



The Yukon Legislative Assembly

Number 4

1st Session

26th Legislature

HANSARD

Thursday, July 18, 1985 — 1:30 p.m.

Speaker: The Honourable Sam Johnston

Yukon Legislative Assembly

SPEAKER — Honourable Sam Johnston, MLA, Campbell

DEPUTY SPEAKER — Art Webster, MLA, Klondike

CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Tony Penikett	Whitehorse West	Government Leader. Minister responsible for: Executive Council Office; Finance; Economic Development, Mines and Small Business; Public Service Commission
Hon. Dave Porter	Watson Lake	Government House Leader. Minister responsible for: Tourism; Renewable Resources.
Hon. Roger Kimmerly	Whitehorse South Centre	Minister responsible for: Justice; Government Services.
Hon. Piers McDonald	Mayo	Minister responsible for: Education; Community and Transportation Services.
Hon. Margaret Joe	Whitehorse North Centre	Minister responsible for: Health and Human Resources; Women's Bureau.

GOVERNMENT PRIVATE MEMBERS

New Democratic Party

Sam Johnston	Campbell
Norma Kassi	Old Crow
Art Webster	Klondike

OPPOSITION MEMBERS

Progressive Conservative

Williard Phelps	Leader of the Official Opposition Hootalinqua
Bill Brewster	Kluane
Bea Firth	Whitehorse Riverdale South
Dan Lang	Whitehorse Porter Creek East
Andy Phillipsen	Whitehorse Porter Creek West
Doug Phillips	Whitehorse Riverdale North

Liberal

Roger Coles	Liberal Leader Tatchun
James McLachlan	Faro

LEGISLATIVE STAFF

Clerk of the Assembly	Patrick L. Michael
Clerk Assistant (Legislative)	Missy Follwell
Clerk Assistant (Administrative)	Jane Steele
Sergeant-at-Arms	G.I. Cameron
Hansard Administrator	Dave Robertson

Whitehorse, Yukon

Thursday, July 18, 1985 — 1:30 p.m.

Speaker: I will now call the House to order.

Prayers

DAILY ROUTINE

Speaker: We will now proceed with the Order Paper.

Are there introductions of visitors?

Are there any petitions?

Are there any returns or documents for tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. McDonald: As required by section 16.1(d) of the *School Act*, I have for tabling a report entitled Department of Education Annual Report 1983-84.

Speaker: Are there any petitions?

Introduction of bills?

Are there any notices of motion for the production of papers?

Are there any notices of motion?

Are there any statements by ministers?

MINISTERIAL STATEMENTS

Amendments to the Civil Emergency Measures Act

Hon. Mr. McDonald: During 1984, an operational cost-shared program was negotiated with the emergency plan in Canada. Part of that agreement contained a commitment by the Yukon government to put in place the necessary legislative policy and administrative structure to adequately respond to an emergency situation.

In working towards this, the government is planning to introduce amendments to the *Civil Emergency Measures Act* for tabling during the fall 1985 session. It is considered that these amendments will establish clear-cut lines of authority and coordinated planning and response mechanisms between the Governments of Canada and Yukon, as well as the municipalities.

One such proposal would be to provide authority for a municipal council to declare a state of local emergency within their municipal boundaries for a limited period of time. In this regard, I am currently consulting with the Association of Yukon Communities on how this might best be approached.

Other proposed amendments include shifting administrative responsibility for the act from the Commissioner to the Executive Council member, providing authority for the Commissioner in Executive Council, cabinet, to declare a state of emergency in any part of Yukon and formally establishing in legislation a Yukon Disaster committee to plan responses between the Governments of Canada and Yukon. One further proposed amendment would be to require all departments of the Government of Yukon to respond with services and resources to any state of emergency declared by the Commissioner in Executive Council at the request of the Executive Council member responsible for the act.

Mr. Lang: I am going to be looking forward to the member opposite's definition of a Yukon disaster committee, because I am sure I could define it in many ways. I do not want to take up the time in this House, but I am sure that the members opposite can see where I was coming from.

On a serious note, the member indicated there has been a lot of internal work done within the government in negotiations with the government of Canada. Those negotiations did take a number of years to complete. The question of how floods affect our community financially is still outstanding. I hope that that area will be dealt with when this legislation is presented to the House. I will warn the minister responsible that I will be asking questions regarding this area in the fall because it is important to such communities as Klondike and Mayo in light of what has happened in the past. There are major financial consequences that go along with plans of that kind.

I am sure that the Association of Yukon Communities will welcome the forthcoming legislative package. There have been discussions in previous years and this will complete a lot of work that has been done by a lot of people.

Community Addictions Program

Hon. Mrs. Joe: I am pleased to inform the House that my government has reactivated the community addictions program which has been a subject of review by the former government since late 1983. Recruitment has commenced this week for eight part-time community eviction workers joining the only remaining worker in Upper Liard. These new positions are located in the communities of Dawson City, Old Crow, Mayo, Ross River, Carmacks, Teslin, Marsh Lake and Carcross.

The community addiction workers will work as members of the Health and Human Resources social service team based in the area. They will be responsible for developing programs and services which reduce alcohol and drug abuse in the community.

I am confident that we will achieve 100 percent Yukon hire for these job opportunities. These new employees will also have the opportunity to participate in an on-the-job professional social worker training program currently being developed.

My colleagues and I moved quickly since assuming office to accelerate concrete action in the area of alcohol and drug abuse. I am confident that the community addiction workers will make an important and lasting contribution to the efforts of all Yukoners and my department to address the addiction problem in Yukon.

Mr. Philipsen: It is interesting to note that this ministerial statement, unlike yesterday's, is short — and not entirely factual. The structure, objectives and scope of the community addiction worker program were under review as the previous program objectives were very broad and diffused. This meant that part-time contract workers carrying out the program were not realistically able to deal with the range of objectives.

We realize, as a government, that in order for this program to work effectively, training would be necessary. We successfully implemented a training officer position during August of 1984, and the training was a priority with our government. The classification of the new positions allocated in this program by the Public Service Commission was to be the final step before advertising and recruitment. It is gratifying to see that nothing has slowed down our administration's efforts in this regard. We wish the program much success.

Mr. McLachlan: We welcome the announcement that the community assistance program has been reactivated. We are also pleased to see the government's concern for rural communities, as they are important areas. We hope that the community programs will continue to receive recognition by this government. With 100 percent Yukon hire, it is certainly commendable on the part of the minister. I would hope that local persons in each community, whom we must recognize that are best in touch with the problem, would be recruited for their own community situations whenever possible, and if the need presents itself, that the government would be open to increasing the funding for such programs, thus allowing these workers to be hired locally.

Hon. Mrs. Joe: I want to assure the member for Faro that it is our intention to do exactly as he stated, as we know they do understand the problems much better, and also that there will be an opportunity for them to train at that job.

MOTIONS UNDER STANDING ORDER 28

Motion No. 1

Mr. Phelps: Under the provisions of Standing Order 28, I rise to request the unanimous consent of this Assembly to move a motion of urgent and pressing necessity. The motion I would move reads as follows:

That the following address be forwarded by the Speaker on behalf of the members of the Yukon Legislative Assembly to the Prime Minister of Canada, to the Deputy Prime Minister and the Member of Parliament for the Yukon, and to the Minister of Indian Affairs

and Northern Development:

Whereas the Government of the Northwest Territories has referred the question of the location of the off-shore northern boundary, between Yukon and the Northwest Territories to the Supreme Court of the Northwest Territories, to be heard in October of 1985; and

Whereas the delineation of this boundary has serious ramifications with regard to the application of Yukon territorial laws and the economic future of Yukon;

Now Therefore, this Legislative Assembly is of the opinion that the Minister of Indian Affairs and Northern Development, the hon. David Crombie, should introduce in the House of Commons appropriate amendments to the schedule of the *Yukon Act* to clearly delineate the off-shore boundaries between the two territories, and thereby clarify that the Yukon territorial laws apply to that part of the Beaufort Sea adjacent to Yukon.

♠ **Speaker:** Order, please. Does the member has unanimous consent?

Some Hon. Members: Agreed.

Speaker: Unanimous consent has been granted.

Mr. Phelps: The Beaufort Sea is one of our most important areas in terms of future economic development potential. We have heard, in recent times, of the keen activity in the Beaufort by the major oil companies drilling on Canada lands offshore. It is critical that our northern boundary be clarified so that we can clearly demonstrate our jurisdiction over the offshore, and so that we will have an ethical right to share in the revenues that may be generated by the gas and oil discoveries there.

I want to say that this party and the previous administration fought hard and consistently to ensure that future generations would have access to the Beaufort. The most critical fight in that regard, and one that took more than six years to accomplish, was the battle we waged against the COPE Agreement-in-Principle. If that agreement-in-principle had not been amended as this territory fought for, we would have been cut off from the seas forever. In all probability, our access would have been denied. Any moral claim that we had to a share of the revenues produced in the offshore would have been lost.

This party presented the motion in this Legislative Assembly in 1981 urging that all members join us in fighting the COPE Agreement-in-Principle. At that time, the other two parties, which were both represented, voted against the motion. I am pleased to say that subsequently a similar motion was presented; the NDP saw the light and joined us in our struggle.

♠ By way of background regarding the boundary itself: as a result of the COPE battle, we now have clear access to the coastline and jurisdiction over all of the north, except for the national park that has been carved out in the western corner of Yukon pursuant to the COPE Agreement-in-Principle.

At the same time as we commenced the struggle against the COPE Agreement-in-Principle, we moved to have the federal government clarify the boundary because, in the late 1970s, it became apparent to us that the schedule to the *Yukon Act* which defined our boundaries when Yukon was carved out of the Northwest Territories, is unclear and arguable. That is why this matter is going to court. It is arguable that the Yukon's boundary may only extend to the coastline and include the offshore islands. It would be tragic, if that were found to be a correct interpretation.

We put our position to the hon. Jake Epp asking that the government-of-the-day clarify the actual boundaries. Unfortunately, as everyone knows, the government, at that time, was short-lived. — It was a minority government and there is a lesson there. — Similar representations were made by the Yukon government to the Minister of Justice, Mr. Chretien, and the next Minister of Indian Affairs and Northern Development, Mr. Munro, but they were to no avail.

Recently, we received two documents prepared for the western constitutional forum, the Northwest Territories, which include boundary options encompassing Yukon's offshore waters. In some instances, they even include Herschel Island and part of mainland Yukon. While we appreciate that these boundary proposals are not

being advanced by the Government of the Northwest Territories, we were becoming, prior to the election, increasingly concerned that some members of the Legislative Assembly of the Northwest Territories and some of the organizations over there were promoting inequitable boundary dispositions in that they were trying to take away part of the Yukon.

We went to work to take steps, given that we have a new government in Ottawa, to remedy the situation.

♠ It was felt that courtesy would demand that we first of all notify the leader of the government in the Northwest Territories and see whether or not they had any comments on our intentions to seek clarification through Parliament. Therefore a letter was sent, dated December 18, to the hon. leader of the government of the Northwest Territories by our leader of the day, Mr. Chris Pearson.

I will just read that letter into the record: "Dear Mr. Nerysoo: The Government of Yukon is in receipt of two documents prepared for the Western Constitutional Forum. These documents, the Impact of Division on Distribution of the NWT non-renewable resource wealth and resource management boundary problems, include boundary options which encompass Yukon's offshore water and in some instances even include Herschel Island and part of our northern coastline. Although we appreciate these boundary proposals are not being put forward by the government of the Northwest Territories, nor represent your position, the Government of Yukon is becoming increasingly concerned that some members of the Legislative Assembly and native organizations are promoting such inequitable boundary dispositions.

"In order to clarify any misunderstanding in this regard, therefore, the Government of Yukon is requesting that the Minister of Indian Affairs and Northern Development, the Honourable David Crombie, prepare appropriate amendments to the *Yukon Act* in order to clearly delineate the offshore boundary between our respective territories. Such a boundary delineation will be in the best interests of both our governments and to industry as well in relation to the application of territorial laws in those parts of the Beaufort Sea adjacent to each territory. We look forward to having continued good relations with your government and trust that our proposed boundary clarification will meet with your approval.

Yours sincerely, C.W. Pearson."

Copies of the letter were sent to the hon. Dave Crombie, Minister of Indian Affairs and Northern Development and to the hon. Erik Nielsen, PC, MP for Yukon.

That was on December 18, and while we did have discussions and some meetings, as is known here, about amendments to the *Yukon Act* — and of course the solution would really come through the appropriate amendment to the *Yukon Act*, and we can certainly make available our thoughts on what the new schedule to the *Yukon Act* should be — perhaps I can table this documents so that the government has it in their belongings. It was something that was under review. We feel that the solution to the problems would stem from an amendment to the *Yukon Act*.

♠ We would certainly like to see all parties of this House joined in an appeal to the federal government to remedy the situation in a fair and equitable manner.

We also presume and assume that the government will intervene in the case in the meantime because of the obvious problems that will affect the future of the Yukon should the court go ahead and determine a boundary that was unsuitable to the aspirations and aims of Yukoners. So, I urge all members of the House to unanimously support this motion.

Hon. Mr. Porter: I would like to begin my statement by thanking the leader of the official opposition for bringing forward this motion. I would like to thank him for the constructive contribution that he is attempting to make to the life of this Legislature.

In terms of the question of boundaries and access to the sea, as it were, it seems that the Yukon has been shortchanged at every drafting and negotiating session since the turn of the century. For some reason the negotiators and representatives of the Dominion Government in those days felt that we should have no access to the sea. As a result, Skagway is our port of entry through Alaska and

we find that legally there is a question as to whether or not we have jurisdiction over the off-shore with respect to the Beaufort.

I think the people of Yukon are all in agreement that we should have legislative jurisdiction within the confines of off-shore Beaufort. I think there is agreement by the people of the Yukon that we should have access to the sea, and that right should be articulated in constitutional fashion such as an amendment to the *Yukon Act*.

