



The Yukon Legislative Assembly

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HANSARD

Thursday, December 4, 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 Kassi	Old Crow
Art Webster	Klondike

OPPOSITION MEMBERS

Progressive Conservative

Liberal

Willard Phelps	Leader of the Official Opposition Hootalinqua	James McLachlan	Faro
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		

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

⁰¹ Whitehorse, Yukon
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Speaker: I will now call the House to order. We will proceed with Prayers.

Prayers

DAILY ROUTINE

Speaker: We will now turn to the Order Paper. Introduction of Visitors? Are there any Returns or Documents for Tabling?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. McDonald: I have for tabling a report entitled Tarr Inlet Port Feasibility Study. This is in two volumes.

Speaker: Reports of Committees? Petitions? Introduction of Bills?

INTRODUCTION OF BILLS

Bill No. 23: First Reading

Hon. Mr. Penikett: As the Minister responsible for the Public Service Commission, I move that Bill No. 23, entitled *An Act to Amend the Public Service Commission Act*, be now introduced and read a first time.

Speaker: It has been moved by the hon. Government Leader that Bill No. 23, entitled *An Act to Amend the Public Service Commission Act*, be now introduced and read a first time.

Motion agreed to

Bill No. 52: First Reading

Hon. Mr. Penikett: I move that Bill No. 52, entitled *An Act to Amend the Public Service Staff Relations Act*, be now introduced and read a first time.

Speaker: It has been moved by the hon. Government Leader that Bill No. 52, entitled *An Act to Amend the Public Service Staff Relations Act*, be now introduced and read a first time.

Motion agreed to

Bill No. 58: First Reading

Hon. Mr. McDonald: I move that Bill No. 58, entitled *An Act to Amend the Motor Vehicles Act*, be now introduced and read a first time.

Speaker: It has been moved by the Minister of Community and Transportation Services that Bill No. 58, entitled *An Act to Amend the Motor Vehicles Act*, be now introduced and read a first time.

Motion agreed to

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

Are there any Notices of Motion?

Are there any Statements by Ministers?

MINISTERIAL STATEMENTS

Tarr Inlet Port Study

Hon. Mr. McDonald: I wish to advise the House that I have today tabled a report titled "Tarr Inlet Port Feasibility Study". The report has been prepared in response to a motion of this Legislature presented by the Member for Kluane. The motion urged this Government to carry out a feasibility study in regard to port development at Tarr Inlet. I am pleased to inform all members of this House that the report, which I have tabled, includes the results of that feasibility study.

In early September of this year, the Department of Community and Transportation Services developed terms of reference for a

study of the Tarr Inlet Port. The stated purpose of the study was to identify all physical, financial and regulatory factors that would affect the development of the deep sea port at the Inlet and to provide a report detailing the constraints within which such a development would have to be carried out. Specific study requirements included a preliminary route location of land access to the site, a preliminary location of port facilities at Tarr Inlet, including consideration of onshore and offshore facilities if these were felt to be necessary, environmental considerations that required investigation/resolution as part of the development, economic advantages and disadvantages of carrying out the project and a review of the intergovernmental and international issues that may arise as a result of going forward with the project.

As the study proceeded, it became clear that the full terms of reference need not be investigated, especially after a site reconnaissance was carried out by the consulting firm involved. The reasons for this modification in the study will be clear as I briefly explain the results of the study.

The single most important question which was to be answered by this study was whether or not, in fact, tidewater existed on the Canadian side of the international boundary at Tarr Inlet. The study shows beyond a doubt that the terminus of the Grand Pacific Glacier lies in the United States and that Canadian tidewater at Tarr Inlet does not exist. In terms of the probability of this site offering future prospects for port development it has been found that, in all likelihood, if the Grand Pacific Glacier retreats into Canada the large amount of debris carried in the glacier and dumped by the glacier at its head as it retreats would still not provide tidewater on the Canadian side of the border. As a consequence of this, it is possible to say that in the event that the glacier does retreat into Canada no suitable land would exist for port facilities and that the development of floating structures would not be possible due to the unstable nature of the glacial deposits and the susceptibility of the site to land and snow slides. The second factor that would militate against development of a port at Tarr Inlet is the fact that the Grand Pacific Glacier is contiguous with two side glaciers, which would have to be crossed for a land access to the site. Construction of a road across these two side glaciers is not possible.

In concluding my remarks on the subject, I wish to express my disappointment in the fact that this most desirable development has proven impractical. The development of a port facility at Tarr Inlet, as envisioned, could have been of great benefit to this territory.

⁰³ **Mr. Brewster:** Needless to say I am very very disappointed. It is probably the saddest day that I will ever be in this House. I would like to read into the record, however, before I sit down — and this is from the Professional Land Surveyors of British Columbia — "When Doug Roy was extending topographical control for map sheeting surrounding Atlin Lake in 1952, he discovered T.F. Parker Reed, an oldtimer here who operated a motor launch from his own wharf on Atlin waterfront. Doug hired Reed's service on occasion to move his crews over the big lake, and found that Reed was very versed in surveyors, language and needs, having served on the Alaska Boundary Survey Commission from the Takhini in 1904 to the Arctic Terminus of the 141st Marine in 1912.

"After serving overseas with the RCE and attaining the rank of Captain in World War I, Reed returned to Sikanni and, after a few years prospecting, he became Indian agent at Telegraph Creek until his retirement to Atlin in 1943. He probably knew the huge Cassiar District by dog team and river travel as well as anyone and was quoted by R.M. Patterson on Trail to the Interior. It was Reed who alerted the Dominion government to the situation at the head of Tarr Inlet in the late 1920's when the Grand Pacific Glacier retreated sufficiently to allow tidewater to penetrate across the boundaries into B.C. He passed away in 1965".

This just suggests that maybe the oldtimers look at things as being a little tougher than the new people.

Mr. McLachlan: This is not the kind of answer that anyone in this Legislature really wanted to hear today, and I can sympathize with the Member for Kluane. If anything, it emphasizes to the Minister of Community and Transportation Services, again, how

fragile some the Yukon's transportation routes are and what we are subjected to. We must go through Alaska, B.C. or the N.W.T. to reach tidewater and get our products out.

A long term strategy must inevitably be worked out with Alaska so that we may never again get into the controversy that we were in in 1986, which would give the Governor of the State of Alaska an opportunity to say to us "no, not without jobs for our people", and hold up the development of the Yukon's resource industries.

Annual Travel and Tourism Awards

Hon. Mr. Porter: It is with great pleasure that I rise today as the Minister of Tourism to advise Members of a recognition bestowed upon Tourism Yukon a week ago.

The annual travel and tourism awards were instituted nine years ago by the travel industry magazine *Agent Canada*, then known as *Agent West*.

The purpose of the awards is to recognize travel and tourism industry companies, organizations and individuals who are regarded by their peers in the industry as having contributed in a significant way in their particular field.

Nominations are solicited through the 12,000 copies of *Agent Canada* that are distributed weekly throughout the travel industry in Canada.

I am proud to inform you that the award for Canada Tourist Board of the Year was presented at the award ceremonies last week in Vancouver to John Lawson, Deputy Minister of Tourism, on behalf of Tourism Yukon.

