



The Yukon Legislative Assembly

Number 38

3rd Session

26th Legislature

HANSARD

Thursday, May 22, 1986 — 1:30 p.m.

Speaker: The Honourable Sam Johnston

Yukon Legislative Assembly

SPEAKER — Honourable Sam Johnston, MLA, Campbell

DEPUTY SPEAKER — Art Webster, MLA, Klondike

CABINET MINISTERS

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

GOVERNMENT PRIVATE MEMBERS

New Democratic Party

Sam Johnston	Campbell
Norma Kassl	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
Alan Nordling	Whitehorse Porter Creek West
Doug Phillips	Whitehorse Riverdale North

Liberal

Roger Coles	Liberal Leader Tatchun
James McLachlan	Faro

LEGISLATIVE STAFF

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

ADDENDUM

The page number following page 746 should read page 747 and not 779.

01 Whitehorse, Yukon
Thursday, May 22, 1986 — 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 now proceed with the Order Paper.
 Are there any Introductions of Visitors?
 Are there any Returns or Documents for Tabling?
 Are there any Reports of Committees?
 Petitions?

PETITIONS

Petition No. 3

Hon. Mrs. Joe: I have a response to the Petition tabled on behalf of the residents of the Blanchard Road-Bates Crescent area regarding Ivik House.

Bylaws regarding group homes are within the jurisdiction of the Municipality of Whitehorse and, as such, the Government of Yukon has no authority in this area. I would, however, like to comment on this issue of group homes in residential areas.

Firstly, I understand the views expressed by residents and believe that they are based on a sincere concern for their neighbourhood; however, I must say that what is happening in the community-at-large is of great concern to me. I feel compelled, as Minister of Health and Community Resources, to say that we must begin to speak up for children and youth. Who are these children whom we now seem to be fearful of? They are the same children whom the community has always cared for. It is regrettable that unfounded fears are being created and fostered in the community; a community that has, in the past, accepted social responsibility. What kinds of values are we, as legislators, showing children if we allow those with special needs to be labelled and discarded before they are even given a chance?

02 Are we really prepared to return to the days of orphanages, poorhouses and reform schools? It is my view that, as citizens, we all must share in the nurturing of our future generations.

It is the government's responsibility to ensure that any special homes meet appropriate standards and do not unduly disrupt neighbourhoods. However, I cannot support the view that such homes will automatically negatively impact on community life. We have no evidence to indicate that this has been the case in the past. Hiding children away in the bush or sending them away to outside institutions are not the hallmarks of social planning in a caring and mature society.

Surely, the Yukon has progressed beyond this. Problems are best dealt with where they are created. I want to assure you that my colleagues in this government and I will do our utmost to ensure the best treatment of our children and our youth.

Speaker: Are there any Introduction of Bills?
 Notices of Motion for the Production of Papers?
 Notices of Motion?
 Ministerial Statements?
 This then brings us to the Question Period.

QUESTION PERIOD

Question re: Contract tendering

Mr. Phelps: I have some questions about contract tendering for capital projects. Believe it or not, summer seems to be upon us. By the looks of things, it may be a very short one.

Can the Minister of Government Services tell me why is it taking so long to get these tenders out to the public when the reason for the passing of the Capital Budget in the fall is so we can get these out in a timely fashion so that they can be done during the summer?

Hon. Mr. Kimmerly: I am aware of a delay on some of the Community and Transportation tenders, but it is not my information that there is a delay on the capital projects with the Department of Government Services.

If the Member could be more specific about which of the projects stimulate the question, I will immediately look into the possibility of speeding up any delays that might exist.

03 Mr. Phelps: Can we take it that it is the Minister's decision as to when these tenders are ready to go out? Could he tell us about the process by which the government is presently preparing the tenders?

Hon. Mr. Kimmerly: Not in Government Services at all. There is no ministerial input into the timing of the tenders, although, if there are significant delays, there will be in the future but only about the question of timeliness.

The procedure has not changed. I do not approve of the tenders individually or by project at all. It is an administrative procedure.

Mr. Phelps: What we are hearing from the public is that the feds have many of their tenders out, well ahead of the Government of Yukon, particularly with respect to highways, for example, improvements to the Klondike Highway. Why is it taking so long? The summer is rapidly approaching, despite the snow.

Hon. Mr. Kimmerly: I would again ask for an identification of any specific project that is late. The procedure in Highways is within that department, but I have no information that the procedure is different from the way it occurred in the past.

Question re: Contract tendering

Mr. Phelps: We will endeavour to be as specific as possible with the follow-up by way of a letter to the Minister on the exact projects that we are concerned about. One of the areas is work to be done in schools. It seems that the tenders have been very late this year. The school break is coming up, and the object of the exercise is to do this work in the summertime during school break. Are those tenders under the purview of the Minister of Government Services?

04 Hon. Mr. Kimmerly: They certainly are for schools. I am not aware of any delay in getting the tenders out after the specific instructions are received from Education by Government Services. I will specifically ask to go through the list of school projects and personally check on it. I will do that today or tomorrow.

Mr. Phelps: On the same general issue, can the Minister advise the House as to what the policy is going to be with regard to northern preference on the contracts that are being tendered for this?

Hon. Mr. Kimmerly: I will be in a position to make a statement about that on Tuesday of next week. The position about northern preference on building contracts is under review, specifically because of the motion in the House that recently passed. We are amending our plans, and I should be a position to make an announcement about northern preference and also the preference policy for supply, which was spoken about in the Main Estimates on Government Services at the same time; I would expect Tuesday of next week.

Mr. Phelps: Is the tardiness in coming forward with that policy in any way related to the tardiness in getting the tenders out?

Hon. Mr. Kimmerly: No, except that the Capital Budget is larger this year than it has been in any previous year by a significant amount. There is more work to do in all of the departments with capital projects. There is no specific relationship, although the Minister has resisted requests for additional person-years even though there is more work.

Question re: Foster children

Mr. Coles: I have a question for the Minister of Health and Human Resources. I have had representations made to me by foster parents who wish to take, along with their regular family, foster children to Expo and cannot receive any assistance whatsoever from her department. What is the Minister's position on that?

Hon. Mrs. Joe: I do not have a position on it. I would normally look at what the department's policy is on paying those kinds of expenditures. I know that they do have some expenditures that they do pay out over and above foster home care, but I would have to check on that.

Mr. Coles: Some of the parents have told me that they have been told by people in the Minister's department that they could just leave the foster children behind in the receiving home. Would that not cost just as much or more than to actually have them pay part of the expenses to send the kids out to Expo with the families?

Hon. Mrs. Joe: I am not sure whether that would be more expensive or not. I do know that normally if people take foster children they sometimes do leave a foster child in the receiving home for a period of time. I would have to check and see whether that would be more expensive than air fare and accommodation.

Mr. Coles: It is also my understanding that some of the parents have even attempted some sort of a cost-sharing arrangement. The travel costs were the main concern. Could the Minister check and see what the most expensive would be — to leave the children behind or take them out — and perhaps reconsider the position that the department has put forward to some of these foster parents?

Hon. Mrs. Joe: I could come back with that kind of information.

Question re: Land claims

Mrs. Firth: My question is the same as I asked yesterday with respect to the job description for the Land Claims Community Liaison person. Is the Government Leader prepared to table that job description today?

Hon. Mr. Penikett: I apologize. I was preoccupied this morning. I think I can have the information for the Member on Monday.

Question re: Wolves

Mr. Brewster: Can the Minister of Renewable Resources advise the House what the cost per wolf is for wolves taken by helicopters?

Hon. Mr. Porter: I am sure the cost breakdown is somewhere within the department. I will ask the appropriate people in the Administrative branch to make a cost breakdown.

Mr. Brewster: That is another one of those good questions I got from the former opposition Member on May 16, 1984.

How many wolves were taken by helicopter in the Finlayson area and in zones 7 and 9 in the winter of 1985-86?

Hon. Mr. Porter: I think it is an indication as to the wealth of information that exists with respect to the realm of the critic opposite. In the area of Finlayson, the number of wolves taken has already been given to the House. I believe it was 48. As to what percentage was taken by helicopters, I suspect the majority of them were. There were five additional wolves taken. Those were taken by local trappers in the area.

Mr. Brewster: How many wolves were taken by trappers holding trapping concessions in zones 7 and 9?

Hon. Mr. Porter: I will pass this on to the department and ask them to make the relevant information available.

Question re: Wolves

Mr. Brewster: I asked the Minister on May 1 about the wolf program in the Nisling River. He stated, "In a general way, my recollection of the data that we were concerned with was that we wanted to monitor the activity of the wolves in the area." What has the Minister found out about the wolves and their habits in this area?

Hon. Mr. Porter: They walk. They occasionally run. The program is continuing. If the Member's question is to have a report at the conclusion of the study, I will undertake to make whatever report is available.

Mr. Brewster: I find it very strange. The Minister made Ministerial Statements and press releases on how wonderful it was to have the buffalo back in the country. He has not even bothered to find out what has happened to them since then.

Has the Minister or his department officials instructed any person looking after the buffalo to shoot or trap any wolves in the area?

Hon. Mr. Porter: The wood bison are doing fine. We announced last week that there were three calves born in the area. We are also happy to announce that there has been another addition to the family of wood bison. Now there are four.

I have never given any instructions for anyone to shoot wolves.

MR. Brewster: When the buffalos' young are turned loose, will a wolf control program or policy be put into effect by this government to protect these buffalo?

Hon. Mr. Porter: That is a hypothetical question, inasmuch as it addresses the future. We are not at that stage yet. We are not turning any calves loose. When we get to the point of decision-making respecting the release of the offspring, I am sure that we will have adequate policies in place.

Question re: Northern Canada Power Commission

Mr. McLachlan: The Public Service Alliance of Canada is the recognized bargaining agent for the NCPC employees in the north. If we can truly believe that the Yukon is moving along faster than the Northwest Territories on this issue, some resolution of the problem of what to do with the employees must have been discussed and arrived at.

We would find it hard to believe that the bargaining unit here in the Yukon could be cut off or divorced from the bargaining unit in the NWT. Can the Minister of Government Services advise what the government is planning to do with the NCPC unit of PSAC employees in the Yukon?

Hon. Mr. Kimmerly: I could answer briefly or give a long explanation; I will answer briefly.

Yes, we are moving faster than the NWT. The question of the unionization of the employees is something that we are acutely aware of. It is our policy that the government will not determine anything. The employees will decide.

Mr. McLachlan: The Public Service Alliance employees are under a legally binding contract until March 31, 1987. They will have the successor rights for those employees even after the conclusion of the March 31, 1987 agreement.

Is the Minister suggesting that the government, in no way, shape or form, is considering a decertification order or anything on those employees of that bargaining unit?

Hon. Mr. Kimmerly: Those questions are the proper consideration directly between the employers and the employees. The government is watching very closely and is interested in what occurs, but we will not interfere, as a government. The decertification, or the certification, or the unionization questions are all questions for the employees to decide, not the government.

Mr. McLachlan: That may be a point of contention as to what the employees can or cannot decide, because the operator of the assets is going to have some determination over what happens. If it is not the intention of the government or the Yukon Development Corporation to enter into any of these certification orders, can the Minister indicate if Yukon Electric has considered this move, because they have indicated that there is no room for PSAC in their operations since they have their own company union.

Hon. Mr. Kimmerly: Discussions have occurred, and they have involved Yukon Electric. The government is affected by what occurs, but it will not determine what occurs.

Question re: Yukon Economic Council

Mrs. Firth: I have a follow up question for the Government Leader regarding the Yukon Economic Council. It has been some time since the chairman has resigned; can the Government Leader tell us when he will be appointing a new chairperson?

