



The Yukon Legislative Assembly

Number 14

2nd Session

26th Legislature

HANSARD

Thursday, October 24, 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 Kimmery	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

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

Liberal

Roger Coles	Liberal Leader Tatchun
James McLachlan	Faro

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Clerk Assistant (Legislative)	Missy Follwell
Clerk Assistant (Administrative)	Jane Steele
Sergeant-at-Arms	G.I. Cameron
Deputy Sergeant-at-Arms	Frank Ursich
Hansard Administrator	Dave Robertson

01 **Whitehorse, Yukon****Thursday, October 24, 1985 — 1:30 p.m.**

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

Prayers

DAILY ROUTINE

Speaker: We will proceed at this time with the Order Paper.

INTRODUCTION OF VISITORS

Hon. Mr. Porter: I rise, under Introduction of Visitors, to acknowledge the presence of Mr. Bill Webber, the Vice-Chairman for Economic Development for the Council for Yukon Indians, and welcome him to the House.

Applause

Speaker: Are there any Returns or Documents for Tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. McDonald: I have, for tabling, the available information regarding teacher staffing ratios, 1985-86, prepared by the Department of Education for Members' information in response to Members' questions.

Speaker: Are there any Reports of Committees?

Are there any Petitions?

Introduction of Bills?

INTRODUCTION OF BILLS**Bill No. 19: First Reading**

Hon. Mr. Kimmerly: I move that Bill No. 19, entitled *An Act to Amend the Elections Act*, be now introduced and read a first time.

Speaker: It has been moved by the hon. Minister of Justice that Bill No. 19, entitled *An Act to Amend the Elections Act*, be now introduced and read a first time.

Motion agreed to

02 **Speaker:** Notices of Motion for the Production of Papers?

Notices of Motion

Statements by Ministers?

MINISTERIAL STATEMENTS**Appointment of an Administrator for the Town of Faro**

Hon. Mr. McDonald: As the Members are all no doubt aware, municipal elections throughout all of Yukon's municipalities are scheduled to be held November 14, 1985.

In the case of Faro, this community has unfortunately experienced a recent major reduction to its population to the point where it is not sufficient to technically maintain municipal status under the *Municipal Act*. I am convinced, however, that Faro continues to have a future as a viable community in Yukon, and any action to dissolve or downgrade the municipal status of the town, at this time, would be both precipitous and premature.

This raises the extreme difficulty of holding a municipal election within Faro, at this time, given the small population and minimal number of eligible voters remaining. In this regard, rather than hold a municipal election at this time, I would like to announce that effective November 15, 1985, Mr. Rick Butler of the Community Services Branch of the Department of Community and Transportation Services will be assuming the position of Administrator for the Town of Faro. Mr. Roger Graham, also of the Community Services Branch, will serve as Alternate Administrator.

In accordance with the *Municipal Act*, a three member advisory

committee will also be appointed to assist the Administrator in carrying out his responsibilities. The members of this committee will be selected from residents of Faro, following a canvassing of the community and identification of those individuals who may be willing and able to serve it in such a capacity.

In appointing an Administrator to Faro, I would wish to emphasize that this is only envisioned to be an interim measure and will remain in place only until such time as the population level of the town returns to a level more supportive of a municipal election.

Mr. Lang: It is unfortunate that the Minister is forced to come forward to inform the House that the Cabinet has taken the decision that an Administrator will be appointed in the community of Faro. I recognize the very real problems that are confronted by the community. At the same time, it is ironic that we apparently are waiting within days of a positive announcement of that particular community becoming viable again, yet at the same time we have to proceed with the steps as outlined by the Minister.

I want to send to those people in Faro my regrets that this has to be done. I can understand the reasoning for it. I am pleased to see that the Minister has indicated that he sees it as an interim step, and that hopefully we will have a wholly elected council for the community of Faro in the not too distant future.

Mr. McLachlan: I, too, find it very unfortunate that matters have deteriorated to the point where this move by the Department of Municipal and Community Affairs is necessary. However, in all fairness, I realize the very difficult situation that the department now finds itself in. It would be my sincere hope that the population of Faro is at a bottom this week, but that next week things may be onwards and upwards.

03 **QUESTION PERIOD****Question re: Agricultural land applications**

Mr. Phelps: I have a question for the Minister of Renewable Resources with regard to the legitimate needs and aspirations of many Yukoners for land. I have asked in the past during this session about the processing of the many agricultural applications for land that are outstanding at this time and I am wondering whether or not the Minister could tell this House whether further applications for agricultural land have been forwarded to the Federal-Territorial Land Advisory Committee since I last asked the questions on the subject in the House?

Hon. Mr. Porter: The last time we discussed this in the House, I informed the Member that six applications had gone to the Federal-Territorial Land Advisory Committee, and at that point there was some discussion at the committee stage as to the various conflicts with the applications and that those applications were being resolved. To my knowledge, since those six have been received by the FTLAC Committee, there have been no further applications received. However, in the last few days, there may have been some forwarded to the FTLAC Committee and I will check to see if that has been the case.

Mr. Phelps: Can the Minister advise this House as to the nature of the problems with the applications that were forwarded by this government to the FTLAC Committee?

Hon. Mr. Porter: At this point, I cannot recall the conflicts. I do remember providing that information. The conflicts were various. Some of the conflicts had to do with land selection and there were other conflicts with respect to other uses. At this point it would be safe to say that there are other competing uses with respect to some of the applications and then at one point there was a necessity to contact the Band that was concerned to ensure that there was no conflict. It was a question of receiving a statement from the Band concerned, to the effect that there was no conflict with one particular application.

Mr. Phelps: In his answer, was the Minister directing his mind to the six applications that went before FTLAC? Was he addressing the problems of those applications or with others that had been ruled out by this government?

Hon. Mr. Porter: Yes, the answers that I have given the Member were in response to the applications that have been received by the Committee.

Speaker: New question.

Mr. Phelps: Can the Minister advise this House as to whether any block land transfers have been applied for by this government over the course of the last five months?

Hon. Mr. Porter: Block land transfers are an issue that is being dealt with by the Minister of Community and Transportation Services, so I would refer the question to him.

Hon. Mr. McDonald: To my knowledge, to date, we have requested block land transfers from the federal government in the Rock Creek area of Dawson and an area in the McQuesten district, as well as the Alaska Highway West lots. The Alaska Highway West lots, of course, are not specifically a request to increase lots, as the Member knows, for the purposes of engaging in agriculture, but rather to increase the lots to conform with a study, which had been performed by the federal government sometime ago. The study suggested that the size of the lots should be increased in that particular area.

Mr. Phelps: Can I take it that the McQuesten application is really a small spot land transfer, and the same pertains to the Rock Creek request?

Hon. Mr. McDonald: It depends on what the Member regards as being a spot land transfer. The area around the Alaska Highway West is clearly not, in my opinion at least, a spot land transfer in the classic sense. We are talking about more than one lot at a given time. I am sure that the Member should recognize that. I do not know the specific size of the property being requested in Rock Creek, but there are a number of people affected and a number of lots affected. The terminology used to date is a block land transfer so that we can conform to land use planning practices.

Mr. Phelps: With respect to the McQuesten application, call it spot or block, and the Rock Creek application, call it spot or block land transfer, can the Minister advise this House as to the approximate size? Are the two, taken together, less than 10 square miles or less than 50 square miles, roughly?

Hon. Mr. McDonald: No matter what I say, I will be misquoted in one of the Member's news articles in the *Yukon News* at some future date — no matter what I happen to say. If I happen to say I do not know what the specific size of a request for a block land transfer is, the Member will suggest that I do not care about block land transfers. He is perfectly capable of making such *non sequiturs* in the public press.

This question is of a very specific nature. If he wants to give me notice, I can find out the detail of what he is requesting. If he wants to ask me a policy question, he should ask me a policy question, and I will answer to the best of my ability.

Question re: Government Leader's office equipment

Mr. Coles: I have a question for the Minister of Justice. In regard to the tape system that was ordered and purchased by the previous Government Leader, can the Minister of Government Services advise the House whether or not any tapes were purchased?

Hon. Mr. Kimmerly: Not through the Department of Government Services. That is the extent of my knowledge.

Mr. Coles: For the same Minister. I have approached Mr. Hume, who, I have it, was the person who ordered the equipment on behalf of the then Government Leader and was told that two tapes were included with the machine at the time of its arrival. Has the Minister seen either of the tapes?

Hon. Mr. Kimmerly: No, I have not.

Mr. Coles: What does the Minister plan to do with the tape recording equipment?

Hon. Mr. Kimmerly: It was stored in dead storage after the change of government. We have no specific use for it now. It may be useful in recording the minutes of meetings in the future and we are investigating using it to its best advantage; however, we are not aware of any identified use at the present time.

Question re: Dictaphone equipment

Mr. Phelps: I have a question for the same Minister. Could the Minister advise whether or not he or any other Ministers have any

dictaphone equipment in their offices?

Hon. Mr. Kimmerly: I do not. I am not aware of the situation in other Minister's offices.

Mr. Phelps: Could the Minister check into this and advise this House whether such dictaphone equipment is capable of bugging telephone conversations?

Hon. Mr. Kimmerly: I could.

Mr. Phelps: Would he?

Hon. Mr. Kimmerly: Yes.

Question re: Frenchman/Tatchun Lakes

Mr. Lang: I have a question for my colleague, the Minister of Renewable Resources, this morning. It refers, again, to the question of the Frenchman/Tatchun Lakes issue, which has been so prominent in this House. Yesterday, I recapped the cost of the project and the fact that there were a number of low tenderers who were ignored and the bids went to second low tenderers. One contractor from Whitehorse lost \$10,000 worth of work, according to the information I have, and a outfit from Watson Lake lost approximately \$6,500 worth of work, or maybe even \$13,000 worth of work.

I was told yesterday, by the Minister, that that information was wrong and that he was going to provide me with the information. He said, "I will attempt to have that information given to the Member before the day is out. If he wants, it can be done after we have had a break." Well, we have had a break of approximately 24 hours; can he provide the House with that information, please. I have not received it and I would have preferred to have had it this morning, quite frankly.

Hon. Mr. Porter: I realize that I did give the Member an undertaking to provide the information on the contract, with respect to the Frenchman/Tatchun issue. I apologize to the Member that I am not able to do so today. I acknowledge to the House the seriousness of two points that the Member opposite has raised, with regard to the contracts, and as Minister I must be satisfied that the information I provide to the House is perfectly correct. At this point, I am not satisfied that the information is, indeed, such. I was mistaken to believe that it was possible to have that information yesterday. Again, I apologize to the Member opposite.

As I mentioned yesterday, I have asked the department for a thorough investigation on the entire issue and to provide me with all of the information — and, I repeat, all of the information. If it means that they have to work over the weekend to look at all of the relevant information, they will do that. I have asked for a legal opinion from the Department of Justice with respect to the contracts. The information I will be receiving will be thoroughly compiled and briefings will be held over the next couple of days. The government will make a statement on the matter on the next sitting day of the House, which will be Monday. I ask the Member opposite for his patience and indulgence until I am able to compile all of the necessary information to ensure its accuracy, so that I am not in a position of tabling information that is incorrect.

Mr. Lang: I appreciate the ministerial statement the Minister gave in Question Period. I would point out to him that there has been patience on this side of the House. It has taken two weeks of questioning and we still do not have a valid answer, in my judgment, in view of the seriousness of the situation that exists.

There was one grader that did not come under the third party rental. That particular grader went to Burdeau construction for \$50 per hour.

I would like to know why he went out beyond the third party rental schedule for the purposes of that grader when, in this schedule, there is at least one grader that goes for \$45 per hour? Can he give me an answer to that question?

Hon. Mr. Porter: I will undertake to provide the Member with an answer to that question.

Mr. Lang: Why did the Minister not seek a legal opinion prior to going into the agreement?

Hon. Mr. Porter: Based on the information I received, with respect to the authorities that were vested in my department, I was not advised that I needed a legal opinion.

Speaker: New question.

Mr. Lang: I find that very difficult to understand, quite honestly. I have a lot of faith in the public service of the Yukon Territory. From my past experience, being a Minister for 11 years in the government, I know that if one was departing from government policy to the extent that you have, there is no question in my mind that either the Department of Highways or the Department of Renewable Resources would have advised either yourself, or your officials, at the top level, of the ramifications.

I asked, in this House approximately two days ago, whether or not there was anything in writing from any level of the Department of Renewable Resources or the Department of Highways advising you or your officials of the seriousness of the situation. Could I have an undertaking from the Minister that he will review the situation over the weekend to see if such documentation exists, either in the Department of Highways or the Department of Renewable Resources?