The award is in recognition of the involvement and the leadership of Tourism Yukon in joint marketing efforts with other jurisdictions and with the private sector, such as our programs in Alaska, Canada West marketing with BC, Alberta and the Northwest Territories, BC/Yukon promotions in connection with Expo, and cooperative arrangements with the Yukon Visitors Association, Yukon Outfitters Association and others.

As much as we take pride in recognition to the Government of the Yukon, I am nevertheless equally proud of two further awards made at the same time to Yukoners in the private sector.

The travel agent of the year for the Northwest Territories and Yukon was awarded to Ms. Zenith McCready of Atlas Travel.

Ms. McCready first started working for the Atlas organization in 1980 while still a student at FH Collins. After graduation, she joined Atlas on a permanent basis and last year, 1985, she was awarded the CTC distinction. This was after many hours of study and success in the international certified travel consultant examination.

A third award came to the Yukon when Gary Rolfe of Canadian Pacific Airlines, Whitehorse, was named carrier representative of the year.

Mr. Rolfe was appointed in January of this year as manager of marketing and operations for the Yukon, Northwest Territories and Alaska. Prior to coming to the Yukon, he was stationed in Calgary with Canadian Pacific Airlines.

I would also like to recognize the presentation of the attraction event of the year award to the Northwest Territories Pavilion at Expo '86. This was a first time award in recognition of the outstanding success of the Northwest Territories Pavilion.

I am sure that all Members will join me in congratulating the local award winners who contribute so much to the success of our industry and in recognizing our good friends in the Northwest Territories, whose efforts have done much to expand interest and awareness of the north.

Mr. Lang: I rise with a great deal of pride today to be able to express to this House our congratulations to the people who have been given awards with respect to the work they have done in the tourism industry.

I also expressly and specifically want to mention the area of joint marketing that is being recognized through Tourism Yukon. Historically, it was Members of this House who had a fair amount to do with the joint marketing agreements that were entered into between Northwest Territories, Alberta, BC, Alaska and Yukon. It dates back a number of years.

The amount of time and effort that was put forward by the Yukon Visitors Association in conjunction with the ministry of the day has now borne the fruits of the labour that was put in at that time. Everyone in the tourism industry is benefitting from it and will continue to do so for years to come.

I am also very pleased to see the award that the Northwest Territories received. I think it speaks well for their pavilion. Many of us in this room did take the opportunity to go down to visit Expo. They properly earned the award they received.

I conclude by congratulating Ms. McCready and Mr. Rolfe on the recognition that has been bestowed upon them.

Mr. McLachlan: A little drum pounding on behalf of the Yukon tourist industry and, I might add, the people who work in it certainly never hurts, especially considering the tremendous job they are doing of promotion on behalf of the Yukon.

I, too, would like to join with the other two Members in congratulating the recipients of this award.

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

QUESTION PERIOD

Question re: Service contracts

Mr. Phelps: I have a question for the Government Leader. It has to do with service and consulting contracts and the about-face that the government has very recently gone through. They now refuse to give public information about contracts under \$5,000. A few days ago the Government Leader indicated he would give reasons why the policy had that \$5,000 figure involved in it. Can he tell us what the grounds for this policy are now?

Hon. Mr. Penikett: When I was asked the question the first half a dozen times, or the first dozen times, we took the question as notice and gave an undertaking to the House that we would come back with an answer to the question asked by the Opposition. We have every intention of doing so. We will be explaining to the Members, when we introduce reform over the previous situation where the previous government would provide none of this information, why, in providing new information to the public, the decision was made with respect to the \$5,000. We have taken the question under advisement, and we will be coming back to the House with it.

Mr. Phelps: I wonder if we could be advised as to an approximate date that we will get this revelation?

Hon. Mr. Penikett: It will be soon. I would expect it would be in the next few days, but I cannot give a precise date.

Mr. Phelps: In view of the revelations from the Member for Riverdale South yesterday, wherein it appears that one individual was given six contracts for \$5,000 and under, two dealing with an analysis of the Nielsen Task Force, what is the government going to do to ensure that the contracts are not going to be broken down so as to escape notice under this \$5,000 policy?

Hon. Mr. Penikett: It is, of course, a great concern to me that the contracts not be broken up, as it is not permitted that they be broken up to evade scrutiny. I am sure the Leader of the Official Opposition knows, and certainly the Member for Riverdale South knows, this government does not issue contracts on the basis of politics; we issue them to firms and individuals on the basis of competence. I know for a fact — and I say this to the Member for Riverdale South — that service contracts to her campaign workers have gone out far in excess of anything that happens to have gone to an individual who is a member in support of my party.

Mrs. Firth: They were all public knowledge.

Question re: Service contracts

Mr. Phelps: I am always interested in the Government Leader's answers. With regard to the Nielsen Task Force Report, is it true that each department is doing its own review of the pertinent parts of the report regarding the department in question?

Hon. Mr. Penikett: We did indicate that we were coming back to the House with answers to the specific questions that were asked yesterday, but, as I understand it, yes, each department did do a

review. Some of them hired consultants, and some of them did it in-house. In the end, the analyses from the different departments were assembled by the ECO.

Mr. Phelps: I ask the Government Leader, can we be supplied with information about all contracts issued to perform the task force review by each department?

Hon. Mr. Penikett: As I am able to assemble that information, I will provide it to the House.

Mr. Phelps: I ask that the information include what people or companies those contracts were issued to, how much each contract was worth and exactly what the contract was for. Will you do that?

Hon. Mr. Penikett: I am not sure I was able to take down all the specifics the Member was asking for, but I will provide the information that I think we reasonably can in answer to their questions. Let me say, to make an observation, because there have been some implied allegations and some remarks bootlegged in preambles about slush funds and patronage and porkbarrelling, that there are no grounds for such allegations.

Speaker: A point of order has been raised.

Point of Order

Mr. Phelps: The Government Leader, at this time, is answering questions posed by myself, and I would ask that he restrict his remarks to those questions. I am sure that he cannot point to any of these questions that I have asked today that contain any such allegations.

Hon. Mr. Penikett: On the same point of order, let me say, and I say in respect to the Official Opposition Leader, that he is quite correct. The questions he is asking today are remarkably refreshing from that point of view. They contain no innuendo and no accusation whatsoever, and I concede that instantly.

Speaker: There is a point of order on the floor, and I find that there is no point of order. It is just argument over facts.

Question re: Justice Review Committee

Mr. McLachlan: I have a question for the Minister of Justice. Has the Justice Review Committee, at the moment, completed all of its field work and the report work that goes with assembling that work from last fall?

Hon. Mr. Kimmerly: It is my understanding that all the field work is completed, and the report writing is now in progress. They have announced a possible timeframe for the release of their report. I believe it is about the middle of this month.

Mr. McLachlan: Is it the intention of the Minister of Justice to table the report of the committee here in the Legislature and allow debate during this Session of the Legislature?

Hon. Mr. Kimmerly: It is my intention to table the report when I receive it. The debate will depend upon what motions are put forward after the reception of the report. No decision is now made on that. We will see the report first and then decide as, I expect, will the Member opposite.