Hon. Mr. Penikett: I am canvassing a number of people and organizations for suggestions about the chair. When I receive those suggestions, I will propose an appointment to Cabinet. There are a significant number of such decisions on my desk at the moment. Until the House is out, it is unlikely that I will have the time to turn my mind to all of them. I think it is quite conceivable that an appointment could be made within the next month.

Mrs. Firth: In light of the importance of the council in advising the government regarding economic matters, and since the Yukon Economic Strategy meetings are to proceed very soon, could the Government Leader tell us why he is giving such an urgent matter such a low priority?

Hon. Mr. Penikett: I do not agree with either proposition of the Member opposite. One, it is not a crucially urgent matter, and

two, it is not a low priority. Members will recall an Opposition motion proposed by myself to originally establish the council. The major purpose for having someone from the backbench arm of the government was so that the chair of the council would be available to answer questions from the House. During the many months that the Member for Klondike was chairman of the Economic Council, there was not a single question to him. I perceived, therefore, that there was no urgency in having a government backbencher chair the committee.

The present vice chair of the committee is perfectly capable, a former Mayor of Whitehorse, former Commissioner of the Yukon Territory, of conducting the business of the council in the meantime. Apart from the very significant loss of the wisdom, insight, wit and candor and knowledge of the Member for Klondike, the council is still able to function quite well, and it is able to provide the advice we need with respect to the economic strategy exercise.

It functions well now and meets much more regularly than it did before. It is important that I consider very carefully the choice of a new chairman. That person will have to be able to assume the leadership of the body, which is very important to this government, and I do not doubt very important to the people of the whole community.

Mrs. Firth: The Government Leader seems to be contradicting himself sometimes. I understand that this position has been vacant for some time now. The chairman resigned at the beginning of April. The Government Leader espouses the qualities of the vice chairperson and is saying that that person could move into that role without any difficulty, and espouses on how active the committee is.

If that is the case, will the Government Leader be appointing a member from the Agricultural Association to fill the vacancy so that the council can get on with its business?

Hon. Mr. Penikett: The Member asks if I am going to be appointing a member of the Agricultural Association as chairman of the Economic Council. I do not think that is possible, but I could not commit myself to that point. No vacancy is created on the council at large by the vacancy in the chair, nor does an extra spot become available simply by the vice chairman performing in the absence of the chairman the presiding officer's role. That is the normal reason you have a vice chairman in an organization, so that someone can carry on the business of the meeting in the absence of the presiding officer.

While I am on my feet, I would like the record to show today that I am tabling returns to questions asked by three Members of the Opposition. I would like to explain in answer to the question of the Member for Faro my reason for not having been able to give a more complete answer yet to the question asked by the Member for Faro, the Member for Riverdale North and the Member for Porter Creek West about the retail pricing policies with respect to gasoline.

Because I have not received answers from all the companies to whom I wrote, the Department of Economic Development has not had a chance to analyze all the answers. Because I want the Members to have the information I have already received, I will provide copies to the Member for Riverdale North, the Member for Porter Creek West and the Member for Faro of the answers I have received to date, and advise them that I will be providing more information as it is received. If I get all the answers in before the session ends, and the analysis is done, I will table that in the House as well.

Question re: Yukon Liquor Board

Mr. Phillips: Last week, the Minister of Justice said he would be making new appointments to the Yukon Liquor Board. Has the Minister made those appointments?

Hon. Mr. Kimmerly: Yes, they are Margaret Dunn, Mary Dick and Veronica Bob.

Question re: Banking facilities

Mr. Nordling: In his Ministerial Statement on March 25, the Government Leader stated that the government intended to obtain the services of a consultant to report on the feasibility of developing

a government run banking agency.

On April 17, I again asked the Government Leader whether or not a consultant had been retained. At that time, he did not know whether or not the government had retained a consultant.

On May 12, I asked him whether or not a consultant had been retained. On the same day, the Government Leader said: "As to whether or not a contract has been signed with a consultant to this date, I am not absolutely sure. So that I can be sure, I will check and come back with an answer".

Does the Government Leader know today whether or not a consultant has been hired?

Hon. Mr. Penikett: I can report that as of May 12, the time that the Member last asked the question, there had been no contract concluded. It is still my intention, as soon as one is, to advise the Member of that circumstances.

Question re: Land transfers

Mr. Lang: April 9, I asked the Minister of Community of Transportation Services: "Can the Minister tell us when he applied under his signature for block land transfers", and what and where those transfers were that he applied for. Further to that, I raised the same question in debate at the beginning of May. I still do not have an answer to that question. Does the Minister have an answer now?

Hon. Mr. McDonald: I do not have the particulars at my fingertips. If the Member is asking whether or not a list can be provided regarding the block land transfers that were requested by the government, I ensure he will get an answer by the end of this session.

Mr. Lang: This dates back to April 9. We had quite a debate for quite some time regarding the transfer of land to the Yukon to which we give a very high priority.

The Minister committed himself to providing me with correspondence and the formal outline of the land requests. Do I take it that the Minister will provide me with that information this afternoon or on Monday?

Hon. Mr. McDonald: I will try.

Question re: Government Administration Building

Mr. McLachlan: Is the Minister of Government Services' only solution to the Touche Ross Report on the air quality within this building to move people out? Will that be the Minister's only response to solving this problem?

Hon. Mr. Kimmerly: No. I provided the Member in writing with the other responses. The Member is confusing the space study and the air quality study. The responses about air quality were provided and included technical measures about ventilation, as well moving employees out, specifically in the Department of Health.

The response to the Touche Ross Report is not completed by the Management Board as of today.

Mr. McLachlan: A few years ago, Diamond Tooth Gerties was told that they would either have to close down or expand their operation because of the number of people in it. They had gotten too large for the size of building's capacity. In this city, it is very easy for government to move out into other buildings. As another option to that, has the government ever considered adding on to this building, and subsequently building a different type of parking structure to solve that problem?

Hon. Mr. Kimmerly: No. It is an interesting suggestion. There would need to be a large addition to solve the problem. It would probably be better to build a new building entirely, but probably close to this building. It is an interesting suggestion. I am sure it will receive a comment by the civil servants, in one way or another.

Mr. McLachlan: If, in effect, the building is seriously overcrowded, why would the Minister consider moving departments or the civil service and the Justice people into the new building at what seems like a very slow pace of only a certain department or certain divisions moved every quarter of the year, as he indicated when we were doing Government Services estimates; why so slow?

Hon. Mr. Kimmerly: The Philipsen Building will be fully occupied as soon as it is available. We will make that move in July, all going well. The additional moves will be spaced out over the course of a few years in order to be able to bear the expense of

moving in a manageable way and reduce the overall disruption to the government. It is less disruptive overall to move branches or departments at regular intervals, as opposed to a large move all at once.

Question re: Bilingual legislation

Mr. Phillips: With respect to the commitment made by an official of this government regarding the timing of bilingual legislation, the Minister told the House that he would find out which official of his department gave the commitment to Daniel St. Jean's lawyer, which led them to postpone their case. Can the Minister tell us who the official was?

Hon. Mr. Kimmerly: Yes, I can. There were various communications made. I was preparing to release all of that information in the budget debates this afternoon. There was a conference called on February 21, including the Deputy Minister of Justice, the Deputy Minister of the Executive Council Office and the Director of Policy and Planning of Justice, with Gordon Shiner, the lawyer for the appellant.

There was also a pre-trial conference on March 3, wherein all the conversations were recorded by the judge. There were two conversations with me personally, one over the phone with Gordon Shiner, and one with Mr. St. Jean over lunch in Whitehorse. At no time was a specific commitment made to particular legislation.

Question re: Porter Creek C repaving

Mr. Lang: I have a question regarding the possibility of some repaving in the Porter Creek C subdivision that was just redone. That is in the courts right now.

Could the Minister of Community and Transportation Services report to the House how much repaving is going to be required in that new subdivision.

Hon. Mr. McDonald: The Member is quite right. The case is before the courts. It is anticipated that some repaving will be done. It will not be necessary to do the whole job over again.

I would have to check on the details of the exact amount for the Member.

Mr. Lang: This is rather alarming. We had it paved one time because of faulty water and sewer installation. All the paving was dug up again. Subsequently, water and sewer was installed, and paving was put down once again.

Now we are in the situation again where at least part of the work is faulty. Can the Minister give us a ballpark value on the job that is going to have to be undertaken?

Hon. Mr. McDonald: I will probably be able to get back to the Member today with the information.

Mr. Lang: I appreciate this since I asked the question last week. I was told that I was going to get the information, and now I have had to bring it up in the House again.

Will any outlay of money for repaving that new subdivision be borne by property owners in the area?

Hon. Mr. McDonald: I will have to check on that question. The outcome of the court case will be a significant factor in the question and will determine who bears the cost.

Question re: Porter Creek C repaving

Mr. Lang: Could the Minister explain to the House why the present court case would have anything to do with the situation. The paving was retendered because of shoddy work done by a previous contractor.

Why would it have anything to do with the court case?

Hon. Mr. McDonald: The nature of the workmanship will be a critical part of the court case. I do not want to comment on the matter until I have checked the details, so I can be precise. That is all I can say at the present time. I will try to get the information for the Member as soon as I can.

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

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.

Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Chairman: I will now call Committee of the Whole to order. We will now recess for 15 minutes.

Recess

Chairman: Committee of the Whole will now come to order. We will continue with the Department of Justice, Attorney General, general debate.

Bill No. 5 — Second Appropriation Act, 1986-87 — continued
On Attorney General

Hon. Mr. Kimmerly: In answer to questions raised yesterday, I would table an up-to-date list of the Yukon JPs and their addresses, and put on the record that there are presently 38. Representing Beaver Creek - 1, Carcross - 3, Carmacks - 2, Destruction Bay - 1, Dawson City - 2, Elsa - 1, Haines Junction - 3, Mayo - 3, Old Crow - 1, Pelly Crossing - 2, Ross River - 2, Teslin - 1, Watson Lake - 2, Whitehorse - 14.

There are seven in the works, and our immediate objective is to have a minimum of two per community, and in some communities more than that.

I made an error in reading a number. It is on page 755 of the Blues. I was listing the increase due to the clerk typist and the articling student in the Attorney General's function. I said the increase was \$82,000 attributable to that. That is not correct. It is \$30,000 for those positions. I misread the number.

I was asked about the budget for advertising for human rights. I have more complete information now. What I read into the record was the precise budget that was approved at the time of the preparation of the budget.

¹⁴ Due to the reorganization of the plan for public education, the monies were reallocated within that same activity as follows. The total is the same. I had indicated it was \$75,000.

It was as it appears in the book, at \$73,000, and I will go a little more slowly to inform the House that the present plan as of this moment is to run 16 ads in the *Yukon News* and the *Whitehorse Star*, one a week, and two ads in the *Optimist*. The budget figure, which includes production, design and media insertions is \$8,500. We are expecting 16 spot ads to run on the radio. The production cost is \$4,000, and the commercial radio would cost \$2,000, for a total of \$6,000.

We are also anticipating 16 spot ads with a fixed image on the Anik satellite on CBC at no cost, and they will be developed entirely in-house. The cost of media campaign is presently budgeted at \$14,500.

In order to give a complete answer to that question, even though I was not asked for it, we are also planning insertion in *Yukon Info* in five fact sheets. Mailing of those to all households will cost approximately \$14,000. The cost of the total campaign is estimated to be \$28,500.

¹⁵ The personnel costs, as the personnel are now known, are forecast in the present year to be \$41,900, which comes to just under \$73,000, which is a fairly accurate total estimate. The figures I gave for the expenditure last year were entirely accurate.

I have a more detailed breakdown of the cost of the third judge, which I gave as a global figure yesterday. The cost for salary is \$76,000 — we budgeted \$75,000 — the clerk typist is \$24,000 and the deputy clerk is \$30,000, for a total of \$130,000. With fringe benefits and Yukon Bonus, an additional figure of \$17,000, it makes it a total of \$146,000 for those three positions, which come in a package.