Hon. Mr. Porter: Yes, in the review of the process I will give an undertaking to ensure that the information that I provide to the House will detail information that the Member asks for with respect to whether or not I was given, in writing, advice with respect to the issuance of contracts on the Frenchman/Tatchun Lakes issue.

Mr. Lang: The Minister of Renewable Resources has referred to legal opinions. He still has not answered my first question as to why he did not seek a legal opinion at the outset. Secondly, I would like to ask him if he is prepared to table that legal opinion in this House for our scrutiny and that of the public?

Hon. Mr. Porter: I believe I have answered the question inasmuch as I was not advised that I needed to seek a legal opinion at the time the decision was made. As to whether or not the legal opinion that is being drafted will be tabled in the House, I would suspect that that is a decision that will have to be made by the Minister of Justice and the Government Leader. I will refer those matters to the Minister of Justice and the Government Leader.

Mr. Lang: This is the open government that the Government Leader and all Members of this House talked about prior to May 13. Why will you not, if that legal opinion has been provided to you as the Minister of the Crown, be prepared to state in this House, yes or no, that you will table that particular legal opinion? Do I have to go get my own?

Hon. Mr. Porter: I think that I have answered the Member as much as I can. I said that I will take the matter to the Government Leader and the Minister of Justice and seek their opinion on it. Should there be an agreement to table the legal opinion then, I will have no difficulty in tabling it.

Question re: Government Leader's office equipment

Mr. Coles: Could the Minister of Government Services advise the House as to where the budget line authority came from for the purchase of the \$4,200 tape recording equipment?

Hon. Mr. Kimmerly: It is contained in the line item "Office Furniture and Equipment" in the budget for Government Services for 1984-85.

Mr. Coles: Since the two tapes that I spoke of, that supposedly came along with the tape recording equipment, would be government property, would the Minister of Government Services try and find out for this House whether or not the tapes did actually arrive with the equipment and where they are right now?

Hon. Mr. Kimmerly: I will set that inquiry in motion; however, I would expect it will be impossible to differentiate which tapes arrived with that particular equipment. The government probably owns thousands of tapes of a similar kind.

Mr. Coles: I am happy to see that our friends in the so-called Official Opposition here think that this is such a big joke; \$4,200 worth of taxpayers' money being spent on voice-activated tape recording equipment. Since this is public money, will the Minister of Government Services advise this House as to how much discretionary money is available to Cabinet Ministers for spending?

Hon. Mr. Kimmerly: As far as I understand the intent of the question is, I would answer nil. If Cabinet Ministers authorized the expenditure of public funds they ought to be accounted for to the penny.

Question re: Frenchman/Tatchun Lakes Road

Mr. Brewster: My question is to the Minister of Renewable Resources. Since the Minister has admitted in this House, with regard to Frenchman/Tatchun Lakes road, that he did not consult the Government Leader, Cabinet, Management Board, the Yukon government's Land Claims negotiator, Land Claims Secretariat or the federal government, can the Minister advise this House whether he or his officials had any verbal or written communication with the Member for Tatchun prior to signing the Agreement with the Little Salmon/Carmacks Indian Band?

Hon. Mr. Porter: In that information, the Member states that the Land Claims Secretariat was not consulted. I would point out to him that the department did consult the Land Claims Secretariat and did receive advice from the Land Claims Secretariat. With respect to discussion verbally or otherwise between myself and the Member for Tatchun, certainly there were discussions with respect to the issue. He made representations on behalf of the constituency. He made representations to the effect that the community thought there should be public consultation on the issue as to whether or not there will be a park established, and what the government's intentions were. I made an undertaking, with respect to those discussions, that we would have public consultation with the people of Carmacks to ensure that their position on the question of whether or not there should be a park will be addressed.

^{or} That, to my knowledge, was the nature of the consultation that took place between his office and mine.

Mr. Brewster: When did this communication take place, in what form and by whom?

Hon. Mr. Porter: I do not have detail such as that at my fingertips. I will have to check back on that information and verify it and then bring it to the Member's attention.

Mr. Brewster: Could that information be brought to the House?

Hon. Mr. Porter: Certainly, Mr. Speaker.

Question re: Frenchman/Tatchun Lakes Road

Mrs. Firth: My question is to the Minister of Renewable Resources, again, regarding the Frenchman/Tatchun Lakes issue. The Minister has just confirmed for the Member for Kluane that he had discussions with the Member for Tatchun regarding a park. Did he have discussions with the Member for Tatchun regarding the local hire, the contract, the agreement that was signed with the Little Salmon/Carmacks Indian Band?

Hon. Mr. Porter: No, Mr. Speaker.

Mrs. Firth: He is telling the House that he had absolutely no discussions with the Member for Tatchun regarding the contract, or the road, or redirecting the road, or the Band, or local hire, or local contracting?

Hon. Mr. Porter: As I have just stated, my recollections of the conversation that took place between the Member and myself were strictly regarding the question as to whether or not there should or should not be a park established in the area.

A question was also raised with respect to the consultation with the people in the area. The Member made representation to the effect that, prior to any decision being made, the people of Carmacks should be contacted, their views made known to government, and that the government take into consideration the views of the people prior to making a decision. We responded in the affirmative. We sent members of the department to the community to contact the local residents. A public meeting was held. I understand that the Member was present at the meeting. Meetings were held with the Chief and Band Council on the issue of consultation. That is the extent of the conversation that I had with the Member for Tatchun.

Mrs. Firth: I appreciate the Minister's answer. These questions have to be asked. If, therefore, the Minister, as has been shown this afternoon, did not consult with the various group of people that perhaps he should have, including the Government Leader who is responsible for Land Claims, could he tell us why he made this decision? What was the basis for making this decision?

Hon. Mr. Porter: The decision was made to finish the road. Ever since this particular issue was put into play in 1983, the issue

has been fraught with all kinds of complications and problems. The initiative to build a park was taken by the government. My understanding, in researching the question, is that it was a decision that the people did not support. To date, we have had \$1.2 million spent on the particular project. A road was partially built when we came to office, so it seemed that the correct decision at the time was to finish the road. With all the expenditures already put into the project, it seemed ludicrous to simply leave the road unfinished and not do anything about it. The motivating factor was to complete the construction of the road, which has been accomplished.

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Question re: Budget security

Mr. McLachlan: The Government Leader stated, in this House on Tuesday, that there was not a shred of evidence upon which to base the story in the *Edmonton Journal* on alleged leaks while, at the same time, members of his political staff were in contact with the RCMP asking for their assistance.

Is it not a basic contradiction of the facts in this case as we now know them, to allege that there is no evidence on one hand, while at the same time asking for outside assistance in this matter?

Hon. Mr. Penikett: No, I must say, with respect to the Member, that he is not reading the facts correctly.

When this unfounded allegation in a southern newspaper was brought to my attention, I was bound to consult with a number of people about our obligations. We advised the RCMP that there had been this newspaper story, but we also advised them that we had no evidence of the alleged leak.

The RCMP have subsequently come back to me and confirmed what we knew verbally in a letter this morning, which basically says that (1) there can be no investigation without any evidence, and that this government would have to have evidence and have an internal investigation done. (2) In order for there to be an RCMP investigation, there would have to be something which constituted a probable breach of trust — in other words, a probable evidence of some kind of criminal act — none of which we have.

Mr. McLachlan: If there is to be no investigation, will the Government Leader tell the House what the purpose of tomorrow's meeting is?

Hon. Mr. Penikett: I do not think I have a meeting any more tomorrow, because the meeting is not necessary as a result of the letter from the RCMP. The purpose of the meeting would have been, had I not had the letter I received this morning, to satisfy myself, as Government Leader, about the law and what the RCMP could do in these hypothetical situations, whether a story published in a southern newspaper constituted any kind of evidence on which to cause us to make some enquiries.

It appears that the RCMP's view is that that is not. Since we have no evidence beyond this unsupported allegation in a southern newspaper, we have no reason to proceed.

Mr. McLachlan: Will the Government Leader table the reply from the RCMP in this House?

Hon. Mr. Penikett: I am quite happy to do that.

Question re: Frenchman/Tatchun Lakes Road

Mr. Lang: On the point of the road at Frenchman/Tatchun Lakes, he forgets to tell people that there was an agreement in place between the Carmacks Indian Band, the federal government and the territorial government, and that if the relocation was to take place under that agreement, they would have paid for it.

Instead, you paid \$100,000. That was one of the major policy departures. Now, all of a sudden, the Minister of Renewable Resources has said to the media first, and now to this House, that he is seeking a legal opinion. He tells me that he has to ask his colleagues, the Minister of Justice and the Government Leader, if he is prepared to table that particular legal opinion that he is seeking.

Would he recommend to his colleagues, the Government Leader and the Minister of Justice, that he table that particular legal opinion when they get it?

Hon. Mr. Porter: With respect to the question as to the scope of the legal opinion; the legal opinion that has been asked for concerns itself with respect to the question of the issuance of contracts. That

is the legal opinion that has been asked for. With respect to the question of whether or not I would recommend to the Government Leader and the Minister of Justice that they table the legal opinion, I think the proper and responsible route to go would be to receive the opinion, read the opinion and discuss it with the Government Leader and the Minister of Justice. I gave the undertaking to the Member, and I will give it again, that in those discussions I will ask the Government Leader and the Minister of Justice as to the advisability of tabling the legal opinion in this House.

Mr. Lang: To the Minister of Renewable Resources again, to the open government across the floor, I ask the Minister of Renewable Resources to give me one good reason — and he has not yet — why he will not recommend to his two colleagues that he table that legal opinion. Or is it necessary for me or some member of the public to go and get their own legal opinion and at the same time pay for the one that you are getting?

Hon. Mr. Kimmerly: One must be very careful in tabling legal opinions, because legal opinions, if they are public, may be used in courts. The lawyer sitting beside the Member who asked the question will know, and will advise the Member that, if litigation is a possibility at all, legal opinions should be very carefully dealt with, and dealt with in accordance with legal advice. The statements of the Minister of Renewable Resources are absolutely correct on the point and are completely supportable. Indeed, any other statement would be surprising.

Mr. Lang: I have a question for the Minister of Justice, since we are all becoming involved in this now, all of a sudden, after the fact. Does that pertain only if the legal opinion happens to be damaging to the government, then they will not table it?

Hon. Mr. Kimmerly: It would be irrelevant as to precisely what the opinion says.

Question re: Northern Mineral policy

Mr. Phillips: I have a question for the Government Leader. Considering the importance of mining to the Canadian economy and especially to the Yukon's economy, could the Minister of Economic Development tell me if his government has responded to the federal request concerning the formulation of a northern mineral policy?

Hon. Mr. Penikett: We are in the process of developing a response now.

Mr. Phillips: I would like to remind the House that this request was made on April 9 of this year, to be exact. I am wondering why it has taken five months for the government to respond to this very important policy?

Hon. Mr. Penikett: One of the reasons is that it was originally hoped that the Mineral Advisory Committee, which was struck by the former government, but which had become totally inactive, would be a body to which the question of the policy would be referred, and their input and their consultation sought. That Committee at this point is effectively defunct. I have, in recent weeks, written to both Leaders of the Opposition parties asking for their advice as to whether it should be reconstituted or restructured. I have also met with the Chamber of Mines as to how and if it should be restructured. One of the things that I hoped to do, with our policy suggestions, when I know what we are going to do with that Committee, is take our drafts to that Committee for their input before I make a representation to the federal government.

Mr. Phillips: What is the government's policy now concerning this issue and when that policy is public and is sent into the Mineral group, will they be tabling that policy in this House?

Hon. Mr. Penikett: If the House is sitting at the time, I will be happy to table it, but as soon as we are ready to communicate it to the federal government, I see no reason why it should not become a public document. If the Member opposite would like a copy we will certainly make it available to him.

Question re: Budget secrecy

Mr. Coles: I have a question for the Minister of Finance, or the Government Leader. Has the Minister been in touch with the Leader of the Official Opposition outside of this Legislature to ask whether or not he or any Member of his caucus did have Budget information before the documents were tabled?

Hon. Mr. Penikett: No, I have not. That would be totally unnecessary. I know for a fact that the former Minister of Finance and the former Cabinet Ministers opposite had complete access to the Budget documents — not the documents themselves, but the content of the Budget documents — and 95 percent of their particulars when they were Cabinet Ministers of this government as recently as May 28. I do not need to ask them that question; I know. I also know that their oath of office precludes them from discussing it with anyone.

Mr. Coles: To the same Minister I ask, the issue here is not who were past Ministers, where they are now, how much of the Budget that they did write, but that a Budget document or documents may have been leaked to Members of the Opposition in this Legislature prior to the Budget lock-up and the tabling of this Budget. Has the Minister asked the Leader of the Official Opposition that question outside of this House?