Regarding the position of this government, I would like to inform the House, and to have it on record, that our government leader met with the leader of the Northwest Territories at the conference in Inuvik this spring. The government leader of the Northwest Territories was told that our government supports, in general, the position taken by the Pearson government. That same position was further articulated to the media present at that conference.

The Beaufort has a very high potential for hydrocarbon development, or oil and gas development. Those potential developments have not proved up. In other words, the reserves for oil and gas have not been deemed to warrant commercial exportation. I think that everyone agrees that the geology of the area still holds some real possibilities, and that someday there may be significant development in the Beaufort in the oil and gas industry.

From our perspective, we see that as a promising development and we are very concerned that in a legal fashion we have a clear delineation as to what the rights of the Yukon are with respect to those resources. It is a very fragile constitutional issue that someday may be addressed in constitutional first ministers talks. I think that we, at this point, would have to move very slowly on this question. We recognize the import of this question. We recognize that it should be dealt with and that we should speak out. It is going to court, initiated by another jurisdiction, but nonetheless we should voice our concerns. With respect to tinkering with the *Yukon Act*, I think that we have to be very careful. We have talked to high ranking government ministers of the current government, and we have been informed that if there is going to be any amendment to the *Yukon Act*, it is probably going to be a one-shot deal, because of the priorities this national government sees and because of the legislative process by which legislation is brought before the House of Commons.

We are not saying that we do not support the current amendment, as suggested by the motion, to the *Yukon Act*. We are saying that we must be very careful, whenever we perceive an issue, and do not go and call for an immediate amendment to the *Yukon Act*. We have to be responsible and do it in a concerted, well thought out fashion. That is a clear area of concern on the part of this government.

With respect to the other constitutional issue involved, which speaks to the development of responsible government, which speaks to constitutional evolution of the powers to the Yukon, I think clearly the opportunity is presented here with respect to the scenario of future Beaufort development. I think that resource revenue sharing is a concept that all people of the Yukon would like to see negotiated with the government in Ottawa. That is something that we have to move on. As we acquire more responsibility with respect to issues like resource revenue sharing, that would lend itself to greater constitutional evolution of powers to this government.

In terms of other issues in the environment, we are going to be pursuing those issues. We will be bringing in future policy statements as to what it is that this government will be doing. There are certain requirements that are laid out in the *Inuvialuit Settlement Agreement Act* that we have to comply with. Those commitments will be met by this government. Negotiations with respect to the Porcupine caribou herd treaty are commencing this week in Edmonton, between the jurisdictions affected. We are taking a positive approach to that. All these kinds of developments, in total, will facilitate what can hopefully be construed as an orderly approach to the development of Yukon's North Slope.

There was one slight deviation from the otherwise perfectly positive statement made by the leader of the official opposition with respect to the COPE claim.

Again, I state for the record that the side opposite, represented in government today, did, in the 24th Legislature, vote against the

motion brought by the government of the day with respect to the COPE agreement. I would also like to point out, for the record, that, in the legislature that I sat in, which was the 25th Legislature, we did support a motion with respect to the COPE agreement.

Some hon. Member: (*Inaudible*)

Hon. Mr. Porter: Okay, the leader of the official opposition says that he did say that. If he did, I am sorry I missed it and I thank him for saying it.

In terms of the questions with respect to the seriousness with which we make this motion, we are in support, and the side opposite can be assured that we will continue in a positive vein to ensure that the courts, the other jurisdictions affected and, most importantly, the Prime Minister, the deputy Prime Minister and the Minister of Indian Affairs, hear a unanimous voice from the legislature on this question.

Mr. Lang: At the outset, I would like to say that I am pleased to see that they are supporting the initiative that we have brought forward to this House. I would like to begin by giving some credit, in this House, to the work that the now leader of the official opposition did on behalf of the government in successfully negotiating, from the Yukon's point of view, our agreement and participation, as far as the COPE agreement is concerned. A lot of time and effort, a lot of work, and more importantly, the previous government demonstrated the political will that it had to hold up the Government of Canada, and, effectively the Northwest Territories, in settling the COPE claim, for six years until it met, in most part, to our satisfaction, what we felt should happen as far the North Slope is concerned.

As the leader of the official opposition has stood here and said today, it is because of the Government of the Yukon Territory that we are here today debating this motion. The efforts of the members of this House that were put forward ensure that the coast of the Yukon would belong to Yukon as part of Canada. We are still in this situation because of a technicality, because of, obviously, what I would believe to be an oversight in the drafting of the *Yukon Act*; a situation where, perhaps, from a legal point of view, the Northwest Territories could have access to the offshore resources of the Yukon, even to the point where, in some cases, they think that Herschel Island may be part of their particular domain.

I think that the concerns that are being expressed by the leader of the official opposition are clearly outlined. I would like to express a concern to the government leader directly. The concern stems from the comments made by the Minister of Renewable Resources with respect to accepting the principle from the Government of Canada that the legislative package for the *Yukon Act* would only go in one package.

I would like to make a point here. I feel that this is a serious enough item, on its own initiative, that if the constitutional changes of the *Yukon Act* are to be held back for a number of years, then this should be put forward now. Let us be frank. We have an opportunity here, with a member of Parliament who is the deputy Prime Minister of the country, who stated during the last election that this was a priority of his, as a member of Parliament and the Conservative Party, as far as the Yukon is concerned. I think that that is important.

I think those factors should be used to the extent that we can utilize the positive facts that we have and the positive instruments that we have to utilize to get this done.

So I want to say to the government, do not stop because we need to have a constitutional process or some other reasons put forward because of the overall implications of major changes to the *Yukon Act*. I see this as an issue that could come forth on its own merits in conjunction, perhaps, with other items that would come at a later date. I say this from a positive point of view and in all seriousness because of the importance to Yukon. I am a layman and I do not know what the implications would be if the court determined the boundary of Yukon but, knowing the court system and how it works, it definitely would complicate things as far as the political process is concerned.

The other point that I want to make is that we are going to be looking forward to the results of the negotiations of the require-

ments of the Inuvialuit Agreement. The Porcupine caribou herd was an issue that the Minister of Renewable Resources raised and he says he is taking a positive approach. I hope in all sincerity the positive approach that has been taken is that the authorities that are vested in this House are not going to be distributed or given helter skelter to interest groups or whatever, that perhaps are not even resident in Yukon. So, what I am saying is that the legislative authority that we have via the *Yukon Act*, on which I think all members are pushing to see if we can get further constitutional development and even evolution to the point to reflect where we are today. On the other hand, because of the need to appear to be taking a politically more positive approach than what the member thinks the previous government did, I hope we do not get into a situation where the actual authorities of this House are emasculated. I just once again say that I am very pleased to see the side opposite take the pro-development stand that this Party always had as far as the North Slope is concerned. I think we can cooperate in areas such as this. I think we can move forward. I am very pleased to see that the third Party in the House appears to be supporting this as well.

Hon. Mr. Penikett: I had not planned to join this debate but I do feel bound to clarify one point. The member opposite directed a remark to me, with respect to his concern about the amendments to the *Yukon Act* in the House of Commons. I would like to clarify the statement of my colleague, the Minister of Renewable Resources. We have been given to understand, or have confirmed what was really my previous understanding, that in the life of any parliament in Ottawa there is probably only one opportunity in the life of each parliament to amend such a piece of legislation as the *Yukon Act*. There is, as members opposite will know better than anyone, a long agenda of things which the previous government has put forward as amendments to the *Yukon Act*. We are not suggesting that this proposal being made today should somehow be delayed until the Government of Canada is ready to deal with the rest of the constitutional agenda.

It far be it for us to suggest that, because our view is that we have to achieve some kind of constitutional consensus here before that happens.

However, if we had it in mind that we might later, in the life of this parliament, be able to go back there and get other amendments to the *Yukon Act*, we have been warned that we might be disappointed, because the appetite of parliament as a whole to deal with amendments to the *Yukon Act* may only happen once in the life of the parliament. It is not a major point, it is a small point. It should not delay us or deter us from taking the action that is being proposed today, but ought to be a consideration that we have in the back of our minds. That is the only point that should concern us.

Mr. Phelps: The point is well taken. It is one we knew. We had our wish list and our proposals and so on. We had many discussions. This motion does not speak as to time, but it does speak to the will of each and every member of this House on behalf of all Yukoners. There is a value judgement, a very practical judgement, that is going to have to be taken by the members opposite as to how much they are going to go for while the life of this parliament continues in the next four years. How critical this becomes may push you more than you previously wished.

Motion No. 1 agreed to

Speaker: This now brings us to the Question Period. Are there any questions?

QUESTION PERIOD

Question re: Yukon north slope

Mr. Phelps: It should be no surprise about this that I have some questions about the Yukon's North Slope. The first one has to do with the fact that there are several development proposals going forward pertaining to Yukon's North Slope. One we all know, the Kiewit proposal, has been delayed for some time because the implementation of the COPE agreement has been delayed. One of the problems is that the screening committee has not yet been

implemented. I am wondering whether or not this government has done anything to expedite the implementation of the COPE agreement as it pertains to Yukon's North Slope and, if so, what steps has the government taken?

Hon. Mr. Porter: I am happy to report to the House that my department officials are reviewing the areas of responsibilities that we have with respect to the COPE claim. I will be forwarding to cabinet, and to the government leader, recommendations for the role in which this government will proceed with respect to its responsibilities under that agreement. I am naming members to certain boards that are called for, such as the screening review board, that the leader of the official opposition talked about.

Mr. Phelps: Do you have the names of the members to that board that Mr. Crombie asked for in June?

Hon. Mr. Porter: The answer to that is that we have not named a member. I will be bringing forward, in consultation with the government leader, Cabinet nominees that Cabinet will decide on to appoint to the necessary boards.

Question re: Porcupine caribou herd talks

Mr. Phelps: I have a separate question for the Minister of Renewable Resources. He spoke about negotiations taking place with regard to the Government of the Northwest Territories, and Canada, and the native user groups. I understand these negotiations are taking place now in Edmonton. These talks are extremely important to Yukoners. I feel we should be taking a lead role as we have and demanded to in the past. Do we have an experienced negotiator representing us at these talks?

Hon. Mr. Porter: To answer directly that question, yes we do have an experienced negotiator representing the Government of Yukon.

Mr. Phelps: I wonder if the hon. member could tell us the name of that negotiator?

Hon. Mr. Porter: The negotiator who is representing the Government of Yukon at those talks that are going to commence in Edmonton tomorrow, is the Director of Wildlife for renewable resources. His name is Hugh Monaghan. I might add that Mr. Monaghan is a very capable individual. He has had 19 years of experience in game management in the north. He had been involved in the discussions when he was previously employed by the Government of the Northwest Territories. Since his employment with this government, which I might add was a decision made by the party represented in the official opposition, he has been our lead player in advising governments on the Porcupine caribou herd from the Department of Renewable Resources.

Question re: Government decentralization

Mr. Coles: My question is for the government leader. Will it be the intention or policy of this government to encourage more rural Yukon development through some decentralization of present or future territorial government programs?

Hon. Mr. Penikett: Yes, but let me say frankly to the member opposite that that is sometimes easier said than done. I have witnessed the experience of the previous government which had a policy on decentralization that existed at the political level, but at the management level, there was, in the case of at least one department I know, an entirely opposite policy, which was, for perfectly good management reasons and improved efficiency of the system — I am talking about highways. I believe the pattern, if you track it over a number of years, was to move people out of rural posts as the roads were paved and improved, and move them into situations in Whitehorse. That policy was done for perfectly good reasons of economy, and yet was directly opposite to the stated policy of the political leadership.

That describes very well the problem in terms of implementing policies like this. It is an objective of ours.

Mr. Coles: Have the government leader's ministers suggested to him a specific program that may be considered for future decentralization possibilities and if so what might it be?

Hon. Mr. Penikett: Yes, I believe you may have heard an example of something today. Various cabinet ministers are looking at various possibilities that way. There have as yet been no firm

cabinet decisions in terms of specifics. I think the earliest opportunity that the member will be able to find a budgetary expression of this objective will be this fall. Even then, more likely, given the time that we have, it will be the spring session.

Mr. Coles: Will the government leader also assure the House that, should the federal government also be considering new buildings or future developments, his government will make every effort to petition, to give every consideration to it, in terms of decentralizing in the Yukon?

Hon. Mr. Penikett: That is a representation rather than a question. I am pleased to take note of it and exercise what slight influence I might have on the federal government towards that end as suggested by the member.

Question re: Northern Canada Power Commission

Mr. Phillips: I have a question for the government leader regarding the transfer of the Northern Canada Power Commission. Recognizing that government-owned utility companies in almost every province in Canada are operating in a deficit position — and I have to refer to the minister's statement in the House in *Hansard* on March 21, 1979, page 180, where he states "it would make no sense to the Yukon government to take over the assets of NCPC in Yukon unless it also took over the operation of Yukon Electrical Company and Yukon Hydro." — can the government leader tell me if it is now the policy of the government that it purchases the assets of Yukon Electrical along with those of NCPC?

Hon. Mr. Penikett: The statement referred to from 1979 sounds vaguely familiar. It is however, as stated in the terms by the member opposite, not a priority of this government.

Mr. Phillips: Is it the policy of the government to eventually take over the assets of the Yukon Electrical Company as well as those of NCPC to make one power corporation in Yukon?

Hon. Mr. Penikett: The policy of the government on the energy question, such as it is, has been crafted in response to the need created by the discussions commenced by my predecessor with Mr. Crombie towards the possible transfer of NCPC. When we came into office, we discovered that a working group had been established by my predecessor and that there was a consulting contract with a firm from Winnipeg. We have taken a cabinet position to continue those consultations with Mr. Crombie and to maintain the consultant's contract. We have also reconstituted the working group under the leadership of the minister responsible for Community and Transportation Services.

Mr. Phillips: I am not quite sure what the minister has said. I think my question was: is it the policy of the New Democratic Party to take over the assets of Yukon Electrical along with those of NCPC? Regardless of the negotiations with Ottawa, Mr. Crombie's department, is it the policy of his government, like it was in 1979, to take over those assets with NCPC?