Mr. McLachlan: There is some feeling that the Minister will extend the mandate of the review committee beyond the end of this year, to study further some of those more controversial aspects that arose during the review committee's work. Can the Minister confirm that he is considering this possibility?

Hon. Mr. Kimmerly: No, I am not. The review committee asked me for an extension way back in October. I granted six extra weeks. That was made public at that time. The purpose was to complete certain investigations. The review committee has not asked for extra time beyond that.

Question re: Government Leader's Principal Secretary

Mrs. Firth: Will the Government Leader table the contract for his new principal secretary, Mr. John Walsh?

Hon. Mr. Penikett: Under the rules of the *Access to Information Act*, which was introduced by the Member opposite and passed by this House, personal contracts have never been made public and will not be.

The Member has asked questions about that contract, and every question has been answered. Nonetheless, she has made accusations publicly, which are unfounded. I am waiting for her to make them

in this House. If she does, I will challenge her to put her seat on the line and defend them, because they are false.

Point of Order

Mr. Lang: Point of order. For the Government Leader to take the liberty during Question Period to threaten some other Member, and to use what he deemed to be his rights and privileges in this House, is totally and absolutely out of order. He is more of a parliamentarian than to stand up and threaten any Member of this House — forget partisan politics. What rights does he have over this side? If we stood up and did that, Mr. Speaker, you would rule us out of order. We would not have to wait for some Member on that side of the House to stand up on a point of order. It is time the authority of the Chair was starting to be exercised, because this is really going to get out of control.

Speaker: Honourable Member, on a point of order.

Hon. Mr. Penikett: On the point of order, as a matter of fact, I heard the Member opposite make a charge in the public meetings, which is unfounded. All the ranting and raving of the Member opposite cannot change that fact. The Member has made a false suggestion, and I think it is proper...

Mr. Lang: Mr. Speaker...

Hon. Mr. Penikett: I am on the floor, and the Member can interrupt me later, Mr. Speaker.

There is no point of order. The Member is asking questions. I have answered the questions. She can make all the charges she wants outside, but she will be accountable for any she makes in here.

Mrs. Firth: On the point of order. I am the one being threatened by the Government Leader. The other night I was threatened by the Minister of Education, who was going to go around telling people that we said things that were not true.

I do not believe that Question Period or any time in this Legislature is the time for the Government Leader or any other Member of this Legislature to stand up and threaten people with comments that have been made. We have far more important matters to attend to in this Legislative Assembly, and I think we are all far more responsible individuals. We will attend to those matters.

If the Government Leader has something he wants to come and talk to me about, some false accusation he thinks I have made, he can come and talk to me about it privately. He does not have to raise it in the Legislature for fanfare, threatening, putting seats on the line and calling bluffs.

Speaker: The Chair would like to advise the House that I would like to take this under advisement, but I would like to remind Members, please, that this is no place to raise facts like this. This is Question Period, and I do not want to hear this going back and forth on each side, especially during Question Period.

First supplementary.

Mrs. Firth: In light of the fact that the Minister of Education tabled for me the contracts for the Indian Commission on Education, which were service contracts of personnel, why will the Government Leader not table the service contract for the principal secretary.

Hon. Mr. Penikett: I already answered that in the first question. Let me apologize to the Member opposite if I gave her offence as I am perfectly willing to discuss the matter privately. I hope she will understand that we have had to suffer innuendos and attacks and charges during the same Question Period, and I am quite willing to reciprocate in terms of civilized behaviour if we receive it.

Mrs. Firth: I do not believe the Government Leader answered my question; he simply gave me a speech about the innuendos he suffered. I do not want to get into a debate about who is suffering more in this Legislature, because I do not think the public cares; I think they feel we have a responsibility to be in here doing the job, and that is what we are doing.

Again, in view of the obvious inconsistency: the Minister of Education has tabled the service contracts of three people in this Legislature, yet just a few days ago, I asked the Government Leader

why he will not table the contract of the principal secretary.

Hon. Mr. Penikett: As I previously explained, two things, one I will answer any questions about that information. Two, we are governed with respect to personal employment contracts by the law, Section 8 of the *Access To Information Act* of which the Minister was the author. Never in this House have personal employment contracts been tabled. There is a distinction between personal employment contracts and service contracts; there is and always has been.

Question re: Service contracts

Mr. Nordling: I have a question for the Minister of Economic Development, Mines and Small Business. On November 24, I wrote to the Minister to request copies of the catering contract for the Yukon 2000 Conference that was held October 31 and November 2, 1986. When will the Minister be providing these contracts that have been specifically requested?

Hon. Mr. Penikett: Yes, I am in receipt of the Member's letter; I saw it the other day. A reply is being prepared, and he will receive it.

Mr. Nordling: I had asked the Minister when this will be received. Just two days ago the Minister of Education was able to table these contracts within hours, and we are going on to two weeks.

Hon. Mr. Penikett: I understand the game the Member is playing. We have announced a policy on release of service contracts, and, clearly, the Members opposite do not like the policy in the same way we did not like their policy when we were in Opposition. We have also taken as notice a number of questions, all of which will be answered.

Mr. Nordling: My supplementary is again to the Minister. I would say to him that I am as interested in getting on with the business of the House as he is, but the policy intends us to ask specifically for contracts. I would ask the Minister if he knows where the glossy materials for the Yukon 2000 brochures were printed, and would he provide copies of the printing contracts?

Hon. Mr. Penikett: The Member talks about getting on with the business of the House. He may not know that the kinds of questions he is asking are properly designed for written questions, even under our rules, and are not designed for oral Question Period. If the Member wants specific answers to specific administrative matters, he has to put them as a written question. The Ministers cannot be expected, under this government, the previous government, nor any other government in the Commonwealth, to have, on the top of their heads, dollar and cent numbers about particulars and about particular contracts. These are administrative matters.

Question re: Service contracts

Mr. Nordling: I thank the Government Leader for the lesson. In order to do my job as critic for Economic Development: Mines and Small Business, I have to know what is going on.

There are rumours that the catering contracts were over \$20,000 for a dinner Friday night and refreshments on the weekend, and that the brochures were printed in Manitoba.

In light of the fact that I have written to him, and I have waited two weeks, how long will I be expected to wait for this information?

Hon. Mr. Penikett: I must say, as the Minister for Economic Development, that if the most important issue for the critic of Economic Development on the Tory side is the price of a catering contract at that conference, I am not impressed with his critical capacities.

I will get him the information he has asked for. He will receive a reply to his letter. I am almost certain that the catering for the dinner he talks about did not cost \$20,000.

Mr. Nordling: I am glad that that rumour is cleared up. The information I am requesting is for the protection of the government so that I can refute these rumours.

Another rumour is that the government paid consultants as high as \$90,000 for a single paper for the Yukon 2000 conference. Would the Minister provide copies of the consulting contracts that were entered into to provide these papers for Yukon 2000?