Hon. Mr. Penikett: No, and I emphasize again — I repeat for the House and for the Member opposite with as much conviction as I can convey — that there is no evidence whatsoever from any source, anywhere, that Budget documents from this government were leaked to the Members of the Official Opposition or anyone else.

Mr. Coles: I am glad to see the Member for Porter Creek East is still smiling. He does not think that this is a very serious issue. Is Budget secrecy in this territory even needed?

Hon. Mr. Penikett: That is a very good question. I believe there is probably an intellectually respectable argument that it is redundant. That argument is being entertained in many parts of the country with Ministers of Finance who argue, save and except tax measures that they may announce in Budgets, that much of the Budget discussions could be opened up to various interest groups involved in making representations.

However, my own view, at this point, is that prudence, if not tradition, probably justifies maintaining the kind of system that we have now. If I were given evidence that the system we have now was inadequate, in some respects, and laid open the potential for the government to be compromised, or Ministers of the government to be compromised, or officials of the government to be compromised in some way, then I would have reason to review those procedures and if I thought they were inadequate, to improve them.

Speaker: Time for Question Period has now elapsed. We will now proceed with Orders of the Day.

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 12: Second Reading

Clerk: Second reading, Bill No. 12, standing in the name of the hon. Mr. Kimmerly.

Hon. Mr. Kimmerly: I move that Bill No. 12, entitled *Raven Act*, be now read a second time.

Speaker: It has been moved by the hon. Minister of Justice that Bill No. 12, entitled *Raven Act*, be now read a second time.

Hon. Mr. Kimmerly: It was Robertson Davies, a noted Canadian author, who said, "Will it suffice if I say that no country can hope to rise above mediocrity if it lacks a mystique of the courage, the humour, and also the cunning and roguery of its people".

When we speak of the raven, we are speaking of a physical animal, a bird that is found here and, incidentally, found here all year long. We are also speaking of myth and tradition, mystique and images and symbols.

It is appropriate that the Yukon have an official bird. It is most appropriate that that official bird be rooted in the tradition and the mythology that Yukoners cherish. The raven is the bird that fits that bill.

The raven is part of the Native folklore. It is on your robes, Mr. Speaker, for excellent reasons. The raven has an image as a sourdough, as a Yukoner, as an individual survivor, as a trickster: and it is for those reasons that we consider it particularly

appropriate that the raven be selected as the official bird.

¹³ I should be speaking about the northern raven, as the northern raven, although, I am advised, is not biologically different from southern ravens, is, in fact, larger and heavier, and it has a larger beak than its southern cousins. It is the heartiest of birds; its life span is equal to that of human beings. Northern ravens have a particular capacity to speed up their circulatory system in the cold weather by shunting blood away from capillaries in order to stay warm. They have multi-grade oils in their feet that become less viscous in the cold temperatures. They can flex their feet in a temperature in excess of 50 below. They are a most remarkable bird, with an IQ, if we can call it that, or an intelligence that is estimated at approximately five times that of other birds. It may be said that Yukoners' intelligence is greater than other individuals by approximately the same amount, but that is possibly arguable.

I wish to close this introduction to the Bill by reciting a short poem, which was written by PJ Johnson, who campaigned enthusiastically, diligently and successfully for the decision to make the raven the official bird of the Yukon.

"Behold the Yukon raven/Phoenix of the north/Screeching bold obscenities/And strutting back and forth/Upon a cabin roof top/So fearless. So aloof/Titan bird of Northland/Immune to man's reproach.

"Glossy, black and cocky/A renegade, no doubt/Scrounging through the garbage/He strews it all about/He loves to tease the huskies/It gives him great delight/To pester them and rob them/And steal away in flight.

"In dark and dead of winter/At 69 below/There be a striking absence/Of man and beast and foe/Save for the stalwart raven/There's few will venture forth/As chill and deathly silences/Prevail upon the North.

Some say he is intrepid/-Ridiculously bold!/Perched upon a lamp post/Defying wind and cold/Scruffy, wretched vagrant/He's quick to spot a scrap/This crusty molting scavenger/Who seldom takes a nap.

"Behold the Yukon raven/A bird of guile and wit/He screams aloft to shock you/And swift away he'll flit/Behold his madcap antics/Pray learn from this display/And never shun the raven/Who knows not work from play."

¹⁴ *Applause*

Mr. Brewster: This Bill has a particular insight and happiness for me. I had just become a Minister and I recall a young lady by the name of PJ Johnson coming in to my office with fire in her eyes, and I began to think my career was going to be very short as a Cabinet Minister. Fortunately, I talked to a couple of ravens the weekend before; they told me to smarten up and I reversed the decision and, when she got through bawling me out, I showed her this and we went out as friends. I talked to these same two ravens the other day and they told me not to goof up this Bill. We would prefer somebody who was more rugged and did not talk so much to pass the Bill. So I assure this House, we will give you very little trouble on this side

Applause

Motion agreed to

Bill No. 58: Second Reading

Clerk: Second reading, Bill No. 58, standing in the name of the hon. Mr. Kimmerly.

Hon. Mr. Kimmerly: I move:

THAT Bill No. 58, entitled *Human Rights Act*, be now read a second time and that it be referred to a select committee of the Assembly comprised of the hon. Members: Ms Kassi, Mr. Kimmerly, Mr. Webster, Mr. Phelps, Mr. Lang and Mr. McLachlan;

THAT the Committee submit its report on Bill No. 58 to the Legislature not later than April 30, 1986;

THAT in the event that the Legislature is not then sitting, the Committee shall forward copies of its report to all Members, thereafter make its report public and subsequently submit its report to the Legislature at its next sitting; and

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

Speaker: It has been moved by the Minister of Justice that Bill No. 58, entitled *Human Rights Act*, be now read a second time and

THAT it be referred to a select committee of the Assembly comprised of the hon. Members Ms Kassi, Mr. Kimmerly, Mr. Webster, Mr. Phelps, Mr. Lang and Mr. McLachlan;

THAT the Committee submit its report on Bill No. 58 to the Legislature not later than April 30, 1986;

THAT in the event that the Legislature is not then sitting, the Committee shall forward copies of its report to all Members, thereafter make its report public and subsequently submit its report to the Legislature at its next sitting; and

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

Hon. Mr. Kimmerly: I will make an attempt, after the advice of the raven, not to speak too long. I wish to talk briefly about what the Bill is, and then about the process that has been followed, and that we hope will be followed in the near future.

The Bill was written after the *Canadian Charter of Rights and Freedoms*, unlike most other provincial Acts; indeed, I believe all other provincial Acts. That is a very important factor, as it was written, or drafted, in contemplation of the *Charter*, and of the very important effect that the *Charter* is having and will have on Canadian life, including Yukon life.

Specifically, the format largely follows the Saskatchewan *Human Rights Code*. Many of the ideas of the draft Manitoba Code, which was prepared by the Manitoba commission in 1984, and of the Northwest Territories draft, which is now under discussion in our sister territory, were considered. Some of those provisions were incorporated.

This Act contains a Bill of Rights, which is not the most common feature of the provincial legislation. It exists now in Alberta, Saskatchewan and Quebec. If we pass a Bill of Rights, we will be the fourth jurisdiction to do so.

It is worthy to note that the Saskatchewan Bill, complete with its original Bill of Rights, has been in place since 1947, since before I was born. It was said to me that this 35 page Bill contains seven pages of rights and 18 pages of bureaucracy. That is perhaps a revealing comment. It is a good way to introduce the thought that I wish to emphasize now in this second reading speech.

It is our intention to provide the Legislature and, indeed, the public in Yukon with the policy of the government so that a responsible, free and democratic legislative discussion can take place as to exactly what the people want. We have tried to express the rights, or the first seven pages as statements of principle which are clear and general and easily understood by all Yukoners.

¹⁵ The second part, or the description of the bureaucracy, will probably be more controversial — perhaps it should be. I wish to say that the government will be paying particularly close attention to those persons who wish to react concerning the size of the bureaucracy, or the nature of the bureaucracy, or the way this Bill should be enforced as that is a particularly sensitive question. It will be sensitive especially to industry, and perhaps more especially to small business.

We will be particularly sensitive to the comments that are made by those groups in order to find a balance in the final draft that will be passed by this House. That is appropriate to promoting the principles of human rights; it is also appropriate to our small jurisdiction and appropriate to the community needs here and is balanced in finding a process that will ensure a balanced progression to increased protection for rights in the territory — which means increased protection for individual freedom, which is part of the Yukon dream, I know.

The previous government had made commitments in this House over several years, alternately promising the Bill and papers and, in fact, there was a Green Paper tabled by the previous government in August, 1984.

The Green Paper really just identified the many issues that should be addressed in the eventual legislation, and it did not make a statement of government policy on those issues. Indeed, every submission in response to it, I believe, focussed on the need to respond to a proposal that the discussion in the Yukon public domain should be around a proposal, and people should be invited

to react to the proposal.

That is exactly what we are doing; we are not presenting a White Paper to the public. Because of the long delays in the past, we perceive that the public mood is that we have waited long enough, and it is time to act.

¹⁷ We are very purposely allowing substantial time for the legislative process to be carried out, and we hope, as a government, that the Legislative committee will have public hearings, perhaps community hearings, and receive the input from whoever cares to comment in as careful and responsible way as is possible.

It probably will occur — indeed it has already occurred; this Bill has been criticized. It is relatively easy to sort of construct a strawman or construct a scenario that most people may find offensive. I hope that the debate is more responsible than that. There are provisions in here protecting individuals who do not characteristically receive widespread public support. It is our hope that this Bill will further the principle of individual freedom for all Yukoners as long as it does not interfere with the freedom of other individuals or other groups.

It has been said in the past, that the test of free and democratic societies is around the way that it treats and protects its minorities. This Bill is designed to be progressive to promote a maximum freedom for individuals, to protect the rights of individual Yukoners to express themselves as freely as can be allowed in a democratic society. We strongly believe that there is a Yukoner's dream. Part of that dream is about individualism, about the spirit of the raven, if you will, about the independence of the sourdough or of the individual. This Bill is designed to serve, protect and promote individual freedom. Where it does that, which I believe it does in its entirety, we believe it will be supported by the Yukon public. There may and probably will be problems pointed out in the Legislative process, and the government will be listening intently and most seriously to the Amendments that may solve those problems.

¹⁸ **Mr. Phelps:** I would like to say, at the outset, that I have been involved in protecting human rights for much of my professional career. In fact, in the early 1970's, I worked with several groups in town in implementing and looking at the existing law, the *Fair Practices Ordinance*, or Statute, as it is now called. I recognize there certainly is a need for change and a need for better legislation than presently exists, and the predecessor of the hon. Minister believed that as well.

I have watched with some satisfaction the changes in attitudes in Yukon, the general move towards sensitivity, towards the rights of minorities and freedoms of all people. A lot of this has been accomplished through the goodwill of many, many people.

I am disappointed, generally speaking, in the Act that we are going to be reviewing, because it is my honestly felt position that this is a radical Bill. This is a Bill that is going to raise a lot of fears in a lot of the minds of individual Yukoners — that when one comes forward with radical legislation, rather than increase individual freedom, you run the danger of restricting freedom, of imposing a thought police or a kind of tyranny on a lot of innocent people. I worry about the provisions in this Bill, and I worry about the kind of reaction we are already getting in the street, because that kind of reaction does a lot of harm in undermining the goodwill of so many people who have worked so hard to further human rights in the territory.

As I say, I have always been extremely interested in human rights and laws pertaining to the human rights of individual people; that is why I agreed to go on this select committee. I have been assured that, by sitting on the committee, we will not be bound in any way as to our basic concerns, our basic position with regard to human rights and the legislation itself. I have been assured that, after hearing the views of all Yukoners and expressing our concerns, if the committee cannot come forward with a unanimous report to this House, individual Members will have the right to write minority reports. That is very important.

I, therefore, give notice that I look forward to the challenge of serving on this select committee; I look forward to hearing the views of all Yukoners about these important concepts and princi-

ples, the manner in which enforcement is to take place. I also want to make it clear, once again, that by so doing, I do not endorse this Bill because I must say I find it to be extremely radical and goes far beyond what I perceive to be the real needs of people, individuals and minority groups in this territory.

¹⁹ **Mr. McLachlan:** I simply want to say that I am pleased to see the Minister giving a chance for a full discussion and feeling on the Bill to be vented in its democratic process throughout the territory.

I would hope that in the approximately five months that we may have available to hear views that we can come to some ideas, resolutions and discussions that will be helpful with the eventual way in which the Bill and the legislation goes.

