the territorial agent in Mayo. I am quite sure that he has been told that the same rules, which apply to other territorial agents with respect to cheque cashing, do not apply to him in that particular community. Primarily that is because the territorial agent in Mayo was born there and literally knows everyone there. He has a very, very good rapport with everyone in the community. I would feel fairly confident in accepting the fact that if he accepts a cheque and cashes it, the cheque is going to be good.

Question re: Tax credits for political contributions

Mr. Penikett: I would like to put a question to the Minister of Finance. In common with most provincial jurisdictions in Canada, the Yukon has a law providing for tax credits to individuals who contribute to a registered political party. However, Yukon is one of only two jurisdictions in the country that does not require the recipient party to name contributors over a specified limit. Is it the government leader's intention, in the life of this Legislature, to remedy that anomaly?

Hon. Mr. Pearson: No, I have not even thought of it.

Mr. Penikett: Maybe I can give him food for thought. When a donor contributes \$100 to a political party in Yukon, he receives a tax credit for \$75, which, in effect, is a grant of public money. Could I ask the government leader if he has considered whether this unaccountable grant of public money conflicts with the well-founded policy laid out in the *Financial Administration Act*, for example. Is not it consistent and desirable that public disclosure should go hand-in-hand with grants of public funds?

Speaker's ruling

Mr. Speaker: Order, please. That question would be quite out of order in that it is asking an opinion of the minister. Perhaps the hon. member could be more precise in his question as, of course, opinions cannot be sought in Question Period.

Mr. Penikett: I was just trying to be gentlemanly, Mr. Speaker. Let me ask the government leader how he can defend the practice in the government of having secret political contributions, which are rewarded by a grant of taxpayers' money in the form of a tax credit, for which there is no public accountability?

Hon. Mr. Pearson: The leader of the opposition is asking me to express an opinion that I am just not prepared to express.

Question re: Local hire for Beaufort jobs

Mr. Byblow: My question is to the Minister of Economic Development. As the minister is aware, and as he yesterday noted, there is considerable petroleum exploration off Yukon's north coast. Eventually we may see full production taking place there. However, to date, we appear to have only a minimal amount of participation in the Yukon labour force. Could the minister tell the House what form of local hiring policy his government will implement, or is implementing, to ensure that more Yukoners get work out of Beaufort jobs.

Hon. Mr. Tracey: I think that, in the last year or two, we have shown a significant increase in Yukon participation with the oil companies in the Beaufort, especially Gulf who is doing the most work off the coast of Yukon. I have had comments from the Gulf people that they are very, very satisfied with the Yukon labour force that has been up there, and they intend to increase it in the future. With that aside, there is also a requirement for some of these people to have expert knowledge, for example, in the oil industry that our people do not have. The oil industry is also working together with government to train northern people in that regard. I think, all in all, we have been very fortunate, in the last year or two, to have an increase in our labour force up here, and it is very satisfying to hear the oil companies, who have had these people on staff, express their satisfaction and that they intend to increase their participation.

Mr. Byblow: The oil companies may well be satisfied with the existing numbers of the Yukon labour force on their job site, but the question is to what extent are we encouraging a greater number of our work force to be available to the Beaufort available jobs. Could I specifically ask the minister what are the specific steps his government taking between their branches of government and Beaufort proponents to step up training programs, or inventory of skills, to encourage an increased labour force on the north coast?

Hon. Mr. Lang: That question would more properly be put to me in my responsibilities for Advanced Education. It should be pointed out that, as the minister of Economic Development has reiterated to the member opposite, we do have a very good working relationship with the oil companies in question. In fact, Esso, not too long ago, designated Yukon as a northern hire area, which I think speaks for itself and the initiatives of the government, between the Department of Economic Development and the Department of Advanced Education.

It should be pointed out that we are working very closely with the oil companies on almost a daily basis, depending on the issue at hand. We are finding what their specific requirements are and many of the skills, which are presently being required for jobs on the Beaufort, are actually being taught at Yukon College. We have made it very clear, with the companies involved, that we are prepared to put on courses if there is a need for those skills. It is on an ongoing basis that we work with them and, as an MLA for Porter Creek East, I do have quite a number of my constituents rotating to and from the Beaufort Sea, which I am very pleased to see.

Mr. Byblow: I also have some constituents who are rotating, or have relocated to work, on the Beaufort. Is Yukon College offering any specific course upgrading programs for skills that are directly related to the marine type of requirements on the Beaufort?

Hon. Mr. Lang: Not specifically marine, to my knowledge, but in the area of the mechanical and electrical and various other areas. These skills are all necessary with respect to the development that is taking place up there. If there is enough of a demand for people to take courses of that kind, then we will put them on.

Question re: Yukon tartan ties

Mr. Kimmerly: I have a quick and easy question, with no supplementals to the Minister for Consumer and Corporate Affairs. Where in Yukon does one acquire a Yukon tartan tie?

Hon. Mr. Pearson: I will answer for the minister for Consumer and Corporate Affairs, because he is absent on ministerial duties and is out of the territory. They can be bought, I understand, in the

local free enterprise market.

Mr. Speaker: We will now proceed to Orders of the Day under Motions for the Production of Papers.

ORDERS OF THE DAY

MOTIONS FOR THE PRODUCTION OF PAPERS

Motion for the Production of Papers No. 3

Mr. Clerk: Item number one, standing in the name of Mr. Penikett.

Mr. Speaker: Is the hon. member prepared to deal with item one?

Mr. Penikett: Yes.

Mr. Speaker: It has been moved by the hon. leader of the opposition that an order of this assembly do issue for a copy of the public opinion poll, including all data and reports provided to the government leader by Summerhill Research.

Mr. Penikett: A simple proposal, a simple request. Perhaps it will not even provoke much debate.

On October 14, some of us learned that there was a political survey being conducted. This was confirmed by stories in the *Whitehorse Star* and on CBC the next day. The facts, as we were able to ascertain them, were that a subsidiary of the Conservative Party's polling firm, Decisma Research — a subsidiary called Summerhill, based, I believe in Vancouver — was surveying some 400 people in Yukon Territory about a number of public issues.

On questioning, I gather the Cabinet press office advised people that this was a \$25,000 research project that was commissioned and paid for by the Government of Yukon. It followed a request from the Conservative Party to the party leader, I assume, to have such a survey done. In answer to questions from reporters, the Cabinet press secretary said, "The reasoning is to gain some baseline information from Yukon residents about relevant northern concerns."

I was struck by the reference to baseline information since this implies that this research project was to be the first of a series. When polling, I gather, is done by the political parties, normally there is a baseline study followed up by subsequent surveys to get into some of the questions in more detail, and also to establish trend lines of public opinion on certain particular issues.

The fact that it was to be baseline information, as I said, indicates that there would be more such polls. Therefore, the manner in which we handle this information becomes an important precedent for this government, for this Legislature and for the local political culture in the territory.

My second concern arose from another observation, I believe attributed to the Cabinet press secretary again, to the effect that Decima had advised the government not to make the information public, arguing that complicated polling statistics are frequently misrepresented by the public.

¹⁶ This is a fascinating proposition. It reminds me very much of my reading of history, particularly history of the Middle Ages, when the aristocrats and the priests conspired with each other to prevent the ordinary populace from learning to read on the grounds that knowledge of the Bible would be dangerous for them, that they would misunderstand it. If the ordinary Christian folk were to read the Bibles themselves, they would be confused by it and plagued by misunderstandings and they should accept the wisdom of the priesthood to interpret the Bible for them and to give them the words.

With no disrespect, I suspect that there is no one in this House whose knowledge of the scientific method of statistical analysis, sociology or any of the other social sciences is sufficiently great that their ability to read such a poll is any better than any ordinary citizens in the territory. I believe that, perhaps unintentionally, it was somewhat arrogant of Mr. Hume to pass on Decima's suggestion that somehow this information was so esoteric and so exotic as to be beyond the comprehension of the ordinary people of the territory.

Some hon. member: (Inaudible)

Mr. Penikett: I assume, of course, that Mr. Hume, as a good public servant, was just obeying instructions.

Some hon. member: I guess so. I guess so.

Mr. Penikett: Unfortunately, the government leader was not quoted directly with regard to this poll and we are going to hear from him shortly, but Mr. Hume was. I do not want to attribute words to the government leader, which he would claim that he did not speak, and therefore, I can only quote his spokesman.

Clearly, in this day of high technology, it is not unusual for political parties to do polls. It is quite common that that goes on. It is quite common for political parties to do polls and, in fact, most of the time they even pay for them. I am not sure, judging from my own experience and my observations in this case, how useful the highly sophisticated polling technique is because I think the knowledge that such a survey was being done was fairly widespread before it was completed. My guess is that it would skew some of the results quite substantially.

I hate to do this again, but I have to quote Mr. Hume. He said he is going to stake his reputation on it not being a pre-election poll. However, I happened to call someone who knows about this poll and said that a lot of the questions sounded like fairly standard pre-election poll. They asked the public what they thought about a number of important issues of the day: White Pass, land claims, how people felt about the territorial government, were they happier about the present than they had been in the past, who did they think best represented them, the CYI, the Government of Yukon or the Federal Government. Interestingly enough, they were not phrased in directly partisan terms. But my concern about it was the statement that this information would be held exclusively by the government leader and then shared, at his whim, by members of the Cabinet.

A simple proposition that I want to make is that this is a freedom of information issue, if you like, an access to information issue. This is information obtained from the public, paid for by the public and to which, I think, the public is entitled. The precedent has been established, both in the Legislature of Ontario and in the House of Commons where this question has been the subject of sharp debate, that such public opinion polls shall, when the results are made available, be tabled in the legislatures. That is simply what I am proposing be done here.

It may be said by the other side that the use of public funds to conduct political opinion surveys by government parties has been done many times in the past, in many other jurisdictions, and, therefore, it is an acceptable practice. This is the first time it has been done here, therefore it is a precedent. I think it is highly appropriate that we should have some debate and discussion about this precedent and about the rules that should operate. I think that it is absolutely essential that the information obtained from the survey results — not particulars about who was called or why, because I understand that information is improperly being denied the sponsor — should be made available not only to the government leader, not only to the Cabinet, not only to the members of this Assembly, but to the public at large. I have every faith in the citizens of the territory that they are just as well able to interpret the results of this survey as the members opposite. There is nothing in the educational, or intellectual attainments of the members opposite, which makes them especially privileged or learned in this regard.

My proposal, should the House adopt this proposal, is simply that, when the government receives the reports, the analyses, the raw numbers from Decima, they should make this information public. I think if we truly believe in access to information, if we truly believe in freedom of information, if we truly believe in the citizens' right-to-know, if we truly believe that information paid for by the public and obtained from the public should be given back to the public, then I think we should vote for this proposal without any hesitation.

Hon. Mr. Pearson: I am sorry but, we, on this side, are going to have to vote against this motion for the production of papers and there are some very basic, fundamental reasons why. The primary reason has to be that this was not a political survey. It does not matter how many times the leader of the opposition says it, I will

say that it was not a political survey. It was, in fact, a poll done by the Government of Yukon as a government tool.

I regret that I am retiring after six years as government leader, and it will always be on my record that I only caused one such poll to be taken during my tenure. I think that has been a weakness in my leadership. I believe strongly, like every government in Canada does, that you cannot govern properly without having these polls. They are very, very important. For the very reasons that the discussion was held between the leader of the opposition and the Minister of Municipal and Community Affairs previously, in Question Period, about interpretations of a consultant's report, is the very reason that it does not serve the public's interest to have these kinds of polls made public. It is a fact of life that we, on this side, are not smart enough — never mind members of the other side — to be able to interpret the results of those polls — of that poll or any other poll — just on the straight results that are given. It takes an awful lot of our work.