Hon. Mr. Penikett: Clearly the member was not listening to me very carefully. The policy of the Party is not quite as the member states it but something like that. The policy of the government has not yet been formulated on energy questions except to the extent that we have provided a mandate to the working group concerning the transfer of the assets of NCPC to discussions which were initiated by my predecessor. We are continuing those discussions, however we do not know where they will lead. We have, at cabinet level, adopted a mandate concerning those discussions and the working group and the consultant's work is proceeding.

Question re: Chipseal program

Mr. Phillips: I have one written question that I would like to hand in.

Further to that, I have an oral question for the minister responsible for community and transportation. Could the Minister of Community and Transportation Services inform this House if it is his intention to be favorably disposed to a request from the city for assistance in capital funding to cover the remaining gravel streets in Whitehorse with the same type of chipseal that has been placed on the streets of Mayo, thereby improving the quality of life for those people?

Hon. Mr. McDonald: The previous minister and his colleague, the member for Porter Creek East, had made representations to the City of Whitehorse just prior to the election, without the full understanding of the Department of Community Affairs, to urge the City of Whitehorse to accept approximately \$2 million worth of chipseal on Whitehorse streets.

The City of Whitehorse, to my understanding, on very short notice, put out a letter, at their request, suggesting that the cost of the project would be \$2 million, give-or-take a couple of hundred thousand dollars. Essentially, little financial analysis had been done on the project at the time, and still has not been done. We have requested the City of Whitehorse to prepare a detailed submission providing more definitive costs of the proposal and how it might be approached. This request has not yet been met by the City of Whitehorse. When it is received from the City of Whitehorse, we will review the costs and our priorities and determine whether or not we will do this over the course of a number of years, whether we will do this next year, whether we will do it in one year; all of those things will be determined when we get a realistic proposal from the City of Whitehorse.

Mr. Phillips: I would have to say that the statement I have heard is fairly inaccurate in regard to whether the departments had knowledge of what I had planned. There were three subsequent morning meetings held. The department was with me and visible at each of those meetings. At some of those meetings there were two members of the department with me. The question is a matter dealing with capital assistance. It is a very simple question. Will this government assist the city with that capital funding if a request were to come forward?

Hon. Mr. McDonald: That was a pretty thin excuse for making a statement, because he is essentially asking the same question again. I could repeat the answer if he would like. I will first respond to his preamble.

The department had no clearly defined knowledge of the proposal. The City of Whitehorse had no clearly defined knowledge of the proposal. That is why they sent us a letter, which said that the project might cost \$2 million — I took that figure out of the air — give or take a hundred thousand dollars. That is not something that government engineers, or the cabinet, can deal with.

It was not a clearly defined proposal and that is why we are asking the City of Whitehorse to put a proposal together for our consideration. At that time, depending on the costs, depending on our priorities, we will determine whether or not we will go ahead with it over the course of a few years or whether we will go ahead with it next year or the year following. Those decisions will be made when we have an understanding of what the costs will be.

Mr. Phillips: If whether or not the go-ahead for this project is contingent on the matter of \$100,000, is it not possible, in the minister's mind, to begin a program on a basis where some streets are done now and others can be done at a future date so that this thing can get going in order to improve the quality of life for the people in the City of Whitehorse. People have been sitting on mud and dust in this city for 20 years. They need help. Can we have capital assistance, please?

Hon. Mr. McDonald: The figure of \$2 million, give or take \$100,000, is not in the budget. The previous minister did not put it in the budget; that is why it is not in the budget now.

For the future, we will determine whether or not we can meet the needs of the people of Whitehorse, given the costs of the project, as well the people in all of the communities, many of whom do not have any chipseal at all. My whole riding has no chipseal, period. There are other communities in the territory which have to be considered. We will consider them all and we will consider Whitehorse fairly, along with the rest of them.

Question re: Nurse for Beaver Creek

Mr. Brewster: My question is to the Minister of Health and Welfare.

As you remember, in the previous session, the former government worked long and hard to secure from the federal government a permanent nurse in the community of Beaver Creek. It has come to my attention that the present nurse may be leaving.

Does the minister have knowledge of this and could she assure this House that if this is so, she will take the appropriate steps to ensure that there will be a smooth transition to a new nurse, without an interruption of service.

¹⁶ **Hon. Mrs. Joe:** I have to admit to the member for Kluane that I do not have any knowledge of the nurse leaving. I can assure him that if the nurse is leaving, we will be looking into the possibility of having someone take her place.

Question re: Skagway Road

Mr. McLachlan: My question is for the Minister of Community and Transportation Services. I would advise the House that since this may very well be the last Question Period for some time, I would like the minister to confirm or squelch the rumour that is prevalent in the building today.

Can the minister confirm that an agreement to maintain a year-round transportation route between Whitehorse and Skagway has been reached with the State of Alaska today?

Hon. Mr. McDonald: The answer to that question is no. No agreement has been reached with the State of Alaska at the present time.

Mr. McLachlan: Since the issue is critical to the mine reopening and the mine owners, both present and future, will the minister please give this House some indication as to what his timeframe is concerning the completion of negotiations with the State of Alaska on the year-round opening of the road?

Hon. Mr. Penikett: Since the member opposite tied the question to the reopening of the Cyprus Anvil mine at Faro, let me say that I understand that the question is critical to that decision, and that negotiations are proceeding on exactly that understanding. I must reiterate what I said last night, that the proposal that we will make regarding the operation of that road, will be tied to the question of whether or not the mine opens; therefore, we have to come to a practical conclusion, perhaps at the officials' level in the question of the negotiations about the road, soon. Obviously, before they make their decision about opening the mine.

A final decision on the road will not be taken until we know whether the mine will be reopened.

Mr. McLachlan: I understand that the road probably cannot be opened to drive between Skagway and Whitehorse for pizza or seafood. The intent of the question is such that there must be some time response within the government's mind as to when they would conclude negotiations with the State of Alaska in order to be able to assure the future owner of the mine that he can count on the road being open. What is it? Is it July 31? August 15? August 31?

Hon. Mr. Penikett: We certainly hope the date is somewhere in the neighbourhood of the earlier numbers the member talked about. Let me be frank again and say that the ball is, to some extent, in Mr. Frame's court at this moment. As the member opposite knows, from the statements Mr. Frame has issued publicly, even though he does not believe at this point that the rail is, from his point of view, at first sight, a viable option, he is putting out tenders for the transportation based on the assumption that White Pass Rail will put in a bid. If that bid is competitive, or until the question of the method of transportation is decided upon, as long as the rail option is alive, we may not be able to reach a final conclusion on the road.

I have tried to explain to the member before how infinitely complicated it is when we have ten different factors which have a bearing on whether the mine will open, and within each of those factors there are variables. Unfortunately, all the pieces have to come together if we are to make this project work.

¹⁷ Question re: United Keno Hill Mines/Water Board application

Mr. Phillips: I have question for the government leader. At the recent Yukon Territorial Water Board meetings held in Whitehorse, in the license application of the United Keno Hill Mines, Yukon's now largest active mine, the Yukon Conservation Society, the only intervener, requested that the normal five-year license be reduced to one year. Does your government agree or disagree with the position that the Yukon Conservation Society took at those hearings?

Hon. Mr. Penikett: The government has not considered the question.

Mr. Phillips: Since United Keno Hill Mines is Yukon's largest active mine, can the government leader tell me, in view of his concern for the Yukon's economy, why the Yukon government did not intervene in support of United Keno Hill's application?

Hon. Mr. Penikett: That is a good question and I will ask those responsible.

Question re: Grey Mountain Primary School

Mrs. Firth: I have a question for the Minister of Education about the Grey Mountain Primary School. It is not related to the capital budget. After consulting with the Grey Mountain Primary School committee regarding the usage of the school by an organization that was constructing a building across the street from them, the Department of Education made the decision that they would only be allowed to use the driveway for parking. Since then, that decision has been reversed. Could the minister tell me who reversed the decision, and when it was reversed, so that I could pass this on to the school committee?

Hon. Mr. McDonald: I am not aware of the situation that the member is talking about. I am sure that department officials, who religiously listen to question period, will be right on the ball and I would encourage them to provide the information to me so that I might pass it on to the member at the earliest opportunity.

Mrs. Firth: The point is that I believe that the school committee was not consulted. Could the minister take that up with his department and find out who made the arbitrary decision and pass the information on to me so that I could extend it on to the school committee.

Hon. Mr. McDonald: I do take the question of whether or not the department consults with the school committees very seriously. I will certainly investigate the matter and determine whether or not arbitrary authoritarian actions were taken. I am sure that they were not; I am hoping that they were not.

Question re: Block land transfers

Mr. Phelps: I have a question for the Minister of Community and Transportation Services. I would like to know whether his government has made any applications for block land transfers from the federal government since assuming office?

¹⁸ **Hon. Mr. McDonald:** The question probably should be put to the government leader in his capacity as being responsible for land claims. We certainly have been continuing to identify parcels of land in the community to meet community needs in the long term. Whether we can realistically request of the federal government that the land be transferred now, given the direction by the Minister of Indian and Northern Affairs, is something that perhaps the government leader can respond to.

With respect to block land transfers, perhaps the block land transfer that the leader of the official opposition mentioned yesterday on the Alaska Highway between the City of Whitehorse and Mile 928, I can assure him that the department is proceeding to collect and map those lot enlargements in that particular district, and we will continue to proceed in an appropriate manner to iron out any overlaps and any conflicts, and to ensure that, when such time as it is realistic, to ask the federal government. When the federal government is prepared to provide block land transfers, we will be prepared to make the necessary requests.

Mr. Phelps: This is a top priority item. It was, certainly, mine when I was government leader. I would hope that it would be treated as such by this government. The question is, will you not go to the federal government and request this land whether or not the CYI or the bands object? None of these lot expansions intrude on selections of the land claims. They are small areas that people require to expand their lots; people who are living there. We signed a selection with the appropriate band several years ago. They now say they want to reopen it, but surely, in the interest of fairness, this government would push ahead when they know that none of these small lots are going to intrude upon land selections that were agreed to and signed by myself some years ago.

Hon. Mr. McDonald: I think the member is attempting to draw

me into a sensitive land claims debate. I am not going to say that we are going to jeopardize the land claims settlement in total by requesting block land transfers. If the federal minister is prepared to transfer block land to the territorial government, and if the federal minister feels that it will not jeopardize the land claims settlement, and if the Department of Lands is prepared to make the request — if they administratively have dealt with the legal surveys, done the planning, dealt with the overlaps, as they are doing now — then we will be prepared to do it.

¹⁹ **Mr. Phelps:** I am just greatly concerned about this because it seems to me that in isolated situations like this or for a huge number of applications, for the people in the Yukon who have a genuine need, it cannot be held up.

I think that this government has the responsibility to go out and do what is fair for people who have genuine needs who live there and who are not asking for much. I am just appalled that this government seems to be saying that we are not going to be asking for land where it does not conflict with existing selections, and this is an area where the selections have been done through some considerable pain and time and effort by a lot of people.

Hon. Mr. McDonald: If the parties to the land claims talks determine that there will be land freeze, then obviously that will affect the way the decision is made. Obviously, in any case, we would have to be very careful about what sort of land we selected. In any case, the government is proceeding by identifying the lots, processing the lots, and communicating our desires to the federal government.

Question re: Education, NDP task force on

Mr. Coles: My question is also for the Minister of the Department of Education. In view of the special task force the NDP ran on Education, will the minister advise this House as to whether he will by instituting policy changes within this department?

Hon. Mr. McDonald: It is not our intention to take the opposition task force report and regard it as government policy. I think there are 75 good recommendations in that report. We will discuss them in public in manageable pieces because we do not feel it has the broadest and the widest scrutiny that we should consider for our final policy. When we do that, hopefully many of the good suggestions will be incorporated into government policy.

Mr. Coles: If there are any policy changes in the department, will one of them be the Minister of Justice's view to introduce video games into the schools?

Mr. McDonald: If the school committees in the territory and the education council overwhelmingly favour certain proposals, I would seriously consider any suggestions.

²⁰ **Mr. Coles:** Does the minister then recall the Minister of Justice's plan that school not be compulsory and the strap be banned?

Hon. Mr. McDonald: I am not familiar with that particular proposal. That certainly is not part of our policy at our time. We have to, as I say, go through the proper consultation process and determine whether or not the majority of the Yukon public support the proposal.

Question re: Agricultural land applications

Mr. Phelps: I would like to ask the leader of the government a question. This is a follow through on some questions I was asking the Minister of Community and Transportation Services.

I am concerned because there are some 180 or 190 agricultural applications outstanding for relatively small pieces of land. There are a large number of applications for residential lot expansions, each one up to 20 acres, in the area north and west of Whitehorse on the Alaska Highway. Most of these lot applications are within an area which the land selection for the appropriate band were completed. Many of the agricultural applications, some 180 or 190, most of them, are again in areas in which the bands entered into agreements with regard to their land selections. The ones outstanding do not intrude upon selected lands. One or two have, and where they do, they should not go ahead because of the withdrawal order. Will your government proceed to demand land for these people who are trying to expand their lots and have been waiting for years,

whether or not CYI and the band object, because, surely, in the interest of the fairness, when these people live there and they are asking for small expansions or for title to land that they have been living on and developing, land claims can no longer stand in their way. In asking that question, I fought as hard for land claims as anybody here.

Hon. Mr. Penikett: I am certainly interested in discussing this question with the leader of the official opposition. What I would be curious to know from him, since he has some expertise in this area, is, as a matter of practical process, what would the effect be to us in pushing for this transfer if the CYI were to raise a substantial objection? Has he any assessment of how the federal ministry would likely respond in that event?. That seems to be the context in which we have to deal with the issue.

Mr. Phelps: I have been asked a question in Question Period. It is good practice for the future, I am sure.

The issue, very simply put, is this. The legitimate aspirations of people for small amounts of land should not be held up as a blackmail tool. I am going to have to say right now that there is an extent to which people get pushed, beyond which they should not be pushed any further. My question is that surely, where it is small amounts of land, where there is no intrusion on present selections, surely your government should be pushing to get land to satisfy these people.