I should also give additional figures on the Haines Junction camp. I will wait until we get to that line. The Leader of the Official Opposition asked about the estimate for the 1984-85 Actual for the development of human rights. I indicate that that was extrapolated from the previous Women's Directorate budget. That is accurate, but it is misleading in a sense. I will explain more fully. One will not find a corresponding decrease on the Women's Directorate for the 1984-85 Actual. That is a paradox in a sense.

¹⁶ The way the number comes about here is that the reorganization that occurred, that is the change from the development of the legislation within the Women's Bureau to a separate position that is now in Policy and Planning in Justice, has been explained or extrapolated backwards by the Department of Finance, to reflect what it would have been if the reorganization were in place in the past years.

That is misleading because the 1984-85 Actual, as it is called here, is not really an Actual. The number in the Territorial Accounts will not coincide. The number in the Territorial Accounts is the accurate number for the department, but because of the reorganization, the Department of Finance has extrapolated backwards about the expenditures that were made in 1984-85, and have allocated an appropriate amount to this line. It appears at \$51,000.

The total of \$472,000 is the same as in the Territorial Accounts, but it is not an Actual. It is an estimate of the Actual, if the present organization were in place in 1984-85. That is confusing and, if Members are confused, I sympathize. I was until it was explained to me as well.

Mr. Phelps: One area of concern is that there is a tendency for the figures to be misleading. If you put \$51,000, attributed to human rights development because of the Women's Bureau, then should there not be a corresponding reduction under Women's Directorate for that same year? It makes it look as though the increase is not as great as it actually is over the two years.

Hon. Mr. Kimmerly: Yes, that is correct, and the numbers are misleading for that very reason.

Mr. Phelps: With respect to the corrections pertaining to the human rights campaign, we have a situation where the cost of the employees have been reduced from last night's estimates down to \$41,900 and the advertising costs for radio and TV and the papers and the *Yukon Info* and the fact sheets, come to \$28,500.

Have they done away with the employee travel in and out of Yukon for \$10,000; supplies of \$1,500; postage of \$500, and the casual figure of \$10,000?

¹⁷ **Hon. Mr. Kimmerly:** Yes, exactly.

Mr. Phelps: I take it then that you have radio ads. There is a production cost attributed. Will that be done out-of-house or in-house? It seems to be a separated-out figure, is that correct?

Hon. Mr. Kimmerly: Yes.

Mr. Phelps: Moving on, then, to where we left off last night, I have a few questions under the Attorney General page about legal aid. I want to get to the policy. I think all parties have agreed on the dire need to bring the costs of legal aid under control and to reduce them. We have certainly heard the government's position with regard to one aspect of the problem; lawyers' per diems and salaries, and that, indeed, is one aspect.

I am concerned about what the government intends to do or whether it is going to put this off a bit, but still deal with the other two issues that come to my mind. One has to do with eligibility itself; the close scrutiny of eligibility. Another has to do with the very policy regarding civil legal aid, which many Yukoners feel is, in its present form, less than just, in that it seems to provide a weapon to people who happen to be without funds to bring people with a modest income to their knees, because they have to pay for lawyers and some of the actions, it is felt, are frivolous; that is the second one.

Thirdly, there is the issue of apparent open-endedness with regard to appeals. In the normal course of the justice system, many cases might be appealed where there is a twenty, or thirty, or even almost a fifty percent chance, but the huge cost to the potential appellant is so great that there is a natural, built-in policing situation. A lot of people just cannot afford to take a chance and appeal and feel that the issue is not worth the potential out-of-pocket expense together

with the risk.

That is totally lacking now. We have a situation where all kinds of appeals go forward, which, if it were left up to the private sector, without legal aid, would not go forward. So, that seems to be me to be another rather large area of expense and an area that is very difficult to police in terms of the hours put in by lawyers preparing for appeals. It would seem that people can go as long as they want and justify it. In fact, a person could spend hundreds and hundreds of dollars, I am sure, on a fairly simple appeal and yet justify it in his or her conscience and to a board in terms of the fee.

What does the government intend to do with regard to those three areas?

¹⁸ **Hon. Mr. Kimmerly:** I thank the Member for bringing that to my attention again. I will answer the question as best I can, but before I do, we see it as four areas. We include exactly those three and a fourth one that is the scope of the plan in that should it cover all offences or actions or just some — for example, whether or not it would include a defence on a first time impaired driving charge.

I would add that as a fourth area of concern, the first three were already well explained. The government is treating the area of the lawyer's tariff as the first item to bring under control.

Negotiations are ongoing, and I am advised they are continuing very productively between the Legal Services Society and the Law Society. The government is keeping a watching brief on that process, and we will not consent to a negotiated tariff that the government does not find acceptable.

We are looking at the Ontario model that has very clear amounts for categories of offences. The Law Society appears to be negotiating very constructively, and I would hope to see an acceptable agreement this month or certainly in early June.

If that agreement does not occur in the month of June, the government will most probably act temporarily unilaterally to bring it under control until an agreement is reached.

The questions of the eligibility and extent of services, particularly appeals, on civil matters, are not forgotten. We anticipate that the Legal Services Society will be proclaimed into force and will deal with those questions by guidelines or regulations covering those areas.

¹⁹ The negotiations discussing precisely those areas are not ongoing, but the concerns are not forgotten. I will make a commitment to report on the progress, whatever it is, at an early stage of the fall sitting.

Mr. Phelps: I thank the Minister for his answer, and I am looking eagerly to receiving the additional progress report in the fall sitting from him.

It seems to me that if that can be brought under control it will do a lot to bring under control the other costs that have been on a runaway course for a number of years. I have always felt that a large part of the key lay in bringing the Legal Aid program under control.

It is almost ironic. In the past, it was always said that if you have a very wealthy person, he would be able to win a civil court case by virtue of the fact that he could break anybody else who tried to sue him. It was always felt that that was an injustice in the system. If you were suing a multinational company, for example, and you were a little guy — a prospector or something — if you won the court case it would cost you thousands upon thousands of dollars. They would appeal and they could appeal again. Eventually, they could break you and the result is an unjust system.

Along came Legal Aid and, in particular, civil Legal Aid, which is rather new to this jurisdiction, as it is in most parts of Canada, except where lawyers took cases on a contingency basis.

Now the reverse is true. We have the outcry that I am hearing almost daily in Yukon of people saying: I have this person suing me, or I am trying to collect some money, and they are saying that they will break me because they have the money of the state behind them. They do not have to worry about the court costs, and they are going to carry this on. That is totally unfair.

That is a very severe problem and one that has to be addressed. I do not have any ready answers. I have a few ideas, but I will not get into those here.

We have this new kind of injustice in the system that has come

about as a result of well-intentioned people trying to cure injustice. It also seems to go against the direction of settling cases before they come to court, which increases the burden on the taxpayer in many ways, as the Minister well knows.

I would ask the Minister to deliberate somewhat on that particular problem over the course of his meetings with his officials, and with the other people he is consulting with.

20 Hon. Mr. Kimmerly: There were two points there. About the first one, I could not agree more. It was extremely well-stated. I would add that I am confident that when this program is controlled, the court delays generally will decline.

I agree in principle about the second one. I would adopt the remarks made that there is a new kind of injustice because of the unlimited availability of funds for lawyers when they are on a legal aid matter, or the seeming unlimited availability. I am extremely concerned about exactly that issue. The response of the government is not to abandon the program of civil legal aid, because the situation of the little guy being broken by the major multinational, or the government, or the bank, still exists.

The second problem about the unequal resources is an additional problem. The sensitivity of the committee that authorizes legal aid, and especially authorizes appeals, and authorizes the expense of a particular case, is crucial. It is a continuing problem. I agree in principle with the Leader of the Official Opposition and will work towards addressing that problem. I will report in the fall.

Mr. Nordling: I was out of the House for a few minutes, and if the Minister has answered this question, perhaps he could just indicate to me that he has. In discussing legal aid, the figure budgetted is \$659,000. Yesterday, the Minister said that we will see if we can bring the number below \$600,000. Now I am looking at page 184 at the statistics. The number of cases indicated on the statistics page is 1,600 at an average cost of \$450 per case. That would bring the total to \$720,000. I am wondering if the Minister had any thoughts as to what would happen to those numbers once this agreement is in place?

Hon. Mr. Kimmerly: The average cost per case will decrease, I hope, significantly.

21 Mr. Nordling: Do we still expect the same number of cases?

Hon. Mr. Kimmerly: Yes, generally, although the issue of the scope of the program that I mentioned is related to that projection. The preference of the government is not to reduce the scope of the program first but to reduce the service available on the charges that are covered if it becomes a saw-off of one or the other.

The position of the government is that if those facing criminal charges are indigent, they should be as nearly as possible in the same position as the person who can afford a lawyer. They should get the same quality of justice but not an increased quality of justice.

As a practitioner in the criminal area, I frequently had private clients who made a decision about a plea on the basis of the cost of defending it. There is nothing wrong with that in my view. Some lawyers would argue that, but it is a matter of the free choice of the individual about how they spend their money.

Clients on legal aid should not be in a better position than those who are paying out of their own pockets. If we can control that, the cost per case would go down, but probably the number of cases will be about the same.

On Program Director

Program Director in the amount of \$88,000 agreed to

On Solicitors

Solicitors in the amount of \$366,000 agreed to

On Public Administrator/Chief Coroner

Public Administrator/Chief Coroner in the amount of \$289,000 agreed to

On Legislative Council

Legislative Council in the amount of 234,000 agreed to

On Land Titles

Mr. Phelps: Is \$10,000 to develop certain amendments to the *Land Titles Act* included in this amount?

Hon. Mr. Kimmerly: Yes. The status of that, as was mentioned in the Throne Speech, is that we are anticipating adopting the federal act as territorial legislation. That is requiring the consent of

the federal government. For some technical reason, it is better to comply with them than to attempt to argue.

That consent has been asked for and has not now been received as of now. I anticipate bringing that legislation before the House in the fall sitting. There are changes that would bring the *Land Titles Act* more in conformity with a smaller jurisdiction that are probably uncontroversial.

22 The real estate subsection of the Law Society is asking for such changes. We are budgeting an amount to develop the legislation.

Mr. Phelps: I would hope that I would know that he would be keeping the Toran system, basically. I would hope that the legislation would not make the procedures more complex. As it is now, it works fairly well. A lot of lay people are able to perform a lot of functions without the cost or assistance of lawyers.

Hon. Mr. Kimmerly: I agree.

Legal Aid in the amount of \$659,000 agreed to

Mr. Nordling: We project recoveries of \$240,000. Where did the recoveries come from?

Hon. Mr. Kimmerly: The federal government. Legal Aid is cost-shared on a 50 percent basis, up to a limit. Once the limit is reached it is entirely territorial money. That is the recovery from the federal government.

Mr. Nordling: The budget figure that we are dealing with, which happens to be \$659,000, is net of recoveries from people who reimburse Legal Aid?

Hon. Mr. Kimmerly: No. That is the total expenditure of the government. After that, the government obtains a recovery. The net expenditure is the expenditure less the recovery.

Mr. Nordling: Just to clear it up for me, where is the recovery from people who reimburse Legal Aid? I know that some are helped, and when they win their civil case they pay Legal Aid back.

Hon. Mr. Kimmerly: I believe it is under the same line, Recovery. It is not a large amount, but I will check specifically and I will find the amounts in the last couple of years and send it over.

Mr. Phelps: That is another observation that ought to be made. Another problem that is often declared and seldom denied is that there does not seem to be enough effort by the government to be reimbursed when there are recoveries under the civil part of the action, or even criminal defenses. It would seem that that would be a built-in break on the system, were it properly enforced.