What we have done, is hire a consultant. That consultant is Decima Research. They analyze the results of the poll. They do not take the poll; they analyze the results of the poll. They give us advice on what they think the results of the poll are. We use that advice, hopefully, to the benefit and for the wellbeing of all of the people of this territory.

Now just to make sure that we are all on the right track, the poll did not cost \$25,000, it cost \$26,000. That was the stated amount of the poll.

There was not a request from the Conservative party that we hold such a poll. As I said, this is not a political poll. I was very concerned about the politics of polling, and I raised this issue at a convention. I sought advice from the convention. When I explained that polling, I thought, was very, very important to the government, that it had to be done, there were questions that had to be asked and answers that should be given. It had nothing to do with politics at all. I was advised by a very large majority of the people at that convention, that it was probably a good thing. If you feel that you should, then you should go ahead with it. There was no request from the Conservative party, nor are they getting any of the results. Not one, because the results do not interest them. Political questions were not asked, and political answers were not given.

It is true, this was a baseline survey that had to be done, because it was a first poll, and I anticipate that this is the first of many. I will reiterate: every government of Canada does it, and every government of Canada is going to continue to do it. In most governments, the opposition does not ask for the results of the poll, because they recognize that the government, as a tool of government, must get this information.

There is no conspiracy at all. None at all. All that we have done is acted as a good, responsible, upstanding government. We need the answers to these questions. We got them. We will use them when we get the analyses from our consultants. I am sure that they will be of benefit to everyone in the territory. So, the results of the poll are strictly a series of numbers, so many 'yes', so many 'no', so many 'maybe', so many 'I do not care'. Probably 80 percent of the questions, that is the result of the poll. The results, by themselves, are meaningless to most people. Also, taken in their raw data form, they are of no value.

It is the same thing as asking for all consultants' reports to be tabled in the House. The reports are given primarily as general information to a government, and it is the government that has to make the decision as to what they are going to do with it after that. The opposition should be interested in the decision that is made and they are, naturally. We cannot make any decisions without bringing them to the House, because every one of them is reflected in the House. How we get our information is really the prerogative and responsibility of the government.

Mr. Kimmerly: I have heard it has been said that you can fool some of the people all of the time, and all of the people some of the time, but you cannot fool all of the people all of the time. After listening to the previous speaker, I would like to say that it would perhaps be more accurate to say that there are some things that politicians say that the public will never believe. It is because of that

that politicians generally have a very bad image and a bad name in society.

We are told that this poll is not a political survey. I do not believe that. I believe that no sensible person believes that. I would like to make some very serious points about what was just said. The government leader has said that he is proud of the fact that he asked for the poll, and used the taxpayers' money to pay for it, and he should have done a whole lot more, because he is keeping in touch with the views of Yukoners.

²⁰ This is from a government that denies the opportunity to ordinary folk to appear before legislative committees, repeatedly. In the life of this Legislature, there has not been a witness before a select committee — indeed, no select committee. This government is denying the public, ordinary folk, an opportunity to speak to the government and make their views known, and their information known, through a time-honoured, parliamentary, democratic way. They refuse to do that. Instead, they commission a secret poll. This is another example of the government ignoring the legislative process. We are here, all 16 of us on both sides, to represent the views of our constituents, and we are quite able to do it. The government is ignoring us and commissioning, at great expense, a private, secret poll about almost all of the major, political issues before the territory. It is scandalous.

The government leader has again said that the results would not be interpreted properly by ordinary folk. That is the same argument our leader referred to that was used in the middle ages about teaching people to read and speaking in Latin and Greek. It is a completely spurious argument. The government has said you are getting the results and, not only that, they have hired a consultant. The expense was not announced but, obviously, at additional taxpayer expense. They are going to interpret the numbers and give a report to the government. Well, let us have that as well. That is public information. If it is understandable to the Cabinet, it will be understandable to ordinary folk in the territory. Any other argument is just plain silly.

Another thing he said is that he has gone to a convention, and has received advice from a convention — obviously the territorial Progressive Conservative Party. He did not come here; he did not get the advice of this House, the Legislative Assembly of Yukon.

~~He did not get that. He did not seek that and our advice is that~~ this is public information that the public has a right to. It is obvious that if the government leader, who is also a politician, goes to a political convention and receives advice and acts on it and spends public money to obtain information about political issues, then it is a political survey, a political poll. I will repeat: there are some things that politicians say that the public will just never believe. This is one of them.

Mr. Penikett: I would like to close debate, if I may.

I must say that I am, given what we have seen over the last few years, perhaps, not surprised at the response that we have heard today but, nonetheless, I am disappointed. Let me ask a rhetorical question: what is it, in a parliamentary system, that entitles one side of the House, the side which happens to be on the majority side, to use public funds to obtain information from the public that they will not share with the public? What right, what tradition in a democratic society? The only right that can be cited is an ancient and much discredited principle, that of executive privilege.

Why should one political party, just because it happens to be in power, have the right to spend taxpayers' dollars to get information from the public to be used for what purpose? For its own political advantage? My colleague from White South Centre is quite right. There was no request in this House for this expenditure. Sometime later, we may come back and see it in a supplementary. The fact of the matter is that we are a very small community. I do not doubt that this information, such as it is, could have been attained by the government by less technological means. I am not sure why the government thought it was necessary to go to a Toronto Tory firm, which does political opinion research for the Conservative Party and for most of the provincial Tory administrations.

Some hon. member: There are lots of them.

Mr. Penikett: That is true, there are lots of them, the member

from Porter Creek East says.

Are we to see, then, in Yukon, that rather disappointing feature of political life in Ontario, namely government by polls? Are we to see the point where legislative debate does not matter anymore? Will we see the ancient tradition, where members, who were elected by the constituencies, come in here and exchange their views, debate the public issues and then the legislature make the determination, surrendered to the high technocrats who simply, at public expense, come along and work for the government party, test public opinion. That becomes the dictate; that tells the government what to do. The Legislature becomes increasingly irrelevant and we see that further, disappointing anti-democratic shift towards executive power.

²² The problem is that we do not know to what use this government will put the information. If the information is not shared with us and shared with the public, there is no accountability about its use. Absolutely none. The government leader pointed out that some consultant reports are tabled and some are not. That is quite true. In fact, if we had that principle applied to polls, what we would have is polls that the government found agreeable would be tabled in the House; polls that they did not like would not be.

The government leader will know that in every legislature in this country where polling is done, the opposition demands the information and, in Ontario, and in Ottawa, perhaps in other places, they have had some success. In fact, the government has recognized that if freedom of information, and access of information, is going to mean anything at all, this kind of information should be made public.

The government leader says this is not political. The government leader is a leader of a political party. What is the reason for not making this information public? There is only one reason. That is because the information is politically-valued. It is a cliché to say that information is power. Information that is held by only one party, and not another, gives them an obvious political advantage. This is about the party in power using taxpayers' money to get a political advantage over its opponents. It is about the party in power using taxpayers' money to maintain itself in power. It is about the party in power using taxpayers' money to obtain information from the public, not that they will share it with the public, but which they will use entirely for their own advantages.

I think I am extremely disappointed by the decision of the government in this respect. I would have hoped that they might have done the modern, democratic, mature thing, but once again they have chosen not to. It is, therefore, my intention to pursue other avenues that may be available to us to obtain this information which rightly belongs to the public, and I intend to begin with my first application to information under the *Access to Information Act*.

I would like to table my application now with the clerk of this Assembly.

Thank you, Mr. Speaker.

Mr. Speaker: Division has been called.

²³ I would ask Mr. Clerk to poll the House.

Hon. Mr. Pearson: Disagree.

Hon. Mr. Lang: Disagree.

Hon. Mr. Tracey: Disagree.

Mr. Falle: Disagree.

Ms. Nukon: Disagree.

Mr. Brewster: Disagree.

Mrs. Firth: Disagree.

Mr. Ashley: Disagree.

Mr. Penikett: Agree.

Mr. Byblow: Agree.

Mr. Kimmerly: I proudly agree.

Mrs. Joe: Agree.

Mr. McDonald: Agree.

Mr. Clerk: Mr. Speaker, the results are five yeas and eight nays.
Motion for the Production of Papers No. 3 defeated

Mr. Speaker: We will proceed at this time to motions other than government motions.

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Mr. Clerk: Item number one, standing in the name of Mr. Kimmerly.

Mr. Speaker: Is the hon. member prepared to deal with item number 1?

Mr. Kimmerly: Next sitting day, please.

Mr. Speaker: So ordered.

Mr. Clerk: Item number 2, standing in the name of Mr. Kimmerly.

Mr. Speaker: Is the hon. member prepared to deal with item number 2?

Mr. Kimmerly: Next day, Mr. Speaker.

Mr. Speaker: So ordered.

Mr. Clerk: Item number 3, standing in the name of Mr. Kimmerly.

Mr. Speaker: Is the hon. member prepared to deal with item number 3?

Mr. Kimmerly: Reluctantly, next day.

Mr. Speaker: So ordered.

Mr. Clerk: Item number 4, standing in the name of Mr. Kimmerly.

Mr. Speaker: Is the hon. member prepared to deal with item number 4?

Mr. Kimmerly: Next day.

Mr. Speaker: So ordered.

Mr. Clerk: Item number 5, standing in the name of Mrs. Joe.

Mr. Speaker: Is the hon. member prepared to deal with item number 5?

Mrs. Joe: Next day.

Mr. Speaker: So ordered.

Mr. Clerk: Item number 6, standing in the name of Mr. Porter.

Mr. Speaker: Is the hon. member prepared to deal with item number 6?

Mr. Kimmerly: Next day.

Mr. Speaker: So ordered.

Mr. Clerk: Item number 7, standing in the name of Mr. McDonald.

Motion No. 33

Mr. Speaker: Is the hon. member prepared to deal with item number 7?

Mr. McDonald: Yes.

Mr. Speaker: It has been moved by the hon. member for Mayo that the Yukon Legislature urges the Yukon Government to tender its school bussing contract in a way which would allow local contractors to bid on individual routes.

Mr. McDonald: I would like to make the wording of the motion clear in my discussion this afternoon. The motion that we have before us is one that suggests an answer to a very difficult problem facing many rural people. It may not be a complete answer but it is one that has arisen from community people themselves. It has successfully been dealt with at school committee meetings, and at annual school committee conferences. It has been presented to this House on a number of occasions. It has not yet received any conclusive reaction from the government and today we give the minister an opportunity to respond.

For some rural people in the territory, the biggest obstacle to their children receiving a decent education is not the teacher-student ratio or the limited course options, it is the fact that there is no reliable bus service to transport their children to a school. Currently, many small children, in search of a standard education, are faced with two options. They can attempt an education by correspondence course and face the statistical tide which almost certainly predicts failure, or they can board in strange homes and dormitories away from their parents, and forego much of their family life for those years. Both options are resisted by parents for fairly obvious reasons.

²⁴ Their primary concern is to get their children to a school during the day and back home again at night. In striving to reach this goal, I am aware of countless school committee meetings held to find solutions to obstacles put out by policy makers. Three specific motions have been presented to the education council in the past, two of which were submitted to the annual school committee conference in the fall of 1983, which were passed unanimously.

Attempts have been made to find positive, realistic solutions to the problems. As I have intimated, the motion before us is a solution, or at least a partial solution, to the problem. In wording, it is essentially the same as one resolution passed by the annual school committee conference last year. Rural parents, who are, on the whole, a pragmatic group of people, are aware of the concern expressed by policy makers, that the cost associated with transporting every child from every rural hide-away to school would be prohibitively high. They understand, and have always understood, that every child living deep in the bush, away from the main transportation corridors, cannot expect to receive first-class transportation to school on a daily basis. On the other hand, they do believe that children living in established rural communities and along major transportation arteries, within reasonable commuting distance to a school, should be bused to that school. They further recognize that each case, to justify a new bus route, should be determined on its merits.