²¹ **Hon. Mr. Penikett:** I will take that as a representation and undertake to get back to the member opposite in a reply in writing because, unlike the member opposite from Porter Creek East, I never perceive the world as being as simple as he does.

Speaker: The time for Question Period has now elapsed. We will now proceed to the Orders of the Day.

ORDERS OF THE DAY

Hon. Mr. Porter: I will outline the business for the House for the remainder of the day, following agreement with members of each of the opposition parties. We will today continue debate on the reply to the Speech from the Throne, followed by Committee of the Whole, Government Bills, and finally, we will proceed with Government Motions. I would also like to add that if it appears that House business will not be finished by the normal closing time, I intend to move a motion that we resume sitting this evening and I have discussed this matter with both of the House leaders and I have their concurrence.

ADDRESS IN REPLY TO THE SPEECH FROM THE THRONE — (Adjourned debate) — Motion No. 24

Hon. Mr. McDonald: I am pleased to speak on the subject of the Throne Speech today. It is an interesting, enjoyable and valuable experience to be a member of this government at a time when Yukon needs capable leadership. I have found, certainly not to my surprise, that my colleagues possess leadership and integrity to provide solid and responsible direction for the territory.

This is a new government which previously had little or no experience as a government. I think it is testimony to its ability that we have been able to call session after only six weeks in office.

We have introduced legislation and have given the opposition members the opportunity to question cabinet ministers on their activities, albeit that the ministers themselves have been in office for a very short time. The opposition has even been given a full day to debate motions so significant to the Yukon public, which incidentally was not a courtesy allowed the opposition in a former session in the summer of 1982.

We have, as a government, decided not to rush into major commitments before fully understanding the consequences of those commitments, and without listening fully to the various constituencies and communities in the Yukon. We responded to the needs of the communities and are encouraging the civil service to do the same.

This afternoon I would like to respond briefly to a number of statements made by the members of the opposition. I am perhaps

the most deeply disappointed by the remarks by the member for Kluane, as they were, in my opinion, so terribly out of character. His criticism of the new government lacks fairness and justice, and for that I am disappointed. The member for Kluane seemed to suggest, on the one hand, that the Minister of Education should not interfere with the actions of this department, and yet encourages one to believe, from all his previous announcements and actions, that in a democratic society the minister, the elected person in government, is accountable for the actions of the civil service.

It is not my intention to interfere with the administrative matters of my departments. It is my intention to ensure that the government acts in accordance to the wishes of the people and not for the convenience of the government.

²² The policy of this government is that we shall consult the communities, and we shall not act in an arbitrary and dictatorial way when dealing with the interests of those communities. When the consultative process breaks down, and a decision has to be made, I will consistently make a decision that conforms to the clearly expressed wishes and needs of the community. The existence of petitions does not guide government action, but often signals the existence of a political problem. I will not turn petitions or letters or any expression of public sentiment out, simply because they do not conform to departmental policy or do not support departmental actions. I will not shirk my responsibility to the public, as I was always sure that the member for Kluane would not shirk his responsibility.

This theme of interference in the sanctity of civil service decision making was mentioned a number of times by the members in the opposition and I only respond to it because it issued from the mouth of the member for Kluane, a person I respect highly. Further, he felt that perhaps I had been remiss in my duties for not showing up at the opening of the Haines Junction pool, and that I had not responded to a letter from the Kluane Tribal Brotherhood Council in a timely manner. What he may not realize is that he has received more courtesy and attention from my office as a member of this House over the last six weeks than I received from the previous Minister of Community and Transportation Services over the previous three years.

The concerns he has brought to my attention have been dealt with as quickly as possible. It is interesting, as I pointed out yesterday, that I have yet to receive replies to queries that I made to the previous minister over two years ago. Also the member for Kluane complained, and I believe wrongly, that I have not responded to a letter dated a couple of weeks ago regarding the needs of the Kluane Tribal Brotherhood Council. I informed the member in a letter yesterday of the non-written response that had already been given by the department.

With respect to the opening of the Haines Junction pool, I should like to say that in the short six weeks I have been in office, I have been to Haines Junction already once. I have spoken and met with the mayor and the town manager. I have toured the pool facility. I have spoken at a meeting of community representatives in Haines Junction and beyond that I have arranged for a meeting next week in Haines Junction to discuss and address the concerns that have arisen in the community with respect to Willow Acres, another one of my inheritances in this portfolio. I will be in attendance and I will certainly invite the member for Kluane to be in attendance. For the pool opening, a separate trip was scheduled for July 11, at which time I was prepared to confirm my attendance. It was moved back to July 4, when I was unavoidably out of the territory on government business, and I was unable to get a replacement on short notice to attend the grand opening, so a member of the department was sent to provide the governmental presence.

The member and his constituency have received careful attention by this government and I would trust that in the future, in all fairness, this will be reflected in the member's remarks in the House. I have always depended on the member to be fair and just. I find his remarks on Tuesday to be out of character and a disappointment.

I would suggest that we should be realistic and reasonable and take a little lesson from Yukon parliamentary history as practiced by the previous government. I recall that, in July, 1982, those hot

summer days after the visit by Princess Anne, we had a short, brief session that lacked mean-spiritedness.

²³ The opposition at the time, as I recall, did not regard cooperation as a sign of weakness. The opposition was as cooperative as possible. The address by the government leader at the time was a short address, a very short Throne Speech, pro forma Throne Speech. It was tabled July 12, just over four weeks after the election. We tabled our Throne Speech six weeks after the election. It was every bit as short as this Throne Speech that we tabled today. It referred to a few short bills and mentioned the fact that we had enjoyed the visit of Her Royal Highness Princess Anne. The session lasted three days. We did not convene the legislature after that session until November 1, 1982.

Interim supply bills tabled by the government leader of the day asked that they be passed until he had an opportunity to put a "comprehensive" budget before the House. As I recall, he had an opportunity to put a comprehensive budget before the House. He quite clearly had no intention of tabling that same budget in the summer session nor, we found out later, did he have any intention of tabling that same budget in the fall session in November. There was certainly no intent of that by the opposition to introduce a whole string of embittered, mean-spirited motions.

I think we have to put the question of this session into perspective. We have to understand that the government is relatively new. I feel that they are more than competent. We would like to introduce a full program for the fall session. It is certainly better than the record of the previous government, who did not introduce their fall program until very late fall. We intend to do it sooner.

In any respect, I would like to thank the Commissioner for having read the Throne Speech. I am proud to be a member of this government. I am happy with all of my colleagues in the NDP caucus. I trust, and I know, that the government will provide capable leadership in the future and will provide for the Yukon needs in times of stress and in good times. We will prove ourselves competent over the months and years ahead.

²⁴ **Mr. Phillips:** It is indeed an honor and a pleasure for me to address this House on behalf of the constituents of Riverdale North. I am looking forward to the new and interesting challenges that this will provide me. I came into the House on Monday for the first time and I was looking forward to hearing the Speech from the Throne and I am still waiting as most of the other people in the Yukon also are. The leader of the Yukon government has a strong responsibility to give us some direction as to where his government is going and all we received was a very empty and nothing speech.

At least he is consistently inconsistent. Where are all his ideas of his kind of Yukon? Maybe he should stop staring out his windows and dreaming and start acting like he is government. As each day passes it seems more and more like he did not have a plan or simply just does not know where he is going.

In the past I have had a great deal of respect for the member for Whitehorse West but, judging by his actions, which up date have been totally contrary to what he said he would do in opposition, to say the least, I, and I know a great number of Yukoners, are disappointed. In the coming months I hope to bring to the government several issues, some of which I will briefly mention now.

There are a couple of concerns in my riding which I hope this government will address shortly. One is the planned resurfacing of Alsek Road. I would encourage this government to proceed and assist the City of Whitehorse whenever possible in addressing this problem in this construction season.

The wood smoke in Riverdale also has to be addressed. This government should assist the city and federal government in any way to find a reasonable solution to this problem.

I am also concerned about the Minister of Education's comment recently regarding the activity room in the Grey Mountain Primary school. This is a very needed facility in a very highly regarded little school. Having both of my children attend this school for the past six years I can assure the minister that it is very badly needed.

I should also say to the Minister of Education that I can

appreciate his problem but I honestly feel that money should be found to proceed with both the Grey Mountain Primary school and the school in Elsa.

I would also like to remind the minister of the sound financial position in which the last administration has left his government, and I am also sure that he feels as we all do in the House that education and proper facilities for children should have the highest priority.

Although I am not a critic for renewable resources, I will be very interested in the position of the new government with respect to the current salmon treaty and, most important, the rights of all Yukoners to hunt and fish for food and sport.

I will also be watching with great interest the position this new government will take regarding the outfitting industry. With proper management it is a most important resource for Yukoners and it should be encouraged.

I will be following with great interest the government's initiative in tourism. I was disappointed, to say the least, to see the Liberal NDP government yesterday deliver a clear message to the tourism industry in condemning the use of mileposts on Yukon highways. This is one of the most important industries and it should play a very important role in rebuilding our economy. The two members from the other party — the Faro riding and Tatchun riding — are from communities that would benefit most from the milepost change. I guess they have showed us very clearly that the Yukon Liberals have stooped to grasp and hold on to any power they have. This government, and I mean the Liberal/NDP government, should be trying to assist in any possible way to encourage one of Yukon's most important industries.

In the last few years, I sat as a member of the Judicial Council and have gained a broad insight into Yukon's justice system. Quite frankly, it is not working. It has many problems and one of them is the very poor public reception that it has. If one follows the type of sentences handed down lately, one has to wonder who this system is trying to protect. One only has to attend a daily court docket and you would be shocked at the disrespect for the system. You can stop anyone on the street and ask them what they thought and they would tell you that it is a farce.

²⁵ If the general public has this perception, I can imagine how the criminals in this society are laughing at the system. The Yukon courts have to start considering protection and the rights of the general public. If the system is going to work, then it has to be perceived as fair. Right now, it is not doing its job.

I would like to recommend that this government initiate an immediate investigation into the justice system with the hope that we can clear up this mess. I was astounded yesterday when we presented a motion condemning the actions of the justice minister, which received the support of all members of the House, — and I was especially shocked to see the minister himself, who previously defended all his actions with respect to the native courtworkers, condemn even his own actions. I would suggest that the government leader take this clear message from the House and the people of the Yukon, and ask for the resignation of the Minister of Justice.

I would like to express my concerns also about the lack of action by this government on Yukon's north coast. This government had been asked by Mr. Crombie early in June to meet its obligations under the COPE agreement with respect to the environmental assessment committees. These committees will look at all development proposals to see whether they are environmentally acceptable. The setting up of these committees is essential to the screening of these proposals. The Yukon government should be taking a lead role in encouraging other parties to get this process moving. If any one of the several proposals are acceptable, it would mean many jobs and opportunities for Yukoners. We just simply cannot wait for fall for this one.

In summary, I would like to say that it has been an honour to speak to this House on behalf of the constituents of Whitehorse Riverdale North, and I am looking forward with great interest to the new opportunities and challenges that this will provide for me. Thank you.

Mr. Philipsen: I would like to take this opportunity to thank

the residents of Porter Creek West for returning me to this House. I must say that I consider it an honour and a privilege to be here today.

I waited with a degree of anticipation for the reading of the Throne Speech. I would say I feel as I would imagine most Yukoners would feel towards it, after waiting for longer than anyone would imagine was necessary. I felt that we would be made aware of the policies, economic and otherwise, that we have been led to believe this government-in-waiting, as we have heard alluded to on occasions previously by members opposite, would come to light. Not so. I felt somehow cheated, or at least let down. This was a speech that was worthy of a government that was seeking the confidence of the House in the first few weeks after taking power. It was not worthy of a government which has been in power for the amount of time it has been, since the last territorial election.

What have we seen since that time that would inspire confidence in our present government? I would say it certainly would not be the dubious antics of the Minister of Justice in his handling of the native courtworkers program, or the lack of self-discipline of the Minister of Education, who appears to have disregarded the leader's instructions about interfering in the administration. Where does this leave me? With a non-existent young offenders facility. I do not think that would thrill too many of my constituents. I am sure they will be less than happy when I tell them the minister who in *Hansard* on May 15, 1984, on page 615, said, and I quote: "In the past, it appears that whenever a good plan comes along, the minister and his in-House or interdepartmental committee is studying it. Every time they do a study it takes forever. It takes months and months and months. That is the fear of a lot of people. We need something very quickly".

How soon we forget.

²⁶ How easy it is to criticize. How difficult it must be for the elected members, now government, to try to accept responsibility. The cute sayings and glib comments that came from the government leader are no longer cute. He must deal with substance. He cannot defend his misstatements with comments like "we are playing with words". He will be taken to task for his statements like "we are a small government and we do not need the trappings of larger government". He will learn that we live in a world where things are relative. He may feel that he is appealing to a segment of the population with his homey stories about bicycles and buses and cars broken down in Teslin. Does he think that the general public is unaware of his new salary? Is he trying to leave the impression that he is not accepting the government leader's salary? Not so. Are we to believe that he will greet visiting dignitaries with the bus? I fear not.

The former government worked hard to gain seats at major conference tables so that our representatives could put forward the views, hopes and aspirations of fellow Yukoners. Do we lose that respectability we have gained from the provinces? Do we revert to a colonial system? Under this new government, will the federal bureaucrats be putting forward our position? Have we lost that much, this quickly?

The issue of the executive assistants is one that raises questions in my mind. The government leader quoted from the former government leader, knowing that the government leader had meant an entirely different thing. And, he built a case on it. I had the extreme good fortune to work with an executive assistant whose work ethic could not be called into question. Dedication to her role saw her working well into the night and on weekends reading mountains of material and helping with decisions of major consequence. I take issue with the government leader that she was any less qualified or enthusiastic than the assistants hired by his government.

I also take issue with the phony savings. He knows it to be untrue, because there has not been a reduction in the actual number of people employed by this government. To claim \$500,000 in savings by shifting bodies is, indeed, creative bookkeeping. It must go without saying that to date nothing done or said has inspired my confidence. In fear of depressing myself further with the government's actions to date, I will stop.