I have no doubt whatsoever, as the Leader of the Official Opposition has indicated, that there will be parts of it that will be very controversial to some, ranging from extremes on the far left issue to extremes that are very far right. That is the democratic system, and so be it.

I want to say that I will be pleased to serve on the committee, and hope that all of us can do what we can to eventually assist in the final form in which the Bill becomes.

Motion agreed to

Bill No. 60: Second Reading

Clerk: Second reading, Bill No. 60, standing in the name of the hon. Mr. McDonald.

Hon. Mr. McDonald: I move that Bill No. 60, entitled *Dangerous Goods Transportation Act*, be now read a second time.

Speaker: It has been moved by the hon. Minister of Education that Bill No. 60, entitled *Dangerous Goods Transportation Act*, be now read a second time.

Hon. Mr. McDonald: Several years ago, Canada, the provinces and territories, established a plan for implementation of a national transportation of dangerous goods program. Under the agreement, the provinces and territories undertook to enact, administer and enforce legislation regulating the transportation of dangerous goods on the highway.

The balance of transportation activity, that is, water, air, interprovincial pipelines and the handling and offering of dangerous goods for transport, that is, transportation terminals and shippers and receivers of dangerous goods, would remain a federal responsibility.

The agreement was that Canada would enact all-encompassing legislation to include the highway mode, to ensure that the federal government had full authority to ensure that appropriate measures were in place across the country. However, there was further agreement that Canada would not enforce regulation of the highway mode upon adoption of similar legislation by the provinces and territories, and provided adequate means existed within those jurisdictions to administer and enforce the legislation.

In this manner, the provinces and territories would be able to fulfill their ambition to regulate highway activity within their own jurisdictions. A basic objective was to maximize national and intermodal uniformity. The federal *Transportation of Dangerous Goods Act* became effective across Canada, including the Yukon, and applicable to all modes of transport on July 1st of this year.

The principles embodied in the Act before you already have the force of law within the territory through the federal Act. Therefore, to a large extent, this Act is simply a means to establish local control over the transportation of dangerous goods on the highway by way of a territorial Act.

If the Bill were not proceeded with, Canada would apply the federal Act. Aside from the commitment by the Government of Yukon to enact this legislation, we believe that it is preferable to have local control over such programs to the greatest extent possible, so as to maximize public safety, while at the same time ensuring sensitivity to the needs of regulated industries.

²⁰ The government is presently negotiating funding arrangements with Canada to provide for the engagement of a Transportation of Dangerous Goods Coordinator. The negotiations contemplate that certain areas that federal responsibility will be undertaken by the Yukon government in return for funding. The initial Agreement

contemplated the development of a comprehensive set of regulations, which would be adopted with minor administrative amendments by all jurisdictions in Canada so as to ensure that uniformity exists across the nation so that carriers are not encumbered with a requirement to comply with varying regulations from one jurisdiction to the next.

All other jurisdictions have already enacted Legislation to regulate the transportation of dangerous goods in accordance with the initial agreement. The intention across the country is to begin to enforce the program gradually from February 1, 1986. A number of information and consultation sessions for industries and government agencies that the Legislation will affect have been provided in the Yukon to date. The regulations to be adopted pursuant to this Legislation were developed with the opportunity for input from all provinces and territories and all affected industry sectors. The Canadian Trucking Association, of which the Yukon Trucking Association is an associate member, had a particularly prominent role.

For the further information of the House, I would like to now detail some of the principles embodied within the Legislation across the country and in this Bill.

Transportation of dangerous goods legislation will protect the public by placing the onus on anyone transporting dangerous goods to take all necessary steps to prevent damage to life, health, property and the environment, and to report any accident, discharge or emission involving dangerous goods; by providing authority for appropriate government officials to direct or to take remedial measures, or to prevent movement considered a threat to life, health, property or the environment, by establishing a system for classification of dangerous products and a related system of placards and documentation so that goods in transit are accurately described in the case of an emergency; by requiring truck drivers and other handlers of dangerous goods be issued a certificate of training by their employer, testing that the individual is trained and competent to transport particular dangerous goods; and by providing that specific precautions be taken in relation to particular loads.

The Bill creates heavy penalties for non-compliance, which are consistent with those contained in the federal Act and the Acts of other jurisdictions. Provision is also made to permit the Government of Yukon to recover costs associated with emissions or discharges of dangerous goods. Numerous incidents across Canada in recent years, have clearly demonstrated the need for legislation governing the transportation of dangerous goods. In addition to the huge array of dangerous products now being transported on Canadian highways, it can be presumed that in today's environment of rapid technological advance, more and more of these products will be introduced, posing even greater threats to public safety.

The *Dangerous Goods Transportation Act* will enable Yukon to regulate the highway transport of dangerous goods completely in accord with the laws being applied in all other Canadian jurisdictions. The only alternative that we have is to let the federal government take over by default. I am certain that all Members of this House will agree with the principles of this Bill.

Mr. Lang: I have a few comments on the principle of the Bill. I was involved, to some degree, at the national level representing Yukon. I came in after the decision had been taken to introduce legislation into all the provincial and territorial jurisdictions after that agreement. I want to register a number of concerns to the Minister, which I hope he takes in a constructive manner.

My first concern was the cost of administration. We sit in this House and we go through legislation — and I know this discussion will get no media coverage because I have not called anybody a bad name or anything — and you talk about an inspector. You talk about the powers that you delegate to that inspector. That is another position that the Minister of Finance is going to have to find money to pay for. The argument may come back from the Minister that the federal government will pay for it. I look at it from the point of view that we are all taxpayers and that money goes to income tax to start with then it comes back and is divvied up here. The concern that I have is that when I first took a look at this, we did not move as a government on this Bill very quickly. I think that the Minister

would find, if he checked the file, that it was a couple of years that letters went back and forth and various things happened.

²¹ The reason that we did not move was the cost of administration. I, toward the end, was recognizing that there was a need, and that if there were this type of chemicals being transported at one time or another, how could we inspect it in such a manner that we did not necessarily have to have somebody on staff. Could we, perhaps, make a reciprocal agreement with the Province of British Columbia, and maybe the State of Alaska? The realities of the situation are that most of the material that we are talking about has already been checked. It is a trans-boundary situation where I am sure it is either coming out of Alberta, probably up to Alaska, or from the lower 48 to Alaska, and in some cases, to Yukon, for the mining industry, chiefly.

I am going to be questioning the Minister on it, to see whether he is prepared to discuss that type of a concept. If necessary, somebody can be brought in for that two- or three-day check that is required, as opposed to carrying on with the advertisement in the newspaper for another coordinator.

It concerns me greatly that, at times, we take the position that we are just like the provinces. At the same time, I think it is safe to say that I do not recall the Minister saying how many checks would be necessary in a year, as far as materials that are referred to in this particular article. I do not think it is that great.

When you get back to the costs of what I am talking about, you are talking about \$50,000, when you round it off, by the time you pay the individual's salary, if the Minister of Government Services gives him a desk, maybe a dictaphone, and the Minister of Finance finds some money and buys him a vehicle. It is \$50,000 and costs on an annual basis.

I would like the Minister to have a look at that, and maybe we could discuss it very briefly in Committee. I recognize the principles of the Bill. I do not think we have any problem on this side with the actual principles. We know where the legislation emanated from, because of major problems in Ontario, and rightfully so. The political arm of government had to act.

I just will have a few questions for the Minister. One area that I would be enquiring about is consultation with our local trucking organizations, as well. There is a vehicle there to work through, and I am wondering how much consultation took place there as well.

Motion agreed to

Bill No. 66: Second Reading

Clerk: Second reading, Bill No. 66, standing in the name of the hon. Mr. McDonald.

Hon. Mr. McDonald: I move that Bill No. 66, entitled *An Act to Amend the Motor Vehicles Act*, be now read a second time.

Speaker: It has been moved by the Minister of Community and Transportation Services that Bill No. 66, entitled *An Act to Amend the Motor Vehicles Act*, be now read a second time.

Hon. Mr. McDonald: The purpose of this Act is primarily to make a number of housekeeping amendments to the *Motor Vehicles Act*. Several sections of the *Motor Vehicles Act* are cross-referenced to various sections of the *Criminal Code of Canada*. Amendments to the *Criminal Code of Canada* were recently passed by Parliament under Bill C-18 that are expected to be proclaimed before the end of 1985.

The amendments, when proclaimed, will change the numbering of sections referred to by the *Motor Vehicles Act*. These sections of the *Criminal Code* deal with impaired driving, criminal negligence in the operation of a motor vehicle, and dangerous driving.

²² Section 245 is the most significant section of the *Motor Vehicles Act* that will be affected by the changes to the *Criminal Code*. Section 245 prescribes terms of disqualification of the driver's licence of a person convicted of a *Criminal Code* offence related to impaired driving.

We have legal advice that the *Interpretations Act* of Canada and Yukon ensure that simple numbering changes do not alter the laws. Therefore, technically, we could probably simply ignore the changes in numbering of the *Criminal Code* sections and the related

sections of the *Motor Vehicles Act* would continue to have full effect. However, there is no doubt confusion would result and the *Motor Vehicles Act* would be more difficult to interpret. There is also a possibility that a court may differ from the government's advice and rule that the *Criminal Code* numbering changes invalidate related sections of the *Motor Vehicles Act*.

Therefore, in the interests of making the law clear, we are proposing to change the cross-references in the *Motor Vehicles Act*.

Bill C-18 also amended the *Criminal Code* to make failure to provide a blood sample an offence when impaired driving is suspected and a breath sample cannot be given. The amendment was made to improve enforcement of the laws against impaired driving. To be consistent in our approach to impaired driving offences, we are proposing to add references to this new offence to the relevant sections of the *Motor Vehicles Act*. While this is something more than a simple change of cross-reference numbers, we are not introducing any new policy direction here.

Section 246 of the *Motor Vehicles Act* authorizes a Peace Officer to require a person suspected of impaired driving to surrender his driver's licence for up to 24 hours. The very clear objective of this section is to prevent an impaired driver from endangering lives. However, Subsection 246(6) removes the authority of the Peace Officer to suspend a licence if the Officer intends to prosecute the driver for impaired driving. Obviously, Subsection (6) acts entirely contrary to the objective of the rest of Section 246. By repealing Subsection 246(6), we will be empowering a Peace Officer to require an impaired driving suspect, whom the Officer intends to charge with an impaired driving offence, to surrender his licence for up to 24 hours. This amendment is entirely consistent with the objective of Section 246 and will help improve highway safety.

This Bill also seeks to correct a technicality that has prevented the implementation of a 1983 amendment to the *Motor Vehicles Act*. The 1983 amendment required heavy equipment, such as graders and loaders, to be covered by a minimum of \$200,000 Public Liability & Property Damage insurance. That is the same coverage as is required of a car or truck or other ordinary vehicle operating on Yukon highways. Unfortunately, the 1983 amendment required an automobile insurance policy rather than a general liability policy. The general liability policy is the insurance industry standard for providing coverage on heavy equipment. The insurance industry is unable to cover heavy equipment under automobile policies because of the difference in risk factors. This Bill makes amendments that will enable heavy equipment owners to purchase the liability insurance that the 1983 amendment calls for.

In summary, I trust Members agree that this is a housekeeping Bill and that the Members will support its passage.

Motion agreed to

Bill No. 68: Second Reading

Clerk: Second reading, Bill No. 68, standing in the name of the hon. Mr. Kimmerly.

Hon. Mr. Kimmerly: I move that Bill No. 68, entitled *Canadian Charter of Rights and Freedoms Consequential Amendments Act, 1985*, be now read a second time.

Speaker: It has been moved by the hon. Minister of Justice that Bill No. 68, entitled *Canadian Charter of Rights and Freedoms Consequential Amendments Act, 1985*, be now read a second time.

²³**Hon. Mr. Kimmerly:** After the coming into force of the *Canadian Charter*, Canadian law took a very different turn. These kinds of Bills will probably be coming forward for the next few years. I had originally hoped that we could pass a very large Bill to clarify the law for the guidance of the Yukon citizens, once and for all. That is impossible.

The principle of the Bill is that some sections of our law have been identified to clearly violate the *Charter*. Those sections have been amended so that they do not violate the *Charter*. It may be the case that some of these sections are arguable or controversial, but let me assure you that they are the clearest examples of the ones proposed to be changed.

We could try and clarify many other laws; however, I fear, as Minister of Justice, that we will simply muddy the water further,

and will not really help the situation if we go too far into the more controversial sections. The policy of the government and the principle must be aware there are uncertainties so that we know there are uncertainties. We should clarify the law as much as is possible for the guidance of citizens.