Rural people in my riding would like two things. Firstly, they would like the artificial, made-for-urban-centres regulation, which stipulates that 25 students are required to provide a bus service, changed to better reflect rural reality. Secondly, they would like the umbrella busing agreement covering the entire territory to be broken up to allow rural bus contractors an opportunity to bid on individual routes. The purpose of breaking up the contract is to allow local contractors, who can bid more competitively on the runs, to do so, thereby providing greater economic benefits to the communities. Further, it could conceivably allow, through reduced costs, an expansion of the existing services within the existing busing budget.

The parents in Stewart Crossing want a bus. They have wanted one for three years. Every year that there is delay in providing the service makes life more painful for those parents with the courage to remain in that rural community. Every year, delay changes the character of the community, and we need to resolve the issue now to prevent further deterioration of the situation. We could only hope that the adverse effects the absence of a bus service has had on the life of the community are not irreversible. My colleague from Faro wishes to state the same case as seen from the eyes of the parents in Tagish. I hope the government, in all good faith, to waste no more time, takes action now. The government should realize that a policy as seemingly innocuous as the busing policy, is as important a development tool as is transportation and power.

Hon. Mr. Lang: I have a couple of comments that I would like to make. I will have to take exception to one comment that the member has made. He made a very strong statement that the bus service that was being provided was not reliable. I would dispute that, because where buses are contracted by the Government of the Yukon Territory, to my knowledge, they are well serviced and they are providing the service that we are paying for, whether it be Watson Lake, whether it be in Whitehorse or any of the other communities throughout Yukon.

²⁵ I do not think the member actually meant what he had said, because I am sure he would agree that, where bus service has been provided, it has been good service.

The other point that I would like to make is the other comment that the member made about the false statement that parents' primary concern, as far as education was concerned, was to get them to and from the school. I would like to give a bit more credit to the parents of the students who are in the Yukon school system. Getting students to and from school, rightly so, is a concern, but I would state that the major concern overriding that should be the quality of the education and, where we provide it. I just want to state that for the record, because I think it was a statement that he did not mean in its entirety. At least I hope he did not.

I recognize that there are some problems as far as the busing of

students is concerned. There is a number of areas presently under review by the government as far as busing is concerned, which I hope to deal with shortly. I would also like to point out that the present bus contract that we have in effect continues until June, 1985. I have instructed the department to review the terms and conditions of that particular contract with the principle in mind to see if improvements can be made.

I should point out that I am prepared to accept this motion, with some amendment. The motion states very specifically, as put forward by the member opposite, that the Yukon Legislature urges the Yukon government to tender its school busing contract in a way which would allow contractors to bid on individual routes. It is my opinion that it should be written in such a manner that we should consider tendering. I am very concerned about the latter portion of the motion, which refers to individual routes. If we are going to break it into smaller contracts, and it is possible to do that, and we find that in our review that we would go in that direction, then it has to be done by community, and not by route. You can take the various communities, and in some of them you have two or three routes — in Whitehorse you may have 15 or 16 bus routes. Therefore, you should contract, if you are, by a community basis.

I think that the other point that has to be made, is that if you were to bid by route, you would lose the flexibility that is so necessary during the months of September and October, when you have to alter your routes within a community to meet the demography of the student population as it has changed over the course of the year. That flexibility, therefore, would be taken away from you, if you were to go strictly on a route basis, as far as a tendering process was concerned.

In putting the amendment forward, I just want to say to the member opposite that I want to make it very clear that there will be, in any decision that is made with respect to the future school busing within the territory, a number of very basic requirements that would be requested.

I just want to, in general terms, outline them so that you will be aware of what they are. First of all, all contractors would have to have appropriate reasonably low mileage vehicles in good working condition, a backup service capability, access to facilities adequate to properly maintain the vehicles, skilled drivers and sufficient insurance. When you talk about a contractual arrangement, you are talking about a sufficient and a considerable commitment by the contractor in order to meet the everyday obligations. I have some concern about this, but I am prepared to consider it. I do know that, prior to an overall territorial contract for the busing of students, there were very major problems with the smaller contractors meeting their commitments. Whether or not, in forthcoming years, that can be remedied, remains to be seen. The reason a contract was tendered on a territorial basis was that an adequate transportation service was not being provided by the smaller contractors of the day that met the concerns of the students or the parents.

Amendment proposed

Hon. Mr. Lang: I move that Motion No. 33 be amended by deleting the phrase "to tender" and substituting the phrase "to consider tendering" and by deleting the phrase "on individual routes" and substituting for it the phrase "by community".

Mr. Speaker: It has been moved by the hon. Minister of Education that Motion No. 33 be amended by deleting the phrase "to tender" and substituting for it the phrase "to consider tendering" and by deleting the phrase "on individual routes" and substituting for it the phrase "by community".

Is there any debate on the amendment?

Mr. Byblow: I would like to address the amendment. I believe that part of the amendment is quite acceptable and part of the amendment is, in my opinion, an excuse for continued inaction and delay in this issue. The minister proposes to reword the motion to have the phrase "to tender" substituted with "to consider tendering". I find that less than adequate.

I would submit to the minister that his department has been considering the issue of tendering a school busing contract, in a different manner than what is now, for at least two or three years. To adopt a position that continues that sense of indecisiveness about

taking a position on the matter is, in my opinion, a cop-out. On the other hand, I do respect the minister's judgment about his substitution of "by community" for the phrase "on individual routes", because I am sure that the originator of the motion had that in mind. That was the intent. It is understandable that in a single community you may not wish to have four or five different contracts, so that is quite an acceptable amendment.

When I listened to the minister, and when I review what has taken place in debate on this issue over the past two or three years, I have to remark that it appears to me the government is not prepared to face this issue and deal with it. It would appear to me that it is not prepared to provide a busing service at approximately the same cost in some instances as it is now paying to parents on a per diem basis. I will elaborate on that in a moment. At the same time, I would submit to the minister that his government is not prepared to live by its stated policy to encourage growth and stability in the rural area of Yukon by ensuring that the people in those communities have a reasonable right to fair educational opportunity.

I would wish to elaborate on those points. It seems that there are instances in Yukon today, where the numbers of students who would utilize a busing service are reaching an acceptable number for the justification of a small bus. What makes that justification more reasonable is that the amount of money being paid, on a per diem basis, is almost enough to justify that as a formal service. I will bring a case in point in a moment. In one instance, at least, we have a situation where there is a shortfall when you compare the amount of the per diem rate to the amount that is required to provide a small bus service. That is resulting, of course, in the essence of the debate today. It is complicated by a number of factors. The member for Mayo mentioned one of the complications which is the current policy where Diversified Transport is required to be given the contract of any new bus route under the present system.

I respect the minister when he suggests that the contract is coming up for review next year, and I would make every urging to the minister that the essence of this motion be considered between now and then so that it can be formalized and the opportunity provided for small contractors to bid, which will have a minimum impact on government. The current policy of requiring 25 students is a problem, because that requires the installation of a size of bus, and certain costs associated to that size, that eliminates, from an economic point of view, the instances where you have got justification of numbers, but not up to the current policy level.

Hon. Mr. Lang: What are the numbers, then?

Mr. Byblow: Let me talk about numbers. My colleague from Mayo drew reference to Stewart Crossing, and I would like to draw reference to Tagish. That community has been lobbying for some time for a bus service. Currently, there are 12 students who would normally use a bus service, if one were provided. I also understand that there are possibly two more students who may move into the community, but it is contingent on a number of factors, one of which, of course, is the opportunity for quality education, as the minister mentioned. The minister was cognizant of the fact that people are conscious of quality of education in addition to the ability of getting those children to school. In the case of Tagish, you have an instance where the quality of education preferred is clearly at Carcross. The distance involved is in the magnitude of 24 or 25 miles maximum, on top of which the numbers of students in that particular community represents about 25 percent of the total population of the school. That is a fairly significant number and clearly a point of view being presented by the parents of Tagish.

Now, the minister wanted to talk about numbers. The total per diem of the nine or 10 families at Tagish, I understand, totals approximately \$20,000. In my research with the department and transportation firms, the cost of a private contractor to provide bus service, using a 15 passenger van, is approximately \$28,000 per year, plus fuel. So what you have, at the extreme end, is possibly a \$10,000 maximum; however, those figures can also be adjusted, given another set of factors affecting the contract award, to as few as \$4,000 or \$5,000.

So it appears to me and it appears to the parents at Tagish that it

would require only a minimum of public funds to ensure that an adequate arrangement can be put in place at Tagish for the 12 students who are there. The minister is trying to pin me down to cite a number; I should point out to him that some jurisdictions in Canada, even if there is one student, provide for a special arrangement or the funding to get the student to school.

We have a situation where the per diem rate does not match up to the costs of providing transportation service to school for those students. What we are talking about is combining those per diems and making the best arrangement possible for the students to be transported to school. I think we also have to consider the issue that, in the absence of providing this level of service, we have a considerable impact on the growth and stability of communities. My colleague from Mayo has emphasized the impact on Stewart and I submit to the minister that this is a level of service that communities expect in their periods of growth, and encourages their stability and it is expected to be provided by the government.

I think also that we have to be cognizant that there is a public acceptance that this government should be looking at a reworking of the current busing contract. Certainly the resolutions put forth by the school committees is the voice of the public.

I suppose the minister would like to some opportunity to respond. Perhaps, my colleague has more to say. I would conclude by saying that I am disappointed that the government chooses to continue dragging its heels on this issue. I suppose, though, that I do take some encouragement from the fact that at least the government has not totally rejected the notion that is being presented, essentially amounting to providing an improved level of busing service to Yukon students.

Mrs. Firth: I really feel that I must come to the defense of my hon. colleague, the Minister of Education, as I was, for the past two years, Minister of Education and was engaged in many debates on this in Legislature with the hon. members from Elsa and Mayo, and the hon. member for Faro about the whole busing situation. As Minister of Education, I continually told the opposition that I was reviewing the situation and they were not satisfied with that, and they embarked on their own task force and they went out to the communities. I gather that from those task force meetings, they did not receive a lot of comments about the busing situation. As both members have stated themselves, there are a lot of factors to consider:

As the Minister of Education mentioned, there is the factor to consider of reducing the numbers which means opening up the *School Act*, which would involve a whole lot of debate. There is the factor to consider of not having an umbrella contract anymore with Diversified and whether it is economical for Diversified to provide that service and whether it is not and, if it is not, can we accommodate all the communities with a separate service? We cannot look at one community or two communities in isolation.

When the Department of Education approached me about looking at smaller contracts for the communities, the present Minister of Education raised with me a very valid point about the sometimes irregularity of the services that had been provided some years ago. Since the member for Faro talked in great detail about the Tagish area, that is one that I wish to use as an example.

When I was Minister of Education two and a half years ago, the people in the Tagish area were complaining to me that the bus that they used to have had been taken away. Having just had some incidences with taking buses away I, of course, looked into the situation immediately. What had happened was that a van been purchased for the community of Tagish through, I believe, the Special ARDA program. That van was purchased for the purpose of providing bus service for the children. There were occasional complaints that the children were not being picked up, that the van was breaking down, there was no backup system, the driver was ill and the children were not being taken to school, all of which effects what the member from Faro keeps talking about, the quality of education. That one incident was enough to make me decide, as Minister of Education, that this needed a lot more analysis and consideration and the members in opposition were making to believe that it was such a solvable problem.