Mrs. Firth: I would like to make my reply to the Throne

Speech to the Legislature on a more positive note and, perhaps, on a more conciliatory note. First, I would like to welcome to the Legislature, officially, you, Mr. Speaker. As a member representing a constituency, I am sure that there will be many times that you feel that your people's voice is not represented in this constituency. I hope that you will gain the confidence of us as members and that we will always, on your behalf, represent those concerns of your constituents.

I would like to also welcome the member for Old Crow and the member who is representing the Klondike riding. As well, the members for Tatchun and Faro. I think it is very important that we stress, not only to the Legislature and to each other as members of the Legislature with a tremendous responsibility for the future of Yukon, but that we also demonstrate to the public that we are going to carry out our jobs responsibly.

²⁷ I would like to talk about my constituency very briefly and begin by saying that, once again, I am very honoured by the support of the Whitehorse Riverdale South constituents and say that it is a privilege to represent them and privilege to sit in this house. I want Riverdale South to know that I will continue to have the same commitment and dedication as their MLA, since they first expressed their confidence by electing me to office in June of 1982. I have taken up the challenge of serving my constituents of Riverdale South in a new capacity and I think, with their support, we will continue to have a strong voice in this Legislature.

I have listened very closely over the last two or three days to the issues that have been raised from both sides of the House. I think the main reason that this Legislature was called to order was because of the minority government situation and because of the question of confidence that had to be sought in this Legislature, as well as the formality of approving an interim finance bill.

I want to talk for a minute or two about confidence and hope that all members will take the whole question of public confidence seriously as I do, because it is something that is very fragile right now. The public is not willing, nor are they eager, to grant to legislators, to members elected to the Legislature, an all encompassing total confidence. They are suspicious and they watch, and they watch very critically. We have to demonstrate, in our capacity as opposition, that we are fulfilling our responsibilities, just as government will be looking to seek the confidence and demonstrating that they are carrying out their responsibility.

Confidence will not come from some members of this House in this short four day session, nor will the confidence from the public. The government is going to have to work, week by week and day by day, to earn that confidence and they are going to have to work to earn it from the members of this House and from the public.

I want to caution the leader of the government that, although he knows he will be getting his approval for his interim bill, therefore allowing the Government of Yukon to carry on, he should not feel secure in attaining that vote of confidence, and that with the coming of the fall legislature, it will not be an automatic vote of confidence for the minority government.

We, on this side of the House, will be continuing to present our positions in a constructive way, not in a bitter, vindictive way as the member for Mayo has indicated. We are making representation on behalf of our constituents, on our behalf of your constituents, Mr. Speaker, and on behalf of all Yukoners. It is our intention, in the opposition, to present those representations in a positive, yet aggressive manner.

Thank you.

²⁸ **Hon. Mr. Porter:** Like the speakers previous to myself, I would like to extend a formal thank you, through the process of *Hansard* and the records and publicly to the people of Watson Lake who have voted me into this seat. I would like to thank them for the privilege they have bestowed upon myself which gives me the honour to represent them. They have given me the ability to be in government, to participate in the process of making decisions, unlike the previous role that I had in opposition, which, I know is a tough job — boring many times — without many rewards, but a very necessary job.

In terms of the responsibilities, I think the responsibilities we have as a government are enormous. I can say with confidence that

we have the people assembled in government to be able to assure the public that we do have the ability to govern. I think if there has been any doubt in the members' minds at the start of this week, it surely should be erased. There is no question that we are the government in the Yukon.

The other day the member for Porter Creek East was talking about being nervous. Again, we have the member for Riverdale South talking about the public lacking confidence and being leery of legislators. I think there is a premeditated move on the part of the opposition to try to instill some sort of question of confidence in the public's mind. Can you blame the public for being nervous, lacking confidence, because who has been the government? If the public is nervous, if the public is lacking confidence, I say it is because of the previous government, which was represented, clearly, by the member for Porter Creek East. That is clearly the problem in terms of the nuances of the speeches that we have been hearing from the side opposite.

Some representations were made by the member for Kluane, an elder in this Chamber whom I respect, and will continue to respect throughout the proceedings. He mentioned in his speech that I was in Haines Junction for half an hour and he chided me for not spending enough time. For the purpose of clarifying the record, I would like to inform the member that, previous to my arriving in Haines Junction, I had driven to Watson Lake, had attended the high school graduation for the students in Watson Lake. I got up at 5:00 o'clock in the morning to drive from Watson Lake to be in your community for the presentations that were made.

²⁹ The record should clearly show that I was there from 12 noon until 4 o'clock. I was there when those mountaineers were given their presentations. Like him, I acknowledge that the feats that those individuals had undertaken were tremendous.

In terms of the comments made by the member for Riverdale North, when talking about this government's inactivity on the implementation of the COPE settlement, and the implementation of the Inuvialuit final agreement on Yukon's North Slope, I would like to point out that the Department of Renewable Resources have been involved with the Land Claims Secretariat and the Department of Finance in discussing the implementation of the Inuvialuit final agreement with DIAND with the Department of Indian Affairs and Northern Development's implementation secretariat — as well, with the Inuvialuit themselves and other parties affected by the agreement. There have been two meetings in Ottawa and two meetings in Inuvik.

Renewable Resources, the department that I represent, has submitted revised cost estimates for COPE committees and boards for Herschel Island Park, the North Slope land planning and for the North Slope Conference to the DIAND implementation secretariat. These costs have been included in the Treasury Board submission to the Federal Treasury Board.

The Department of Finance has drafted and submitted, to DIAND, a cost recovery contribution agreement between Yukon and DIAND of all COPE-related costs to the Yukon government. Further, through a directive from the government leader, in the last quarter of 1984, renewable resources assumed responsibility for implementing and coordinating the involvement of Yukon members on COPE committees and boards.

The implementation of the COPE agreement, as the members opposite very well know, hinges on the costs being allocated by the federal government for such implementation. There has been no decision by the Federal Treasury Board on this issue and that is critical. If the member opposite really wants movement on the implementation of the Inuvialuit settlement, then I suggest that he use his connections with the Conservative government in Ottawa to put on pressure, telling them that he believes it is important, the leader of the official opposition and the member for Porter Creek East believe it is important. It think that it would assist us in terms of overall implementation of the agreement. We welcome such assistance from the members opposite.

In conclusion, I would once again like to thank all members of the Legislature for their obvious contribution in the last few days. Some of it has been, of course, —

Some hon. Member: Entertaining?

Hon. Mr. Porter: Yes, you are entertaining. I will leave it there. I would like to thank members for their contribution in terms of their speeches in reply to the Speech from the Throne. To be quite honest, I look forward to working with you over the next few years in the same position that we now occupy.

30 Motion No. 24 agreed to

Motion proposed

Hon. Mr. Penikett: I move that the address and the reply to the Speech from the Throne be engrossed and presented to the Commissioner in his capacity as Lieutenant Governor.

Speaker: It has been moved by the government leader that the address and reply to the Speech from the Throne be engrossed and presented to the Commissioner in his capacity as Lieutenant Governor.

Motion agreed to

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

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chairman: I would like to at this time declare a brief recess.

Recess

Chairman: I would like to welcome back our witness, Mr. Fingland. We are still dealing with Bill No. 3, *Interim Supply Appropriation Act, 1985-86*. On schedule A, page 2.

On Education — continued

Mrs. Firth: I wonder if the minister could give me the projected enrolment numbers of students. How many are they anticipating? Also the numbers of teachers that we will be having this year?

If he is unable to do that, I will wait and get it later in the form of a written response.

Hon. Mr. McDonald: I would be happy to provide it to the member as soon as possible. I am sure it is in the book here someplace. I believe I have been told by department officials, but I do not recall it.

Mrs. Firth: I have just a few questions before we vote on this. The others have to do with enrolment as well, so I will just read off for the record what I would like and if the minister wishes, he can give it to me later.

I wanted to know also what the projected enrolment was for the program cadre, because this will be the first year that they have established a kindergarten and grades seven, eight and nine. I would also like to know the numbers of post-secondary students who are going to be benefitting from the *Student Financial Assistance Act*.

My last question is: is he able to say whether the gifted program is going to continue? I have had it raised as an issue at the organization ABC, and they would like some reassurance or commitment from the minister that it will be continued next school year.

Hon. Mr. McDonald: With respect to the French language program, I believe that the projected enrolment for the French first language in kindergarten will be ten students for 1985-86; grade one, ten students; grade two, nine students; grade three, eight students; grade four, three students; grade five, four students; perhaps none in grade six; two, four and eight in grades seven, eight and nine.

With respect to the questions on student financial assistant, I will return that information. On the gifted program, to my knowledge the program will be going ahead.

Education in the amount of \$23,885 agreed to

On Finance

Finance in the amount of \$2,595,000 agreed to

On Government Services

Government Services in the amount of \$6,450,000 agreed to

On Health and Human Resources

32 Mr. Philippsen: I saw in the papers recently that there was an announcement of a joint task force on family violence and the amount that was quoted was \$50,000. It comes to mind that yesterday during some of the debate, the government leader suggested that if money were to be found, it would be taken from existing programming. \$50,000 is a considerable amount of money and I wonder what program may be affected by allocation of these dollars?

Hon. Mrs. Joe: The amount that is coming from Health and Human Resources is only half of that; \$25,000. I was assured by the department that it is money that is there. In terms of what program it has to come from, I do not know that and I may refer your question to the treasurer.

Hon. Mr. Penikett: I think the simplest thing is to suggest that we it may take a few minutes to find out exactly what program that money for the task force is supposed to come from but I can confirm the first part of the minister's question; that it does come from existing programming.

Mr. Philippsen: I also noted, with a certain amount, of interest that the person who is to chair this task force is an employee of the federal government. How do you explain the procedure to go about enlisting the aid of someone who is presently employed by another government and do you pay the same wage that they are presently getting, or do you just reimburse the federal government for the amount of money that they would be paid?

Hon. Mrs. Joe: The chairman who we have on the task force has been approved by the federal government. In terms of how she gets paid, I think that she would continue to get paid by the federal government.

To answer your first question, the money that has gone to the task force, to the tune of \$25,000 from our department, is money that was there from lapsed salaries.

Mr. Philippsen: I would continue with the questions on the task force.

The newspaper article also suggested that there would be a number of other individuals from the community who would be sitting on this task force. I was wondering whether those people could not be named and give us an indication whether they are presently employed in other areas; whether they need to be seconded or whether they will be working on service contract for the amount of time that is necessary for the task force to function.

Hon. Mrs. Joe: We are still looking at those individuals who will be sitting on the task force. I would be happy to let you know, possibly next week, when the final decisions have been made with regard to who will be sitting on the task force.

33 Mr. Philippsen: I am a little curious as to why the task force is going to cost \$50,000. Is that an approximation or is that a predetermined figure?

Hon. Mrs. Joe: We would hope that some of the people we have on the task force would be seconded from other departments. I am sure you realize how that works in terms of what the opposition leader has done. Some of the other people whom we will be getting will have to be paid. That is where the \$50,000 would go to and it possibly would go into some travelling.

Mr. Philippsen: When we talk about seconding to the political task force, does this mean that these people suffer the same tar and brush process as the people who were seconded to the executive council office, that this is a political secondment to a political task force, and when they return to the places in the government where they were seconded from, do they suffer, just as in yesterday's debate?

Hon. Mrs. Joe: I do not think that the people who may come to our task force would be that politically connected to our Party. We are looking at people who are interested and concerned and have knowledge about what we hope to find in a task force. We are looking at people who — it could be a member of your party or

somebody else — know the problems and those are the kind of people we want on the task force.

Mr. Phillipsen: To the best of my knowledge, for the minister's information, I think that members of the Progressive Conservative Party, who are sitting here with me today, would not be of much help because I do not think any of us have any first-hand experience in the matter of family violence.

I wonder if there are any further programs that are going to be going ahead, possibly in the area of health or welfare of seniors in the community?

Hon. Mrs. Joe: We are looking at trying to improve the programs that are available to senior citizens right now. I would be a bit reluctant to read them out at this point in time because there are going to be things that will have to be changed that will have to go before management board. There are good programs that will enhance progress for senior citizens.

Mr. Phillipsen: Might one of those programs be an enhancement to the Pioneer Utility Grant program? I suggest it is an area that you may look at.

Hon. Mrs. Joe: I was not quite sure about the answer that I had.

Mrs. Firth: I wish to follow up on what the Minister of Health had said. I get the impression she said they are looking at making some decisions regarding new programs. Is that to be paid out of this money? Is there some potential policy change for this amount of money that we are going to be approving for the next few months?

Hon. Mrs. Joe: I think that in terms of the long term programs that we have, we are probably going to be using some of the existing money that we have. We will probably be looking towards a more substantial explanation of how that would take place in the fall.

Mrs. Firth: I would just like to get an indication if there is going to be some policy directional change within the department of Health and Human Resources in the programs that are delivered to senior citizens in this allotment of money that we are approving.

Hon. Mrs. Joe: I think that we are all aware that one of our major priorities is looking after senior citizens and I have no quarrel with what the past government has done. They were very concerned and aware of the problems. We are looking at and reviewing policies as they have been in the past and we are looking at programs that are available to senior citizens and other groups of people. We will be coming forward after some review with policies that we would hope to introduce to this House first, and the House would know what we are doing.

Mrs. Firth: I have no question or comment about the programs that have been delivered. I am simply looking for changes in policy direction, reflections of the direction that the government will be taking and the establishment of new programs and how the establishment of those new programs may reflect the direction that the new government is going to take Yukon in. Maybe the minister could reassure me that there will be nothing that tremendous that will be happening within her department, or is there going to be some major change of direction, say additions of new programs and so on?

Hon. Mrs. Joe: I would like to be able to answer all her questions. I think that if we are going to be looking towards changing any kind of policy, or looking towards some new way of doing things, that we have only had a short period of time to try to do that. Forgive me if I do not answer all your questions now. In the fall, I will definitely be able to stand up here and tell you what our plans are for this department.