Can the Minister advise whether or not, in the situation where there is a civil case and the client of the government loses the case, that person is responsible to pay part of the costs of the action, if they are awarded by the judge?

23 Hon. Mr. Kimmerly: I appreciate the concern, and we spoke about it in the past. In addition, the Law Society has expressed an interest in the question, as well as the position that the plan is less than vigilant in collecting what it should collect. I agree with that.

The answer is that the costs are payable if they are awarded by the court. That is, if a party loses costs and is on legal aid, that would be a disbursement for the legal aid account. It would be up to the plan to chase the applicant for repayment. That is the present situation as I understand it.

The figure of recoveries for 1985-86 from clients was \$12,000, and it is in that line.

Mrs. Firth: Exactly what is the government's policy regarding the reimbursement of legal aid?

Hon. Mr. Kimmerly: The government technically does not have a policy because it is under the control that is mandated by statute to the Legal Aid Committee. The policy that the government is all too eager to express that the Legal Aid Committee should adopt is full recovery.

There should be a substantially increased effort to obtain those recoveries. The comment the Leader of the Official Opposition made a few moments ago was very well taken.

Mrs. Firth: Are there residency requirements to receive legal aid?

Hon. Mr. Kimmerly: Yes. It is: resident at the time of the alleged offence or of the civil action. There is no residency period.

Mr. Phelps: The \$240,000 under Legal Aid on page 198 represents the cost-sharing by the federal government to a maximum. It is 50-50 up to that maximum. They would think the very

most that ought to be spent in this jurisdiction would be double \$240,00, or \$480,000. That ought to be a realizable goal, I would hope, given the temperament and the views strongly expressed by people who have spoken on this subject in this Legislature.

Hon. Mr. Kimmerly: Last year it was \$220,000, less \$12,000 of the client contributions, which would be \$208,000. If you double that, it would \$416,000. If we could use that figure as a base and project it to next year, that would be most appropriate.

Amendment proposed

Mrs. Firth: I would like to propose a motion that we reduce the Legal Aid costs to \$480,000, instead of \$659,000.

Chairman: Is that \$480,000?

I would ask the Member to please write her motion.

Mrs. Firth: If the Minister is willing, since we have all agreed and he has said that we have all agreed with the principle, we would certainly like to offer the Minister a chance to reduce the amount.

Hon. Mr. Kimmerly: I appreciate the concern. As it is an item in the budget, the government will feel bound to defeat such a motion. However, I think it is abundantly clear that as the Minister I have been very candid about the plans of the government; indeed, I have been painting myself into a corner. If the expenditures are not reduced, I will be answerable.

I can explain that the reason for the figure there is that we have added three percent to the budgeted amount in 1985-86, and that process has occurred over the last several years — probably a dozen years. The budget has been consistently overspent in the last four or five years.

The intent of the government is absolutely clear. We will be moving in mid-year. I would hope that we will be at the level of under \$500,000 by next year. It is irresponsible to budget that amount without the actual controls in place.

I am committed to the same principle as is the Member opposite. I call the question on the motion.

Mrs. Firth: In view of the Minister's comments and his commitment, and because he has been reasonable in this budget debate and with the principle that we are debating, I am prepared to withdraw the motion for this time. We will wait until the next time.

Amendment withdrawn

²⁵ *Attorney General in the amount of \$1,788,000 agreed to*

On Consumer and Corporate Affairs

Chairman: Any general debate?

Hon. Mr. Kimmerly: Briefly, there are no significant changes under Program Director. Under Consumer Services, the decrease is entirely explainable due to the Branigan inquiry. It will continue to be the policy to budget \$1.00 for inquiries and treat inquiries as an extraordinary expense. That does not change the base budget for the purposes of the Department of Finance.

Under Corporate Affairs, the increase is 11 percent due to the JES conversion costs. Under Labour Services, there is no significant change.

On Program Director

Program Director in the amount of \$119,000 agreed to

On Consumer Services

Consumer Services in the amount of \$263,000 agreed to

On Corporate Affairs

Corporate Affairs in the amount of \$216,000 agreed to

On Labour Services

Labour Services in the amount of \$630,000 agreed to

Hon. Mr. Kimmerly: Before it clears, I would inform the House that it is not of budgetary significance, but we have changed the name of this branch to Consumer, Corporate and Labour Affairs.

Consumer and Corporate Affairs in the amount of \$1,228,000 agreed to

On Solicitor General

Chairman: Page 192, general debate?

Hon. Mr. Kimmerly: I will introduce this by saying that the Community Corrections line has increased 24 percent, or \$125,000, due to the inclusion of a Crime Prevention Coordinator Program for \$50,000, as well as the contracting of Probation Services to

community organizations. That is \$48,000.

There are two principles here. The first is that the savings that have been found by reducing other lines have gone into a Crime Prevention Program. The aim of assistance to victims and witnesses and crime prevention is enhanced, at the expense of the traditional programming, which I have outlined earlier.

The question of Probation Services is a new development. The principle is as follows. There are communities with no resident probation officer. We see it as uneconomic to put a probation officer in all communities. We are not anticipating increasing the probation officer person-years, but we are looking at a training package, money to be able to contract with private individuals, or private groups or possibly Indian Bands, to supervise probation in the communities where there is no probation officer.

²⁶ The discussions are ongoing with Old Crow and Ross River. Initially, I believe that this will involve a contract with either a citizens' organization or a band or individuals calling for payment on an hourly basis to supervise probation.

Under Institutional Corrections: this money includes the operational costs for a community residential centre, which is the centre about which the tenders for proposals have appeared in the newspapers. The total budget for that is \$177,000. We have arrived at it solely by projecting a per diem rate times the number of inmate days that may be projected. That figure will change when the contractual arrangements are made — if they can be — with a private or a community-based organization to run a community residential centre.

The figures also include the Haines Junction correctional camp for an additional \$140,000. There are training costs for the Mount Royal Diploma Program, which were in Administration and are now in this activity. That is an additional \$20,000.

There is a heating adjustment for oil heat as a result of the closing of the Takhini Heat Station, and that is an additional \$29,000.

I will speak a little bit about the Haines Junction camp under that line. Policing was increased by \$376,000, or six percent, according to the figures as published, but it is really the percent as I corrected them. That represents two things. The percentage of our costs for policing increases every year. There is an escalation clause, and we now pay 62 percent of the amount. The \$335,000 represents a base adjustment to the Police Services Agreement attributable to the escalation.

²⁷ The intention of the government is to slowly, in as nondisruptive and as nonradical a way as possible, reduce these costs. We will not reduce it in a fell swoop, but slowly and very carefully.

Mr. Phelps: The Minister has discussed in general debate some of the line items here. I want to make an observation. I certainly hope the government will be taking a good hard look at corrections, the Whitehorse Correctional Institute in particular.

The Minister has enumerated some of the ways in which he intends to cut costs, the reduction of personnel through attrition, and so on. I note under Institutional Services that the goal of the Institutional Services Branch is to provide a safe and humane environment to persons who are sentenced to custodial punishment.

I am compelled to say that it does a little more than that from the kind of stories that one hears from people who are out there for a brief period of time and joke and laugh about how great the environment is for those sentenced there.

It seems that it has almost become a country club and really less of a deterrent than many of us would think is appropriate under the circumstances. I would really like to see a study made of the costs and the waste in terms of a number of things, without itemizing them here.

I would hope that the institution would be seen as of some benefit to the justice system as a deterrent and not looked upon wholly as a rehabilitation centre.

Hon. Mr. Kimmerly: I agree. The living conditions at the jail are frequently better for the inmates when they are in jail than when they are out. That speaks volumes, I suppose, but it is not that simple. It is my view that very constructive reform can be achieved through work. The inmates should be working and working to benefit society at large.

I should inform the House about the statistics on page 193. They

were entirely accurate on the basis of the information known at the time. However, we can now say about the 1985-86 Actuals that the total costs attributable solely to the jail are \$1,752,000.

If we divide that by 365 days and divide again by the actual average of 67.49 inmates, which is an average of the daily count, the per diem figure is \$112. That is not \$106, as is shown in the statistics book.

Our cost estimates on the work camp, which is an experiment presently in Haines Junction, are that, based on a six-month operation with average occupancy of 15 inmates, the per diem is \$84. With a maximum occupancy of 20 inmates, the per diem is \$63 based on the same formulas.

²⁸ In addition to the savings of dollars, there is also useful work performed. It is because of those factors that the policy of obtaining the useful work is the present one.

The Haines Junction camp is now operational. To start up, there are 10 inmates. We have locally hired three people in the Junction, as casual employment: a cook and two crew supervisors. I have copies of the correspondence with the municipality concerning their preference for the community work and, also, from the local churches. I will table that correspondence.

Mr. Brewster: I am not going to get on any more of a row on this thing. The verdict is still out. I would like to point out a couple of things, though. Number one, the two men you hired were heavy duty operators who chose to stay home this year instead of going out on road crews, which I have no problems with, but let us carry this through and see what the chain reaction is, before you shake your head and agree.

This means that the construction outfit on the Shakwak project, or the one out of Stoney Creek, is now short two operators. The young boys from the 25 percent I have unemployed are completely inexperienced. They will not get those jobs. We now have two more people coming from outside. This is where these chain reactions come. These young boys have no experience, and the government should have been giving them experience. The young cook who you have there, I know her quite well. She is not a Haines Junction resident. She started out at 75 Mile and now has moved to Haines Junction just because of this. I have no problem. She is a very good girl and a very good cook. I would just like to point out the chain reaction that you get on these things.

We still have 25 percent unemployed. With the money the government is spending, the money the National Park is spending and the money that floats around, in the four years I have been in here and seen where everybody talks in millions of dollars, it could have been money to put some of those people to work, especially the native people. They could have done such things as the clearing. However, the verdict is out; I am not going to argue on it.

There are one or two things I would like to ask, though. There are stories going around that these guards will all have a terrific amount of overtime. Is that included in the \$140,000, or are the guards' wages included in that? Is he saying that they are already in Whitehorse?

The travelling time is the other thing. I imagine these guards will be on one week and then back into Whitehorse one week. I am not sure what their schedule is. Has the travelling time back and forth been charged against this correctional school? There are a number of things. Has he charged these, or is he saying no, they are against the institution here in town? They are not. There is an extra cost there.

²⁹ **Hon. Mr. Kimmerly:** The response I would make is that we will do everything we can within the law to see that the replacements for the equipment operators are local hire in keeping with the general policy of the government.

In answer to the question about salaries, I do have figures about the payroll and the impact on the overall payroll as estimated. The payroll for the three casuals is \$45,767. The additional staff, who are at the camp from the correctional centre, which is a figure that we would have incurred in any event, is \$53,231.04.

Those people were on staff and will be placed at the Junction. That is not an additional expense of that camp. The total payroll, considering the local people and the people who are on loan from the correctional centre, comes to \$100,926.86.

Mr. Brewster: I have a real problem with this. When you are in business, if you take some people away from one job and put them onto another one, that money must be charged over. You cannot hide that \$53,000 and say that they are working in Whitehorse.

I understand they are in Whitehorse. When they under Whitehorse, they should be working in Whitehorse. You have now moved them to that camp, and you are trying to hide \$53,000. You will come back next year and say that the camp did not cost that extra \$53,000.

No businessman in his right mind can do a thing like that. The government has to be accountable for this. You live in a dream world. The Minister tells me that he is going to see these two operators replaced by Yukon operators. Let me tell the Minister that he does not run these private companies that have hundreds of thousands of dollars worth of equipment. They are going to get the best men they can.

I am not complaining because these two work there. I have no problem with that. I am just showing you the chain reaction of what will happen. It is our young people who we must put to work, not the older ones.