Hon. Mr. Penikett: I will provide the answers to the Member's questions. I do appreciate his, no doubt, generous offer to help with dispelling rumours. Obviously, his questions are not designed to promote or inflate these rumours at all. Yes, I will provide the answers to the questions. It sounds like there has been considerable inflation of the facts, whatever the source of these rumours.

Question re: Human rights booklet

Mr. Phillips: With respect to the booklet that has recently been published by this government, entitled "A Guide to the Human Rights Act", could the Minister of Justice tell the House how many copies of this booklet have been printed?

Hon. Mr. Kimmerly: In view of the public interest in this particular bill, we have published 4,000 copies. I hope they are all well read.

Mr. Phillips: Can the Minister tell us when and where the booklets were printed? Could we also have a copy of the contract for the printing of those books?

Hon. Mr. Kimmerly: I do not know where, but it occurred over last weekend, and I will provide a copy of the contract.

Mr. Phillips: There was a first supplement of the book that arrived here on Monday, the day the Bill was tabled. Could the Minister tell me the date exactly that that group of booklets was printed?

Hon. Mr. Kimmerly: There was only one group of booklets. There was only one booklet printed; it was printed over last weekend, and the first copies were available on Monday and tabled here. The remaining copies, I expect, are received now or will be received this week.

Question re: Task Force on Placer Mining

Mr. McLachlan: Last week in the House we debated a motion with respect to the Task Force on Placer Mining, and I understand that Mr. Bill McKnight, the Minister of Indian Affairs and Northern Development, is in Whitehorse today. I expect he will be meeting with the government. Can the Minister of Economic Development tell me if the government will be taking its position on the Report of the Task Force to Mr. McKnight?

Hon. Mr. Penikett: I cannot recall if I am intending to provide him with a document on our position. We have had the Water Board report made public. The main purpose of Mr. McKnight's visit is a Mines Ministers Conference, for which I will be the host, here on Friday. It will include the Minister of Mines from the Northwest Territories as well as Mr. McKnight and other federal officials.

Mr. McKnight will be presenting to the conference a federal mines and mineral policy, which will, in some respects, encompass some of the issues of interest to the Member opposite.

Mr. Nordling: As placer mining is so important — I understand they have had a bumper year — and the Task Force report and the Water Board report are hot topics, will it be the position of the government that settling time, as proposed in the Report of the Task Force, should be the basis for controlling sediment?

Hon. Mr. Penikett: Given that I know that the Water Board has proposed something, and that the federal government may be considering other alternatives, I would prefer to take that question as notice, and give the Member a more detailed response on our reactions to the Water Board initiative.

Mr. Nordling: I understand that there are probably going to be differing positions from the Water Board, the Task Force and perhaps Fisheries. I was hoping that this government would have a concrete position on it. As was stated earlier, the Ministers department, Renewable Resources, has done considerable work on it. Can the Government Leader tell me what position he will be taking on the sediment in the water?

Hon. Mr. Penikett: Of course it will do us no good to be taking a position at variance with the subject of the discussions between Fisheries and DIAND, and the major problem of resolving conflicts between legislation is a problem for the federal government. We will, of course, be looking to try to get some practical, workable regime which will provide economic health, security and certainty for the placer mining industry while protecting other interests and other uses such as the fishery.

Question re: Animals at large

Mr. Phelps: I have a question for the Minister of Tourism and it regards Bill No. 47, *An Act To Amend The Brands Act, The Highways Act And The Pounds Act*. The Agricultural Planning Advisory Council consulted Yukoners last year and reported their recommendations to the Minister. My question is: will the Minister table a copy of this report in the House?

Hon. Mr. Porter: With respect to the question of the report to me, I would like to check the rules respecting information that is provided to a Cabinet Minister in the process of making a Cabinet decision. If there are no problems with respect to that question, I have no difficulty in providing the information to the Member opposite.

Mr. Phelps: Can the Minister tell the House whether he consulted with the Outfitters Association and individual outfitters prior to the bill being drafted?

Hon. Mr. Porter: Yes, I did sit down with the Outfitters Association when they convened a meeting here in Whitehorse a couple of weeks ago, and I did raise with them the intention of the Government to table the bill. We had a good and lively discussion, and they certainly made their points known. We basically agreed to set up a process by which the executive of the Outfitters Association and the department officials will explore certain questions further to try to come up with some form of agreement.

Mr. Phelps: The proposals are a concern to some of the Indian Bands as well, and I wonder whether the Minister has consulted with the bands as well about these provisions.

Hon. Mr. Porter: I, personally, did not have any direct consultations with any Bands in the Yukon specifically on that question. There is no doubt that the department probably had, in the normal process, discussed it, possibly through committees they are involved in. I would like to answer the question and affirm that I have had no personal consultations, and I will ask the department if they, during any process of the bill, had consultations with the Band specifically on the question put.

Question re: Animals at large

Mr. Phelps: Just following up on the previous question, the Minister has spoken about the need for additional grazing lands for some of the concerned parties. At this time, I am wondering whether or not the department has identified land to alleviate the problem of those who would be affected?

Hon. Mr. Porter: The question of grazing land and grazing leases, as the Member correctly points out, is a serious matter regarding this particular issue. That is one of the concerns that the Outfitters Association makes. Internally in the department, we have been working redrafting the present grazing policy, and one of the major questions that has been put forward is the aspect of tenure. The outfitters put forward the motion that how can government expect us to expend the kind of money necessary to fence in the animals on two, three and five year leases.

We are actively pursuing that question. Hopefully, we will come forward with a policy that gives the individuals more security with respect to the tenure of the land.

On the question of land availability, that continues to be an issue that people in the Yukon are concerned with. It is an issue that we have tried, together with the Community and Transportation Lands Branch, to try to expedite as quickly as possible.

I did state to the Yukon Outfitters Association that I felt sympathy for their position and that I would do whatever possible to try to expedite the applications that they have had before the two committees — one with the territorial government and the federal government — to try to move their applications through the process quicker.

Mr. Phelps: Are there any applications going forward at this time with FEDLAC with respect to the needs of outfitters and others who presently own grazing stock, for more land.

Hon. Mr. Porter: There are applications going forward. I think generally that that statement would be correct. As to the specific number and as to their location, I would have to check the accuracy on that detail.

Question re: Indian Education Commission

Mrs. Firth: Can the Minister of Education tell the House how the pay schedule is set and who set it?

Hon. Mr. McDonald: I do not know who the Member is referring to. Is she referring to the Commissioners or the Commissioners' staff? If she is talking about the Commissioners, the pay schedule is set by the government directly with CYI. The government is establishing, along with the CYI, a budget for the Commission. We incorporated sufficient funds to allow them sufficient resources to do their work, and it was up to the Commissioners to determine how they would like that money spent and the pay scales that would be associated with any person they hired.

Mrs. Firth: Was the pay schedule agreed to by CYI and the Government of Yukon prior to the Commission starting up?

Hon. Mr. McDonald: The pay schedule was jointly agreed to by CYI and the Government of Yukon. It was established in the terms of reference that were accepted by both parties, the terms of reference that I made public a month ago.