Health and Human Resources in the amount of \$23,083,000 agreed to

On Justice

Justice in the amount of \$8,952 agreed to

On Public Service Commission

Public Service Commission in the amount of \$1,407,000 agreed to

On Renewable Resources

Mr. Brewster: I know it is dear to the heart of the minister to have a management program for the whole Yukon, which I frankly cannot say I do not agree with, however, is the money in here?

Hon. Mr. Porter: If I understand the question correctly, are they going to be following through with the the money that has been appropriated to do studies on the previous government? The answer is yes.

Renewable Resources in the amount of \$4,383,000 agreed to

On Tourism

Mr. Lang: I have a number of questions for the new minister. First of all, is the policy of the government going to be giving out grants or contributions via the tourism agreement, or is he going to be looking and following the general premise that it should be on a loan basis, if it is to a private individual or a private organization, or for that matter, at times, a non-profit organization?

Hon. Mr. Porter: In terms of how we spend dollars in the tourism area, we will spend the dollars according to the guidelines and commitments of the tourism subagreement.

Mr. Lang: I think we will get in the Yukon River in a wheelbarrow. That agreement is very broad. Because of the urgency in signing the agreement, we did not choose to go back and renegotiate the terms specifically on the expenditure side because of the timeframe we were up against to get it implemented for this year. The options are there: to grab money or, as the other side refers, to traditional contributions. Now, as I understand, an agreement or even an amendment could be worked out with the federal minister of tourism to go more into the area of allocation of loans. I am putting this question very seriously to the present minister. Is it his policy to continue with the granting of money, or is it going to be his policy to follow the general premise that the taxpayer should be paid back for the money allocated?

Hon. Mr. Porter: The entire EDA agreements are being reviewed by the government. That is our prerogative. We are being briefed on the EDA. I am not going to stand here and make a policy statement in the House. Policies will be decided in cabinet meetings. That is the policy established.

In terms of the present programs, it would be irresponsible for me to stand here in the House and tell the public I am going to go to the federal minister and renegotiate the agreement. That is not my intention.

Mr. Lang: I do not think it is necessary, to be quite frank, to go back to the federal ministry for an amendment to the agreement. If you will recall, the press statement that was made at that time, the federal Minister of Tourism saw no fault with using a great deal of those dollars for the purposes of loan arrangements as opposed to just granting dollars. I think I am asking a very direct policy question. I will direct this to the Minister of Finance, since the Minister of Tourism obviously has not had a chance to review this. Is it the position of the government that where possible, and in a general sense, these dollars should be lent to private individuals, private companies or organizations or non-profit organizations where possible, as opposed to granting of dollars as a grant or, as he now terms them, contributions.

Hon. Mr. Penikett: As the Minister of Finance, I have a general preference for using loans rather than grants or contributions. I would say to the member, I am sure he must know the difference between a grant and a contribution because it is a term used by the previous government in describing different kinds of things. It is a standard term used by governments throughout the country and when the auditor comes and audits, he audits contributions. He does not audit grants in the same way. Contributions are audited in terms of their compliance with conditions.

The problem is, as the member knows, is that you cannot be absolutely blanket. I will just explain to the member why it cannot be. It may not be advantageous in some cases to make it in the form of a loan because for any number of reasons there is no practical reason to believe that the loan makes sense. The most efficient way to solve an administrative problem may be to make a grant or to make a contribution. Those are still options. As Minister of Finance, my preference is, as a general rule, for loans.

Tourism in the amount of \$2,389,000 agreed to

On Loan Amortization

Loan Amortization in the amount of \$1,020,000 agreed to

On Loan Capital

Loan Capital in the amount of \$600,000 agreed to

On Garage Parts and Fuel Revolving Fund

Mr. Lang: I would like a description of the line item. When I first looked at it I was under the mistaken impression that it had to do with equipment replacement, which is far different from this but perhaps the minister could just give us a very brief outline of what he is looking at.

Hon. Mr. Penikett: I will refer the question, if you require any details, to the deputy minister of finance, but the Garage, Parts and Fuel Revolving Fund is, I believe, established in the *Financial Administration Act*, and we are required to fund it according to that Act. You may know historically the problem with revolving funds. They are a difficult constitutional proposition. They are an efficient management mechanism in that you do not have to continually vote every time a purchase is made, but legislatures throughout history have had difficulty with them on the grounds of accountability. The reason it appears as an item here is the necessity of the legislature to give approval to the money in the fund.

37 Garage Parts and Fuel Revolving Fund in the amount of \$400,000 agreed to

Total in the amount of \$107,580 agreed to

Schedule A agreed to

Chairman: We are back on page 1.

On Clause 2

Chairman: Refer to Schedule B on page 3.

Hon. Mr. Penikett: I wonder if the members opposite would agree to expedite this matter. This money is contained in the previous amount that we just discussed. It simply represents the amount of the warrants that we are required to deal with as a separate item.

Mr. Lang: I would move that Schedule B be deemed to have been read and carried.

Motion agreed to

Schedule B agreed to

Clause 2 agreed to

Clause 1 agreed to

On title

Title agreed to

Hon. Mr. Penikett: I move that you report Bill No. 3, *Interim Supply Appropriation Act, 1985-86* without amendment.

Motion agreed to

Chairman: Thank you, Mr. Fingland. You may be excused.

Hon. Mr. Penikett: I wonder if Mr. Fingland may remain. The next bill before us is the *Fifth Appropriation Act, 1984-85*. I had asked that he remain, because if there are any questions about it, he is the only person who is competent to answer them.

Some Hon. Members: Agreed.

Motion to extend sitting

Hon. Mr. Porter: I would like to make a motion. I move that the Committee of the Whole and the Assembly be empowered to sit after 5:30 p.m. until such time it is agreed to adjourn, for the purpose of continuing consideration of the bills before Committee of the Whole, of giving third reading to such bills and of dealing with government motions.

Motion agreed to

On Fifth Appropriation Act, 1984-85

Chairman: Bill No. 2, *Fifth Appropriation Act, 1984-85*.

On Clause 1

Mr. Lang: In view of the comments by the government leader, I would move that the *Fifth Appropriation Act, 1984-85* be deemed to have been read.

38 Hon. Mr. Penikett: A helpful, friendly amendment: deemed to have been given clause-by-clause reading and carried.

Motion agreed to

On title

Title agreed to

Hon. Mr. Penikett: I move that you report Bill No. 2, *Fifth Appropriation Act, 1984-85* without amendment.

Motion agreed to

Hon. Mr. Penikett: Before we leave these two bills, there is one document that I think would be useful information which I would want to table in respect to the budgetary matters. I will table it at this time.

Mr. Lang: Could we get copies of that?

Chairman: Yes, Mr. Lang.

At this time I would like to thank our witness, Mr. Fingland. You may now be excused.

On An Act to Amend the Municipal Act

On Clause 1

Hon. Mr. McDonald: I believe that the bill has received support. It is a very simple piece of legislation. There is not very much to add after the second reading debate. Quite simply, it is felt by all the Yukon communities that, when people are elected for a two year term, after the break-in period, and before the wind-down period, there does not appear to be enough time to actually settle in. The effective period of action is considered short.

The proposal could presumably reduce general election expenditures. If you have elections every three years, it should obviously be a benefit to all communities. There is a possibility we will be faced with more by-elections as a result of the longer term but, in any case, we feel that it is necessary to pursue this at this time in order to give the voting public the opportunity to understand that they will be voting for elected representatives for a three year period rather than a two year period. It will give the people, who have the opportunity to advance themselves in municipal elections, the opportunity to savour what it means to be in office for three years rather than two years.

I think it is a fairly reasonable change in the *Municipal Act*, a necessary one. The member for Tatchun claims parentage, and perhaps rightly so. The member for Porter Creek East claimed a certain amount of parentage, and rightly so. Certainly you, yourself, Mr. Chairman, have been in favour of this. I think it is a reasonably good amendment. I do not know what more could be added from second reading. If there are any questions I will try to answer them.

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On title

Title agreed to

Hon. Mr. McDonald: I move that you report Bill No. 5, *An Act to Amend the Municipal Act* without amendment.

Motion agreed to

39 Bill No. 4: An Act to Amend the Liquor Act

Chairman: Bill No. 4, *An Act to Amend the Liquor Act*.

On Clause 1

On Clause 2

Mr. Phillipsen: This has been an attempt to ensure that we have a good piece of legislation, one that will withstand the challenge in the courts. Looking through the definitions and reading the bill in its entirety, I see word "package", and I wonder if it would not be appropriate, to include in the definitions the meaning of the word "package".

Hon. Mr. Kimmerly: If the member looks in the original Act, the *Liquor Act*, in the definition section he will find the word package quite well defined, all right.

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Amendment proposed

Mr. McLachlan: I would like to move an amendment to the existing section 4 as it is now written. At this time I would also like to tell the other members that it may be perceived that I have a monetary interest in the result of the amendment and for that reason I will not vote on the amendment.

Because I have an interest in the clause being considered, it has also allowed me to be able to consult with other charter operators in the territory to ascertain their concerns over this amendment to this bill. Let me advise the other members of the House that I am sure that there are very many of us who have seen situations where groups of people are transported around the territory to sporting events.

40 On the return trip home from the ball games and the hockey games, there may be occasions on chartered buses where they may wish to have a drink, and savor the sweet taste of victory or perhaps the taste of loss. I ask the members of the House to ask themselves whether on board that charter on the way home, what is wrong with having a drink?

The second point that I wish to bring out is that when this bill is passed, there may be a case in which very many others who go to bonspiels and ball tournaments may still wish to perceive that they would rather take their chances with the bill and take open liquor in a vehicle and run the risk of getting caught. There will be always be those few who want to take the chances. There may be some trouble with some of those. Now, if this option remains closed — to have open liquor in a vehicle under any terms — I submit, for the consideration of the other members, that the amendment proposed may very likely make it safer for a group who wants to imbibe in such a fashion on board a bus, if that were the only case where consumption of alcohol beverages would be permitted on board a vehicle travelling on Yukon highways.

The third consideration at this time is that we now well know that airlines now have liquor licences for serving liquor on board. All that is intended by this amendment is that it will place the ground transport carrier, the bus, on an equal footing with its competitors. I would also like to point out that there are a large number of tourists who come to the territory who basically are all highly respected citizens. They may see nothing wrong with having a drink on board a charter bus going between Whitehorse and Dawson City, for example, as they revel in the beauty of the Yukon wilderness. I see nothing wrong with them fulfilling that wish.

I submit those arguments to the assembly at this time for consideration of this amendment to 82.1(4).

41 **Chairman:** I apologize for not reading the amendment before discussing it. It has been moved by Mr. McLachlan that Bill No. 4, entitled *An Act to Amend the Liquor Act*, be amended in clause 3 at page 1 by substituting the following for the proposed subsection 82.1(4): “ (4) Subsection (1) does not apply to passengers in a charter bus that is being operated pursuant to a certificate of permit issued under the *Motor Transport Act*”.

(5) In this section, “charter bus” means a bus that is hired by or made available to a group of people for the purpose of conveying the group on a specified trip or for a specified time; “motor vehicle” has the same meaning as in the *Motor Vehicles Act*”.

Hon. Mr. Kimmerly: I was going to mention in passing that, simply as a procedural matter, it strikes me that the member for Faro should legitimately declare his interest. However, if he is not going to vote but, at the same time, proposes an amendment, that appears inconsistent. If the Chair has no problem, we also have no problem. It is a procedural nicety, I suppose. Perhaps more than that, I feel it almost a duty to mention it.

After saying that, I would commend the member for Faro for the very responsible way in which he has raised this particular principle and, after having discussed the matter with him on several occasions, we have come to an accommodation, especially about the drafting of the amendment and the precise principle that it encompasses.

I have two concerns. One of them is the possibility of public confusion. I am raising that purposely, and I wish to make a

comment about it purposely, because that may assist the public, especially in the future. It will not be possible, if this amendment is passed, for a group of people to get in someone's van and go somewhere and call it a charter, and have passengers who drink. That would not be possible and any member of the public who would be confused should be aware of that.

Also, this amendment would not cover passengers on, for example, a bus or a van on a commercial route or schedule — a passenger on a normal bus. It does certainly not apply to city buses. It applies only to charter buses, and the analogy that the member for Faro raised about the airlines is, we feel, appropriate in that there will be a driver who is a responsible licensed person who will not be drinking, and the passengers would be separate.

42 The danger to the public is minimal in those situations. I would foresee, for example, a ball team or a hockey team going on a trip and drinking on the bus on the way home. That would not be a danger to the public if the driver was not the drinking.

We have also considered, in our assessment of this principle, the enforceability of the principal, in any event. In considering the enforceability, it is probably prudent to allow something that people will do anyway and which is extremely difficult to enforce and extremely expensive to police. The policing of it would probably be seen as a substantial nuisance by innocent people in that bus, and that would be unfortunate.

It strikes me that some charter operators would not want their passengers to drink as it would make, in many cases, for a rowdy crowd in the bus.

I am assured by the member for Faro that that is not the case. I have not consulted, nor am I aware of any government consultation, with the charter operators in the territory, but I am assured that they would not object, by the member for Faro.

I would like to emphasize here that we are not changing the existing law with respect to charters. If it were the will of the charter operator to have a “no drinking” rule for the passengers, that could easily be imposed by the charter operator. If it were the will of the operator, we are assuming that they would indeed impose that rule as a condition of the passenger being carried in the charter. In lawyer's language, it would be a matter of contract law as opposed to public law.

In short, we, on the government side, deem the amendment to be a responsible amendment and we are in favour of the amendment. I simply hope that when it is explained in the media, it is explained in such way that it will not lead private people who wish to take a group in a van or a bus, who do not have a *Motor Transport Act* permit, to be misled.

43 There is a substantial restriction on the right of passengers in a charter to drink. It is only for charters that are licenced under the *Motor Transport Act*.

Mr. Phelps: I would like to be relatively brief. I think it is a good amendment, and I would like to congratulate the member for Faro for bringing it forward.