The van was no longer in existence because they found that it was not economical to run it. The subsidies were increased and they still said that it would not be economical to run the van. The point that the member for Faro raises, that a van costs only a little more than \$20,000, which is what the families receive in subsidies, is not necessarily true. This government has certainly fulfilled its commitment in communities. In Dawson City, for example, when the number of children reached 25 in the Bear Creek area, the government provided a busing service. So, it is easy for them to say that the government is dragging its feet and that it is not doing anything, but the whole situation has been actively pursued for the last two years and I am sure it will continue being investigated and considered, as the Minister of Education has indicated.

I find it somewhat negative, when the member for Faro constantly belabours the point of quality of education, because the Department of Education and the school committees have had a very close working relationship in the past few years and the school committees have, of course, indicated to us that this was a priority in the outlying areas, but only in the area of Bear Creek out of Dawson, Stewart Crossing and Tagish.

The government appreciated that point of view and the resolution that was forthcoming. They looked very closely at the outlying areas in the busing situation. When the Dawson area numbers increased, the bus was provided. It looks like the Tagish area also is growing and, who knows, there may be 25 children there and they will receive their bus, so it is not that easy to just say, "You put the bus on and then the community grows". When we have evidence of a community growing, the government will be providing the service.

I think the Minister of Education has given a commitment that the contract that is coming up for renewal or for review, will be looked at and that he has taken into account the resolutions that have been presented by the school committee, and that he will be considering those resolutions and the concerns of the outlying areas. I am looking forward to assisting the Minister of Education in any way I can with his deliberations in fulfilling the government's commitment to the people regarding the quality of education of their children.

Mr. Speaker: Any further debate on the amendment?

Mr. McDonald: I would like to make a few comments on the amendment before we get back to the main motion in a few minutes. I personally would like to preface that by saying it was good to hear from the ex-Minister of Education who was given the old heave-ho from Cabinet earlier this fall. It was good to hear her come to the rescue of the current minister and it sounded somewhat like a campaign to get back into Cabinet. It must be a relief to be given the opportunity to speak occasionally from the backbenches, one of the seats of which she is now warming. It is good to hear from the old minister — pardon me, the ex-minister, not old — as she was a major contributor to the problem over the last couple of years.

Mr. Speaker: Order, please.

Mrs. Firth: I somehow feel that I have been slighted in being referred to as an "old" minister.

Mr. Speaker: The hon. member knows that she has not raised a point of privilege and the Chair considers the matter to be very frivolous and would the hon. member for Mayo continue?

Mr. McDonald: I knew that the member was extremely sensitive about that point and checked myself immediately.

As I was saying, it was good to hear from the minister as it was under her direction that delay was the order of the day. Her insensitivity to rural reality was adequately expressed once again. The situation she stated was actively being pursued, which was the double-speak which we listened to for some time. We knew it was put on the back burner and there was considerable stonewalling within the department and we felt, and the community felt, that something had to be done. One of the options that the opposition felt that it had within its purview was to form a task force on education to go to all the communities, besides our own constituencies, and find out first-hand what their concerns were.

We did, as a matter of fact, hear a good deal about the school busing around the territory. We heard from the people in Carcross; we heard from the people in Mayo; we heard from the people in Dawson; we heard from the people in Elsa. Even then, the residents of Elsa were concerned about their busing, because of various problems.

We even heard variations of the same theme coming from residents along the north Alaska Highway. I am sure that the member for Klwane is familiar with the complaints that they have expressed. It is disappointing, once again, to hear the ex-minister of Education still refer to many of the open questions for which the Department of Education has not found any solution, or has refused to find a solution. The old argument that, perhaps, it would not be economical to break up the umbrella agreement around the territory because we may find that the current contractor may not be willing to bid on the lucrative Whitehorse line, if they do not get the rural ones which involve extra administrative hassles. That does not sound like a convincing argument to me. It has been expressed by many people in communities in my riding, and it is certainly not convincing to them.

I think more than just stating that contention, we are going to have to hear some justification from the department, or from the minister, or from the ex-minister, before we can give that view any credence whatsoever. The ex-minister suggested that she was instrumental in doing a responsible job around the territory, that Dawson was a case in point, that when the numbers of students in the suburbs around Dawson reached a certain level that, of course, the bus was provided. That was not a result of any ministerial action, it was merely an acceptance of the existing regulation, which, for many previous years, was challenged by the people of Dawson. I have a rather large file here which includes many pieces of correspondence to the minister complaining about the situation, and complaining about the insensitivity that the government was showing to the people in the rural areas around Dawson.

I would like to comment on some of the things that the real minister for education said. He referred to the fact that I have not been in the territory that long. I do not know what 'that long' means; it is certainly has been long enough to understand the problems, and it is long enough to get a little cynical about the government's promises. We have heard, as recently as this last spring when this side of the House brought to the attention of the minister, the resolution that had been passed unanimously by the annual school committee conference last year. We heard from the ex-minister, or the pretend minister, that they were going to do something about the issue, that the department was studying it. We introduced the resolution once again, and the department was still studying it. They still need time to study it. We want some action, and we would like to see the action coming now.

³³ Now obviously, the minister and the department have not done a study, or they would have made a terminated this issue already, and they would be prepared to determine, one way or another, which way they were going. They have not done so, and that is a shame.

I would like to respond to a couple of points that the real minister for education mentioned. He suggested that I was challenging the reliability of the current service. I checked through my speech notes just on the very slim chance that the minister might be right for once, and I fail to see anything in my speech that would suggest that the service had not been reliable. I was suggesting that the service might be cheaper, and therefore we could provide more service within the existing busing budget.

The minister also suggested that perhaps I had suggested that the quality of education was not of some concern to the people in my riding. The quality of education is of great concern to the people of my riding. I suggested that one of the biggest concerns was that they could not get their children to school in the first place. Now, if the minister wants to hear from this side of the House, wants to hear from the member for Mayo, what other concerns there are, I will be perfectly happy to present motions for as long as this House cares to sit. Those concerns do include things like the breadth and the width of the course content in the rural schools; it does concern things like student-teacher ratio. The dropout rate in schools is a concern to people in the rural ridings. I am trying to address the busing issue, and I am suggesting that if some parents cannot get their child to school in the first place, then that is their biggest concern. And that is what we are trying to address today.

The real minister suggested that the contract was up in June of 1985. That makes this the opportune time to deal with the issue. The contract is coming up. There is no need, perhaps, to negotiate

an umbrella agreement now to cover for the next school year. There is no need to allow any further delay in the situation.

While I know the government is going to use its majority to force through this amendment, I would like to express my concerns about continued delay. I would not like the government to promote the increasing cynicism that I am currently feeling about its commitment to finding a solution to the problem.

I believe that there are contractors in the territory who can provide secure and reliable service, who can follow the specs that currently exist in the busing contract, and they can do so in a reliable and secure manner. I am sure that the minister does know that some of these people are quite capable of providing this service. I believe that we both know about whom I am referring. There are people in the rural areas who have a good track record as far as providing service, and who can be counted upon to provide this service in the future. In speaking to the amendment, I must say that I am disappointed that the government is going to delay, but the facts show that the government is not prepared to make a decision, so we obviously cannot force them to make a decision today. Unfortunately, we can only ask that they give it serious consideration in the very near future.

Amendment agreed to

Mr. Speaker: Is there any further debate on the motion?

³⁴ **Mr. McDonald:** I would like to have one last word. I will not use this opportunity to lambast the government, although they richly deserve it. I would just like to make the points that the people at Stewart Crossing have expressed to me. The delay over the past three years that we have been experiencing has meant that development in Stewart Crossing has certainly stalled; it has, in fact, declined. The development along the Stewart-Mayo Highway is in a decline. We have noticed that the government does not believe that the busing policy is an important development tool, as we believe it is.

I would like to state that the people of Stewart Crossing feel that, for those who try to drive their children back and forth, it has meant an incredible expense for them. For those who have decided to have their children board in Mayo, it this meant that family life for small children has been curtailed, obviously lost forever. They would like to reiterate that the community has had a bus before. They have had reason in the past to believe that the bus service should continue, that the Minister of Education, prior to the last election, had made promises to that effect. They feel that there has been a manifestation of an insensitive budgeting policy, which has created a worrisome situation for them, but they show optimism that that they can look forward to a satisfactory resolution of this issue. We can only hope that the minister will provide a solution to the problem in the immediate future. Hopefully we will not have to come back to the Legislature once again to ask them what they are planning on doing. We will have known what they have done already. They will have made a decision, hopefully before the Spring session, and will leave people at Stewart Crossing and people of my riding with a feeling that the government, for once, does listen to reason and does know what it is doing.

Mr. Speaker: The hon. member, having twice spoken, has closed the debate.

Motion No. 33 agreed to as amended

Motion No. 34

Mr. Clerk: Item number 8, standing in the name of Mr. McDonald.

Mr. Speaker: Is the hon. member prepared to deal with item number 8?

Mr. McDonald: Yes.

Mr. Speaker: It has been moved by the hon. member for Mayo that this House recognizes and commends the citizens of Elsa for their efforts to build and maintain a valued Yukon community; and this House, in recognition of their contribution to Yukon, urges the Government of Yukon to give active consideration to the ways in which it could support and help further community life in Elsa.

³⁵ **Mr. McDonald:** I intend to be brief on this motion. We have heard some discussion already this session about the situation at

Elsa, and I believe that most of the arguments presented by the community are on the public record. They have been placed on the public record over the past couple of years. The capital estimates coming up this session, perhaps even this afternoon, may provide the minister and myself with a forum, with give-and-take, to discuss the issues in some depth. I felt that the nature of the issue now suggests that perhaps we should demonstrate, to the community of Elsa, that we are prepared to congratulate them on their efforts to maintain their community in the face of relative neglect.

I feel that the people may be discouraged, they may feel neglected, they may feel that their concerns and arguments are not being heard or digested by government. We may want to reassure the people that the Legislature does recognize the value of the community and the part its citizens play in the territory. For all the media attention that the issue has brought in the last few days, it remains a fact that the people of Elsa have been forced to live with the situation over the past few decades and it looks conceivable that they may have to live with the situation into the future.

Their contribution to their own community is beyond reproach. When it comes to recreation facilities, they have built their rec hall; they have constructed their ice rink; they have constructed their own curling rink; their own youth centre, and now they are in the midst of planning for the construction of a pool. The labour for the pool will be donated free; the materials will be donated by the company in Elsa and by the local Lions Club through yard sales, garage sales, bottle drives, et cetera.

The community, I think, needs some reassurance from the Legislature that, while we may not do everything that they would like the government to do, we do commend them for the efforts they have exerted for the community of Yukon. The community of Elsa is not looking for municipal grants; they are not looking for more than what other communities receive in the territory. They are looking for fair treatment and, without much more discussion, I think that the motion speaks for itself. The motion is a motion which will allow the Legislature to express their support and may reassure the people of Elsa that the Legislature is still thinking about them, even if it is not actually doing anything of great significance, as far as the kinds of concerns they have expressed to the Legislature — primarily in the area of recreation.

Hon. Mr. Lang: I am going to respond in the tone that the previous presentation was given to the Legislature, and I deem it to be in a conciliatory manner. That is the way I will put forward our position on the motion that is before us.

I was very pleased to hear, and perhaps there has been a misunderstanding for the past year or so, the member from Elsa's statement that he was not looking for municipal grants for the community. I am pleased that he has stated that, because that is what the argument was all about from the capital side of the government.

I would like to say that I have felt badly over the past year, in many cases, because of the intimation that I, personally, and this government, did not care about the people in Elsa. I want to state for the record, and if the media wishes to cover it — seldom they do, but they may cover this — that we do care about the community of Elsa and the people of Elsa. I think that it is reflected, and I think that the member opposite should give credit to the Legislature, and to this side of the House, in the budget that we are planning to carry out our commitment to put an addition on the school which amounts to \$250,000. Last year, we put in \$75,000, which was discussed at great length many times by the previous Minister of Education, and by the very conciliatory member for Mayo.