Mrs. Firth: Could the Minister tell me if the \$403,000 for the Commission was agreed to prior to them starting, and could he also explain the discrepancy in the salaries in that the Chairperson gets \$72,000, each Commission Chairperson gets \$36,000, the Executive Director of the support staff gets \$50,000, the Coordinator of the Public Consultation gets \$36,000, and the Research Coordinator gets \$36,000.

Hon. Mr. McDonald: It is hardly the tradition of the House to discuss individuals' pay on the floor of the Legislature. I do not know what the purpose of the Member's question is. She cited that there were three Chairpersons on the Commission, and there is only one. There are three Commissioners, one who acts as the Chairperson. I have already given the Member the information during the Budget estimates as to why the Chairperson of the Commission was given the \$72,000. That was a figure that was commensurate with that person's pay range as a senior member of the Department of Education.

I will have to check the figurers for the salary ranges for the other people. I do not have them in my head. If the Member wants to know specifically what the funding arrangement is, I can let her know. It is interesting to note that this information has been delivered to the Members over a month ago. It was also a subject of discussion during the Supplementary Estimates a week ago.

Question re: Two Mile Hill, Whitehorse

Mr. McLachlan: My question is for the Minister of Transportation Services. Do I understand that the maintenance of the Two Mile Hill within the jurisdiction of the City of Whitehorse is solely under the jurisdiction of the Department of Highways, a form of Transportation Services of YTG? Is that correct?

Hon. Mr. McDonald: The Member has me on that particular detail. I believe we control the road. I do not know who specifically does the maintenance on that particular short stretch of the road, but I will check it for the Member.

Mr. McLachlan: Two serious accidents involving the transportation of petroleum products occurred on that hill during 1986. Is it not true that when a serious truck accident of this nature occurs, or one involving the loss of life, that the Department immediately investigates to see if road conditions were at all a factor in those accidents? Is that a policy of the department?

Hon. Mr. McDonald: Yes, it is my belief that the Department of Highways acts very quickly to determine whether or not road conditions were a factor in the case of fatalities. There were no fatalities in the two accidents the Member mentioned, but that is not to say that there could not be in a situation like that, but in these particular instances there was none. The department still did investigate, and it has been the subject of news reports as to the department's activities up until now. We stated quite clearly that if road conditions were the sole contributing factor, or if they contributed in some way to the accidents involved and if it was deemed necessary to rearrange the geometrics of that particular route in the interest of public safety, then we would do so.

Mr. McLachlan: A simple yes or no would have sufficed. When the first serious accident occurred it then follows that an investigation and report would logically have been done as a sequence within the department; yet, when the media followed it up, the Minister was quoted as saying that he had never heard of a follow-up report. My question of the Minister is: how could this be a factor? How could this possibly be? When it is standard procedure within a department to investigate accidents of this nature how could the Minister have missed a follow-up report on the first serious incident when the petroleum tanker upset?

Hon. Mr. McDonald: I cannot justify what the press writes in the paper. The press writes a great many things and, believe it or not, some of it, I believe, is true, but in this particular case I was aware a report was coming. I was not aware of what the report had to say until such time as the report arrived. I have indicated to the press, and I am hoping that the reports have been communicated accurately to the public. I have indicated to the press exactly what the government is doing to rectify the situation.

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

ORDERS OF THE DAY

GOVERNMENT BILLS

¹⁶ Bill No. 99: Second Reading

Clerk: Second reading, Bill No. 99, standing in the name of the hon. Mr. Kimmerly.

Hon. Mr. Kimmerly: I move that Bill No. 99, entitled *Human Rights Act*, be now read a second time.

Speaker: It has been moved by the Minister of Justice that Bill No. 99, entitled *Human Rights Act*, be now read a second time.

Hon. Mr. Kimmerly: The objects of this Act are to further, in the Yukon, the public policy that every individual is free and equal in dignity and rights; to discourage and eliminate discrimination; to recognize the unique needs and cultural heritage of the aboriginal peoples of the Yukon; and preserve and enhance the multicultural heritage of Yukon residents.

This Act is about our fundamental principles about democracy individuals there is not democracy. Democracy refers to the will of the majority but, more fundamentally than that, it refers to the majority but, even more fundamentally than that, it refers to the inherent dignity of citizens. From time to time, we have considered some groups non-citizens in our Yukon democracy. When Skookum Jim discovered gold at Bonanza Creek, and when Klondike Kate and Martha Louise Black came here, none of them were entitled to the fundamental democratic right of voting. They were excluded from full participation in their society.

This government excludes no group whatsoever. This government will not allow any group of citizens or any adult individual citizen to be left out in the cold, to be discriminated against concerning jobs, accommodation, and goods and services that are offered to the public.

Democracy means dignity and respect for every individual. We may not like a person. We may have a different religion. We may have a different morality, but democracy demands that we afford that person fundamental, basic human rights. There can be no exceptions. Everyone in the Yukon must have equal dignity and legal rights.

We have different abilities. People are, of course, different, and people develop differently. Through hard work and diligence, people all arrive at very unequal wealth and property, unequal health and we enjoy unequal respect for our reputations, unequal success, but democracy demands that we all have equal opportunity to develop ourselves.

¹⁷ Each of us is entitled to the opportunity to make for ourselves the best life we wish and are able to manage. This opportunity is balanced by our obligations and duty to respect the rights of others, but our opportunities should not be limited, or our lives constrained, by discriminatory practices.

We are committed to equality of social justice. This government

has given much consideration to the recommendations and concerns of Yukoners. That is why we are taking concrete steps to protect the rights of the people unjustly and unfairly discriminated against in our society.

We do not, for a minute, claim that there is unanimity on all these measures. There is not, but democracy itself requires our tolerance of other citizens. We may not approve of some people or some people's lifestyles, but, as Legislators, we cannot allow them to be discriminated against. Every citizen, every Yukoner must be protected from discrimination. Our concept of democracy and freedom is a concept of tolerating our neighbours, to accept people as equal in dignity and worth, not because of their lifestyles, not because of their morality, but simply because they are people.

My neighbours, even though I may disapprove of their beliefs, have every bit as much right to dignity as do I. My neighbours, even though their beliefs offend me, have every bit as much right to jobs, accommodation, good and service as do I. Even though their beliefs are threatening to my beliefs, my neighbours have every bit as much right to be here as do I.

As Legislators, it is our duty to protect the rights of all our constituents. Yukoners have known discrimination both in the past and in the present day. Until the 1960's, Indian children in the Yukon were not allowed to attend regular public schools. Indian people could not enter professions, go to bars or hold jobs unless they gave up their status. Until last year, secretaries with the territorial government were paid less than building maintenance men, despite similar educational qualifications, level of responsibility and working conditions.

Today, there are landlords in the Yukon who will not rent to single parents, Indians or families, regardless of references and deposits. These are not the characteristics of a fair and just society. These discriminations are black marks on our society.

¹⁸ This bill, for the very first time in Yukon history, declares a Bill of Rights, a declaration of our civil rights in the territorial jurisdiction. These rights are paramount over other laws. These rights are: freedom of religion, freedom of conscience, freedom of opinion, freedom of belief, freedom of expression, freedom of the press and other media, freedom of peaceable assembly, and freedom of association.