³⁰ **Hon. Mr. Kimmerly:** The cost of \$140,000, as I indicated, includes that \$53,000. The personnel costs are approximately \$101,000, and the other costs of the camp are \$39.4.

Mr. Brewster: I would like to thank the Minister for explaining that.

Mr. McLachlan: I have a couple of questions on the native constable program as specified in the directives. What part of the native constable costs — training, salary — is borne by the Government of Yukon?

Hon. Mr. Kimmerly: The answer, generally, is all that, and it is under the policing agreement. There is a separate agreement with DIAND about native constable costs, but it is all budgeted here.

Mr. McLachlan: Is it the request of the Department of Justice and the Government of Yukon, or is it the policy of the force that the native constables only be placed in situations where there are two or more regular officers? Who decides that?

Hon. Mr. Kimmerly: That is a policy of the force. The government has not given any policy guidelines to the force about the placement of native constables. If the Member is interested in making a representation about that issue, I will be pleased to hear it.

Mr. McLachlan: If a special constable wishes to go on to complete full RCMP training, does the government or the Department of Justice assist also in paying the costs to complete that objective?

Hon. Mr. Kimmerly: No. That is considered entirely an internal matter within the RCMP.

On Community Corrections

Community Corrections in the amount of \$647,000 agreed to On Institutional Corrections

Mr. Phelps: With regard to the country club up the hill, I hope I made it clear before that I hope there will be an examination of the alleged waste of food, clothing and so on and so forth.

Hon. Mr. Kimmerly: Yes. I had not heard of those allegations, but I have now, and I will look into it.

Mr. Phelps: The issue is putting controls in place.

Mr. Phillips: I would like the Minister to clarify Other. From 1984-85 to 1986-87, there is about a \$1.5 million increase. Can he tell us what that increase is for?

Hon. Mr. Kimmerly: It is the increases that I have explained in the top three lines, which are not personnel costs. I could explain it, but it would entirely be a repetition of the explanation of the increases in the three lines above that, Community Corrections, Institutional Corrections and Policing.

³¹ **Mr. Phillips:** Maybe I misunderstood. Did they cover that \$1.5 million?

Hon. Mr. Kimmerly: It is mainly in policing, but the answer is yes.

Institutional Corrections in the amount of \$3,019,000 agreed to On Policing

Mr. Brewster: Is the Minister now satisfied with the policing

situation between the Burwash Band and Haines Junction?

Hon. Mr. Kimmerly: No, I am not satisfied. I am perfectly aware that the community of Burwash is not completely satisfied. That is a concern. I am satisfied that the police, especially in Haines Junction, are taking all the reasonable steps that they can to police Burwash from the Junction. I have been persuaded by the Chief Superintendent of the RCMP as to the advisability of changing the person-years around.

It is an unfortunate situation, however, the number of police per capita, in my view, is excessive here. It is wrong to make it worse.

Mr. Brewster: I would like to thank the Minister for the answer. I realize the problem. I agree with him that the RCMP at Haines Junction are doing the best they can, but we still come back to the same thing. It is unsatisfactory. If we look at the number of policemen in Whitehorse and the number of policemen in a number of other places, it does not add up. The Minister was with us when they started punching out the computers. I do not have much faith in computers and numbers.

Mr. McLachlan: One-and-a-half months ago I asked the Minister about increased policing requirements for Faro. I got a verbal nod, and nothing has happened since. The statistics still show two and, in fact, one of those two is being removed and placed in Whitehorse in five weeks. Has anything happened regarding developments there?

Hon. Mr. Kimmerly: No, and I apologize. I am not in a position to specifically report, but I am meeting with the RCMP shortly and I will raise it.

Mr. McLachlan: I trust that he could also raise the issue of the condemned jail in Faro and see what else could be done at that point?

Do we also pay for the housing for the RCMP 100 percent in this budget?

³² **Hon. Mr. Kimmerly:** The housing is part of the overall budget, and we pay 62 percent of the overall costs. So, the answer is yes, there are recoveries in that the members are charged rent, but I understand it is a fairly favourable rent.

Mr. McLachlan: I asked the question because I understand that the Force had a programs officer who did nothing but look after RCMP housing. Although I would not anticipate it in the near future, and Whitehorse might be the only community that could do it, does the Policing Agreement with the RCMP provide for a formula, if a municipality so wished, to conduct its own policing?

Hon. Mr. Kimmerly: No, there is no formula, but the Policing Agreement contemplates that the RCMP do not enforce the municipal bylaws. If a municipality wishes enforcement of its bylaws, then they are obligated to do that themselves. I understand, as a practice in the rural communities, the RCMP occasionally assist. That is a long-standing northern practice, which everybody likes.

Mr. Nordling: I am looking at page 193, under Statistics, and I see the inmate cost-per-day is \$106. What factors go into the determination of the cost-per-day?

Hon. Mr. Kimmerly: The way I calculated it for the new figures is I gave the actual costs attributable to the centre and divided it by 365 days, and divided it by the average inmate count per day. The average count per day is 67.49 in 1985-86, that is an actual, and the cost is \$2,752,000 attributable to the correctional centre only.

Mr. Nordling: I understand the calculation that the Minister just gave. Where does the figure for the cost of centre come from? Is that the complete and total cost of operating that?

Hon. Mr. Kimmerly: The capital costs here are not included, and that is a good point. If you include the capital costs, the expense is obviously higher and the differential between the work camp and the centre is even greater.

³³ *Policing in the amount of \$6,269,000 agreed to*

Solicitor General in the amount of \$9,935,000 agreed to
On Policy and Planning

Chairman: The last program, on page 197, Policy and Planning, general debate.

On Operations

Hon. Mr. Kimmerly: I would just add that Information and

Education is a new line. This is composed of \$16,000 worth of in-kind services to the Yukon Public Legal Education Association and \$9,000 identified for information and education projects, which will be spent on information concerning the crime prevention or the witness or victims services.

Mr. Phelps: Just before we clear that item, the current person-years has remained at three. It has gone from \$63,000 in 1984-85 to \$134,000. Can the Minister account for the more-than-double jump in two years?

Hon. Mr. Kimmerly: In the start-up year, it is expenses for a part year.

Operations in the amount of \$148,000 agreed to
On Information and Education

Information and Education in the amount of \$25,000 agreed to
Policy and Planning in the amount of \$173,000 agreed to

Mr. McLachlan: On page 198, Statistics and Recoveries, what is the Reporative Sanctions Project?

Hon. Mr. Kimmerly: That is a civil service phrase for the Fine Option Program.

Mr. McLachlan: The Official Guardian sounds like a subscription to a magazine. Can the Minister explain?

Hon. Mr. Kimmerly: Well, it is not. The Official Guardian function is conducted by the Public Administrator. It is primarily involved in the administration of estates. On the administration that they do, they achieve a cost recovery for their services.

Justice in the amount of \$15,731,000 agreed to

³⁴ **Chairman:** Before we begin the Public Service Commission, we will recess for 15 minutes.

Recess

³⁵ **Chairman:** I will call Committee back to order.

We are now on the Public Service Commission, general debate.

Public Service Commission

Hon. Mr. Penikett: I am going to give an opening statement. I could give a short version or I can give one with some information. I did canvass the House. The Members present wanted the long version, so I will proceed with that.

I can give a very, very perfunctory one or just some of the detail for the branches. I think it would be useful if I did that at the outset. I would prefer, however, to save detailed questions on the branch activities until such time when we get to the lines. My preferences, of course, very rarely hold sway in this House.

The Public Service Commission is responsible for recruitment, training, compensation and classification, labour relations, employee records and pensions. It administers these programs under the provisions of the *Public Service Commission Act*, the *Public Service Staff Relations Act* and the labour relations sections of the *School Act*.

The current staff complement consists of 25 permanent, two contract conversions, and there are newly-created positive employment program positions that account for seven person-years, one for Program Manager and six for the Native Training Corps.

This program has been developed in order to address and resolve affirmative action concerns. The manager will develop policies and activities to recruit, train and promote members of target groups, specifically aboriginal people, the handicapped and women.

Our first priority is to recruit and train a core of native people so that they will attain sufficient training and experience in order to qualify for positions with this government.

The commission plans to undertake a number of initiatives during the 1986-87 fiscal year. Some of these include an expansion of existing training programs, revised and more effective policies in training, educational leave, underfill, conflict of interest and long service awards.

The Employee Assistance Program has been revitalized and, as I indicated to Members in a Ministerial Statement some weeks back, we are examining its further implementation and improvement. It now receives active participation from both unions.

This program's existence is being more widely promoted through a communication campaign, supervisory training and road trips to communities outside of Whitehorse, which is something that has not happened before.

³⁶ Finally, the Commission plans to research the feasibility of introducing a short-term illness and income protection plan to replace the current sick leave provisions, as well as a deferred leave salary plan and a cafeteria benefits package, in order to provide greater flexibility in benefit options according to individual employee choices and without increasing costs.

That is the summary. If the Members would like some more information, I will give some more information, branch by branch, and then answer some questions that were put by Members early in the debate many, many weeks ago.

During 1985, there was a reorganization of the Commission resulting from the Peat Marwick study. That was completed. The Commission now consists of several branches: Administration, Recruitment and Training, Employee Records and Pensions, Labour Relations and Compensation. The following, I will indicate to the Members, are the Department's program objectives and short summaries of activities and plans.

The department provides information, systems and services to Management Board and line departments so that the human resources of the Public Service may be managed equitably and efficiently in accordance with applicable legislation. I mentioned the three acts earlier in my opening statement.

The Administration Branch program objectives are to provide for the overall direction of the Commission's administrative and financial support functions for its operational branches and to provide training, documentation, coordination and the utilization of human resource information.

There was a fair amount of work caused for this branch with the change of government. Two budgets had to be prepared in the first year and that did strain the resources of this operation, and a couple of people who will presently be here today.

The branch coordinated the installation of phase one of the Human Resource Information System. Phase one of the Position Control System was put on-line in January, 1986. Its purpose was to achieve a more reliable control of the government's staff establishment.

Phase two, the Employee Information System, is expected to be on-line by July, 1986, and phase three, the Leave Accounting System, is expected to be on-line by the late fall.

³⁷ While the Commission retains control over input access to ensure system integrity and security, all government departments will have enquiry status to the data base in order to be able to produce a variety of reports. A Performance Indicator System, as all Members have heard previously, is being put in place so the program evaluation using measurable criteria can be implemented.

Recruitment and training, the second branch: the program objectives of this branch are to develop policies, programs and procedures for recruitment, employee training, management development and special target group employment; to provide for the recruitment, selection, appointment and promotion of all public servants; to fund training programs, tuition and travel costs for employees taking approved courses of studies, training positions; to develop and administer recruitment and training programs for specific target groups.

In addition to its normal staffing and training activities, the branch completed the production of a staffing manual and commenced work on revised policies and procedures for under-fill, for training and development.

Under the joint supervision of the Public Service Commissioner and the director of recruitment and training, the Commission had a study conducted on affirmative action. It also reviewed a Cabinet Commission study on local hire. The studies led to the establishment of a Positive Employment Program, which will focus on three main target groups, as I mentioned previously, namely aboriginal people, handicapped and women.

The initial main emphasis of the program will be to deal with the development and implementation of affirmative action policies and procedures and the creation of the previously mentioned native

training corps. The training corps will consist of a number of training positions that will be reserved for aboriginal people who either have not previously applied or qualified for government positions.

Trainees will serve in training positions for up to two years, by which time they, hopefully, will be qualified to secure positions that they are training in at the full working level. It is estimated that, at present, aboriginal people make up in excess of 25 percent of Yukon's population, but only five percent, for a generous estimate, of its public service, at very best. Those who are employed within the government are mostly employed as blue collar workers.