I am confident that it will be the case that, in some cases, many citizens will not particularly like where they stand; however, they will at least know where they stand, which is a very important first step.

I would suggest that we discuss these amendments individually at Committee stage. They are designed to fix obvious anomalies in the law.

Motion agreed to

Bill No. 28: Second Reading

Clerk: Second reading, Bill No. 28, standing in the name of the hon. Mr. Penikett.

Hon. Mr. Penikett: I move that Bill No. 28, entitled *Yukon Development Corporation Act*, be now read a second time.

Speaker: It has been moved by the hon. Government Leader that Bill No. 28, entitled *Yukon Development Corporation Act*, be now read a second time.

Hon. Mr. Penikett: I am particularly pleased to speak to this Bill, since it represents a very significant step towards the fulfilment of two major commitments made by my party during the recent election campaign. We indicated, during that election, and we have indicated since, that one of the largest drains on the Yukon economy was energy expenditures.

It is our conviction, and I believe it is the conviction of all Members in this Assembly, and it has been for a number of years, that Yukoners must assume control of the power facilities currently being operated by the NCPC. Further, we stated that a Yukon Development Corporation would be available as a potential tool for the development of our territorial economy, one in which Yukoners, one day, would receive a fair share of the benefits of the development. I believe that is a long-range goal that is shared by all Members in the House.

In a small way, I believe the *Yukon Development Corporation Act* presented here today addresses both these issues.

As I have previously informed the Legislature, the government has communicated its interest in acquiring the assets of the NCPC to the Government of Canada. The Government of Yukon wishes to put in place a corporate entity that can receive NCPC's assets through an orderly transfer. I believe that all parties are in essential agreement that a Yukon Development Corporation is the appropriate vehicle.

This Act provides for a corporation that will acquire NCPC's current Yukon assets, then perhaps, in conjunction with the private sector, ensure that electrical power is provided to Yukoners in a manner that reflects Yukoners' needs.

It is our belief that a smaller, Yukon-based electrical utility can be operated more efficiently. Moreover, we are convinced that in addition to being a more efficient operation, it will also be far more responsive to the energy needs of Yukoners, since it will seriously evaluate all potential sources of power and consider all Yukon energy needs.

Yukoners have watched, over the years, an electrical utility that has the potential to be a major tool for economic development being dealt with in an abstract fashion with policies that bear little or no relationship to Yukon's economic realities. The establishment of the Yukon Development Corporation will move us one step closer to finalizing the transfer of NCPC's assets.

As all Members know, local control of energy will not, by itself, provide sufficient momentum to ensure the type of sustained economic development that all Yukoners are anxious to achieve. Our government believes that part of the answer lies in improved cooperation between government and industry to expand and diversify our economy. In this respect, the development corporation could play a vital role. Our government is committed to the development of Yukon resources in such a way that Yukoners can obtain significant benefits from that development. We want to

ensure jobs and business opportunities for Yukoners from economic ventures.

The partnership with the private sector, which my government is anxious to create, could be facilitated by the creation of the Development Corporation, and this partnership could take the form of private management of Yukon Development Corporation-owned assets, when and if mutually acceptable agreements could be reached, for example, — and I only use this as a potential — the Yukon Electrical Company management of the transfer to NCPC assets. That is one possibility that we think this Bill provides for. Two, we could entertain provision of services and infrastructure to a private sector developers in exchange for equity participation or other benefits to the Yukon Territory.

Three, we could have direct investments in proposed major privately-owned ventures requiring some injection of equity to share risks or to induce further private sector participation. For example, there might be the potential public investment contemplated in extending Anvil's life through the development of the Van Gorder Plateau some years in the future.

It is also possible that we could be contemplating expanding NCPC's operations towards developing potential hydro resources or experimenting with commercial delivery of power from other sources in partnership with some entrepreneurs.

These are all possibilities, any one of which could not be done by the Development Corporation without the express approval of this House through a budgetary or some other measure. It is important for us to go to the round of meetings, or the first meetings, that we hope to have with the hon. Mr. Crombie on November 4 to begin substantial negotiations for the transfer of NCPC, which we have fond hopes can take place early in the new year. The Development Corporation we would propose to create here would be the vehicle to receive those assets.

We had contemplated, in my party's platform, the idea of a separate entity called the Yukon Energy Corporation, but I must say that after discussing it at some length, we had proposed, historically, the creation of a Development Corporation with a wide mandate, and I think that we were partly persuaded by our colleagues opposite that rather than getting into complicated corporation structures, a simple structure such as the Development Corporation would be the right vehicle to take over NCPC's assets.

The negotiations, we hope, are going to get into the serious bargaining stage very soon. If the work on this Bill is completed in time, on November 4 there is a meeting scheduled with the Minister to talk about the NCPC transfer. If the House is still sitting we will have to cancel out of that meeting, but if not we will look forward to seeing that as the act of commencement of negotiations towards the goal which I believe all Members want to see.

As I have said before, our government will be actively continuing to support Yukon economic development through its line departments and through new initiatives like the Business Development Office and other measures that have been done through the Department of Economic Development. We believe that the Yukon Development Corporation, operating with an arms-length relationship from government, with a private sector style of management, with a board composed of the best talent that we can find in our community who are able to bring the knowledge and expertise necessary to run such a thing as a power utility, that this will provide a useful bridge between the private and public sectors in the territory, while understanding that the Corporation itself can be subject to government policy and that the government can use the Corporation as a development tool for the benefit of all Yukoners.

I expect that Members opposite will have a lot of questions about this Bill when we go into Committee. We are more than ready to entertain those questions and to discuss them. I understand, also, from Members opposite, even though we are getting a bit thin in terms of our agenda here, that they might not want to conclude the second reading debate today and perhaps adjourn debate. If that is the wish of Members opposite, we will not object or vote against such a motion to postpone the debate further until Monday. We are quite willing to accede to that. I would naturally prefer, and I will be perfectly honest, to get the Bill into Committee where we can discuss the particulars and have much more give and take, more

exchange of information. However, I respect the wishes of the Members opposite if they wish to postpone further debate until Monday. We shall accede to the wishes, in this respect.

Point of order

Mr. Lang: In respect to the comments made by the Government Leader as to the procedure of the Bill, it was indicated to me as the House Leader that we were going to deal with it on Monday. I just hope these things do not happen again, because it does put me, as a House Leader, and the other House Leader, in a difficult situation when we make arrangements to proceed with legislation and I tell my colleagues accordingly.

I am pleased to inform the Government Leader that we are prepared to proceed with the Bill. I just want to register my disappointment that we could not have had a clear understanding when the Bill was going to be dealt with.

Hon. Mr. Porter: In speaking to the point of order, I would like to stress that, although House Leaders do meet, the agreements of the House Leaders are not binding on all parties. The agreements with respect to the understandings reached by the House Leaders are subject to the review of the respective Caucus, and then further meetings may be deemed necessary.

With respect to this issue, that is the process. The House Leaders met last night and we discussed this issue. There was an understanding reached with respect to the handling of this Bill. However, we had to bring those matters back before Caucus and we recognize, in the end result, although the House Leaders' discussions are used to try to facilitate an orderly approach to the business of the House, sometimes the Caucus' of the various parties in the House do ultimately have the ability to make the decisions.

With respect to business brought before the House, the government has the ability to determine the nature of government business.

Mr. Lang: On the same point of order, I want to say to the Member opposite that as a House Leader, I recognize the tentative undertakings. I was led to believe that that was the schedule of business. I had no reason to know it was going to change until today. I just wanted to register my understanding and objection to that kind of thing happening, because I do not think it is necessary. That is my only point. I understand we are sitting next week. We are prepared to deal with the Bill. I do not want to deal with it any further.

Hon. Mr. Penikett: On the same point of order, unless my colleague, the government House Leader, be subjected unnecessarily to a lot of abuse, let me say in apology to the Member opposite, if there is anybody who is responsible for insisting that I at least start second reading today, it was me, not my colleague opposite.

I was concerned about the agenda running dry completely before getting the Bill before the House. That is my urgency to do that. If there is anybody at fault, it is me.

Mr. Phelps: In speaking to the Bill, I would like to say that our party has long stood for a Yukon Development Corporation. In fact, I can recall in federal party the Right Hon. Erik Nielsen talking about this concept back in the late 1960s and early 1970s. It was certainly the position of the federal territorial party and the position of the Yukon Progressive Conservative territorial party as well — I guess what I meant to say the first time was the territorial/federal party.

While I was Leader, and during the leadership campaign, I campaigned, in part, on Yukon Development Corporation with regard particularly to the taking over of the assets of NCPC in Yukon. I had discussions — and made this public in very early April of this year — with both Mr. Nielsen and Mr. Crombie about the issue. It was shortly after that that Cabinet determined that they were willing to start negotiations with northerners with regard to the devolution of assets of NCPC to Yukon and to NWT. They did not restrict that only to government; they also said in their statement at that time that they would entertain those kinds of discussions with the private firms as well.

At the end of March, on behalf of this government, I engaged the consultants from Winnipeg who are still being used. I talked to them prior to my initial meetings with the Deputy Prime Minister on

this subject — which took place at the very end of March.

The committees to develop policies and study the situation were set up shortly after that, and they were going full-tilt when the election took place.

One of the issues of some concern to me that remains is that we were using a local lawyer who has some expertise in corporate law, and he was going to develop opinions for us by working with experts in corporation law from several areas of Canada. I know that individual is no longer involved in the committee that my predecessor, the Government Leader, has struck. I mention this because what we have before us, in essence, is simply a Bill that will create an entity; it is a shell that gives our government a lot of broad powers. I will be, in Committee of the Whole, asking questions about the kind of opinions that were sought prior to the Bill being formulated. I was concerned about issues such as taxation, issues about how best the framework could be built so as to facilitate partnership with private enterprise with regard to wholesale and retail electrical distribution and creation in the Yukon, and so on. There were a lot of questions which certainly did require a lot of expertise.

²⁸ Indeed, the Winnipeg firm you are using — I have forgotten their name just now — Intergroup, have a very good background with regard to public utilities. They certainly, I know, had contact with some experts in the field of law with regard to some of the issues that I raise here today.

I recognize that the party that now governs us has had their vague concepts of the Yukon Development Corporation for some time as well. I am not standing here to deny that. I really feel that we have to move forward and acquire the assets of NCPC on behalf of Yukoners so that consumers in Yukon can get a well-deserved break.

There are a lot of issues at stake, even when one talks about establishing the shell company, or the framework, for future negotiations. There is a fundamental issue as to whether or not all endeavours that are to be taken on by the Yukon Development Corporation should be in one company, one entity, or whether there should be subsidiaries, and so on. I can say that I recognize a fair amount of complexity.

I will be asking questions, without really having all the answers. That is why we were hiring people on behalf of the government back in March, April and May.

I think that there will be a lot of questions. I am sure that you will be in a position to provide us with answers on many of these things. I do have a certain amount of faith in the consulting group that was initially engaged by myself and you have carried on with.

I look forward to a fairly informative debate during the Committee of the Whole.

Motion agreed to

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

Speaker: It has been moved by the hon. Government House Leader that the Speaker do now leave the Chair and that the House resolve into Committee of the whole.

Motion agreed to

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chairman: I now call Committee of the Whole to order. We will now take a brief recess.

Recess

²⁹ **Chairman:** I now call Committee of the Whole to order. We will proceed with Bill No. 12, entitled *Raven Act*.

Bill No. 12 — Raven Act
On Clause 1

Hon. Mr. Kimmerly: I was most appropriately and most eloquently told not to speak so much, so I am going to sit down.

Mr. Brewster: I just had a conversation with a couple of ravens. They came down to the window there and were very insulted with the fact that they were being compared to the old crow in Alberta, that sleazy old thing that lives around there, against this majestic animal. I do not think that was very nice of the Minister.

On Clause 2

Clause 2 agreed to

Clause 1 agreed to

On Title

Title agreed to

Hon. Mr. Kimmerly: I move you report Bill No. 12, entitled *Raven Act*, without amendment.

Motion agreed to

Bill No. 60 - Dangerous Goods Transportation Act

On Clause 1

Hon. Mr. McDonald: In the second reading, the Member for Porter Creek East made mention that there was a couple of questions he wanted answered. Perhaps I could provide the Legislature with that information now.

One concern that the Member had was the cost of administration, essentially. Why hire a person, another person sitting in another office, or to go around the territory to inspect vehicles when you have a mobile enforcement officer for the purposes? The only way to really discuss the issue is to try to explain what it is exactly we are referring to here.