This government moves that these freedoms, for the first time, be enshrined as law as they apply to the jurisdiction of this Assembly.

This bill defines the grounds upon which people are entitled to be treated equally. These are: equal treatment on the basis of ancestry, nationality, ethnic or linguistic background, religion or creed, age, gender, pregnancy or related circumstances, sexual orientation, marital or family status, criminal record or criminal charges, political belief, association or activity, physical or mental disability.

This bill also imposes a responsibility on us to help make special provisions for the disabled and others, and sets up a procedure to define and balance how far it is necessary to go to provide for these, our neighbours.

This bill applies to the public sector and covers goods and services, accommodations and jobs open to the public. It does not apply to the employment of people providing services in private homes or to boarders or to tenants in private homes.

This bill deals with systemic discrimination. It does not set up any quotas or any affirmative action programs. However, it provides for affirmative action as a means to reduce disadvantages to a group due to past discrimination. It deals with sexual harassment and harassment generally. It requires pay equity in the public sector, but not in the private sector. It is especially provides for education and research for pay equity in the private sector.

This bill establishes a modest Human Rights Commission. This Commission will be composed of Yukon citizens who are accountable to the Legislature, not to the political party that holds power at the time. The Commission has a mandate to promote the principle that every individual is free and equal in dignity and rights; promote the principle that cultural diversity is a fundamental human value and a basic human right; promote education and research designed to eliminate discrimination.

¹⁹ It will promote a settlement of complaints in accordance with the

object of the act by agreement of all parties and cause complaints, which are not settled by agreement, to be adjudicated, and at the adjudication, adopt the position that, in the opinion of the Commission, best promotes the objects of this Act.

The government proposes that there be two staff people or two jobs related to this Commission; a Director of Human Rights and secretarial support. There is no power of search and seizure, no search warrants and the Commission has no power to decide upon any complaint itself. If the Commission were to promote frivolous and vexatious causes, it would be required to pay costs and damages. There is a right of appeal to the courts for any decision of the Board of Adjudication. This bill sets out only two offences, obstruction and retaliation, and the penalty is a maximum fine of \$2,000.

In our history the Conservative Party, the Liberal Party and New Democrats have all, and I repeat, all, contributed to the development of laws to protect human rights. Historically, in the long term, human rights have not been a partisan issue: The *Canadian Human Rights Code*, which contains the principle of equal pay for work of equal value, was passed unanimously. The Liberals brought us the *Charter of Rights and Freedoms*. Earlier, the Conservatives brought us the *Bill of Rights*, and the New Democrats passed the first *Canadian Human Rights Act* in 1948.

Political parties in the long run will eventually support our human rights. We are talking about the basic underpinnings of our society. I encourage all Members to debate these measures vigorously, but not in a partisan way, to not make a partisan issue about whether or not this bill applies to Indians, to not foster racial discord in our community by building on public confusion concerning aboriginal rights, concerning the difference in federal and territorial jurisdiction over Indians and also that we all, inside this Chamber here and without, do not foster hatred towards homosexuals.

If we are to build a better society, we all must work together. Our fragile freedoms will only strengthen when we are tolerant of others even though they may be different.

²⁰ **Mr. Lang:** It is indeed an historic day for the Yukon. We are about to go into a debate on the very fundamental human rights of the people of the territory, how it is going to affect them, and the projected social, political and, in some cases, economic changes that are going to take place upon the implementation of the Act before us.

I want to go back in time. I want to put on the record and acknowledge the work that Mr. Doug Graham did as a Minister of Justice in this area, and Mr. Clarke Ashley and Mr. Andy Philipsen, all previous Ministers of Justice, who took this area of concern very seriously, and who put a lot of time and effort and commitment into putting together the necessary work for the consideration of government.

The history, as I have indicated, is over the course of years. In the past year, we have seen a very tortuous, tumultuous period of political upheaval, largely because of the bill that was presented approximately one year ago. We have seen green papers; we have seen White Papers. We have seen yellow papers. We have seen a year of multiple choice. We have seen a year of the position of the government, and then a change of a government, then a reversal back to the same position that they started out with.

I asked the day before yesterday, privately, as Opposition House Leader, if we could delay debate on second reading of the bill before us, until Monday. I did that largely on behalf of the people in the rural communities, who did not have the opportunity, and, in many cases still have not, to read the legislation. That proposal was put forth very seriously. Once again, we are requesting the weekend for further deliberation on what the Minister of Justice has indicated is a very emotional and very, at times, divisive piece of legislation.

I cannot recall when any Member of the House, during my term in office, that a reasonable request for delay of debate on an item or measure before this House was denied, as long as there was other work that could be done by all Members of this House.

²¹ On the Order Paper we have two major financial Bills, one of the most major pieces of legislation that the Yukon has ever had the opportunity to debate on finance. The House Leader on the other

side has indicated to us that if we get through second reading debate today, we will be going on to that piece of legislation. It is not going to take half a day to debate. It is going to take days to debate.

This side of the House is getting calls from people throughout the territory asking for a copy of this legislation so that they can read it for themselves, not interpreted by the Minister of Justice, not interpreted by the Member for Porter Creek East. These are learned people who are quite capable of reading themselves who want to make up their own minds whether or not they support the bill in its totality or whether or not there is some aspect of it that they disagree with. They would like to have the opportunity to phone their MLA to make their representations on items they like and do not like or do not understand.

The Minister of Justice has already indicated to us that finally, today, his interpretation of the *Human Rights Act* will be available to the public. I think that what we are asking for is very reasonable. The Minister of Justice stated in his opening remarks that he believed in democracy and equal opportunity. This side does as well. This side does not appreciate being told that they must debate a Bill when requested reasonably by this side that there be a two or three day delay for the second stages of deliberation of this Bill.

Motion to adjourn debate

To my knowledge, a reasonable request has never before been denied to delay debating controversial issues such as this one. In order for the people of the territory to have full opportunity to deliberate or get copies of this legislation, to make up their own minds, to put them in a position to phone their MLAs about the implications of this Bill, I move that debate do now adjourn.

²² **Speaker:** Are you prepared for the question?

Are you agreed?

Some Members: Agreed.

Some Members: Disagreed.

Mr. Lang: Division.

Speaker: Division has been called. Mr. Clerk will you poll the House.

Hon. Mr. Peniktt: Disagreed.

Hon. Mr. McDonald: Disagreed.

Hon. Mr. Porter: Disagreed.

Hon. Mrs. Joe: Disagreed.

Hon. Mr. Kimmerly: Disagreed.

Mr. Webster: Disagreed.

Ms. Kassi: Disagreed.

Mr. Phelps: Agreed.

Mr. Brewster: Agreed.

Mr. Lang: Agreed.

Mr. Nordling: Agreed.

Mrs. Firth: Agreed.

Mr. Phillips: Agreed.

Mr. McLachlan: Disagreed.

Clerk: Mr. Speaker the results are six yea and eight nay.

Speaker: I declare the motion defeated.