I think that it is important to note that, in the past year, our government, the Conservative government, has made amendments to the *Recreation Act*, which allows the Elsa-Keno area to be a recreational area as opposed to what it was before when they were included in the Mayo-Elsa area as far as the region was concerned. There are some dollars that go toward that particular area of Yukon, similar to any other community in Yukon and under the same per capita situation, and they are treated in the same manner. I think that we have taken steps forward in recognizing the community of

the Elsa-Keno area. I also point out that there have been requests made by individuals from the Keno area, and they will be discussed in our lands budget later on today or tomorrow. There are dollars there for the purpose of re-surveying in the community.

I see the member for Mayo clapping and I really appreciate that. I hope that, when he closes debate, he puts his position forward similar to the way I am putting mine in a manner that, perhaps, reflects the debate that was brought forward by the member for Whitehorse West when he spoke to the first motion that was discussed in the House about cooperation, consultation and how it would be nice to consult with each other in sweetness and light. I say to the member for Mayo that I am more than prepared to work with him in that atmosphere. I want to inform the member opposite that my information is that the sign to Elsa is up.

Applause

Hon. Mr. Lang: Thank you. Thank you. Thank you.

I have to agree with the member for Mayo that it was definitely an oversight and I am pleased to see that my notes indicate that the situation has been corrected.

I would like to conclude by saying that we are carrying out our responsibilities to the best of our ability. I want to commend the people in Elsa for the work that they are doing within the community. I say to the member opposite that I am prepared to work with him when he puts forward positions as he just did over the course of this debate.

Thank you very much.

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Mr. McDonald: The minister obviously desperately wanted to maintain a conciliatory attitude throughout the debate, including the closing remarks, knowing full well that I can be quite passionate about this subject. The minister did mention that I had said that the community was not looking for municipal grants. The community is not looking for grants for municipal services. What they are looking for is the same kind of capital funding that other communities of comparable size receive for recreational facilities. That is a rather modest request. They are looking to tone down their requests because they know they are not going to expect very much from this government. They are limiting it to the extent that they would only wish some consideration as far as recreation funding is concerned.

The minister says that they have taken steps forward, and I agree that the support for the Elsa school is a step forward. There is still a long haul, but it is a step forward.

I would like just to state that, regarding the Elsa school, — and we will get on to this particular expenditure in the Capital Estimates — the people have felt, in the past, that the only aspect of community life that the government has assumed responsibility for was somewhat in question under the ex-minister of Education. They recognized, at a time when the community was in trouble, that the signals from the department about that particular school were somewhat confusing. Perhaps people felt that the department was more than willing to close the school down.

We can take, from this expenditure, the following conclusions: we now feel that the government has a commitment to the primary school in Elsa. That commitment has been solidified and, for that, the community is grateful. We can also take, from this expenditure, that the government is prepared to put capital funding towards a structure where the use depends on the continued life of Elsa. That is an important reflection on this particular expenditure.

Without getting emotional about this subject, and trying to maintain the conciliatory tone, we look forward to steps that the government will take in the future; we recognize the steps the government has taken to date. If the minister would like me to praise him up and down and sideways when we come to the capital estimates funding for the playroom in Elsa, I will be prepared to do that. I notice that no other member of this House has to go through that kind of genuflecting when it comes to the expenditure of funds in their area. I will be prepared if the minister insists that I do. Maybe that is what it takes to get the money spent in Elsa.

I will do all kinds of things for my constituents and that is one of them. In the spirit of cooperation and conciliation, I can take from the minister's comments that he will be supporting this motion. I am happy to see that the Legislature is recognizing the community

of Elsa, is recognizing their efforts in the community of Yukon and, hopefully, they will continue to do so in the future.

Motion No. 34 agreed to

MOTIONS RESPECTING COMMITTEE REPORTS

Mr. Clerk: Item number 1, standing in the name of Mr. Brewster.

Mr. Speaker: Is the hon. member prepared to deal with item number 1?

Mr. Brewster: Next sitting day.

Mr. Speaker: We will proceed to bills other than government bills.

BILLS OTHER THAN GOVERNMENT BILLS

Bill No. 102: Second reading

Mr. Clerk: Second reading, Bill No. 102, standing in the name of Mr. Kimmerly.

Mr. Speaker: Is the hon. member prepared to deal with Bill Number 102?

Mr. Kimmerly: Yes. I move that Bill No. 102 be now read a second time.

Mr. Speaker: It has been moved by the hon. member for Whitehorse South Centre that Bill No. 102 be now read a second time.

Mr. Kimmerly: It is both an honour and a pleasure for me to be proposing this measure at this time. I will explain the context of the way the measure is presented, and why it is presented now in this form, while speaking to the principle of the bill. I was also pleased to note that the national news and *The Journal*, last night, included extensive reports of exactly this issue. I was pleased to note that, in the Throne Speech in the federal parliament on November 4, this issue was spoken about. I am also pleased to note that the public service commissioner is very well aware of this issue and he has said in a letter, dated May 13, 1983, on page 2, "I do not, for one moment, suggest that we have done enough".

Mr. Besier, if he is listening, will be angry with me for quoting only that because he also said a lot of other things which I will get to, and I will quote Mr. Besier again, and it will put it in a better context. However, it is important to note that even the civil servants in the government recognize that this is an important measure and that the government has not done enough.

I will explain very, very briefly what the principle of affirmative action is. I will refrain from explaining the principle of equal pay for work of equal value in any length at all, because it was previously done in this Legislature with respect to the labour standards bill, and also in the previous Legislature concerning the labour standards select committee.

» Affirmative action has not been defined or explained in this Legislature and I will do so now extremely briefly. I will quote from the statement of the then minister responsible in Yukon that he made on March 28, 1979, page 273 of *Hansard*. He said, "An affirmative action program consists of a specific series of action-steps designed to counteract the effect of past discrimination and to further enhance the ability of certain people in society to participate on an equal basis".

Now the principle of the bill identifies affirmative action. It very purposely does not specifically set out the deadlines and the quotas. The word "quotas" is used often in these debates and it is specifically designed that way in order to not trigger negative attitudes that may exist about some of those principles.

The bill is purposely somewhat vague about definitions and purposely somewhat vague about deadlines and targets. It is designed that way to allow for flexibility and commonsense within the Public Service Commission, and I will have more to say on that a bit later.

It is appropriate, I believe, to say a word about what the bill is not, or what principle is not included in this particular measure, Bill 102. I am going to start out by again quoting from the Public Service Commissioner and this is a longer quote. If he is listening,

he will agree that it is in no way out of context and puts his position fairly. He is comparing the success of these kinds of programs in the federal civil service and the territorial civil service.

» He says, "However, in my humble opinion, the senior government's methods of much fanfare and the tremendous financial expenditures have not accomplished as much as our lower profile, commonsense and much less expensive approaches. When I mention expenses, I mean, 'in comparison' i.e. by population. I am also concerned that we do not get trapped into setting up programs which, while addressing the very legitimate concerns of one part of the population, discriminate against its other parts."

That is an important and a responsible statement. It has been said that affirmative action is relatively easier in times of economic expansion, when the new jobs can be directed at the disposal of the disadvantaged. It is more difficult in times of economic recession or difficulty. That, as a practical comment, is true, and it is not our intention to endanger anybody else's job.

There are people who feel threatened by these kinds of programs. This bill is so flexible that they should not feel threatened. Also, this bill is so flexible that it does not call for an expensive infrastructure. It does not call for the addition of new civil servants and a new bureaucracy. If it is the intention of the members opposite to claim it does, I say right now, that the principle of the bill does not include that. In summation, I will repeat that again.

We recognize, as a matter of commonsense, that we are in a time of economic recession and restraint. This measure is not a perfect measure. It is not everything that the disadvantaged groups would want. It is a compromise, and it is a compromise presented at this particular time for particular purposes, and I will come to that right now.

The reason why I have presented it in the form of a bill, rather than in the form of a motion, is primarily because a motion was presented approximately five years ago, by the now leader of the official opposition, and it was debated on the 28th of March, 1979, starting at page 272 of *Hansard*.

» The House voted for the motion. It substantially saddens me to say that, even though the House made an expression of political will, the practical result in the ensuing five years was very, very minimal and very disappointing. I will get back to that as well.

The timing of this is important because, in the last session in the Spring, the Conservative government, for the first time I might add, abandoned their pre-election statements of support and study for the principle of equal pay for work of equal value. I will point to that in *Hansard* in a moment. They are clearly on the record and the true colours are known. They do not support equal pay for work of equal value. However, we went through a federal election, which occurred in September, 1984, and the Conservative Party has expressed their position in the clearest possible way. Low and behold, they have followed through with the promise and it is in the Throne Speech. We feel it is appropriate that it promotes the issue and it allows the territorial Conservatives to correct their earlier statements and to fall in line with the position of Mr. Mulroney and Mr. Nielsen, which is stated in the clearest possible terms. If the members opposite vote for this measure they will vote for the propositions that are promoted now by Mr. Mulroney and Mr. Nielsen, in a very public way.

During the election campaign and on July 27 and July 28, in Ottawa, Mr. Mulroney made specific, clear promises as the leader of the Conservative Party. He said that, if he was elected, he would increase the representation of women from 15 percent to 30 percent on all federal boards, commissions, and agencies, and he would assist training and adjustment for women to technological change. He adopted the principle of equal pay for work of equal value and he went further than that and he stated that, after some study — there was a hedge there — he was looking at following it up with a private sector program of equal pay for work of equal value, when the economy got rolling again.

» He made a very clear statement that companies that seek federal government contracts would have to hire extra women. He made that as a very clear statement. On the television debate on August 15th, he reaffirmed those positions in the clearest words. Indeed, Flora MacDonald spoke in the national media last night, and

reminded us that, in the federal throne speech, this exact measure was mentioned twice, and it went even further than this modest bill. The federal Tories are promoting, encouraging and putting into law the principle of equal pay for work of equal value, and enforcing that existing law as it is now. They made a commitment to affirmative action in the federal civil service, and they went further. They said that those private sector companies contracting with the government would have to have an affirmative action program.

Mr. Neilsen, Yukon's MP, is in the Cabinet, of course, and in a senior position, and he obviously stands by the statements of his leader; he always has. He was elected with a large majority here, so I am sure that it will be very easy for the members across the way to follow his lead and vote for this particular principle. I promised references to the Tory statements before the election. I was referring to the motion, which occurred here on April the 21st, 1982, when the select committee on labour standards reported. The report was sent back, by vote of the House, with the following specific amendment: that the motion of concurrence be changed to "not now concurring, but that it be recommitted to the select committee on labour standards, with instruction that they have power to amend the same, so as to recommend that male and female workers should receive equal pay for work of equal value in recognition of the provisions of the *Canada Labour Code*, the *Canadian Human Rights Act*, and the new *Canadian Constitution*."

"A number of the members spoke to that and all members supported it. It passed unanimously. Mr. Tracey said at the time, "We have no problem with equality between the men and the women who we believe should be treated as equals where they are doing work of equal value". He goes on to talk about the principle of equal value. Now, in the labour standards debate, after the election, he was piping a different tune, unfortunately.

I have briefly given something of a history of the motion for the bill before us. I have spoken only in general principles. I have attempted to generally define the principle of the bill and I will speak a little bit about the effect that the bill would have. In 1979, the figures concerning the employment of the women in the public service were given and the employment of men in managerial positions at that time was quoted as 12.2 percent. The number of women actually employed in 1979 was 48 percent, I believe. Now, in 1983, which are the last figures from the Public Service Commission that I am aware of, the percentage of women in the public service is almost exactly the same, 48 percent, and women in the managerial group was then 14.7 percent. A very modest increase. However, Mr. Besier says, on page two of the letter, "I don't put much faith in the percentages I have listed since those which illustrate YTG's achievements can change radically at any given moment due to our small numbers. One person, more or less, directly affects the percentages."