The position of the Dangerous Goods Coordinator is a position that is not primarily concerned with inspection services *per se*. The position of the Administrator is to do a number of things. I have a whole list of things that I can provide for Members. Essentially, the position of the Administrator is to provide the educational role, to help shippers, receivers and carriers of dangerous goods in the territory understand the legislation, understand the intent of the legislation, and ensure they comply with the provisions of the legislation itself.

It is certainly the intention of the government to take preemptive action to ensure that no one is left wondering what happened to them when they are fined for a particular offense. That is not our desire. Clearly we are not looking for implementation of the legislation until February, 1986.

Still, I think it is the obligation of the government, under the circumstances, to inform people and to help people understand the provisions of the legislation and the regulations pursuant to the legislation, fully, so that nobody is caught unaware. That is the primary role, as far as Yukon is concerned, of the Dangerous Goods Coordinator.

The federal government has offered to pay for the services of this Dangerous Goods Coordinator on the understanding that we will be performing some work for them.

³⁰ The work we anticipate performing for them is work that involves the inspection of transportation terminals, et cetera, around the territory, essentially to ensure that the various operators in the territory are complying with the federal legislation. The requirement for the person, as the Member mentions, may vary with time. The requirement I anticipate, given the educational role of this coordinator's position, may be very heavy initially and may taper off as time goes on as people become more used to the federal and territorial legislation — the federal legislation already being in place — and understand their responsibilities to the safety of the public. The amount of money put in initially for providing this person will, by necessity, diminish, and we intend to keep an eye on this to ensure that people are not simply making work for themselves but fulfilling a real function for this government and for the federal government.

The previous government, as the Member mentioned, had in fact started negotiating and was familiar with the terms of this legislation — at least, in principle — and with the agreements that were reached between the provinces and the territories and the federal government with respect to the development of this legislation. As well, I am sure they were familiar with the fact that other provinces and territories have put forward legislation and have required an enforcement and administrative role to accompany the

legislation and give it some hard, practical meaning. Of course, they budgeted for those funds, as we have in our O&M budget a couple of weeks ago, when it was tabled in the Legislature. We budgeted for the dangerous goods coordinator and I did not announce it as any change of policy because it was clearly in the O&M budget for 1984-85 as well. I believe Mr. Tracey was the Minister of the day.

In any case, there is a recognition that, initially at least, there is a role for a person to play in following through with the obligations under the Act. The fulfillment of that role may diminish with time, given the responsibilities we are charging that person with under the terms of this Act and the agreement we have with the federal government to enforce their Act. Primarily, the educational aspect, I would presume, would diminish over time as our carriers became familiar with the provisions of the Act.

That is the reason for the person-year; that is the reason why we budgeted the funds in the O&M budget for this person. We have not finalized negotiations for the funding from the federal government. We are operating on the understanding that this will be fully cost-recovered.

³¹ That is presumably the reason why the O&M budget in 1984-85 anticipated the funding of a dangerous goods coordinator. Quite clearly, if the responsibilities for the coordinator decline over time, we will have to review the necessity of having a full-time person.

Mr. Lang: How many spillages are estimated a year in the Yukon that are dangerous to the public health? Secondly, is the position that he is advertising for a permanent position?

Hon. Mr. McDonald: I do not have an estimate of how many spills there are in a given year. We just had one recently, in Whitehorse, from a truck that rolled over. How much was spilled was not very much. Clearly, we do not want any spills of any sort in the territory, especially if spills could provide extreme danger to the public safety and health. We would like to ensure that we do not, in the future, have even one spill that will cause danger to the life of anyone in the territory. Prior to the PCB spill in Ontario, perhaps there was no desire and no statistics to warrant any sort of concern over the spilling of dangerous goods, but, all it takes is one careless operator to make politicians aware that there might be a potential problem. For that reason we are presenting this legislation, providing working it out with the federal government what it is they would like for us to purchase in terms of services, and what it is we think that we need in terms of the educational role that the administrator will play.

We have a choice. We can do this ourselves or we can have the federal government do it for us. This government has — and I presume the previous government, too, given that they budgeted \$58,000 in the 1984-85 O&M budget — decided that they thought that if there was going to be legislation that they would do it themselves as well. We have decided that we are going to have as much local autonomy as we can possibly have under the circumstances and we are inflicting that here.

I do not have details with respect to the job posting itself, but if that is absolutely critical information we could have it here in a flash.

Mr. Lang: The point that I am making to the Member opposite is very basic. It is similar to the one in some respects that I made to debate on the Budget in July on the appropriations Bill, when I asked if we really need our own policemen to run around the territory, when we have the weigh scale in Cassiar, and that was one of the major reasons that person was employed. I asked if it was really necessary. He got quite upset at me saying that we should really look at this. His answer was to take it from a contractual situation to a permanent man-year, so that we have our own vehicle running around for law enforcement.

This is a similar situation. You have said in this House, quite clearly, that maybe the idea put forward is not a bad idea. Maybe we could get a semi-retired, or a retired individual, train him, call him in two days a week and not have a permanent staff and a secretary and everything that goes along with it. This would be quite similar to what we are doing with Civil Emergencies. I do not see a problem with it. I cannot understand why we cannot train someone here in the Yukon who is retired and say that here is a way

to advertise it from that light. If you go out on the street right now and advertise for a permanent man-year, do you think that you are going to reverse that decision?

» I think it is salient to the conversation we are having here. I am basically asking the cost of the administration. Now, the Minister stands up and says it is federal money, which seems to be his favourite cop-out. I look at that money as being all our money. The federal government goes into these agreements for three years or five years and, nine times out of ten, we are in a position where this Legislature has to pick it up.

I think we should always consciously go into these agreements knowing, down the road, where the responsibilities ultimately lie and try to fashion our programs in such a manner that we can deliver the service but deliver it in the way we want it delivered. Is the Minister prepared to consider that and, if he is, what is he going to do about the advertisements in the newspapers about two weeks ago? I am trying to help you.

Hon. Mr. McDonald: The Member make mention that perhaps we could train a semi-retired individual to take on the function of the dangerous goods coordinator. The administrative, educational and the inspection functions of the dangerous goods coordinator are not something that you can treat lightly. We will be extremely fortunate if we can find a semi-retired person in the territory, I think, to fulfill this function. It would be very difficult. The responsibilities under this Act are significant. They are not insignificant.

Obviously, what the Member might be talking about here is a change of policy from the time he was in government. Perhaps he is talking about that.

On May 15, 1984, the Minister of Community and Transportation Services said that the major increase in the department is the addition of \$58,000 for the new transportation of dangerous goods coordinator position. That is \$58,000 for a position. Is he talking about a semi-retired position where a person does not have secretarial services at the cost of \$58,000? Obviously he is not.

We now have a situation that is not unlike the situation of a year and a half ago. We are looking at the situation in much the same manner. Now, the federal government has the desire to have a person on hand who is prepared to fill the responsibilities of their Act. We would like to supplement that and control the position for our own purposes. We would like to supplement that with the educational function under the terms of our legislation. I am prepared to say that that is a fulltime position initially. I am also prepared to concede that, over time, the position may decline in stature, but I do not know within how much time. I think it would be reasonable to say that it would take a considerable amount of time to fulfill the function of the coordinator here.

Mr. Phelps: Another empire.

Hon. Mr. McDonald: The Leader of the Official Opposition is talking about another empire. This is the same principle of the previous government — exactly the same principle. There is no difference.

» I am prepared to accept, given my understanding of what this person is going to do, and given my understanding of his job description, which is significant, that initially the responsibilities under this Act are going to be significant. I am prepared to say that, initially, and for the foreseeable future, this is a full time job. That is the reason why we are looking for a full time person to fulfill that work.

If he wants us to hire a semi-retired person, I would take those comments under advisement. If we can find a semi-retired person to fulfill the function, and do all the things we want them to do, that is fine. I do not care if he is semi-retired, retired, or whether they want to quit their job and come to work for us. All those options are available to us.

If we can find the people to perform the function and to do the sorts of things that we want them to do, to supplement the inspection services that the federal government wants done, under the terms of their legislation, then we will satisfy ourselves that the situation is clear.

The Member is making a value judgment, off the top of his head, that perhaps this person is not going to be a full time person. I do

not know. Maybe he has some sort of sixth sense, so that when we know how much work civil servants do in this territory, and he knows when a person is underworked and overworked — off the top of his head. We have a very significant job description for this person. I can read it on the record. I can give people copies. I can give people copies in red, blue and black. I can put it on a poster board, if they want. I am prepared to make this public. I have no problem with that.

In my estimation and the estimation of federal and territorial officials, there is a lot of work for this Administrator to do, for the organization of the system, for the education of the industry of the Act. There is a lot of work for this Administrator to do. We believe it is a full time job. If the Member can give us evidence that it is not a full time job, then I will take that under advisement.

Mr. Lang: I will present to this House, and he can doublecheck with his officials, that it is my understanding that, in Yukon, on the average we deal with about five spills a month. Those five spillages are, in most cases, petroleum products. We are not dealing with the major chemicals, such as PCB's.

Honestly, I am sincerely trying to help the Minister. If you advertise for a permanent position, you cannot back off whether there is enough work or there is not enough work. You have before you a position and a person in that position, and you are committed. I am saying that maybe there is an interim step that could be taken, similar to what we have done with Emergency Measures. It has worked out very well. We have a very well respected individual in the community who works half time on a contractual basis for the government. He does the job and does it well. I have heard no real complaints.

I am telling you one of the reasons that we did not go ahead with it and I am saying why do we not go to a contractual arrangement, similar to what we did with Emergency Measures. That, I am sure, would have been the way we went.

That was what I was recommending to the Minister, that he hold the advertisement and go for a contractual arrangement. That is all I am asking, an undertaking.

» On the one hand, I get criticized by the side opposite saying I did not put any suggestions forward, then I put a suggestion forward and the guy tells me I am stupid.

All I am trying to do is say to the Member opposite that I have a fair idea of what I speak of, because of my past experience in government and I am saying there could be some savings for the taxpayers if he would take another approach to the problem.

I do not have a problem with the Bill or the principle of the Bill. I do not want to leave that impression. I recognize that there is a problem and I recognize that we are in Canada and have some national responsibilities along with our interprovincial responsibilities. I just find it ludicrous that we are going to go with a \$50,000 expenditure when we have the Department of the Environment, which gets involved in all these things, as the Chairman well knows from the situation that developed in Dawson City. He is nodding his accord; maybe I should put a motion on the floor and let you vote again.

As I indicated earlier, we have weigh scales in all our areas, including the Cassiar Highway, which will catch those particular types of commodities coming in. We are paying people 24 hours a day, seven days a week in these particular areas. Would the Minister make an undertaking to this House that we go on a contractual arrangement for a year, analyze the situation to see where we are, and then make a decision from there on; to not go for a permanent man-year and then decided to go on contract a year from now because it is not going to happen. Your options are closed. I do not see what is wrong with the proposal I am putting to the Minister.

I can see the Minister really thinking there, and I would like an undertaking that he will do that.

Mr. McDonald: You made a big mistake, Mr. Chairman, to give me the floor so that I could talk.

I do not want to give the Member the impression that I am not listening to what he is saying. What he is asking me to do is give an undertaking to pull the ad, so that we can make a final decision right here, right now, on whether or not the job should be a

contractual position. There is a situation here where we have the federal government wanting to pay for the position. If they do not want a contractual position — and this is for the Member for Riverdale North's information as well — then that is obviously something we have to take into account.

I do not want to leave the Member with the impression that I do not listen to him. I do listen to him, especially when I am here. I hang on every word he says. If he has a good idea on how to save the taxpayer's money, I will listen to it. Then I will try to do something about it if he has made a good point.

We will find out if he made a good point once we review the situation. As I told the Member already, I do not know how the position is being filled but I know we have a full time position, at least initially. I do not know if it is contract or permanent. I cannot even verify the allegation the Member is making, so how can I agree? What would happen if the position was hired on contract and I go to my department officials and say I made a commitment on the floor of the House to pull the ad, because we want a contractual employee, and they say that it is a contract. I have made a commitment to pull the ad. That is absolutely ludicrous. I swear on my mother's Bible that I listened to the Member. If the Member has a good idea on how to save taxpayers a dollar, I will consider that. It has absolutely nothing to do with the Bill itself in principle or the clauses of the Bill but, quite clearly, if there is a saving to be made and if there is not the work, if the federal government feels they do not need a permanent position themselves, then what the heck, we will not put in a permanent position.

³³ With respect to the very capable Emergency Measures coordinator, I do not know whether this particular person could be trained into this particular job or whether he could fulfill the functions of a time-and-a-half job for a particular period of time. I do not know that. We will have to investigate that particular case. We will consider that as an example.