Mr. Lang: I rise with a great deal of regret and disappointment in view of the decision that has been taken by the majority Members of this House. I recognize that the side opposite now has the majority; not because the electorate of Yukon gave them the majority. They have a majority of Members in this House because of the irresponsibility and the unlawful actions of one of the ex-Members of this Legislature. No one gave the side opposite a clear mandate, no one in the territory. In fact, we have one Member on that side opposite who, I believe, had an electoral mandate of 32 percent of the votes that were cast.

I do not challenge the right of any Member opposite to sit on the government side but I do challenge the Members opposite when, in my judgment as a parliamentarian and as a legislator, they try unparliamentary responsibilities and privileges that I and every other Member have as a Member of this House.

I do not understand why, when we have had a year of discussion, a year of consultation, and six Members on this side of the House ask for one more weekend for the purposes of entering into the second stage of debate on a bill that has been so controversial that it

has made the Yukon a hotbed of diverse politics.

²³ There was not one good reason given to me, as the House Leader, in any conversations I had with respect to asking for the weekend, why we could not have the weekend. There was no good reason given why it had to be debated today.

The people of the territory are going to ask why it was so necessary. There is enough work on the Order Paper for the next two or three weeks, without this second reading debate. Why was it so necessary for the government to proceed to this stage, one of the most important stages of debating this bill?

The side opposite talks about equal opportunity. I say to them they have a responsibility to practice it. Unfortunately for them, this negative vote that has been cast by the Members opposite, when the day comes and they ask us for something, we are not going to forget. It has changed the whole climate of this House. As I said, as the dean of this House, a Member who has put his name on the line for electorate four times, I have never seen any request by a Member denied to delay debate of a major piece of legislation by a weekend or a day for further consultation or for further work to be done, even when there was a much larger mandate on that side of the House.

I very much resent this, on behalf of the people whom I represent. The Minister of Justice had the hypocrisy — and I will use the word “hypocrisy” — to stand up and say that he was going to promise a thorough legislative debate. Is this an example of what we are faced with?

²⁴ You should be ashamed. The Minister of Justice should be ashamed. I am becoming more and more concerned about the disdain and the disrespect that these Chambers are seeing day after day. There are constructive ideas put forward by the MLA for Faro, or from the MLA for Porter Creek West, and what happens, Mr. Speaker, they get dismissed out of hand because the Government Leader says we do not collective bargain in these Chambers. I guess he feels that it is below his dignity. They talked about arrogance in the past government; they talked about arrogance. I have never, ever seen or witnessed anything like I have seen today when in a week and a half the Government Leader stands up and challenges somebody to their seat. That day may come. The day may come, may come well before any Member of this House realizes.

For any Member of this House to dare question the actions of the side opposite and they stand up and they say “I’ll challenge your seat”. In anybody’s common language they may not have the degree that the Minister of Justice has, as far as education is concerned. The person observing us may only be a ditch digger in the eyes of the Minister of Justice, but he or she fully understands the word “arrogance”. They fully understand it, and to stand up on that side and be so pompous as if the Minister of Justice is the only one who believes in human rights, Mr. Speaker, is a total and absolute misuse and abuse of office; to stand up and pontificate if anybody dares asks him a question, like last night when we asked a question and the Minister of Justice took his ball and went home.

They stand up and they say “we are the only party that stands for human rights. We are the only people in the territory that stand for human rights”, yet, at the same time, they will stand up and say they believe in open and accountable government and, at the same time, when asked a question the Government Leader not only says you cannot have the information, but if you ask we will challenge your seat. It is called open and accountability.

There is no question in my mind that the legislation that is before us is cast in stone. The Minister of Justice has made that very clear. He has made that very clear in his opening remarks. This is what they stand for. He is supposed to say to this side and to the MLA for Faro. Maybe, Mr. Speaker, we are going to have the thorough legislative debate. What we are going to have is the side opposite sitting there deadpan reading newspapers as we bring forward our proposals for change. They are going to dismiss them out of hand because we are hypocrites; we do not believe in human rights.

²⁵ That is exactly what is going to happen. It is going to be a sham as the Members opposite exercise their majority, to get through what they feel should be the social surroundings and the social environment in the years to come in the Yukon. They were never given the mandate to do that.

We have things on the Order Paper such as \$3 million worth of medicare premiums just being dismissed out of hand by the Minister of Health and Human Resources. I did not see the Government Leader espousing that view throughout the territory during the last election. He did not have the mandate to do that, but he is going to do it, because who should question his intelligence or his ability to run the finances of the Government of Yukon.

Who should question this vastly intelligent human being who has blessed us with his presence? I do not have a problem questioning him. He may not like it, but he is subjected to the people of this territory, and he had better start paying attention. When six Members, more than one-third of this House, asks for three days to further look at a piece of legislation that had just been tabled on Monday afternoon, they have the audacity to say no. The Government Leader will say that is not arrogance; it is parliamentary procedure. That how you exercise a majority. It is called cooperation. It is called getting along with your fellow parliamentarians. Then he wonders why we do question the government in its actions and we do not trust them. That is why.

Things have changed with the Government of the Yukon. We have seen an installation of further security to get into this building. We have seen where some people have said that they cannot get in unless they have lots of ID. They check through everybody. We have to sign in and sign out and double check. As further affirmation of the open and accountable government, we have seen the calling in of the RCMP — just a drop of a pen from a Government Leader’s office. We have seen changes in the last year and a half. At the same time, we have seen this government talk about openness, accountability and human rights and the rights of the individual. We have seen a government that has come in here and made some very dramatic changes in the past year and a half, to the point where, for example, I may drop in to see someone in the cafeteria who is middle management within the civil service, and they are very nervous about talking to me.

We have seen a politicization within the civil service that was never never there before. I see one of the people in the audience laughing and giggling, which they have the right to do, but do not tell me that there has not been a politicization in the civil service. Do not tell me that, because there are a lot of civil servants who will disagree with it. There are a lot of civil servants who are working to rule.

²⁶ They are working to rule because they are not sure about their jobs or the actions of this government.

The side opposite comes in and says to us, “We believe in open and accountable government, and we are the government that believes in human rights. No matter,” as the Minister of Justice says, “whether I disagree with my neighbour or I do not.”

This is the same Minister of Justice who went to a public meeting, and when they asked him questions about the proposed legislation and, because they disagreed with him, he called them all Conservatives, but he does believe in the right of political belief and political association.

This is the same Minister of Justice who went to a meeting and had the audacity to say that anybody who disagreed with him was wrong. At the same time, he stands up here with a piece of legislation and tries to tell the people of the territory that it is only going to take two people to put this legislation into effect and implement it.

No Member of this House could come in here and honestly believe that this legislation and the Commission that is going to be set up would only involve two people. When the Minister of Justice was in the community of Elsa, he told the people it was going to be a minimum of \$200,000. That is one of the major problems with the bill that we have before us. Depending on the day, the week, the audience or the place, there is a different story each time.

You can appreciate how difficult scrutinizing the legislation is for this side, looking at what the effect is going to be, and for the public, when they hear the various reasons for the legislation.