"Being a responsible person, I would interpret the raw data and simply say that the number of women in managerial position in '79 and in '83 was approximately the same. It is less than 15 percent. It has not changed significantly in the last five years.

The civil service does not have figures on Indian people as they claim to not even count the racial background of their employees. We know, this being a small community, that there are very, very few Indian people in the civil service and none in managerial positions. None.

I would summarize by saying that this is a very timely measure. The Conservative Party, as a political party, has obviously seen the light and has recognized these two principles as important. The federal government is moving in this area. Mr. Mulroney has talked about a new cooperative confederation, an era of communication and cooperation. He has undoubtedly communicated, I am assured, with the Yukon government and asked them to step into line on this important policy issue and this will allow them to do so.

Mrs. Joe: It is with great pleasure that I rise today to speak on this bill. I think that I can speak with some experience because, as we all know, I happen to be an Indian person and I happen to be a woman. For most of my adult life, except for possibly three years, I have worked and I have experienced a lot of discriminations and I have experienced a lot of inequalities. However, in order to speak

more about the bill, I have had to go through a learning process of sitting in this House and listening to a lot of debates since I have been elected. I have also had to go back and read *Hansard* because I always find that it is very educational. You find out what other governments have done. I am going to be commenting on some of the debates that have taken place, and my colleague from Whitehorse South Centre has also done it, so there may be some repetition.

I think that most members are aware that a motion was passed in this House in March 1979 that urged the government to continue to develop an affirmative action program.

⁴⁵ As I read through *Hansard* I noted that, at that time, the Minister of Justice said that the administration was involved in the program and that they could not hope to implement such a program without the consent and cooperation of various departments and, without that cooperation, the affirmative action program would be doomed to failure.

At that same time, he also promised that, a year from the date that the motion was passed in the House, the records would show that the steps taken by the government to address the needs of women in employment and training, both within the public service and in the territory generally, would be accepted and would show a program through process.

Now, in March 1980, one year later, I could not find any evidence that the minister was a fortune teller because I could not see anything that indicated that that happened. Before the last election was called on April 15, 1982, the Yukon Advisory Council on women's issues was established and its mandate was to bring before the government, and the public, matters of interest and concern to Yukon women. They would also propose policies and practices, receive and hear petitions and suggestions from groups and individuals. They would also undertake research and recommend and participate in programs concerning the status of women.

When that announcement was made, I am sure that the women of Yukon rejoiced because they had this council in place that would bring their many concerns to the government of the day. We are aware of what happened to that council. It was never ever used. The government did not consider it a priority. It kept many other advisory councils, many other advisory committees to help them do their job. But, the advisory council on women's issues has never, never spoken a word. It never ever met with any groups. It has never ever come back to the government and said this is what the women of Yukon want. They said that they did not have the money to continue this council.

I will go further on to when I have been in session when, in the Spring session in 1983, I asked the member responsible for the Public Service Commission many questions on the Affirmative Action Program that this government was supposed to have implemented, a motion that they passed in the House. I received a lot of answers, or non-answers, I should say. On April 26, the government came out and said we do not have an affirmative action program per se.

⁴⁶ Famous words. Then later we were told by the public service department that they had several programs in place that accommodate affirmative action concerns. If, in fact, those programs, which replaced an affirmative action program, were in place, they fail to give us any statistics. As a matter of fact, the government leader said that they did not have any statistics and that they did not keep them because statistics could be made to prove anything.

It is interesting, again, to note, on November 1st a year ago, the government leader's answer to my question of why this government was not complying with the House order of March 29th, the call for the government to continue to develop its affirmative action program. He said to me, and I quote from *Hansard*, "Because a motion happens to say that it is by order of this House does not mean that this House is ordering the government to do something. That just does not apply." And, that is probably right. But why make motions if the government is not going to act on them? He also said on the same day that "this House could not tell this House when an affirmative action for women within the Yukon public service would be implemented". That was a year ago today.

I would like to ask you, do we have an affirmative action

program within this government, or do we not? I submit that we do not. In the last session, there were many, many statements made by the minister responsible for the *Labour Standards Act*. During the debate of the bill, at that time, he came up with many, many statements. I have to read some of them, because I think we should all be made aware that this is what the government says. It was on March 14th. He said, "equal pay for work of equal value has nothing to do with men and women". The government leader says that is right. I have to disagree with him. He also says, "I do not agree with the concept of equal pay for work of equal value", and he does not. He said it over, and over, and over again. Then he says, "it is a radical change and a concept that this side of the House is not prepared to accept at this time". They proved that. He also said that "it is the biggest socialist idea that has ever hit the country".

Statements like that can only indicate how far behind the times some members on the other side of the House are. I am not sure whether or not the member for Tatchun is aware that equal pay for work of equal value has existed under federal law since 1978. I really am pleased to say that his federal government, under Brian Mulroney, has adopted a socialist idea of equal pay for work of equal value. He understands that there is a problem. It is unfortunate that some members on the other side of the House here do not.

I had the pleasure of watching *The Journal* last night, and I listened to Flora MacDonald. I might add that she is a lady who I met in my political years with the Indian organizations, and I found her to be very receptive to women's concerns. Last night, she confirmed that the Tory government was committed to affirmative action programs and equal pay for work of equal value.

I was pleased to hear her say that. Now, women's issues have always been highly political and that was very evident during the federal election campaign. We all remember that. Women have banded together in various organizations in every province and territory to speak out and lobby for change. The women of the Yukon have not taken a backseat in these issues. They demand and expect those changes that would bring about equality for women. The Government of Yukon is aware of every single concern that the Yukon Status of Women have. They have made those concerns known through meetings with the government. They have presented many briefs to different governments. They have made those concerns known through correspondence to ministers of this government and to ministers of the federal government. I know that because I receive carbon copies of much of that correspondence. They have written many articles in the local papers, including *The Optimist*, which expresses some very strong views on women's issues.

This bill, which calls for affirmative action and equal pay for work of equal value, is not expressing something that is new to Yukoners. We support the concept, our party supports the concept, the federal government supports it and millions of Canadians, who watched *The Journal* last night, know that the federal government supports it. So, I look forward to debate from the other side of the House, especially in view of their contradictory actions and comments that have been expressed in the past. Thank you.

Hon. Mr. Lang: I did not intend to speak on the bill that is before the House but, in view of the comments that were made, I thought I would continue on in the spirit in which I entered debate earlier on a motion brought forward by the member from Elsa-Mayo area. I do not see the purposes of the debate for the allegations or the attack by the member for Whitehorse North Centre, but I am going to make some comments. When we talk about affirmative action, how far does it go? It is no secret that Danny Lang is five foot six. Does that mean I should have a bill before the House to say that, in the Whitehorse senior basketball league we will have two leagues — one for anybody five foot six and under, so that I can be tall for once in my life. Or, do we take a look at society the way it is today, and say are we prepared to compete. And, if we are prepared to compete, should we, as government, be providing those tools so we can compete on as much of an equal footing as we possible can. If one considers that, and takes a look at our

educational system as opposed to what it was 20 years ago in Yukon, the changes have been astronomical as far as what is being provided for the general populace in the area of education. It is such that one can, if one has the self-initiative, get the necessary credentials, background and skills to go into almost any vocation they wish.

⁴⁸ A lot of the people of Yukon are taking advantage of that. I was going to save some of this information for the budget debate and the line item for the Yukon College but, for the members' information, this year I believe the figures are approximately 750 students who are attending Yukon College this year. That is postsecondary. That is native, non-native, women, men. It is a cross-section of our population, as far as Yukon is concerned. I think it speaks well of the taxpayers when you take a look at what we, in trust of the taxpayer, are providing to the general populace as far as educational pursuits are concerned. As far as the actual programs are concerned, this last month there was a program being offered for the purposes of a computer awareness program, which anybody could have applied for. It was there. It was available. It was well advertised, so that people throughout the Whitehorse area could apply and be aware of what the computer can do, and see whether or not he or she wished to proceed further into other programs in this field.

As far as the advanced education is concerned, I think that it meets many of the perceived needs spoken of by the member for Whitehorse South Centre, if you want to refer to groups, to some people who, perhaps, could be determined as socially disadvantaged. What I mean by that are individuals. I resent that women are taken and capsulized into a group and that natives are in a group. Therefore, all of a sudden Mr. Kimmerly feels that, because he appears to be the spokesman for the Status of Women, he speaks for all women in the Yukon Territory, or in Canada. I humbly say to the member that he does not. I know many women who do not share the views expressed by the member for Whitehorse South Centre. In fact, I have had many women come to me and say that they take offense at the parochial attitude taken by the member for Whitehorse South Centre. They feel that they are very capable, very competent and able to go out into the workforce and get a job, and not be classified. They get it on the ability that they are able to perform the job adequately for the requirements that have been laid down by the employer, if it is an employer-employee relationship. I do not think the member for Whitehorse South Centre would argue that.

Take a look at what he referred to in talking to the principle of this bill. He referred to the previous national election. The obvious set-up, with respect to that debate, when Mr. Broadbent and his fan club were there, and they clapped every time he made a statement. When they did a review of the country and those women who had actually seen that particular program, there was some major resentment expressed in many quarters of our country. I think that that has to be listened to, as well.

⁴⁹ I do not think that we should come in here with a bill that we are going to legislate to the point that the bill, I would say, is discriminatory. Because it says that the individual who will administer this act is going to be a woman.

When I went to school, when you referred to 'she', it was a woman. I know that in the legal context — the member opposite knows better than I because he has a legal background — and normally in legislation, a position is referred to as a 'he'. First of all, he has cut me off from applying for that particular job. Now that is discriminatory. Is it not? Jobs open against men? When I take a look at the bill that is before us, and you go through the tribunal, I find it amazing that there is not one mention of competency or capability of performing the job. Not one. One is going to have to justify to a tribunal why he or she did not receive the treatment that they felt that they should. I have a problem with that, a real problem.

Look at the people in this room and the people who work for living who have overcome major problems. The member for Whitehorse North Centre referred to her own background. I will refer to mine. I am 5 foot 6. I am a pretty good hockey player and a pretty good operator. How did I get there? Because I worked hard. I

worked hard at what I wanted to do. I did not get in there because I had the member from Whitehorse South Centre feeling sorry for me. God bless me. I would not be the man I am today.

I feel sorry for you, Mr. Speaker, looking at the time of day and in view of the quality of the debate, and I have to say that you must, in fairness to yourself as an MLA of this House, shake your head sometimes at the issues that are raised by the members opposite. We all know that we have major problems as far as the territory is concerned when it comes to the economy. And, what does the member from Whitehorse South Centre do? He writes himself a tribunal to see whether or not the members in this house are capable of doing the job that they have been elected to do and it goes further throughout the civil service.

I have a real problem when I take a look at this and I think that, just for pure political reasons, the member for Whitehorse South Centre has brought this forward to try to coalesce or to divide the territory into various groups of people to say that 'I have championed your cause'. As opposed to look at the territory in a homogenized manner and say, are there programs that we can bring in that will encourage and bring people forward who have, perhaps, ignored the opportunities that they have before them or help the government bring them forward. Take a look at what we, the government, have provided. The Apprenticeship Training Program, which involved the registration of apprentices and the overseeing of those apprenticeships. Those are jobs that are available to men and women and, in some cases as far as women are concerned, we have just permitted the people, who have put that particular book together, Nontraditional Roles, into the schools to show that women can get into these areas if they wish and the opportunities that are being made available to that segment of our population.