Amendment agreed to

Clause 3 agreed to as amended

On Clause 4

Clause 4 agreed to

Clause 1 agreed to

On title

Title agreed to

Hon. Mr. Kimmerly: I move that you report Bill No. 4, *An Act to Amend the Liquor Act*, with amendment.

Motion agreed to

Mr. Porter: I move that the Speaker do now resume the Chair.

Motion agreed to

Speaker resumes the Chair

44 **Speaker:** I will now call the House to order.

May the House have the report from the Chairman of Committee of the Whole?

Mr. Webster: The Committee of the Whole passed the following motion prior to 5:00 p.m. That the Committee of the

Whole and the Assembly be empowered to sit after 5:30 p.m. until such time it is agreed to adjourn for the purpose of continuing consideration of the bills before Committee of the Whole, of giving third reading to such bills, and of dealing with government motions.

Further, Committee of the Whole has considered Bill No. 3, *Interim Supply Appropriation Act, 1985-86*, Bill No. 2, *Fifth Appropriation Act, 1984-85*, and Bill No. 5, *An Act to Amend the Municipal Act*, and directed me to report the same without amendment.

Further, Committee has considered Bill No. 4, *An Act to Amend the Liquor Act*, and directed me to report the same with amendment.

Speaker: You have heard the report from the Chairman of the Committee of the Whole.

Are you agreed?

Some Hon. Members: Agreed.

Speaker: May I have your further pleasure.

Hon. Mr. Porter: I would ask that we now proceed with the third reading of the bills which have passed Committee of the Whole without amendment.

Also, I would request unanimous consent of the House to waive Standing Order 59(3) in order to proceed with the third reading of the bill which has passed Committee of the Whole with amendment.

Speaker: Is your unanimous consent granted?

Some Hon. Members: Agreed.

Speaker: Proceed.

Bill No. 3: Third reading

Mr. Clerk: Third reading, Bill No. 3, standing in the name of the hon. Mr. Penikett.

Hon. Mr. Penikett: I move that Bill No. 3, the *Interim Supply Appropriation Act, 1985-86* be now read a third time and passed.

Speaker: It has been moved by the hon. government leader that Bill No. 3, *Interim Supply and Appropriation Act, 1985-86* be now read a third time and passed.

Mr. Phelps: I would like to speak to the motion. We will be voting against this bill. That means that our vote will be registered as a vote of non-confidence against the government. We stand by the remarks we have made.

In my original comments about the Speech from the Throne, I said that we are disappointed with the lack of policy at this time. We are disappointed at the inconsistencies. We intend to vigilantly provide good, effective, constructive opposition. We do not have confidence in the government and we are registering that.

Hon. Mr. Penikett: In the third reading on this bill, allusion has been made yet again to the Throne Speech. I must remind the members across the way that, conservatively, we are following the tradition established in many governments around the world. That tradition was also observed by this House in 1982. Immediately following the election, there was a very short Throne Speech, which contained two short paragraphs that I would like to read into the record because they are germane to the discussions today.

The government at that time asked "In the interim you will be asked to deal expeditiously with business that is essential to good administration of Yukon. Specifically you will be asked to approve two interim supply measures", et cetera.

In the interim supply bill, once again, I want to say that the situation is that we are doing interim supply. All the matters and all the money in the bill will be subject to debate in the fall. We look forward with enthusiasm to that debate. Naturally, I regret that the leader of the official opposition does not have confidence in the government. However, it will not come as a surprise to him that this does not surprise me. I want to say that we, on this side, have confidence in ourselves and in the good sense of the people of Yukon. God willing, we should be able to continue to demonstrate that.

Speaker: Division has been called.

Mr. Clerk, will you please poll the House?

Hon. Mr. Penikett: Agreed.

Hon. Mr. McDonald: Agreed.

Hon. Mr. Porter: Agreed.

Hon. Mrs. Joe: Agreed.

Hon. Mr. Kimmerly: Agreed.

Mr. Webster: Agreed.

Ms Kassi: Agreed.

Mr. Phelps: Disagree.

Mr. Brewster: Disagree.

Mr. Lang: Disagree.

Mr. Philipsen: Disagree.

Mr. Phillips: Disagree.

Mrs. Firth: Disagree.

Mr. Coles: Agreed.

Mr. McLachlan: Agreed.

Mr. Clerk: Mr. Speaker, the results are nine yea, six nay.
Motion agreed to

Bill No. 2: Third reading

Mr. Clerk: Third reading, Bill No. 2, standing in the name of the hon. Mr. Penikett.

Hon. Mr. Penikett: Mr. Speaker, I move Bill No. 2, *Fifth Appropriation Act, 1984-85* be now read a third time and passed.

Speaker: It has been moved by the hon. government leader and government that Bill No. 2, *Fifth Appropriation Act, 1984-85*, be now read for the third time and passed. Are you agreed?

Motion agreed to

Bill No. 5: Third reading

Mr. Clerk: Bill No. 5, standing in the name of the hon. Mr. McDonald.

Hon. Mr. McDonald: I move that Bill No. 5, *An Act to Amend the Municipal Act*, be now read a third time.

Speaker: It has been moved by the Minister of Education that Bill No. 5, *An Act to Amend the Municipal Act*, now be read a third time.

Motion agreed to

Bill No. 4: Third reading

Clerk: Third reading. Bill No. 4, standing in the name of the hon. Mr. Kimmerly.

Hon. Mr. Kimmerly: It is my pleasure and honour to move that Bill No. 4, *An Act to Amend the Liquor Act*, be now read a third time and passed.

Speaker: It has been moved by the Minister of Justice that Bill No. 4, *An Act to Amend the Liquor Act*, now be read a third time and passed.

Hon. Kimmerly: I arise for a very simple purpose and I wish to address especially the news media who are listening. The bill here has no proclamation clause, and what that means that when the bill is assented to, which should occur in a few minutes, it will be at that instant the law of the territory. I would hope that those in the media will report that as of this afternoon it is illegal to drink and drive at all, and all citizens will be so informed.

Motion agreed to

Speaker: I wish to inform the Assembly that we will now receive the Commissioner in his capacity as Lieutenant Governor to grant assent to the bills which have passed this House.

Commissioner Doug Bell enters the Chambers

Speaker: Mr. Commissioner, may it please Your Honour, the Assembly has at the present session passed a number of bills to which in the name and on behalf of the Assembly I respectfully request your assent.

The Clerk: *Interim Supply Appropriation Act, 1985-86; Fifth Appropriation Act, 1984-85; An Act to Amend the Municipal Act; An Act to Amend the Liquor Act.*

Commissioner Bell: I hereby assent to the bills as enumerated by the Clerk.

Have a relaxing and pleasant summer.

Commissioner Bell leaves the Chambers

Speaker: We will return to government motions.

GOVERNMENT MOTIONS

Motion No. 4

The Clerk: Item number 1, standing in the name of the hon. Mr. Porter.

Speaker: Is the member prepared to proceed?

Hon. Mr. Porter: Yes.

Speaker: It has been moved by the hon. government house leader that Standing Orders 45(1) and 45(3) be amended by deleting the words "five members" where they appear and by substituting for them the words "six members".

Hon. Mr. Porter: In speaking to this motion, I think that the speech should be very brief and to the point. We had an election May 13. The government changed. The members in the House changed. I think that the committees that operate within the jurisdiction of this legislature should reflect that change.

Toward that end, I move this motion to change the members on the Standing Committee on Rules, Elections and Privileges to five, three government members, two members of the official opposition and one member represented by the Liberal Party. The second portion of the motion deals with the Standing Committee on Public Accounts. Again, we are looking at the same numbers. Three government representatives, two official opposition and one member from the third Party in the House. I believe that the numbers reflected in these standing committees brought by the amendment that we have before the House accurately reflects the results of the election. I believe that there is very little more to say on it. I welcome the support of the members opposite.

Amendment proposed

Mr. McLachlan: I wish to move an amendment to the motion.

I move that Motion No. 4 be amended by adding after the words "six members" the following: "That Standing Order 45(2) be amended by deleting the word "two" and by substituting for it the word "four".

Speaker: It has been moved by the member for Faro that Motion No. 4 be amended by adding after the word "six members" the following: "That Standing Order 45(2) be amended by deleting the word "two" and by substituting for it the word "four".

Mr. McLachlan: I wish to point out that I earlier indicated in the meetings of the House leaders that members from the third party are unhappy with situations where we do not have a representative on committees and, that to stress the point, we would want representation on all the committees. To some degree that is absurd, except in the one instance on Members Services Board. I have identified a number of situations which I am surprised had not been clarified before and perhaps it is remiss that the other two Parties had not seen the situations such that I have brought up today. I am sure that there will be other situations which you will have cause to point out. I wish to make it known that we wish to have representation on the Members Services Board for the Liberal party. That is the basis on which this motion has been put forward.

Mr. Phelps: I am a little surprised at the number games that are going on here. I was under the impression that these boards, for the most part, were intended to be boards operating on behalf of the members on a non-partisan basis. When I first heard that the hon. member for Faro was going to be amending the government's motion, I was of the opinion that you were simply wanting representation on the committee, we were quite pleased to oblige, because we felt that it was reasonable that they be on this particular committee. I am really surprised and disappointed that this whole thing has been turned into a numbers game, which is going to cost the taxpayers more money because more people are serving on these boards. This really goes against the grain of things I have heard and read about the government leader in the past. I really felt that these boards have operated, and would continue to operate in the same manner in which they have in the past, as have traditionally in most parliaments and most legislatures.

I am really shocked that the numbers game has become that important and register disappointment, particularly with this one, in

that if, as a result of negotiations, you feel so uncomfortable and so threatened that you have to, even on these little boards, try to get an edge.

Hon. Mr. Penikett: I think this is perhaps the one occasion in the four days that we have been here, that the leader of the official opposition has demonstrated his ten-year absence from the House. The problem we have with respect to this particular board is a unique one. Let me try to explain, if I can, why I may be partly responsible for the remedy, which I am going to support.

The situation up to now has been that the leader of the official opposition, the leader of the government and the Speaker have constituted the Member Services Board. The reason that has thrived is because there has been a particular sensitivity of the members of the Services Board with respect to the powers that are defined later on in Motion No. 5. There are considerations of such questions as budget forecasts and appropriate salaries and so forth.

I concede, as does the leader of the official opposition, that, when there are three parties in the House, there is an appropriate role for the third party. However, as the Minister of Finance as well as government leader, I am concerned with a situation where you can have opposition control on a committee that is establishing budgets for the Assembly. There is a potential for enormous mischief if members — and I am not assuming that members opposite will do this — chose, in fact, to use their numbers on this committee.

Our caucus has, therefore, decided to protect the interests of the Treasury, which we were advised to guard by insuring that there is a balance between government and opposition on this committee, as has been the case in the past.

The numbers with respect to all of the committees reflect the fact that, while not being a minority situation exactly, we are not in a majority situation. We have exactly half the seats in this house. It also reflects the fact that the Liberal Party is entitled to representation on committees. A perfect allocation, I suppose, on all committees if you are going to have exact proportions, would be four, three and one, but most people who have been around here for a while would think that would be an excessively large committee size. The Member Services Board, if you direct your attention to the duties which are assigned and contained in Motion No. 5, is a committee with some unique responsibility. I would be remiss in my responsibility to the treasury of the Yukon if I surrendered control of that committee to the opposition parties, in numbers, because I think the potential for problems in terms of surrendering control of the treasury would be enormous right from day one.

I will submit with respect to the opposition leader, it is no more cost to the government or the Legislature as members at this moment are not paid for attending committees. Rather they are fined for not attending. The Members Services Board is not a committee which I would hope would spend weeks and weeks and weeks but it does have necessary work to do. I want to submit to the leader of the official opposition that working in my place with these numbers now, that I think he would find the particular numbers, while an imperfect solution, I think a necessary solution, in proper regard to the treasury.

Mr. Lang: I listened with a great deal of interest the position put forward by the government leader. I read with a great deal of care the motion that is before you. The dollars that the member speaks of are required to be voted by the legislature in the main budget. I recognize that there are certain directions that can be recommended to the government, which he leads as the government. Now if you do not take those recommendations, that is your decision to make. But the point that I want to make is that I believe representation from the third party in the house should be on the committee. I have a lot of difficulty understanding why all of a sudden, because we are in a minority situation in the House, we are saying, because of this committee we need a majority on the House committee for the purposes it has been designed for and set up to do. I do not buy the argument that because he has to control the treasury and indirectly say to the members on this side that we would be irresponsible as far as requests, and the direction of the expenditure of dollars and the various things that are considered with respect to this particular appropriation, and it may require a

majority. I do not buy that argument at all. I will buy the portion of the argument that there should be three members, plus the chairman and that the leader of the third party should be represented if he wishes to be represented. I do not have a problem with that, but I do not buy the other side of the argument. The numbers are imperfect from his point of view and, I might add, imperfect from our point of view, depending on the way you look at it. The reality of the situation is that the budget can be voted down at any given time by this House. So, I do not accept that it should be going to four. From our perspective we cannot support the amendment.

As the leader of the official opposition pointed out we were quite prepared to accept three, in line with the representation of the third party on the committees. But it sure seems to be a real major concern right towards the end to deal with these numbers, to try to arrange it in such a manner that the numbers could possibly reflect the majority in some given issue. I can refer to, in debate on the main motion, with respect to the Public Accounts Committee, their functions and the Rules, Elections and Privileges Committee responsibilities and what they stand for. Now I see the Minister of Renewable Resources going like this, thinking that I am not giving what he believes to be valid points. I disagree with him as a parliamentarian.

Forget government versus non-government and look at the traditions of this House. I just do not agree with what has been obviously cooked up between the two parties. We will not be able to support it.

Speaker: Is there any further debate on the amendment?

Amendment agreed to

Speaker: Is there any further debate on the main motion?

Mrs. Firth: I am going to speak to the motion from my three years' experience on the Public Accounts Committee. I know the government leader was on that committee for many more years, six I believe, and was the chairman of the committee in all that time.