The recruitment and training branch has been provided with additional training funds for 1986-87 in order to provide more training in affirmative action target groups and to qualify more public servants for promotion, thus enhancing local hire opportunities.

³⁸ The branch will also be utilizing the Employee Information System to speed up recruitment through internal promotions and to better identify candidates for training.

The next branch I would like to briefly mention is the Employee Records and Pensions Branch. Its program objectives are to update and maintain the Employee Information System and the Employee Payroll Information System; to implement system update and maintain the Employee Leave Accounting System for the purpose of administration of employee leave benefits and costing accrued liabilities; to provide for employee documentation and maintenance of personnel records; to advise employees on pensions and insurance plan requirements and options and to administer the various plans; and, to effect changes to employees' pay and pensions and insurance benefits.

This branch has experienced quite a heavy workload this year due to retroactive salary adjustments resulting from a new collective agreement on a conversion to the new Job Evaluation System and its resulting pay changes. The branch had its funding request for the microfilming feasibility study delayed due to budget restraints, but it is still planning to secure the required funds through a rearrangement of its priorities.

The program objectives of Labour Relations, the next branch, are to negotiate and administer collective agreements and payments of salary settlements; to interpret and provide advice on labour relations legislation, policies and collective agreements; to research material for grievance and adjudication hearings; to conduct labour relations research and labour relations training; and, to develop and coordinate employee health and safety programs, the employee assistance program, and the long service awards program. The Labour Relations Branch experienced a very busy year. It negotiated a new agreement with the Yukon Teachers Association, which was finally settled at binding arbitration, and a new agreement with the Public Service Alliance of Canada, the Yukon Government Employees Union component. The latter agreement was only secured after a prolonged, difficult and publicly controversial set of negotiations made so due to the implementation of a new Job Evaluation System and a pay plan that incorporates comparative worth: equal pay for work of equal value.

The Public Service union has become considerably more active in the question of grievances and has, of course, been lobbying the government quite energetically on the question of casual, contract and seasonal employees.

The branch has also reactivated, as I said, its employee assistance program, and considerable progress has been made in the training of supervisors in line departments and developing and distributing publicity materials. The program will be taken to outlying communities so that rural employees with work performance problems may be able to obtain assistance in attempting to resolve the same.

Branch personnel are reviewing the acts that govern the Public Service Commission in order to introduce required changes during the fall sitting. More intensive labour relations training for managers is also contemplated.

The Compensation Branch's objectives are to provide classification standards and position classifications; to develop pay plans, benefit packages, and terms and conditions of service; to cost

collective bargaining demands; to maintain, establish and control and provide organizational analysis services; to develop and administer compensation-related training programs for the departments.

The branch continued to be virtually totally preoccupied with implementing the new Job Evaluation System and developing and implementing the pay structure, which flow from it. The latter was implemented, as we all know, only after a difficult set of contract negotiations.

³⁹ In conjunction with the new Evaluation System, a new Appeal System was developed. It includes as a first step a Public Service Commission review of the classifications of the positions that are being challenged by incumbents or departments resulting from conversion to the new Evaluation System.

Any challenges that remain unsatisfied after the review process may be referred to the Classification Appeal Board, about which we have spoken earlier in the Legislature.

The branch is now engaged in completely redefining the Staff Establishment System's components and developing central mechanisms to prevent unauthorized growth of the government's staff establishment. That is something else that I have talked about, in the main, with the Leader of the Official Opposition, the problem of getting control of the staff establishment by reforming the abuse of the system of casuals and the abuse of the use of contract people. That has been a long term problem.

During the 1986-87 fiscal year, the branch will be awarding consulting contracts to assess the feasibility and costs of introducing a short term illness and income protection plan, a deferred leave salary plan and a cafeteria benefits plan, which I mentioned earlier. Lest Members get confused about the cafeteria benefits plan, this is actually a package that allows people to choose options, although they amount to the same costs to the government. These are options based on their own personal lifestyles, demands or career plans.

I was asked some time ago about the costs of the JES and the negotiated increase for 1985-86 and 1986-87 by department. I will try and give that information now.

The 1985-86 potential payroll increase is due to collective bargaining. Adjustments to management and casual contract rates were \$1,740,592. By potential, it is meant that these figures reflect capacity staffing and ignore the 10 to 20 percent vacancy rate that is often a reality.

Of the \$1,740,592, \$424,133 is attributable to JES, and \$1,316,549 to the signing bonus.

The following is the breakdown for the signing bonus and the JES costs for regular employees by department. First I will give the signing bonus for each department, then the JES for each department, and then I will give the totals. The total cost of the signing bonus for the Legislative Assembly was \$548,000.

Mr. Lang: Would it not be better to get into another subject and have that copied for us and tabled.

Hon. Mr. Penikett: I have all hand scribbled notes here.

Mr. Lang: That presents no problem. It would save a lot of time for the transcript if we could just have them provided.

Hon. Mr. Penikett: I will get the information expeditiously copied and available for the Members. Let me give the total for the government, and then I can respond to questions by Members by department.

The total cost of the signing bonus for 1985-86 was \$1,316,459; for JES it was \$344,102; for a total of \$1,660,561.

⁴⁰ In 1986-87, the JES costs are rolled into the base, as in any negotiated settlement. Extracting JES costs from the base accounts for \$2,887,914. This includes casuals and contracts and assumes zero vacancies, no changes in staffing mix and a receipt of merit increases by all eligible staff.

In addition, the rates of pay are increased by \$900, effective April 1, 1986, producing an estimated cost of \$989,100. This brings the 1986-87 total payroll adjustments to a potential of \$3,877,014.

I will ask the department to put this in acceptable form and give it out to all Members as soon as we can, without my marginal notes.

Let me just leave it at that. There are many other questions that I am sure I will be able to answer as we get into the general debate or

the line-by-line, whichever the Members want to proceed with.

If the Members will permit me, could I just provide one correction to some numbers in the budget. On page 214, if you look at the Forecast for 1985-86, while the total under Expenditures is correct, the numbers for the particular lines are not. I would like to give the Members the correct numbers there.

Under Operations for 1985-86 it should read \$286,000, not \$254,000; under Classification Appeals, it should read \$3,000, not \$69,000; under Projects, it should read \$86,000, not \$52,000.

Mrs. Firth: I really did want the detailed breakdown of the JES figures so that I could go through them quickly, department-by-department. Could the Government Leader tell us how long it will take to get those?

My anticipation has really been that it would be tabled or given to us before we commenced the debate, so that we could peruse it and, therefore, have a much more meaningful debate. However, I am sure the Government Leader is trying his best to get it to us now so that we can examine it.

Until we move on to the JES, I would like to ask a few questions about another area, unless there are any Members who want to ask some general questions about the JES.

Hon. Mr. Penikett: If the Member would be prepared to accept this in an unpretty form, I can give the departmental breakdowns within a matter of minutes.

⁴¹ **Mr. Lang:** I have a question regarding superannuation. It is my understanding that the Government of Canada is making major changes to the *Pension Act* that will translate it into the federal *Superannuation Act* some time this year. The amendment that was made to the *Pension Act* was that, as opposed to having ten years in which to make the choice of locking yourself into a pension, it has now been determined that that decision will be made after the second year, primarily by the employee, but by the employer if you continue to work for the government or a company that falls under that particular federal statute.

At least one member of the Public Service has expressed to me that nobody is being made aware of these changes, and it is going to have a dramatic effect on a number of the employees, especially those who have put in eight or nine years and may not be aware of these forthcoming changes, which are going to lock them in.

Does the Minister have any further clarification? Am I correct in my assessment? Does he have anything more to add to that element that is under discussion at the federal level and the territorial level.

Hon. Mr. Penikett: I am advised that Bill C-90, which is presently before Parliament, does not affect the *Superannuation Act*. In terms of the general policy matter that the Member is asking about, which is a very important issue of employee control or influence on their own pension plans, it is a very serious matter, and the trend of legislation in the country is clearly towards giving employees more of a voice.

Of course, the matter is extremely problematic for us because we are not, as far as our employees are concerned, really in a discreet territorial plan, nor do we really have any control over it. I think the control we might have over the employee pensions here is academic. We do not even have the capacity, as all provinces do, to borrow against those funds. We have been promised a change though the next time the act comes up for review, as I understand it.

The whole issue that the Member raises is a serious and important one, but it is not, as I understand it, joined by the bill that is presently before Parliament.

Mr. Lang: I recognize that. That is why I think there is probably a six-month lull prior to the other act being amended. The *Pension Act* has, or is in the process of being amended, so that is done. The accompanying legislation is a *Superannuation Act*, the way I understand it, at the federal level, which will then be the next step in amendment. My observation is that I think it would be wise if the Government of Yukon advised the Public Service of what is happening at the federal level by an internal news bulletin as proposed changes come forward. People are picking things up from outside newspapers. That is the only information that is being provided. I wonder if the Minister would make an undertaking to make an update available to the employees, and continually update

them as time goes on so they know what the ramifications.

Hon. Mr. Penikett: That is a perfectly reasonable proposition. I have no problem with it whatsoever. I should let the Member know that the Public Service Commissioner here is continually in contact with the Treasury Board on the question of pension changes, and we will be kept apprised. I have no problem, within the editorial powers I can exercise, of making sure that a future issue of the *Sluice Box*, which is an employee organ, has an article on this and advises the employees of what is to come.

42 Mrs. Firth: The JES impact that the government has experienced amounts to almost \$2.9 million in the total government, from the information that the Minister has given us. Have the adjustments been made for all the casual and contract employees yet?

Hon. Mr. Penikett: Yes.

Mrs. Firth: I am just quickly looking at the department-by-department breakdown and making observations about the differences within the departments, not taking into account numbers of staff, which are going to affect the dollar allotment, but also the qualities, position-wise, of the employees within the departments.

In some areas, you require more highly skilled, more highly trained individuals. Did the government make any observation, when they were doing the Job Evaluation Study, and when they were determining what the base salaries were going to be, about any particular areas of the government that had an abundance of highly skilled, highly trained technical employees?

Hon. Mr. Penikett: We had a couple of interesting things, if I may share with the Member some of the political considerations that we had to make. We discovered that the biggest wage discrepancy, if we could call it being gender based, was the difference between people who were economists who happened, for the most part, to be male, and social workers, who happened, for the most part to be female, but both groups of people have, in terms of educational attainment, similar educational levels. Yet, the pay spread between these two groups before JES was quite remarkable. It was a serious discrepancy.

It so happens that, since then, I have had reason to discover that, even having corrected this inequity, there are others around. Even at the current rates of pay, we discovered that the current market conditions are such that highly qualified professional economists, who happen to be women, are in extremely short supply and can command a very high price, much more than many employers are prepared to pay.

The Member is asking which groups benefitted most from JES. It is clear that some clerical groups, social service occupations and semi-skilled jobs that are traditionally female, such as nursing home attendants, were the people who were the most significant beneficiaries of JES.

Mrs. Firth: Can the Minister tell us how many appeals have come forward? Have any of them been heard yet?

Hon. Mr. Penikett: There have been 430 cases come forward for review. We expect there could be something in excess of 100 appeals.

43 Mrs. Firth: Could the Minister tell us what seems to be the most frequent complaint that comes forward, causing a case to be presented and a potential appeal?

Hon. Mr. Penikett: I think there are a lot of people who feel that the particular classification of their job had not been done fairly or accurately, relative to some other job.

I think there are a few generic complaints about whether or not the classification system gave the correct weight to certain kinds of factors. There are also a significant amount of people who, as a result of the classification, found themselves at the bottom of a new range. I think they had a wrong perception of what that meant about their relative worth in the system and to the government.

Mrs. Firth: The Government Leader explained the appeal process briefly during Question Period. What is he anticipating is going to be the length of time before the appeals will be heard and the employees will have an answer that they feel is satisfactory? If they do not feel that it is satisfactory, what options do they have?