« Take a look at what we are supplying overall today, as far as the territory is concerned. It is significant. Further programs that I see, which I can define in my community to be affirmative programs, is the employment development programs provided through the government and, sometimes, in conjunction with the Government of Canada. The community recovery program and the NEED program have helped in many areas as far as Yukon is concerned. A major program, from the point of view of the workforce in an affirmative manner, as far as I am concerned — the definition as I see it — is the job retention program that this government pioneered and brought forth in 1982. It has been of significant help to small business and those people who would have been directly affected if they had been put on the unemployment rolls.

You look at the Cyprus Anvil aid package. Do you want to refer to that? Affirmative action, I do not know, but the fact is, that was another government program that was put forward. Another program that was put forward last year, which was successful, was the Yukon venture capital program which was initiated by this government and, although put into effect late, it was successful in a number of areas. I am very pleased to report that to the House and it was affirmative action. It was looking at young people, if that is your definition of "affirmative".

There was the summer employment assistance program, which creates employment opportunities for Yukon students through wage assistance provided by the Government of Yukon Territory. The eligible sponsors, as all members know — and I will go through the criteria — are the private sector, municipalities, bands and non-profit community organizations and the Government of Yukon. That was successful, too. It was an affirmative program towards the young people of Yukon. Along with that, there was the summer students' career development, which was designed to provide Yukon students attending postsecondary institutions with an opportunity to obtain career-related summer employment that this government put forward. Some were native, some were non-native, women and men, young people of this territory.

That was another program that was brought forward. Take a look at the postsecondary education financing, which is available under certain very general rules to the general populace of the territory and, in most part, to the young people when they graduate from high school. That is available. It is a substantial amount of money. Is that an affirmative action program? I would say that is affirmative action. It is directed to young people, men and women,

young people of Yukon. I point out that it has been a very successful program for the past 15 years.

You can take a look at the Canada Yukon National Training Agreement, which has provisions for occupational industrial training. You can take a look at the various other programs that we are providing. Think of the vocational school. I am harping on the Yukon College because I think it is important. It provides a vehicle for people to have the background to acquire the skills, to acquire the knowledge that is necessary to be able to do the job that one is hired for. That is what disappoints me with the bill that is before us. It does not even state or even refer, in any way, shape or manner, to whether or not an individual should be competent to do the job. » That disappoints me. Should I be presented a law degree just because I come from a certain segment of the population? Would the member for Whitehorse South Centre, in his private profession, agree with that? I do not think he would, and rightly so. Nor should he. In fairness to the member for Whitehorse South Centre, he had to do eight to ten years of postsecondary study. The member opposite is speaking with his hands that it was seven years study. But, the point I am making is that you have, to the best of your ability, acquired the background to be able to perform the profession you have chosen to go into.

We have a bill before us that effectively says, or does not say — I guess that is the most important aspect — that competency or the capability of doing the job is a requirement. I do not think that is right. I do not know why anyone should have to hire somebody strictly because of sex and colour, and not have any reference to the ability to do a day's work or the ability to do a job.

I would resent that very much. I am going to use this on the converse approach. If I had happened to have native ancestry, this approach is saying to me that, in order for me to have employment, I need a program of this kind in order for me to get a job. To be quite frank, it is an insult. An insult to my intelligence, an insult to my capabilities. I have lived in this country for 25 years and I can assure you that the member for Kluane will be able to recite areas from his background as well that anyone who has been in the territory for any length of time has capabilities and is prepared to do a day's work for a day's pay, native or non-native, has far better chances of employment than somebody who has just arrived here. I think the member for Whitehorse North Centre, if she examined this, would agree.

I am not saying that, at times, there will not be somebody who runs up against somebody with what is perceived to be a discriminatory act, but there is other legislation that can take care of that. I do not agree with the statement that there is a segment of our population discriminated against because of colour. I will agree that, in some of the smaller communities, there are problems with people acquiring some of the necessary skills to enable them to do the job. I want to say, and I see the member from Whitehorse West nodding his head in agreement, that we are making strides in that direction, whether it be Watson Lake, Dawson City or Haines Junction. We are putting on further courses — evening courses if necessary — in the area of postsecondary training for the purpose of vocations.

I think this is the area we have to look at, the area we have to go towards. Not bring in this type of a legislation which almost gets to the point that it is quotas. I do not agree with that principle. In fact, I think it is detrimental to helping the problem that the member for Whitehorse South Centre spoke of earlier. I think it is important that we look at Yukon in its totality. We cannot assume that we are the same as Ontario or the same as Ottawa.

» We are unique in many ways. You talk about hiring and the practices of hiring. I believe it was the member for Tatchun spoke earlier, the other day, with respect to the tourism industry, of trying to hire somebody and trying to keep them on staff. Perhaps, in that particular industry, they are not paying enough. There are other avenues for expecting the young people of today, women and men, native and non-native, to seek employment and perhaps get further remuneration than they do in the tourism industry.

When I take a look at a bill such as this, I see a situation where you are parading another bureaucracy. The member for Whitehorse South Centre says, 'oh, at no expense'. Is this director a charitable

organization? I have never seen a position written in legislation where they came to work for one dollar. If you took this in its purest form, and I am saying this with no background, but I would assume that this would be in the \$40,000 a year bracket, and that if you have a director you are probably going to have some secretarial staff of some kind. So there are dollars. And if you have that you are going to need a vehicle, because you are going to have to get from 'point a' to 'point b'. If you are going to be serving a tribunal, you are going to have to have further research capabilities in order to be able to provide them with whatever information they would like to see. So before you even think about putting this into effect, the member from Whitehorse South Centre, I think, has not researched it well. I am saying, without fear of contradiction, that it is a \$100,000 bill, and that is before it has really got going.

Does the member from Whitehorse South Centre feel that we should spend \$100,000 on that matter, or should we spend \$100,000 in such a way that will improve some of the educational programs that we have say, for example, at Yukon College. What would be better spent? Perhaps ten or 12 or 20 students have the opportunity of taking a course for maybe \$25,000 as opposed to \$100,000, and coming out with a background where they can compete on the open market for a job, and not have to be beholden to the member for Whitehorse South Centre. From the point of view of pride, that is the way I would like to go. I think it would be in the best interests of those people, whom the member opposite is appearing to be trying to help.

I take a look at this bill, and I see a bureaucracy that is going to be dictated to the employer of who they are going to hire and how they are going to hire. I also see this as a first step of moving in to the area of the private sector. I want to refer to the member for Whitehorse North Centre, who referred to Mrs. MacDonald, the Minister for Manpower and Immigration. She was very clear in that area when she forgot to mention into the House that her initial response was that she was not going to bring in enforcement legislation, at least initially, with respect to that report. I think she knows, and I think we all know, that the cost and the intervention of that could really be to the detriment of those you are trying to help.

⁵³ When one takes a look at the advanced education that we are providing Yukon, I personally believe that we have come a long ways to meeting the aspirations of the people of Yukon, not through a forced legislative program, but through a program that is available for those people to partake of who wish to acquire further skills. We have to look at our general populace. There are some areas, perhaps, where rehabilitation programs, or whatever, should be brought in. We have to look at that in the manner in which it is made available. It is not legislated. Once you start legislating in this particular area, I believe that you are starting to create, in some cases, reverse discrimination. Is that what the member opposite wishes legislated at this time? Or do we want to really approach the problem and provide the necessary skills for those people to compete in the workforce? I believe we should provide the skills. We should provide the opportunities and make sure that the people know those opportunities are there.

I would find it an affront to have to go to a tribunal to justify my program or my job in order that I can continue to make a living. I do not believe that that is what the member for Whitehorse South Centre would want.

From where I sit, the director that the member for Whitehorse South Centre referred to, would really be taking over a lot of the responsibilities that are presently in the area of education. I do not really think that is necessary. I think we have a very good, advanced manpower department. I think that, when one reviews the programs that we are supplying throughout the territory, through the tools that we have provided through the budgetary process of government, we can stand very proud, as legislators and members of government, that we have made these programs available. It is working in a manner that speaks in the best interest of the people of Yukon when we can stand up here and say we have approximately 750 students attending Yukon College.

There is no question, in Canada today, that jobs are number one. That is in reference to the member for Whitehorse South Centre

who referred, earlier today, to the national election. The election was about change and about jobs, and about employment opportunities; about people.

⁵⁴ One party talked about large business; other parties talked about jobs. It gave an opportunity for the electorate to decide whether or not they wanted change in Canada.

In Yukon, the Minister for Economic Development is working in conjunction with the Government of Canada, to try to diversify our economy in order to provide jobs for people. We are not saying that Dan Lang will get that job, because he happens to be of a certain background. Jobs being created and people are competing for those jobs under this very basic fundamental principle of our free enterprise system — competency and ability to do the job. What is wrong with that? Do the members see anything wrong with the people having to have the ability to be able to compete in the open market?

The bill before you talks about comprehensive skills training, re-training and apprenticeship programs. We have those in effect, and they are available. If the numbers warrant it, we will duplicate the service, and put on another program.

I think that you will recall, in the debates previously, in the last couple of years regarding education, that that has been brought up time in and time out. The programs will be provided.

Reference has been made to the education budget. We are talking of an education budget in Yukon of over \$30,000,000, and that is not counting capital.

I have a lot of problems when the member for Whitehorse South Centre says the Government of Yukon, through legislation, shall comply with this and shall comply with that. We do have other certain responsibilities. The collective agreement is one. Is this bill intimating that we should intercede in that particular area? When one reads it, depending on the interpretation, one could interpret, from some sections of the legislation, that it could have an effect on our collective agreement. I do not think that that is the route that we want to go. We have signed a collective agreement in good faith, and we will honour it.

Going back to education, once again, I want to talk about the public school system. I think that this is an area which addresses some of the problems that the member for Whitehorse South Centre has referred to. The special education program where the administration provides assistance to the various principals and teachers. In conjunction with that, we have 25 learning assistants who, in most cases, are qualified teachers giving support to the classroom teachers and helping those students who have special needs or special problems.

⁵⁵ Further to that, I think that it is important to our people, native and non-native, young women, young men, grade twelve, that we have a Career Liaison Coordinator who works with the students and gives them the options regarding their career paths and where they could go and what is available. The coordinator's role is to ensure that all Yukon students achieve a satisfying vocational identity and, as I said earlier, develop and plan for life skills necessary to proceed into society.

We also have a very important position, which will be accentuated during the next five to 10 years accentuation, and that is the Alternate Program Coordinator position which was established last year. I think that it is important to those students who are not necessarily academically inclined. It gives them somebody to work with, within the education system, to help them look at other alternatives in work-oriented programs. I see that as an affirmative action program by the government. It is not taking the young Indian boy away, or the young white guy with kids who have a problem. It is saying that the kids in the schoolroom who have a private problem should, perhaps, go in another direction.

From my perspective, our government is taking the right approach. We are facing the reality that there are problems out there, that the government has some responsibilities, but we are not designating and not legislating by saying that we should take the native kids in the classroom from here and direct them over here, and we are going to take the white kids in the class and direct them over there, or the boys or the girls. We are saying that maybe there are some problems. Those youngsters who have similar problems.

we will direct through the program, or make those opportunities available so that they can make decisions for themselves.

I think that is a very fundamental principle that we are speaking of here. It is how far do we go to the point of classifying people by government standards. I think our record, as a government, stands up very well when one looks at the people whom we have employed from Yukon. Look at the number of people who are hired locally as opposed to people who are transferred in from outside. With the training programs that we have within the Government of Yukon, those employees presently on staff can build themselves up. We have nothing to apologize for.

I am not saying to the side opposite that we are not prepared to listen to other ways that we could address problems or improve programs. I am saying to the members opposite. I do not believe that a \$100,000 tribunal is going to solve any perceived or real problems that the member for Whitehorse South Centre spoke of. I think that we should be looking at the programs that we have, and can we improve those programs? Is there a further public need for those programs that we are providing? If so, where?