When the government leader was in opposition, we talked about committee structures and he always had the attitude then that the committees were non-partisan. If there were ever disagreements, he felt that, with some discussion within the committee, with some time and talk and opportunity for everyone to present their case, that a consensus could always be arrived at, if we would be cooperative and discuss things in a non-partisan way. All of a sudden it seems, because he is now in government, that the big axe is being lowered and that these committees are now being politicized. Whether that is the intention of the government or not, that is the perception that is being given.

As a past member of the committee, I had the opportunity to see how those committees work, the comradery that was in the committee among all the members even though they were of different political persuasions and philosophies. They could come to a consensus and they could make good decisions on behalf of the government.

The reality of the situation here is that the government is in a minority position. In order for them to enjoy the status of a minority government, — the public did not see fit to give them majority status — they are dependent upon that other party that has had two members elected to this Legislature.

There is no reason and no logical explanation that can be given to the public for the committee structure being changed. The May 13 election reflected a change. That change is that in order for the members of the New Democratic Party to have a majority, they are dependent upon the two members for Tatchun and Faro. That can be reflected in the committee structure with the present numbers.

It can be reflected, so that they would maintain control over those committee structures when it came down to a vote as long as they could count on the other party supporting them.

For the government leader to now again create what seems to me an inconsistency in his attitude and in his ideas, and wants to beef up the numbers of the committees, it makes me feel that the only reason he is doing it is so that they can, through the back door, retain that majority in the committee structure. I do not agree with that. None of the six of us in the official opposition will be agreeing with this motion. I do not feel that the public would agree with it either, in view of the outcome on May 13.

Hon. Mr. Penikett: I do want the member for Riverdale South to know that I really do like her. I really do have a regard for what she says. I am always interested in her opinions. But I must say she is talking absolute nonsense.

If we were to have a committee structure to perfectly represent the numbers in this House, we would have a committee structure where all the committees would have, dealing with the statistical minimums, four NDPs, three Conservatives and one Liberal. I think for every committee to have half the members of the House on it is ridiculous. I think the next best solution, the other possible solution you could have, is to maintain the present structure in terms of the main committees, of three and two, in which case you would have the tradition, three government members and two opposition members. You give minimum representation to the Liberals. That would leave the Conservative party with only one member, which would do an injustice, because they would be under-represented on the committees. That would be unfair.

If you use the other model, which is possible with five, which is two government, two New Democrats, two Conservatives and one Liberal, the government party would be under-represented. If they, in the committee situation, such as Rules, Elections and Privileges where the government assumes the chair — though I do not take that as a necessity, but assuming they are — then the government could be out-voted, not just by the combined parties in opposition, which is appropriate in this situation, but by the official opposition party, because they would only have one voting member. That would clearly be ridiculous.

Let me just use the Rules, Elections and Privileges Committee. We are talking about three, two and one. If the committee grows by one, to six, the government has three, the Conservative party would have two and the Liberals one. Assuming the chair of that committee comes from government side, what you have is voting members of the committee, except in the case of a tie, two government members, two Conservative members and one Liberal.

Some very important matters can go to the Rules, Elections and Privileges Committee. The member for Porter Creek East and I have served on some stormy sessions of that committee, dealing with such delicate matters as pay and rules of the House. The fact of the matter is that the opposition parties would have absolute control of the committee in terms of everything it did.

The fact of the matter for the government is, the government could not get a report out of that committee, unless it had the support of one of the other two parties.

I am saying that the structure we are proposing, 3-2-1, reflects that exactly. That is what we are proposing. How can you give us a majority if you are in the chair? Here is a situation with two New Democrats, two Conservatives and one Liberal.

Mr. Phelps: How can that logic be applied to the others?

Hon. Mr. Penikett: If on another committee I tried to make a representation that is serious in respect to member services, and I am now listening to an interesting argument about public accounts, which because of the chairmanship from the opposition we could be over-represented. I would be interested in listening to an argument about that. For myself, now that I am thinking through that one, I may concede the point.

If the opposition is willing to, I will give a personal invitation as government leader that if in fact these motions go through as we see now, I am prepared to bring a motion at the fall sitting to reduce our membership on the Public Accounts Committee by one, which therefore according to my previous speech in respect to rules, elections and privileges, would reflect the realities in the House, given that a member from the official opposition would be chairing that committee, which would give us two, them two and the Liberals one on the committee. Rather than trying to do a quick amendment now, I would give an undertaking to introduce a motion at the fall session.

Hon. Mr. Phelps: I am pleased with the conciliatory gesture of the government leader and I think we are prepared under those circumstances to support the motion as amended.

Motion No. 4 agreed to as amended

Motion No. 5

Mr. Clerk: Item No. 2, standing in the name of the hon. Mr. Porter

Speaker: Is the member prepared to proceed with item 2?

Hon. Mr. Porter: Yes.

Speaker: It has been moved by the government House leader "that the Honourable Speaker, Mr. Penikett and Mr. Phelps be appointed to the Members' Services Board; that the Speaker be Chairman of said Board, and that the said Board assist the Speakers on matters of Assembly organization including:

4 (1) Selection of the Clerk of the Assembly,
(2) Recommendation of appropriate salaries for the Clerk and Clerk Assistants in accordance with salaries of House officers in other jurisdictions,

(3) Consideration of budget forecasts for the Legislative Assembly vote, and

(4) Consideration of policy questions concerning matters of Assembly organization such as

- (a) Assembly research services
- (b) Space allocation
- (c) Expansion or reduction of staffing
- (d) Caucus funding
- (e) Press Gallery House rules
- (f) Seating in the Assembly
- (g) *Hansard*

Hon. Mr. Porter: I am prepared to speak to the motion as I stated. I believe that the motion is quite in order and wish to hear what members may have to say.

Amendment proposed

Mr. McLachlan: I would like to proposed an amendment to Motion Number 5, to fulfill the semantics of the previously amended motion.

The amendment is such: "That motion number 5 be amended by adding the names 'Mr. Coles and the hon. Mr. Porter' after the name 'hon. Mr. Penikett'."

Speaker: It has been moved by the member for Faro "that Motion Number 5 be amended by adding the names 'Mr. Coles and the hon. Mr. Porter' after the name 'hon. Mr. Penikett'."

Mr. McLachlan: The previously amended motion requires the addition of two names for this amendment to fulfil its task.

Mr. Lang: Our statements on the main motion, from which this particular motion flows, still stand. We do not believe that the arguments that the government leader put forward are of any basis. The government is a minority government. The point is that this particular committee, like any other committee, eventually will have to recommend to the Legislature in some capacity to the government whatever their actions are. That would be the final decision-making body in any event. So we disagree.

Amendment agreed to

Motion No. 5 agreed to with amendment

55

Motion No. 6

Mr. Clerk: Item No. 3, standing in the name of the hon. Mr. Porter.

Speaker: Is the hon. member prepared to deal with Item 3?

Hon. Mr. Porter: Yes.

Speaker: It has been moved by the Minister for Renewable Resources that the hon. members, Mr. Coles, Mr. Webster and Mr. Philipsen be appointed to the Standing Committee on Statutory Instruments;

that the said committee be empowered to sit during intersessional periods;

that the said committee review all new regulations as they are published;

that the said committee review such other existing or proposed regulations as are referred to it by the Assembly; and

that the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the said Committee.

Motion No. 6 agreed to

Motion No. 7

Mr. Clerk: Item No. 4, standing in the name of the hon. Mr. Penikett.

Speaker: Is the member prepared to proceed with it?

Hon. Mr. Penikett: Yes.

Speaker: It has been moved by the hon. government leader that it is the recommendation of this Assembly that the hon. members, Mr. Penikett, Mr. Porter and Mr. Kimmerly be appointed to the Advisory Committee on Finance.

Hon. Mr. Penikett: Those who have sat in the House before will know that this is a statutory committee composed of cabinet ministers and it is a requirement of the federal acts that govern us. For all practical purposes now the membership on this committee has been assumed into the management board. Since we adopted the *Financial Administration Act* it is necessary for this Legislature to appoint this committee of deputy ministers.

Motion No. 7 agreed to

Motion No. 8

Clerk: Item No. 5, standing in the name of the hon. Mr. Penikett.

Speaker: Is the hon. member prepared to deal with item no. 5?

Hon. Mr. Penikett: Yes.

Speaker: It has been moved by the hon. government leader that the hon. members Mr. Porter, Mr. Lang, Mr. Coles, Mr. Kimmerly, Mr. Phelps and Ms Kassi be appointed to the Standing Committee on Rules, Elections and Privileges;

that the said Committee have the power to call for persons, papers and records and to sit during the intersessional periods; and that the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

56 **Hon. Mr. Penikett:** If I may say, this is a very important committee. I guess it is, in parliamentary terms, the senior committee. This committee has, in my time in this Legislature dealt with some pretty fascinating questions of privilege, questions of the rules of the House, questions of the pay of members, questions of issues as difficult for members as pensions and expenses.

It is a committee that is absolutely necessary. It does business that cannot be conducted on the floor in the Committee of the Whole and may require many meetings and great subtlety and great skill in the members in terms of dealing with some of the matters that come before it.

It is, however, a committee which has seen some exciting moments. If I may be permitted a sentimental moment — there was a time when the member for Porter Creek and I combined against other members of the opposition and other members of the government to defeat a pay proposal, which caused great consternation on all sides of the House. There were 14 other members who were mad at us.

Anyway, as I looked at the proposed membership for this committee, I see some very interesting chemistry here. I am sure that, had I the time, I would not mind being a fly on the wall at some of these meetings. I will not speculate further on those possibilities. Let me say that I think it will be interesting. They are going to be doing some very necessary, useful and interesting work.

Motion agreed to

Motion No. 9

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

Speaker: Is the hon. member prepared to proceed with item 6?

Hon. Mr. Penikett: Yes, Mr. Speaker.

Speaker: It has been moved by the hon. government leader that the Honourable Members Mr. Phelps, Mr. McDonald, Mr. McLachlan, Ms Kassi, Mrs. Firth and Mr. Webster be appointed to the Standing Committee on Public Accounts;

That the said Committee have the power to call for persons, papers and records; to sit during intersessional periods; and to print such papers and evidence as may be ordered; and

That the Clerk of the Legislative Assembly be responsible for providing the necessary support services to the Committee.

Hon. Mr. Penikett: I do not think I should wax eloquent about this committee. Just let me say two things about it. Unfortunately, in my new role I cannot continue to be a member, but I was the founding chair of this committee. It was the first audit committee

established in this Parliament. Public Accounts Committees date back to 1861 in Britain, and since 1861 in that country, in the mother of parliaments, the public accounts committee has, at Gladstone's suggestion, been chaired by an opposition member. To my regret, that is not universally true in this country, but it is in most of the provinces.

Our committee was the youngest committee at the time it was created, in 1979. It is useful to note that since that time it has become not just the junior committee but a model committee. A number of provinces who have had committees for a long time but had not had very effective committees, have had reason to study our operation, including such innovations that were developed first here in this country, like the lead questioner system as we developed it. A number of provinces, including Saskatchewan, on whom we originally based our committee, have since adopted our system of approach. We have even had some influence on the operation of the federal committee.

I think the Public Accounts Committee in this Legislature has done very useful work.

Most of its recommendations have been adopted by the government and I think that it has an extremely positive influence on good financial management systems in this government. I hope that will continue for a long time, whichever party is in power.

For individual members in the committee, it is a hard working committee, because it has to sit for a couple of solid weeks in spring and at other times. I say this in all seriousness, I think it is, from my experience, the most useful thing I did as a legislator in opposition. Of all the work and all the many things I did, I think, as a legislator, it was the most useful thing that I did. The last thing I want to say about it is that I found that it is the one place for an ordinary member of the House to have direct access, through the deputy ministers, to the internal workings of the department. I think it was the most useful learning experience I had as an ordinary member. I was extremely proud to have been the chairman of the committee. I was extremely proud to have been a member of the committee and contribute to its workings. I think that all members of the committee share in that contribution. I wish the nominated chair my best wishes in the work of the committee. It has done some very good work and I think it was a tribute to the reputation of this committee that the national conference was held this year. As I am on my way out the door, may I also say as a tribute to the success of that conference and a tribute to the work of the committee, an awful lot of that tribute is due to the clerk of the committee, Missy Follwell. I would like to pay tribute to her and recommend her services to the committee in the future. With that, I would like to conclude my remarks.

Motion agreed to

Speaker: May I have your further pleasure?

Hon. Mr. Porter: I move that the House, at its rising, do stand adjourned until it appears to the satisfaction of the Speaker, after consultation with the government leader, that the public interest requires that the House shall meet; that the Speaker give notice that he is so satisfied and thereupon the House shall meet at the time stated in such notice and shall transact its business as if it had been duly adjourned at that time and; that if the Speaker is unable to act, owing to illness or other causes, the Deputy Speaker shall act in his stead for the purpose of this order.

Speaker: It has been moved by the hon. government House leader that the House, at its rising, do stand adjourned until it appears to the satisfaction of the Speaker, after consultation with the government leader, that the public interest requires that the House shall meet; that the Speaker give notice that he is so satisfied and thereupon the House shall meet at the time stated in such notice and shall transact its business as if it had been duly adjourned at that time and; that if the Speaker is unable to act, owing to illness or other causes, the Deputy Speaker shall act in his stead for the purpose of this order.

Motion agreed to

Speaker: May I have your further pleasure?

Hon. Mr. Porter: I move that the House do now adjourn.

Speaker: It has been moved by the hon. Minister of Renewable Resources that the House do now adjourn.

Motion agreed to

Speaker: This House now stands adjourned.

The House adjourned at 5:44 p.m.

» **The following Sessional Paper was tabled July 18, 1985:**

85-1-10

Department of Education (Public Schools Branch) Annual Report 1983-84 (McDonald)

The following documents were tabled July 17, 1985:

85-1-1

Ministerial Executive Assistant Job Description (Penikett)

85-1-2

Interim Supplu Budget (Penikett)

85-1-3

Program Objectives (Penikett)

The following documents were tabled July 18, 1985:

85-1-4

Yukon boundaries (Phelps)

85-1-5

1985-86 O&M Budget Person Year Summary by Department (Penikett)