Hon. Mr. Penikett: I think I may have told the Members that the Public Service Commission has made a commitment to personally interview each employee who is appealing his or her

evaluation in order to make sure that they have all the relevant job information.

This is a normal procedure when the employee asks for his or her job to be reviewed. It will involve meeting with employees in rural areas as well as in Whitehorse. We have 400-some requests for review covering something like 200 to 250 positions.

The Public Service Commission is scheduling reviews by occupation, region and organizational unit. We anticipate that they will be completed by the fall. Completion of the next step, which is the Appeal Board hearing, will depend upon how many there are and how quickly they can be scheduled, given the time constraints of the various participants, board members, employees, et cetera. It will take some time.

Mrs. Firth: What happens when an appeal is not successful?

Hon. Mr. Penikett: If an appeal is not successful, that is it, they lost. If the appeal is successful, they are protected, and the decision will take effect from the date that they filed the appeal.

Mrs. Firth: Are there no other options for the employee once the appeal has been determined?

Hon. Mr. Penikett: There are no options for a period after that. Of course, if their job changes or if they feel that the character of the job was changed, or if they feel that the job is evolving and requires a new classification, or if they feel that it is no longer classified accurately, they could go through the process again.

Mrs. Firth: I would like to know what happens now. I understand that according to the salaries and the classification levels that have been determined that there are going to be increases at various times. I also understand that the salary increases are based upon the union negotiations and the increase is determined there.

At the other end of the scale, when the level of the position changes, what kind of forecasting has the Government Leader's officials done regarding what the costs could be for 1987-88, 1988-89 and so on? What kind of analysis and forecast has been given to that?

44 Hon. Mr. Penikett: Over time, of course, it will be increasingly harder to track the costs of JES, because this year it is built into the base. Let us take the social worker position, for example. It was clearly underpaid before. Someone with a Masters degree is now paid at a new range. That becomes the new norm. It then becomes increasingly hard to separate out the chain reaction, or the succession of impacts, that we will have from the reordering of the new Classification System.

With any Classification System, of course, given enough time, it will go askew again in some way that we cannot yet contemplate. I do not know, perhaps in 15 or 20 years from now, or whatever, it may have some other distortions that will have to be adjusted for. If the economy continues to improve to the point that we have a very low rate of unemployment, we know already that there will be some positions that we will have trouble attracting people to at the rates we are now paying. That will cause us to do some kind of market adjustment in the rates of pay.

Mrs. Firth: I always hear that because of the salaries we pay we have a difficulty attracting people. Sometimes I wonder if they are too low; it cannot be because they are too high. It is something that you hear constantly from the senior level of the officials. We seem to have that problem here in the Yukon Territory. However, when you look at the economic review, I think our salary scales are quite substantial compared to some other areas in Canada.

I guess the answer I am trying to find and what I am trying to determine, is: when the decision was made to implement the JES, how did the government make the decision? Did they look at the possibility of the impact of the costs in subsequent years? Did that have any influence on their decision? Had they simply decided that they wanted to implement the JES and they were going to do it?

Hon. Mr. Penikett: No. The last point the Member makes is not the way we were faced with a decision. We had a study, which had been commissioned by the previous government, that looked at the Classification System of the government, which everybody agreed had become antiquated. Not everybody agreed on the solutions, but everybody agreed it was out of date.

There was a new issue that was raised by JES, and that was the whole question of pay equity, the issue of equal pay for work of

equal value, which, under a new constitutional environment that we are in in Canada with the federal government, and no less a person than the Prime Minister continually reiterating his government's commitment to this value and this objective, we knew, as a result of having heard as a political party, which committed ourselves, as well as the national Conservative Party, to this that there was considerable grievance on this score. We are also people who are philosophically committed to pay equity.

We also knew that it would be, in some respects, difficult to implement. The JES provided an opportunity in a way that would not come before us, perhaps, again for a while.

« We also made a decision. We looked at what the probable costs would be in terms of changing the base cost with the public service of the territory. We recognize that sometimes justice is not cheap. It does cost money. Civilization does cost money. We also decided that, rather than imposing it, which is what we could do, we would negotiate it with the employees, that we would put it on the table. That was a policy decision made by this government, and we did that.

The Member began her question by also talking about comparability and whether wages are high enough. I think both statements she made are correct. We find that our wages, and I am thinking of the management rank, compare quite well with many southern jurisdictions. We have to understand that when we are attracting certain kinds of professionals, salary is not the only consideration. As much as it pains me to say so, and it is beyond me to understand why, there are people in this country who would rather live in Vancouver than Whitehorse. There are people who would rather live in Toronto than Faro. It puzzles me. It causes me anguish, but I recognize that it is a fact.

We have had recent cases that I know of where there were key positions in a couple of departments that I know of, where we tried to find someone locally, but there was no one qualified. We eventually had to recruit outside. We made an offer based on the established pay in this government, and we could not attract a person. We made offers that were refused on a salary basis, even though that person, going to a similar job in Alberta or BC or Saskatchewan, may not get more money. That person may be taking into account things like our higher cost of living factors.

Mrs. Firth: I am trying to determine the factors involved in making the decision to proceed with the JES. From the Government Leader's explanation, I can reach my own conclusions and understand why they have decided to proceed with the JES.

I would like to move on to some other area, unless any other Members have some questions about the JES that they would like to raise.

Mr. Coles: Not specifically on the JES, but on the subject of wages: just for information, I would like to know how many public employees get paid more than Cabinet Ministers.

Hon. Mr. Penikett: If you give me a couple of minutes, I will be able to give that information to the Member.

Mrs. Firth: I wanted to ask some questions about the Positive Employment Program, which is also a new program that the Government Leader has established and the costs that are in this budget, the \$232,000. The Government Leader has said that the Positive Employment Action Program Native Corp that is going to be established is going to be for a two-year period. I am assuming that this cost is for the first year.

« **Hon. Mr. Penikett:** The cost is for the first year. Let me make it perfectly clear that I am not talking about a two-year program. I contemplate a program that will remain in place until such time as the public service of the Yukon Territory becomes more representative of the population of the Yukon Territory as a whole.

I would contemplate that the program would remain in effect until such time as the numbers of aboriginal people in the Yukon Public Service more closely represents the proportion of aboriginal people in the Yukon population.

It is now very low. It is a totally unsatisfactory situation. That is why we are proposing this positive action. Other governments may change their minds, but the idea is that the program will start now. That is the cost for this year.

The training positions will remain at six, unless there is some

future decision made to change that. As people in those training positions bid on jobs successfully in departments, they will then become part of the salary cost of that department, and they will create a vacancy in the training position, which will be filled by another candidate.

We have perceived that the problem for Indian people, unlike women, is a problem of entry into the system.

For women, it is not that they cannot get in; they tend to largely be occupying the lower ranks of the public service, and that is a different problem.

Mrs. Firth: When the Minister talks about determining the percentage of population that is represented and the percentage of Indian people who are employed in the government, how did he arrive at that percentage? I do not recall intentionally, as a government, keeping any statistics or numbers. I would like to know how the Minister found those numbers.

Hon. Mr. Penikett: It was quite difficult, but it was one component of the study that we previously talked about that was done by Jeniffer Mauro when she was functioning in the vacant position of the Executive Assistant to the Minister of Justice. She was commissioned to do a local hire study.

She was provided with the unique and one-time opportunity to compare the land claims eligibility lists of the territory, by computer, with the public service employment lists of the territory to see where there were cross-references and matching names.

Mrs. Firth: Does this government have the land claims eligibility list all computerized.

Hon. Mr. Penikett: No. We do not have it on computers. It was a one-time thing where two computer runs were compared. I am not sure that we ever had access to either of the lists.

I do not know computer technology, but you can take two tapes with different information and find out how many names there are in common. The computer can do that.

Mrs. Firth: What are the long term costs implications of the Positive Employment Program?

Hon. Mr. Penikett: I do not see the costs that are associated with the new person-years changing. We will have a manager and six trainees for the next little while. The other part of the program that is for handicapped people and women will be different.

There is more money in the training budget this year. Part of the Opportunities for Women Program may come through enhanced training opportunities in the government. I do not see at this point any other major costs but, of course, I do not know exactly how the action program for women will be fully structured.

A lot of work has to be done yet with the Women's Directorate and with the Public Service Commission on exactly what kinds of training needs really are required in order to provide women with promotional opportunities in the public service.

« In some sense, we may have to look at what positions will likely open up in the next few years, what skills people now have, what are the skill gaps and what are the experience gaps. We are not a huge public service. We cannot do it like Ottawa with quotas. We may have to do it in a manner of identifying women in the Public Service who have real potential and say that a few years from now if you want to be a deputy minister what do you need in order to grow and develop in order to successfully bid on deputy ministers positions.

We have given provision for employees, from time to time, to go out on educational leave. There may be internal training programs. I cannot detail any of those yet. I can tell the Member that there are already expenses being borne by this government and, in some cases, by this departmental budget. They are built-in here. I cannot tell the Member whether there will be additional costs. I do not think there will be any in this year. Whether any are required in future years will depend on how well and how precisely we can define both the problem and the opportunities in that area.

Mrs. Firth: Can the Minister tell me how they are going to determine the salary levels of these six positions that are going to be identified for the Core Program?

Hon. Mr. Penikett: I will have to come back with more detail, but the salaries will be at entry level positions into the Public Service. They will be assuming a person is coming into the Public

Service at a fairly junior rank and then moving from there. It will be entry level position salaries. I will provide the Member with more precise detail as to how they will be classed.

Mrs. Firth: I would like to know about the six positions. Are they going to be identified as specific areas, say a clerical area or an administrative area? How is the program going to work that way?

Hon. Mr. Penikett: We will go and look for the six best candidates we can who want to come in and make a career in the Yukon Public Service or are looking for career opportunities in the Public Service.

We have already received requests to take on such a trainee from many departments. A judicious matching of trainees with departments is what we have to look for. It is possible, for example, that Renewable Resources might be very interested in taking all six, but there are only two people who come into the training program who would really be interested in careers in Renewable Resources, whether as administrators or people out in the field, or whatever.

We will try to match the desired career goals of the trainee with the needs of the department and see if we can find people to fill them. There is no shortage of requests coming from departments for these training positions. We are going to have lots.

The trick will be to have the Public Service Commission match the trainees with the departments.

Mrs. Firth: I have a fair amount of interest in this program. I would like to have as much detail about it as the Government Leader is prepared to give me.

My concern is this: the Community Learning Centres do a fair amount of work with a program that they have to identify individuals with certain capabilities in particular areas. I wanted to know if the Public Service Commission and the Government Leader, in making this decision, have in any way linked those two areas. For example, in Carcross there may be some young people who are interested in pursuing careers in a certain area that they have some capability in. I do not want the Public Service Commission doing all that research all over again, if it has already been done in some community in a Community Learning Centre.

Hon. Mr. Penikett: The Member is quite right about the opportunities. Historically, there has been, if I may so without offence to the Public Service Commission, some lack of coordination between the adult manpower education training and the courses operated at the college and the way the training has been done in the Commission. I think we have some new talent within the government now, which may help resolve that problem.

It is quite a noteworthy fact that the number of native graduates coming out of F.H. Collins has been sharply increasing in recent years, and that does provide a pool of people who we would want to take a very close look at. We may be able to attract some people into the public service from among the graduates of F.H. Collins.

As the former Minister of Education, the Member will recall that not too many years ago, there were a very small number of native graduates. The number has been increasing quite dramatically in the last couple of years. I think that is a natural group of people to go to.

There is, as well, people who have been forgotten, the people out in the communities who are quite talented, quite intelligent and quite able. They have never been able to get the training necessary to pursue their interests in the Yukon Territory. I think all of us know individuals of that kind, and I think young adults, and people who may not even be so young, people who have potential and just need to be given a chance.