☞ I feel that that is where the money should be spent. I know this legislation would probably agree with some of the more vociferous interest groups, or spokesmen for interest groups, because it would meet what they deem to be in their best interest. But I think that is short political expedience. I do not think it is in the best interest of the public we serve.

I do not think that this legislation will accomplish the objective that the member for Whitehorse South Centre said that it will.

In conclusion, I think that we, in Yukon, have nothing to apologize for. I think that all members in this House, when they take a look at the standard of education, the facilities that have been put forth, the opportunities available to men, women, native, non-native, will realize that we do not have to take a backward step to any other jurisdiction in Canada. I say to you that, in many cases, we are ahead of many parts of Canada. Yet, we have members of the House bringing forward a bill like this which is going to cost more money and is not, in my opinion, going to provide these people with any more opportunity than they already have. I cannot support the bill because I do not believe it is in the best interest of the public we serve, nor do I believe it will help those people whom the member for Whitehorse South Centre said it was designed for.

Mr. Penikett: The member who has just spoken began his remarks by speaking from a personal point of view, of the anxieties of, as he put it, short people, in respect to this question. I do hope he will not be offended if I, during my remarks, attempt to speak on behalf of the little people.

The minister says he has a problem and I agree. The minister suggested that the solution to the kind of problem we talked about here would be the homogenization of Yukon society. Well, I reject that as a concept and as a desirable goal.

The member says that is why I am over here and that is why he is over there. That may be, but I happen to share the view of Canada's new Prime Minister, Mr. Mulroney, who cherishes the diversity of the Canadian cultural mosaic. I share that view and I respect the differences of people. I also recognize that a society where everybody is homogenized would be a very bland and boring thing. I concede that a society where everybody was like the member opposite, would not be bland or boring but, I submit, that it would be unlivable.

The minister asks how far we go with such a procedure. Well, the object of the exercise is equality.

☞ I do not expect in my lifetime to see our society, or perhaps any other on this planet, receive perfect equality. I do hope, in my time on this planet, to contribute, in some small way, to the reduction of the inequalities.

The minister, in his remarks, talked about competence. He raised the question, should we have to hire someone. This is a general rhetorical statement, whether or not they are competent. Clearly, that is not the issue. The issue is: should the government have the right, or should the government be encouraged to ignore competent people when they are hiring? That is the issue. The minister asks if

society and the government should be providing the skills and the opportunities that enable people to enhance their opportunities and improve their skills. I answer that question. If that is what he is proposing in some form, I agree with him.

The minister said near the conclusion of his long speech that we were ahead of many other areas in this country.

Hon. Mr. Lang: In education.

Mr. Penikett: Perhaps in education, but we certainly are not ahead in terms of the results of affirmative action programs. I ask the minister a simple question: how many women are there who are deputy ministers in this government? How many native people are there who are deputy ministers in this government?

Hon. Mr. Lang: How come the leader of the NDP is not a woman then?

Mr. Penikett: I think the question answers itself.

Some discussion was introduced by the member opposite about the position of the Minister of Employment and Immigration. He tried to suggest that somehow Ms. MacDonald's views were not those as represented by my colleague, the member for Whitehorse North Centre. As the member knows, having watched the news program last night about Judge Rosalie Abbella's report about equality of employment and what she called employment equity as opposed to affirmative action, will know that whatever Ms. MacDonald has said about programmatic instruments, whatever she has said about quotas as an instrument, there was no question but that her government was committed to the principle of equal pay for work of equal value and of affirmative action as a means of achieving equality. She not only said it once, she said it twice. She went so far as to point out that this new government, in its throne speech was the first government in Canadian history to cite those principles as areas for action and to, in fact, herald them not only as principles that are shared by the federal Conservative Party, but are, I believe, principles shared by all three parties in the federal parliament.

I said the issue, in the end, is one of equality. The great battle for my party, and my movement, wherever it exists in the world, has been to try and reduce the spread between rich and poor.

☞ Part of the raised consciousness that we have experienced in the last three years, is to come to some understanding of the nature of poverty in our society, and in the world. Manifestly, Yukon society is a society with poverty. Yukon society happens to have, interestingly enough, a very high participation rate of women in the workforce. There are enough reasons for that. Yukon society, like the rest of Canadian society, is characterized by a very high percentage of single-parent families. The majority of those single-parent households are headed by women.

As a statistical fact, most property in the world is held by men. As a statistical fact, in the world, if you are a woman, you are far more likely to be poor than a man. In this country, whether you are a Progressive Conservative on the national level, a Liberal at the national level, or a New Democrat, there has been some agreement, there has been some consensus, that the solution to that problem could begin with the provision of jobs. The solution to that problem of poverty, especially poverty among women, has been that women could enter the workforce, especially women who headed families, and women who may be widows or elderly, who might be encouraged to re-enter the work force in some way and contribute to society the skills that they have spent a life acquiring.

We have to understand that even in a full employment society — and there are a few in the world — in some of the Scandinavian countries, a job is not, in and of itself, enough. Recent evidence in the United States — a country which, by the way, has had federally sanctioned affirmative action programs, for a number of years — indicates that the situation of black women, for example, who work full-time year-round, is not as good as white men who are unemployed. That is in terms of their net incomes. The fact of the matter is, for minority women in the United States, even the entry into the workforce has meant that they mostly ended up in low-paid, dead-end, stereotypically female jobs.

This bill proposes two things: an affirmative action program in the public service in the Yukon Territory, and the enshrinement in law of the principle of equal pay for work of equal value.

In 1979, this Legislature debated a resolution to establish an affirmative action program for women in the Yukon public service. Following a slight amendment which talked about "continuing to develop", as opposed to initiating; an amendment which was designed to imply that such a program was already in place. The majority in this Legislature, in 1979, voted for that resolution. ⁵⁹ It was not until some time later, that we found out that this government had no intention of respecting that resolution.

In 1982, shortly before the election, this House, in a debate described by my colleague from Whitehorse South Centre, endorsed the principle of equal pay for work of equal value. It was not until the debate this Spring on the *Labour Standards Act* that we became finally and painfully aware that the government did not subscribe to this principle, which only a short period before they had voted for. I suspect, and this is another mark of our political immaturity, that in no other legislature in this country would the government say, on two such important questions, one thing on one occasion and then, in its practices, do exactly the opposite. As it has been mentioned, I first raised this issue in this Legislature in 1979 with respect to women. What were the facts in 1979 as regards the employment of women in the Government of Yukon?

On a positive note, almost half of the government employees of the Yukon Territory were women. At that time, as I recall, the average salary in the Government of Yukon, was \$17,000, but of the 461 women who worked in the Public Service at that time, 80 percent, or 370 of them, earned less than the average. Of the 545 men employed, 422 or 78 percent earned more than a \$17,000 year average. At that time, in 1979, there were almost no women holding jobs paying more than \$33,000 a year, which was a big salary in those days, while there were 29 men employed in such high-paying managerial positions. Only seven women employed in the public service of Yukon at that time were earning more than \$25,000 a year, while 95 men held such jobs.

I do not think it would be very useful to read statistics, *ad nauseum* into the record, as they applied in 1979, except to say that they are illustrative on this score: relatively, while the situation may have improved slightly, it has not improved in a way that would indicate there is anything like an affirmative action program in operation in this government.

⁶⁰ The members in debate on this occasion, and on other occasions, have indicated that this government does not maintain statistics as to the level of employment of aboriginal people in this administration. That may be true as a statement of objective facts but it is painfully clear, for anybody who is a member of a visible minority, how under-represented aboriginal people are in the public service of Yukon. Let me compare, for a moment, our situation with that of the Government of the Northwest Territories. The Government of the Northwest Territories, I would think, is in many ways a less sophisticated, a less experienced administration than the Government of Yukon. However, their situation is that aboriginal people are in majority, and I think they have responded very differently to that fact.

I want to cite from some information contained in an essay on the Northwest Territories public service, which is entitled *Territorial Bureaucracy Trends in Public Administration in the Northwest Territories*, which was prepared for the IPAC conference in Regina, Saskatchewan, in August, 1983, and was presented by Mike Whittington of the Department of Political Science of Carleton University, who visited this territory and this administration not so long ago, when he sat in this gallery and observed our behaviour. He presented the paper which talked about trends in the territorial bureaucracy, and he talked about a number of the changes that are happening in that territory. He talked about how that territory was operating in a time of restraint, and characterized their behavior as one of constraint rather than restraint. He identified four major trends that were going on in the bureaucracy of the Northwest Territories. One was decentralization, two was indigenization, three was departmentalization, and four was professionalization. These were trends which he observed were taking place in the Northwest Territories, and changing the very character of our public service of that territory.

As far as I know, no similar study has been done on the public

service of the Yukon. Yet, somehow I suspect that many of similar trends have been in operation here. However, his section of his paper which describes the indigenization process makes clear some of the differences between the Yukon and the Northwest Territories. They are, as I say, illustrative. Allow me to quote briefly. "The concept of a representative bureaucracy has been in vogue now for a number of years, and its principles can be seen manifested throughout Canada in minority recruitment, affirmative action, and specialized training programs all intended to make the bureaucracy more reflective demographically of the population it is serving.

"In the north, the goal of indigenization of the public service has two manifestations. On one hand, there is an attempt to staff positions in the north with northerners. This has spawned a number of educational leave, apprenticeship, in-service training, and adult retraining programs all aimed at expanding the human resource pool in the Northwest Territories, so that recruitment of people for bureaucratic positions can take place in the north.

⁶¹ "This goal has been buttressed with an explicit northern preference to hiring although, if people with the necessary education or occupational skills can be found in the north, as is often the case, even today the old practice of going to the southern market for staffing still prevails.

That describes the first prong of the indigenization process. I think, to some very commendable extent, that has happened here in Yukon. We all know the number of people who were raised here, and educated here who are employed in the Government of Yukon. I seem to recall that the government leader's former boss, Commissioner Smith took a particular interest in that kind of initiative.

Allow me to quote further from Mr. Whittington's paper though. "The second prong of the indigenization program of the Government of the NWT is to increase the number of natives in the territorial bureaucracy. One problem here, as with recruitment of northern Whites, is the relatively small size of the manpower pool in the north. However, in the case of native recruitment for public service positions, the program is hindered by the fact that northern native Canadians have generally lower levels of education and training. Moreover, even those natives who have undergone advanced training and education often have not opted to develop the skills that would equip them to take senior administrative or technical positions in the bureaucracy. Thus the effectiveness of the indigenization program is impeded by the fact that adequately trained Dene, Metis, and Inuit are at a premium.

"Moreover, the programs directed at sending native northerners to southern universities are experiencing only moderate success because there is still a high highschool dropout rate among natives and because, for the most part, native northerners do not like pulling up roots and moving to a southern city for the three or four years required to get degrees." The paragraph concludes with this sentence. "It might be noted as well, at this juncture, that the problem of indigenization of the public service in the NWT has also been impeded by the fact that many of the brightest and best of the native population end up going into native political organizations rather than the bureaucracy."

That sounds, I suspect, in many ways similar to the situation that operates in Yukon Territory. However, what I found remarkable about Mr. Whittington's paper, and what I found particularly useful, is a further description that he makes of the efforts of the Government of the NWT to deal with that reality.

Mr. Speaker: Order, please. I just would draw the attention of the hon. member speaking that it was drawn to the House earlier that the House may not wish to sit this evening and unless I have some direction in this regard in the next two minutes, it will be my duty to recess the house until 7:30. I offer that as a suggestion to members.

Mr. Penikett: I move that the debate on Bill No. 102 be adjourned.

Mr. Speaker: It has been moved by the hon. leader of the opposition that debate be now adjourned.

Motion agreed to

Hon. Mr. Lang: I move that we do now adjourn.

Mr. Speaker: It has been now 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 5:27 p.m.