I will undertake to go to my department and review exactly the question that the Member raises. I will have people double check *Hansard* to make exactly sure that we understand what the Member is saying. There will be no slip-ups. If we have any questions I will undertake to have someone call the Member, or I will call the Member myself. I will invite the Member out for dinner, and I will get an understanding of exactly what it is he is referring to.

I will have to review with department officials whether or not the job should be permanent or a contract. It will depend on what the federal government has to say. They are paying the bill. That is important. We can try to convince them that what they want is not necessary in the territory. That is certainly a possibility. We can do that. If they agree with our view of whether or not this person should be a full time, part time, contract full time, contract part time, casual, seasonal-casual, or whatever, if they concur with us we will have a deal. We, like the previous government, have identified funds in the Budget to cover an eventuality based on the negotiations undertaken some years ago. That is the way the situation stands today.

Mr. Brewster: I have been hearing this expression quite a few times in this House and I am getting a little sick and tired of it. We keep saying that we are not paying for it, the federal government is. I just wonder where people think the federal government gets the money when we realize that they are billions of dollars in debt and we say that we can go hire someone else because the federal government is paying the bill. For the information of the Minister, some of that is coming out of his wages.

Hon. Mr. McDonald: I too am getting a little sick and tired of being preached at by Members opposite about our view on federal funding. This is a situation where the federal government wants a service provided in the territory. We are saying that we would like maximum local control. We will fulfill the function. We have some supplementary duties for this particular position and we can roll all those in, have control of the function, do their job and do our job as outlined in this Act and as outlined in their Act, and we will make a deal with respect to funding. I have already undertaken a review of the extent and nature of the work to be done with the federal government to ensure that we do not have a person sitting around marking time, making work for himself.

It is not a question of saying that the federal government is paying for it so we will create all these artificial positions in the territory which will sit around making work and making a little bit of trouble. That is not the issue. We have got an Act here that we would like to see enforced. We have got a number of functions here that we would like to see fulfilled. The federal government has a number of functions. We are not saying that we should have a dangerous goods coordinator for Yukon, and a dangerous goods coordinator for the federal government, we are saying we should combine those two because there is not enough work for two but there is enough work for one.

³⁶ That is what we are saying. That, absolutely, has nothing to do with shirking our responsibility as Canadian taxpayers by saying the federal government is going to foot that bill. That has nothing to do with it. I would appreciate very much not receiving any more lectures on that score.

Everybody now wants to participate in this debate. This debate is for the principles of the legislation in front of us. That is what we are talking about.

Mr. Lang: All I am trying to do is be helpful. First of all, this Bill gives you the legal authority for whomever you have hired to go about their business. Without this Bill, under the aegis of the Yukon government, you could not operate with any legal authority.

To say that this has nothing to do with the position is not an accurate statement, and I think the Minister would agree with that. I want to say to the Member, if he wishes — I do not want to hold up debate here, because I agree with the principles of the Bill — to adjourn debate and go and check with the public service to see if it is okay to make a commitment to us in the House, I would be prepared to accept that.

All I am saying is there is an opportunity to do something similar to what has been done in the civil emergencies area, and I thought that was the procedure to follow. I am not going to carry on with the debate. You can carry on with the vote. I find it more exhilarating dealing with the Minister of Government Services, because at least he seems to be in charge of his departments.

Hon. Mr. McDonald: We have a situation here where the Member is making absolutely unwarranted allegations, that the Minister of Community and Transportation Services is, in some way, not responsible for his department and not in charge of his department.

I have looked at this. I have the information in front of me. I am prepared to give it to the Member. The Member is making unwarranted and unsubstantiated allegations that the responsibilities under this Act and the federal Act are not sufficient to warrant someone to perform the work on a full time basis. I am saying it is. I am prepared to justify that.

If the Member has some information about the federal Act which would suggest that there should not be a position, or it should not be enforced, let him stand up and say it. I am prepared to justify what this Act is going to do. I am prepared to justify that there should be somebody to perform the functions pursuant to this Act, and I will stand here forever, if necessary, to justify that.

The Member has made mention that I suggested that the Dangerous Goods Coordinator has nothing to do with the Act. The discussion that we are having is about the hiring of the Administrator. It has nothing to do with the principle of this Act. The principle of this Act is that we want Yukon protected. Whether or not we put in a contract position or a permanent position is not relevant to the discussion of this Act.

That is the frame through which this Member is putting the issue before this Legislature. This Act, in my opinion, stands on its own merits. I am prepared to defend this Act for as long as the Member wants to debate it.

I will review the position of the Coordinator, whether it is going to be contractually based, or whether it is going to be a permanent position, or whether it is a part time position, to ensure that the position, itself, as Minister responsible for this department, and who is in charge of this department, is going to fulfill the duties under this Act and the federal Act, pursuant to our agreement with the federal government.

³⁷ That is something that I have undertaken. I am not prepared to

stand this Bill on the basis that the Member wishes me to — some artificial discussion of whether or not this position should be permanent or contractual. I am prepared to review whether or not the position will be permanent or will be contractual. I am prepared to review that. That does not affect the debate that we are supposed to be having here this afternoon with respect to this particular Bill.

Quite clearly, if we do, hypothetically, pull the ad, or if there is a need to pull the ad, and we do get a contractual position, it is not going to affect this legislation one bit. Why do we not discuss this legislation, and perhaps the Member can ask me a question on Monday as to whether or not we have reviewed his options with respect to the contractual or permanent basis of that position, and whether or not we have come to a decision on that score.

If we have, I will answer the Member honestly. It does not affect this legislation before us at all.

Mr. Lang: He answered my question. He is going to check back with whomever he has to check back with. I would have assumed that he could have taken that undertaking and agreed to revise the ad and go for a year's contract and then review it. That is all he had to say. It is no big deal. I do not have any problem with the legislation; we wrote it.

The draft was there when you came into office. That is a reality. The point is that he has just told me who is running the department, that is all. Let us proceed with the Bill.

On Clause 2

Clause 2 agreed to

On Clause 3

Mr. Lang: The question I have in 3(2) is regarding the national defence? Who inspects the Department of National Defence, or are we going to rely totally on our Member of Parliament?

Hon. Mr. McDonald: Our Member of Parliament, of course, is the Minister of National Defence. The Yukon government is not empowered to regulate, in any way, the activities of the Department of National Defence. When armed shipments come through with either the US military, or with the Canadian military, they are, in essence, self-regulated by the military. It may not be the best arrangement, but that is the best arrangement we can work out in this particular piece of legislation.

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Mr. Lang: What exactly is envisaged when you say "exemptions"? Why would you want to have the authority to offer a permit for the purposes of exemptions? You are making a requirement of inspections; you have your regulations, and all of a sudden, you talk about exemptions. You talk about the health safety of the public and you then turn around and want the authority to exempt someone.

Hon. Mr. McDonald: This is a matter that was of some concern to me. I recall being in Opposition and disputing clauses of this nature, because it gave the government-of-the-day the right to exempt persons from provisions of the Act. Presumably the provisions of the Act are considered fair to all persons concerned. Unfortunately, the legislation across the country, in all the jurisdictions, is very new. The concern is that the legislation, when put into effect, is going to be rigid in certain areas and not take into account emergency conditions. Because there has not been enough experience with the legislation, it was felt that, essentially, this escape clause was necessary to ensure that, if something did come up, we would be able to provide some immediate release valve, so that we did not provide any particular hardship on the transportation industry. That is the purpose of the clause.

Mr. Lang: Just give me an example. You must have an example of something. You have a section like this, you must envisage some sort of a disaster happening, or something. Just give me an example to justify it.

Hon. Mr. McDonald: I wish I could. If there was a situation that we could determine as being worth exemption, then we would certainly account for it in the regulations, so there would be no need for that particular exemption.

We are talking about any provisions of the Act. Essentially that is

the justification for this particular provision. The federal and all provincial Acts have this escape clause in it. That is the only justification I can give, beyond what I have already said.

Mr. Lang: I really do not think your explanation is satisfactory, quite frankly.

Hon. Mr. McDonald: The Legislatures in all the provinces, and the House of Parliament, all agree that there is not enough known about this area to justify setting down hard rules that cannot be changed. The transportation industry is afraid that there may be hardships that the legislation does not account for.

I certainly, as the Minister responsible, — and if any person has the opportunity to become Minister of Community and Transportation Services — I believe that they would use this provision extremely judiciously. There are a number of safeguards being suggested here, such as notifying the public, gazetting the decisions made so that the Executive Council Member cannot be making decisions of this sort lightly and without public scrutiny.

That is the best explanation. I think it is a reasonable explanation, otherwise the provision would not be in the Act.

Mr. Lang: The Minister makes a valid observation I had not thought of, and that is that Subsection (5) does make you account to the general public and to people like myself, which I think is important.

Mrs. Firth: I could see, maybe in some circumstances where there was an emergency situation or something, that this kind of exemption may have to be available and, if it was not in the Act, they would not be able to do that. In situations of national defence or something like that I could see where there may be a necessity to transport dangerous goods immediately without having to go through the regular government red tape and so on to get all the necessary permits and gazetting and so on.

Mr. McDonald: Just off the top of my head, I believe there is a suggestion here as well where there might be a case in the future where there is a work camp with stockpiles of gasoline and if there is a fire we will not require that certain kinds of containers and certain kinds of vehicles are going to transport this at certain times of the day out of the work camp. There may be a necessity, for public safety reasons, to move it, period. I would not think, under the circumstances, that we would want to prosecute anybody for taking remedial action.

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Clause 10 agreed to

On Clause 11

Clause 11 agreed to

On Clause 12

Mr. Lang: On Subsection (1), I have a question on the delegation of authority. Why is the Executive Council Member in this particular case designating the inspector? I guess it is a kind of technical question I have with the drafting. Would it not be more appropriate for the Deputy Minister or the Public Service Commission than the Executive Council Member? This is not a political appointment.

Mr. McDonald: This is an issue I brought up as well for consideration. The inspectors will be given a certain amount of authority, as you can see in the Act, and it was not considered advisable that the inspector would be reporting to the bureaucracy, reporting to other civil servants, in making determinations, et cetera. The inspector would, in fact, be required under the law as designated person to report to the Executive Council Member. It is not meant to be a political appointment. It is meant to be an administrative appointment, but a very, very important one.

Mr. Lang: I am required to accept that. When I think about it, in the *Wildlife Act* we do appoint CO's by regulation, yet at the same

time they actually report to the Deputy Minister and are hired through the Public Service Commission. I am prepared to accept that argument.

Clause 12 agreed to

On Clause 13

Clause 13 agreed to

On Clause 14

Clause 14 agreed to

On Clause 15

Clause 15 agreed to

On Clause 16

Clause 16 agreed to

On Clause 17

Clause 17 agreed to

On Clause 18

Clause 18 agreed to

On Clause 19

Mr. Lang: On Subsection 1, I think that this is quite a significant fine, \$50,000. Is this similar to the provinces? Is this their limits as well, as this is substantial even to my well-off friend, the Minister of Highways and Community Affairs?

Hon. Mr. McDonald: This would be substantial, even for me. The Member knows my salary well enough. I obviously do not want to commit offence under this Act for fear that I would be subject to such a fine. No, the fine itself is uniform. One of the principles of the Act was that it should be uniform across the country. Everybody knew what the situation was, and what the fines were. These fines are uniform in all the jurisdictions. These are fines up to \$50,000 and up to \$100,000 and hopefully the courts would be judicious about applying them.

Clause 19 agreed to

On Clause 20

Clause 20 agreed to

On Clause 21

Clause 21 agreed to

On Clause 22

Clause 22 agreed to

On Clause 23

Clause 23 agreed to

On Clause 24

Clause 24 agreed to

On Clause 25

Mr. Lang: On Subsection (2), before we pass Clause 25, surely this is just the uniformity of the Act. You do not intend to go into an Agreement with the municipalities? There is no reason to, is there?

Hon. Mr. McDonald: No, we do not anticipate doing that. This will allow us to enter into the Agreement with the federal government.

Clause 25 agreed to

On Clause 26

Clause 26 agreed to

On Clause 27

Clause 27 agreed to

On Clause 28

Clause 28 agreed to

On Clause 29

Mr. McLachlan: Is it simply his intent, or is it his belief that what is described as a hazardous product under the federal legislation was simply transcribed into ours? Everything? Or, will we be able to specify what we consider dangerous in Yukon?

Hon. Mr. McDonald: Essentially, the regulations are going to be uniform across the country as well. The point of the exercise is to ensure uniformity through all jurisdictions, so that a trucker going from one province to another will not be faced with differing regulations.

The only changes we might make would be very minor administrative changes. The agreement that has been made is that any substantive changes to the regulations will be done at federal-provincial conferences.