Mrs. Firth: I would respectfully submit that it would be the latter group of individuals that the Minister mentioned that I would see as a priority. If young people make it through a high school, there is usually an indication that they are on their way, so to speak, and it would be their group I would be more concerned about, should I ever be able to influence that decision.

I would like to know something about the eligibility to be in the program. Will there be some eligibility criteria, or is it going to be pretty wide open?

Hon. Mr. Penikett: I cannot, at this point, give the Member much precise information about the eligibility. We are obviously going to be advertising, and, as the Member knows, if we get 150

applicants, we will be in a very advantageous position of being able to choose the six most qualified at the outset.

I think we have some work to do with this, and we want to do some consulting with some groups, such as the Member has indicated.

The Member would like to have more information about this. I am quite willing, without having consulted with the Public Service Commission, to commit the Commission to providing, a few months from now when the thing is up and running, a briefing to any Members of the House, as caucuses or individuals, who may want information about this program. It is a new venture for us; I think it is a very important and necessary one, but I am sure we would welcome any advice or input we could get from hon. Members on all sides.

Mrs. Firth: I will take the Government Leader up on that offer, and I will be following up to get a briefing.

Hon. Mr. Penikett: I have an answer to a question asked by Mr. Coles. The answer is: there are 38 public servants in the Yukon government who earn more than Cabinet Ministers. That does not include seven principals and vice-principals and two judges.

As a matter of interest, I think there are also something like 18 or 19 of them earning more than the Government Leader.

Mr. Coles: Can the Minister elaborate a little more as to exactly what has been taking place with the casual workers?

Hon. Mr. Penikett: I hope the Member will not take this wrong, but I have only been able to work half days on some of these important questions for the last three months and weekends. I am going to confess that I took last weekend off. There will be a motion of censure about that, and I will suffer it.

We, and particularly the Public Service Commission, have been working very hard on this question. I am days away from making an announcement about how we are going to deal with the question. There are some complicated and detailed questions that I have to resolve, and that I have to take to Management Board and Cabinet before I can make any announcements to the House.

Since I am assuming that we are not going to be finished today, I think there will be an opportunity to perhaps either make a statement to the House or a briefing to Members shortly thereafter.

Mr. Coles: I realize how much time the Commission has put in on this issue. I just cannot stress the importance of it. I have a constituent this year who spent six years working casual for the Department of Highways and was not rehired this year for no apparent reason.

I know of another case in Whitehorse where an older gentleman who is too young yet to collect pensions who spent many seasons with the Government of Yukon and was not rehired. There are only two cases that I know of. I am sure we all realize the importance and urgency of the issue.

Hon. Mr. Penikett: I hope the Member will understand. I would like to reiterate that I, and this government, remain committed to doing reform and justice to those people who have been known as seasonal casuals.

We are quite concerned about that group of people. The situation of people who are genuinely casual, those who come in to work for a few days at a time, is a different matter. I do not think that we can deal with them in the same way as we can with those who are perennial or seasonal employees who come back year after year and work for the government.

Mr. Phelps: Has the Government Leader at this time attached any timeframe with regard to target dates for implementing changes for seasonal casuals? Would it be possible for him to give some idea of the kinds of benefits and guarantees that they are thinking about putting on the table?

Hon. Mr. Penikett: I was not certain about this when I was previously asked questions about whether or not we could do what we wanted to do without legislative changes. I am now reasonably sure that we are going to have to make legislative changes, and I cannot do that before the fall sitting, although I am absolutely committed to doing it at the fall sitting.

Our legislating this fall for seasonal employees will have the effect of bringing some improved level of security and benefits to people who are working for us as casuals this summer. I cannot

really get into much more detail than that at this point because I still have some fine points to work out with my colleagues.

Mr. Phelps: I appreciate that. I was really wondering about the nature of benefits. Could the Minister give us some vague idea of proposed benefits that these people will get by virtue of negotiations and by the changes in the fall in addition to what they presently enjoy?

Hon. Mr. Penikett: Could I ask the understanding of the opposition — because I am at a critical point in terms of the discussions on internal development of policy — if they would accept this undertaking: should the House sit for a number of days next week, I will do my level best to make a Ministerial Statement next week, which will bring the House up to date on the current level or state of preparations for the kind of reforms that we are contemplating.

Mr. Phelps: That is fine by us. There are a lot of people in the rural communities, particularly, who are keenly interested and do not seem to have any idea of the kind of changes they might be receiving. Some of them are very close to retirement and have no retirement plans and are concerned about that.

I sent a letter to the Government Leader last Friday. It related to an individual's case, but related to what that individual was told that was apparently a new policy. He was a retired employee of the Highways Department who had been working as a casual on a seasonal basis. He was told that the new policy was that those people would not be hired because of some change in policy.

Hon. Mr. Penikett: Let me suggest at the outset that I have received a letter from the Member opposite. I had an opportunity to read it yesterday. I have a substantial brief on the question already from the Public Service Commissioner. Rather than discussing on the floor of the House this individual's case, I would rather do a private briefing for the Member.

There is no written policy from the Public Service Commission in this area. However, the Public Service Commissioner was instructed by the previous government, in the strongest possible terms, that a person who retires voluntarily from the public service, and was receiving retirement benefits from this government, was not to be hired back in any capacity unless he rejoined as a permanent employee and became ineligible to continue to receive pension benefits.

As I understand the situation, because this is a time when we have high unemployment and we have many people who are receiving no income, or unemployment insurance benefits, there was perceived to be an inequity when people who were receiving a pension benefit from the government simultaneously received an employment opportunity, and there were other people out there who had no income at all.

Mr. Phelps: I recall the strongest possible terms being used in particular circumstances, by myself, relating to people being brought in from outside and then retiring, specifically. Be that as it may, with this individual case, and with the intentions of the Minister with regard to policy on that fairly sensitive issue, I would be more than pleased to meet with him privately to discuss it.

Those are all the questions I have regarding casual and contract employees.

Mr. McLachlan: Just in general debate, one of the things that the Minister raised in his initial address referred to a cafeteria benefits package. Could he explain what this means? Is this subsidized hamburgers in direct competition with McDonalds?

Hon. Mr. Penikett: No, we are not considering that. I knew that this question would be asked because I asked exactly the same question — not about hamburgers — but a question as unlikely as that.

We are moving into a new era in terms of people's life choices, their work choices, and so forth. It is no longer, it appears, satisfactory for many large employers elsewhere to offer a standard package of benefits to their employees. There are fewer and fewer people who contemplate working 30 years for one company and then retiring with the standard pension at the end of their 30 years. There are a lot of people around now, we discovered, who want to job share; there are a lot of people who want to work less than 40 hours a week; there are a lot of people who want to change careers

several times in the course of their working life; there are a lot of people who may not want a standard pension or may want to work until they pass away; there are a lot of different things happening.

We are only very much looking at this, nothing more. Within the same cost framework, there are a number of possible options that people could be offered. That is what the cafeteria package is. Within the same kind of dollar value, you might want to take this benefit as opposed to that benefit or a combination of benefit A, benefit B, benefit D and benefit F, as opposed to a standard package of A, B, and C, which has been offered in the past. The department is only talking about, perhaps, developing some kind of options like this because that is the new trend in terms of benefit packages for large employers in North America. It is just something that we are starting to look at, because we have had an interest from one employee group. There is an interest in looking at a range of options for people, rather than just a standard package.

Mr. McLachlan: Could the Government Leader describe some of the examples of what some of those benefits would be? Is that vehicle costs paid, or what exactly is he talking about?

Hon. Mr. Penikett: Let me just give you a simple example. Someone who has a family of 10 kids may want a very different kind of insurance benefit package than someone who is a single person. The single person may want a package that gives him more vacation benefits. Someone with a large family may be looking for a package that has better insurance benefits for accidental death, and so forth, but within the same kind of dollar cost umbrella. They may be looking for a different mix of benefits. That kind of thing would make it possible.

Mr. McLachlan: The concept of it sounds pretty ideal, but does the Government Leader not have any concerns about the amount of administration that requires? You have this great big grab bag of benefits package, and 3,000-plus employees are headed for it, and they are going to pick A, B, E and Z. Somebody else is going to want C, F, R and H. What are the Government Leader's concerns in that respect?

Hon. Mr. Penikett: We are only going to look at this. We are not committed to doing anything about it. We are just looking at it. We do not have a grab bag right now. Many of the benefits we have are statutory. One of the things that computer technology makes possible nowadays is to do a more complicated mix of these things than was possible when you were running manual systems.

Let me emphasize that we are only going to look at it. We are going to look at the cost of it. We are going to see if it is worth doing. We are going to see if the employees are interested in it. We are going to be doing some very early examination of this possibility in this budget.

Mr. Phelps: I wonder if he could find a better descriptive term than "cafeteria package". It has misled us on this side of the House.

Hon. Mr. Penikett: I do not know if it is a Chinese food analogy, where you choose one from column A and one from column B and one from column C, but I want to make the House happy. I will ask the Public Service Commissioner to find a better description than a cafeteria package, because it may confuse people.

Mrs. Firth: I wanted to ask about the short-term illness plan. Is this part of the options for the cafeteria benefits plan, or is this something that has already gone into effect? If it does, what bearing and relationship does it have on the accumulated sick leave?

Hon. Mr. Penikett: This is not part of the cafeteria package. The sick leave costs are currently incurred through paid sick leave of 15 days per year, cumulative from year to year. There is a payout on termination of one-third of the unused credits, to a maximum of 60 days.

A successfully negotiated STIP plan would provide for a smaller number of days per year at full pay for sickness, not cumulative, to cover the genuinely long-term sick employees through a percentage of pay coverage until long-term disability eligibility and, therefore, reduce sick leave payout liability by eliminating the accumulation of sick leave credits.

In essence, it would be intended that employee costs would be reduced while employee coverage for sickness would be maintained

or improved.

On Administration

Administration in the amount of \$182,000 agreed to

Chairman: Recruitment and Training, general debate.

Mrs. Firth: The Minister mentioned the Staff Development Program for \$68,000 in *Hansard* in March. Is that included in this area somewhere? I believe he made mention of a Staff Development Program for \$68,000 that we were going to have in the Public Service Commission.

Hon. Mr. Penikett: The money in the Staff Training and Development budget is \$261,000. It is in the recruitment and training area, and it is identified as a separate line item in the budget detail.

It was increased by 59 percent over last year, because the stated goal of the government is to increase training opportunities. The \$68,000 new funding was approved for training. Other funds were reallocated from the Recruitment budget.

Training costs are incurred in the following areas to provide training opportunities for all levels of employment: tuition assistance, employee travel, professional service contracts for instructors, and so forth.

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Hon. Mr. Porter: I move that you report progress on Bill No. 5.

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 the House have a report from the Chairman of Committee of the Whole.

Mr. Webster: The Committee of the Whole has considered Bill No. 5, *Second Appropriation Act, 1986-87*, and directed me to report progress on same.

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

Some Members: Agreed.

Speaker: I declare the report 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 5:30 p.m.

The following Legislative Returns were tabled May 22, 1986:

86-3-12

Budget of Department of Finance, allowance for bad debts for 1984-85 (Penikett) Oral, *Hansard* p. 693

86-3-1-13

Dollars worth of tobacco products purchased by Yukoners (Penikett) Oral, *Hansard* p. 178

86-3-14

Amount outstanding in Dawson City school taxes (Penikett) Oral, *Hansard* p. 693

86-3-15

Policy regarding YTG employees applying for small business financial assistance (Penikett) Oral, *Hansard* p. 642

The following document was filed May 22, 1986:

No. 9

Letters from fuel dealers re pattern of fuel pricing throughout the Yukon (Penikett)