The point of this whole legislation, and the point of the trucking regulation across the country at this stage, at least recently, in the

last year or so, has been to make regulations uniform, not to have ten different sets of regulations in ten different provinces, and sets of regulations for the territories as well. Essentially the regulations are going to be the same.

Mr. McLachlan: We use a product at Faro, a two-part product. Part A, by itself, is no problem. Part B, by itself, is no problem. Together, they make an explosive mixture. They are not intended to come together, and they should not, until they reach their destination.

Can the Minister tell me, in a situation like that, is that classified as dangerous goods under this regulation? The situation where this would happen is if the truck goes over and rolls. Normally, that is not intended to happen. What do you do in a grey area like that?

Mr. Lang: It is very obvious that the regulations are designed in such a manner that if there are two types of chemicals that cannot travel together, then they will be classified in the regulations that those two particular commodities cannot be on the same transportation vehicle. You do not need a colouring book to figure that out.

Mr. McLachlan: I did not say two types of chemicals travelling together. Do I have to repeat it again? Product A is okay. Product B is okay by itself, but together it is an explosive mixture.

Hon. Mr. McDonald: Any situation that would reasonably lead one to believe that there would be a dangerous chemical, or a mix which would provide a dangerous chemical, would, we hope, be covered under the regulations. The only situations we cannot account for are two trucks coming down the highway — one coming one direction, one coming the other direction — and they meet head on, and there is an explosive mixture resulting. I am not trying to be frivolous. I suppose I am being frivolous.

Mr. Lang: I would like to help the Minister. That is why you should be contracting this position, because the inspector might be out fishing that day and he might be there to help remedy the situation as opposed to being in an office.

Mr. McDonald: I apologize to the Member for Faro. The Member for Faro is right in the sense that there will conceivably be situations where we will not be able to account for changes in technology which will produce new chemicals or where we do not anticipate certain chemicals which, when moving together, will create an explosive mixture or, under certain circumstances in cold weather, will be particularly dangerous. We would hope to be able to cover as much of the situation as we can through the regulations and hopefully, in time, will be able to meet any unforeseen difficulties. The Member is right that there are grey areas.

Mr. Lang: Just further to that, my understanding of the national scene is that there are going to be continuous technology advances. Is national research not doing a lot of work on this on an ongoing basis? The regulations are going to be changing as time goes on so. Within the spirit or intent of the law that is being required here, I would think we are adequately covered. He cannot cover himself a hundred percent but I think he, as a Minister, or I as a Member of this Legislature can say that ninety-eight or ninety-nine percent of the cases will be covered, effectively. I think that is what we want to ask of this legislation.

Mr. McDonald: That is a fair assessment.

Chairman: There is a correction to Clause 29. All these regulations should appear under Subsection (1).

Clause 29 agreed to

On Clause 30

Clause 30 agreed to

Clause 1 agreed to

On Title

Title agreed to

Mr. McDonald: I move that you, Mr. Chairman, report Bill No. 60, entitled *Dangerous Goods Transportation Act*, without amendment.

Motion agreed to

Bill No. 66: An Act to Amend the Motor Vehicles Act

On Clause 1

Mr. Lang: Coming from our side, we have no problems with this legislation and the principle that has been put forward. Unless my friend to the left here has any problems, I would make a motion

that we deem it to be read.

Chairman: Is there unanimous consent?

Some Members: Agree.

Clauses 2 to 8 deemed to have been read and agreed to

Clause 1 agreed to

On Title

Title agreed to

Mr. McDonald: I move that you, Mr. Chairman, report Bill No. 66, entitled *An Act to Amend the Motor Vehicles Act*, without amendment.

Motion agreed to

Bill No. 68: Canadian Charter of Rights and Freedoms Consequential Amendments Act, 1985

On Clause 1

Mr. Phelps: Again, we have no problem with this Bill and if we have the unanimous consent of the House we would move that it be deemed to have been read.

Chairman: Would this be with unanimous consent?

Some Members: Agreed.

Clauses 2 to 15 deemed to have been read and agreed to

Clause 1 agreed to

On Title

Title agreed to

Hon. Mr. Kimmerly: I move you report Bill No. 68, *Canadian Charter of Rights and Freedoms Consequential Amendments Act, 1985* without amendment.

Motion agreed to

Chairman: Is there any other business on the agenda for Committee of the Whole?

Hon. Mr. Penikett: There is Bill No. 28.

Chairman: Bill No. 28, *Yukon Development Corporation Act*.

Mr. Phelps: I thought that we were going to adjourn debate on this on Monday.

Hon. Mr. Penikett: If that is the wish of the Members opposite, that is fine with me. I just thought it might be useful. The Leader of the Official Opposition was putting a number of questions on record at second reading. He may want to detail those for now in the few minutes we have left. That will enable me to come back with more substantive responses when we continue the debate on Monday. I just thought we could use the time usefully without attempting to conclude it in any way.

Chairman: Is it the wish of Committee to continue with Bill No. 28?

Bill No. 28: Yukon Development Corporation Act

On Clause 1

Mr. Phelps: I think I could ask a few questions. One I asked was whether or not you had a legal opinion, or a professional opinion, as to the taxation consequences of this framework, as opposed to alternate framework?

Secondly, I would like to know whether you had legal opinion as to this framework as opposed to, again, alternate framework. Is this a preferable method of incorporation to incorporate under the existing *Business Development Corporations Act* in Yukon, or under the federal Act?

Hon. Mr. Penikett: I will come back with very specific replies to those questions. I do know that the consulting firm originally retained by the now-Leader of the Official Opposition when he was Government Leader made some extensive and very detailed recommendations to us about the corporate structures and the modelling of those things. We, of course, had some options that came before Cabinet in terms of the size of the Board of Directors and so forth.

We have, to some extent, been advised to model the corporation after those created by some of the smaller jurisdictions in this country. Prince Edward Island's was one model; Newfoundland's was another model where it was suggested to us that we go for the fairly simple structure, initially. As the Member opposite said, there is, under the power of Yukon's *Business Development Corporations Act*.

It grants the power to establish subsidiaries for different purposes. We have no other purpose at this moment that causes us to contemplate doing that. The Member is right. In the full flowering of time, perhaps in a generation, if this Corporation might for example be having a hydro subsidiary it might also have a steam generating or wood burning subsidiary that some government in the future may decide is prudent to separate. One could have a parent body or a holding company, but have two separate subsidiaries because they are really, although both in the energy field, there is no reason to integrate their managements.

I do not think that we have tried to pre-judge or come to any conclusions about those questions at all, except to set up the Corporation with the idea that, one, it could be subject to policy direction of the government, and, two, should it embark on any significant venture, when we are talking about its relationship with private sector — in major ventures, not the kind of things that would be funded under the EDA or anything — the Corporation would have to make recommendations and the Cabinet would have to come back to this House for approval of any specific spending to be of any specific project objectives that it might contemplate.

Mr. Phelps: I would also like to know whether or not the hon. Government Leader would be prepared to table anything or any portion of anything that he has received from the working group and the other people working on NCPC with regard to whether or not there is a policy being established with respect to private ownership and management of retail power.

Hon. Mr. Penikett: I understand that there may be some points in this debate where I may want to invite my colleagues who co-chair the working group into this discussion. I hope that the Leader of the Official Opposition will understand this: I do not want to prejudice negotiations too much on this point, but we are clearly prepared to contemplate, while the ownership of NCPC assets might be held by the Development Corporation, that we would have some kind of agreement with someone, possibly the Yukon Electrical Corporation — I do not want to pre-judge negotiations on that point — to manage the operations of the power utility. That seems to us to be one possible, practical arrangement that we might want to conclude. I do not want to commit myself absolutely to that, as that would be foolish in terms of any discussions with Yukon Electrical. If we said in the House that that is what we are going to do, I think that would be imprudent in terms of the negotiations. I should tell you that knowledge of our negotiations is spread sufficiently far and wide that we have nibbles from other private and public companies that would be interested in managing the actual operations.

There are a number of possibilities there. There might be some rational division where one company has hydro and we agree for some time in the future the other company would have diesel and that would not be a division of labour but a division of domain. That would be different turfs. Those are things that we still have to negotiate. We are quite open-minded about negotiating those things. The one thing that we may part company with the Members opposite on, and I hope they will understand this, we have been persuaded that the actual ownership of the NCPC assets in Yukon should be held by a public company. The management, the actual operation, is something that we are open-minded on and prepared to negotiate.

Mr. Phelps: Further on that score, we may have a fairly important disagreement here, in principle. As you probably are aware, what my preference was was to see a situation where the retail, which is really the distribution within communities, and selling and billing and the kind of function that private enterprise does so well, might be in a private company — owned and managed — and leaving what is known as wholesale, such as generation and transmission in the broad sense, to something like this.

Hon. Mr. Penikett: Let me make it clear that we have not, if I understand the Member correctly, closed our minds to that possibility. It is quite possible that if the actual hard assets, the physical assets, of the NCPC are transferred to us, we might have some arrangements such as is contemplated by the Member opposite with some other company to actually do the marketing, the retail and the day-to-day contact with the public.

We might come to the conclusions, through negotiations, that we

want a private company to do that, and that it makes good business sense for us to do that. We have not closed our minds to that possibility at all. I want to say very clearly to the Member — so that people understand why I will not state absolutely that that will be the case, because that would make negotiations on that point ludicrous — that that is the most logical company around to do that.

Mr. Lang: There are so many ifs here, I am not too sure where we are going. At the same time, you want the approbation of the House to form a corporation. My concern is, where does the Legislature come in here, when eventually these decisions are taken? Are you going to be taking the approbation of this legislation to permit you to go and do whatever you feel is in the best interests of the territory, which I am sure you will do with all good intentions. I might disagree. Or would it be your intention to come back to the House. That is my concern when I see the broad, sweeping powers within the Bill.

Hon. Mr. Penikett: Quite clearly, we will be coming back to the House to get the approval to spend a penny to do anything. At this point, what we are talking about is negotiating. We have talked about a negotiating framework and a negotiating mandate with the federal Minister.

We want to negotiate an agreement where we transfer the Yukon assets of NCPC to a Yukon Development Corporation, which will be owned by the people of the Yukon. There is another set of negotiations, if you like, which will go on about how that company, or those operations, the business of supplying power to the Yukon, will be managed. We are not giving us a blank cheque here. We are planning to prudently look at what is the best deal for the Yukon.

Let me say that one very attractive possibility is that we would come to some arrangement, or a contractual arrangement — which would have to be approved by this House — with a private company, such as Yukon Electrical, to carry out the business as described by the Member opposite.

I do not want to say absolutely that that will be the case, because we may not have entirely happy negotiations with that company.

Mr. Phelps: Getting back to the tax consequences, let me ask this general question and perhaps you can look into it: have you got opinions as to the tax consequences of having assets transferred to a company such as this, when you may be entering into a deal with a private company? They would own some of these assets, eventually, in exchange for generating assets, or for money, or whatever. It seems to me before one moves too far, one has to have a fairly good idea of the tax consequences so that one does not place a bar and an unnecessary impediment in negotiating with any kind of private company.

Hon. Mr. Penikett: The Leader of the Official Opposition would find it laughable if I claimed any expertise in that field. I do not. If we do not have that kind of expert advice now, I will make sure we get it. I will advise the Member opposite what advice we have to date, and what we still need.

Mr. Phelps: I appreciate it. I do not want to imply that I have any expertise either. I have no more questions at this time. I hope that we have used the time to our advantage, though, in getting some answers.

Hon. Mr. Porter: I move that you report progress on Bill No. 28.

Motion agreed to

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

Motion agreed to

Speaker resumes the Chair

Speaker: I will now call the House to order. May we have a report from the Chairman of Committee of the Whole?

Mr. Webster: The Committee of the Whole has considered Bill No. 12, *Raven Act*, Bill No. 60, *Dangerous Goods Transportation Act*, Bill No. 66, *An Act to Amend the Motor Vehicles Act*, and Bill No. 68, *Canadian Charter of Rights and Freedoms Consequential Amendments Act, 1985*, and directed me to report the same without amendment.

Further, Committee has considered Bill No. 28, *Yukon Development Corporation Act*, and directed me to report progress on same.

Speaker: You have heard the report of the Chairman of Committee of the Whole. Are you agreed?

Some Members: Agreed.

Speaker: I declare the report has carried.

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

Speaker: It has been moved by the hon. Government House Leader that the House do now adjourn.

Motion agreed to

Speaker: This House now stands adjourned until 1:30 p.m. Monday next.

The House adjourned at 5:08 p.m.

The following Sessional Paper was tabled October 24, 1985:

85-2-11

Teacher Staffing Ratios, 1985-86 (McDonald)