²⁷ The Minister of Justice went to great pains, in his second reading speech, to tell the people of the territory what was wrong with them, and how they discriminated, and how it was rampant out there, and how the people of the territory really basically are bad

people and he has the responsibility to put in place the instrument that is going to make it a perfect world. At the same time we know that there was what, 10 or 12, valid complaints registered over the past three years. Then the Minister of Justice has stood up and just finished a lecture to the general population of the territory of how real bad they are, how real bad the people of the territory are. Well, I do not share that view. I do not share that view at all. I think the people of the territory are some of the most tolerant in Canada; the most forgiving in Canada. That is one of the reasons I live here, because I am comfortable and because I think that there is a respect for your fellow man. Yet you have a government bringing forth a piece of legislation telling the people of the territory how bad they really are. Well there are going to be people who are going to stand up on certain areas of this legislation and disagree, and you know what the rejoinder is going to be for the most part from the coalition: you are a hypocrite, you do not believe in human rights. That is going to be the rejoinder. That is going to be the end result.

We heard it this morning on the airwaves from somebody who had never even read the position of this party, of this caucus, a position that was put together by our party, and was presented and printed at the expense of our Members on this side of the House. We have ten, fifteen booklets put forward by the side opposite to present their case. It is non-partisan, non-partisan, not-partisan. Of course, the majority of them went over the Minister of Justice's desk just to read prior to them going out, but they are non-partisan — a well balanced approach, a well-balanced look at all sides of the issue.

I want to say to the side opposite, on behalf of the public, for those who happen to disagree with some elements of the legislation before us, I do not think they are hypocrites.

²⁸ I think they are exercising their free right to express their opinions. The unfortunate aspect of it is that when they do express their opinions, the other side does not have any foundation for what they believe in, so they turn around and call them a hypocrite.

After the Minister has told the people of the territory how bad they are, he has the audacity to stand up in this House and say that he does not want to foster any racial overtones or any disagreements amongst the people of the territory. What a presentation. I was affronted. We were surprised the Minister of Justice would come out with the statement he did at the opening of the second reading debate.

The Minister of Justice has talked about equal opportunity, because he is a Democrat. This is the same Minister who said that Whitehorse should not have any public meetings because a Conservative might go to a meeting and disagree with him on a point. We have heard time in and time out that anybody who disagrees is guilty of belonging to a political persuasion.

I have no doubt in my mind that the membership of our party will be increasing, with an attitude like that.

I would like to make a comment on the attitude of the government, when individuals who hold very strong religious beliefs put their position forward.

²⁹ I think it is a sad day for the territory when people who believe very strongly in a religion, who have put their positions forward through the public consultation process, and who have gone to the public forum to do it. That is not easy at times. That is not easy for the working guy to do that. All of us in this House are practised. All of us in this House are paid by the taxpayers to speak out in public. It is not easy. It is not easy for somebody who is not practised in public speaking to go to either a private meeting or a public meeting to express their views unless they feel really strongly about it.

The Minister of Justice has travelled throughout the territory and has heard the views of Yukoners. He has told us that not only in this House, but he has said it the airwaves and in the print media. On a number of issues, there was overwhelming — and he said so himself — opposition to parts of the Bill that we will be debating in Committee. The public's position has been disdainfully and disrespectfully cast aside. We gave them lipservice, what more do they want?

The Minister of Justice will talk later and say that he listened, but he forgot to tell the public that he was going to do exactly what he

wanted anyway. There is a process called "education" that has to be undergone. We will take the people's money and educate them. I am not talking about a contract of \$5,000 or less. I am talking about hundreds of thousands of dollars for staff time, effort, printing and public consultation that the Minister of Justice went through to hear from the people. They are the government that stood up and said that they listen to the people. There are seven task forces listening to people. They are there to listen and to bring in policies that are in the best interest of the majority of the people of the territory.

Consultation. He calls it consultation. There was an editorial with, I believe, the caption "Manipulation".

³⁰ There are sections of this Bill that the Minister and Cabinet knew would be controversial. They knew our position, we came out with it a long time ago, but they are going to bring it forward. Opposed to having a Human Rights Bill that we can all be comfortable with, they are going to force their ideals, their views and their morality down the throats of all Members of this House and the people of the territory come hell or high water.

Is that right? The government side cannot say they did not know what our position was. The Minister of Justice said how constructive it was and he was looking for a constructive debate and what does he bring in? What does he bring in? A cleverly crafted bill very, very similar to the point that it is almost a twin of the one we dealt with a year ago. He backed down on the pay equity for the private sector, but he also said, and I take him for his word on this one, because I do not think he is fooling around, this is just one step in the process because, "We will get you, we will get you."

We were asked to bring forward the position for this side. The Minister of Justice, over a six-month period, said all those Conservatives ever do is criticize; they never come up with a constructive position. When we do, which we did, what happens to the side opposite? It is ignored, it is cast aside, it is of no consequence because that side is always right.

These Chambers were built here for a purpose. Each and every Member in this House is bestowed with the rights and privileges that come with serving the public and at times that can be very onerous, very time-consuming and very frustrating. It ensures that everybody is entitled to their opinion, and it also ensures a forum for it to be voiced and be listened to.

³¹ I guess as an MLA and as a Member of this House, that is one of the elements that I object to so strenuously. We took our position. We made it public. We distributed it throughout the territory, at our direct expense, because it would have been so onerous on the government's financial situation, if it had gone through government.

Were we listened to? We were not listened to. The Minister of Justice did not try to bring a bill into this House that he thought would, in good part, meet our position. No, he did not try. He knew what he was going to do last year. He just had to go through this trying exercise of democracy and equal opportunity. As awful as it was, he would have to put up with it until he got his way.

He has gotten his way, no question about it. He got his way to the point where he could force second reading today. Is he proud that he can now push through a piece of legislation with no problems at all? Is he happy? Is the Member for Klondike happy? Is he going to go back to his constituents and explain to them why it was so important that they push this legislation through — or the MLA for Mayo, who knows that there is not a consensus in his constituency, as far as this legislation is concerned, contrary to what the Minister of Justice says.

You should be really happy with yourselves. Shame on the absolute misuse and abuse of the authority you are granted as an MLA. Forget your partisan politics. Think of yourself as an MLA for a minute, a Member of this House, whose first responsibility is the people he or she represents in their riding.

It must be fun sitting in the caucus room saying, "we will push that through. We will just sit it out. We are not responsible now, we are a majority. We do not have to kowtow to the Member for Tatchun any more. We can do what we want. The public does not care who gets contracts of \$5,000 and under. We can ride that. It is not going to be a big news story. We will throw out a few Ministerial Statements, and the media will not cover it so the public

will not know".

32 Is that the attitude? Is that the discussion that goes on in the confines of the caucus room of the NDP? Is that the level of debate in the best interest of the people of the territory? Is that the reason why we have this government? I propose that it is not. It is discouraging to this side. We are looking at a piece of legislation that is as broadsweeping in having the effects that it is going to have on the territory, and the side opposite will not permit the time to deliberate. The side opposite feels that it is so important to put through a second reading today, and there are no holds barred; they are going to go full steam ahead.

It makes it tough on us, real tough. There are only six of us — you notice I did not say seven — and there are only so many hours in a day. The discourteous attitude that has been exhibited so far is going to make it very difficult for debate on the Bill. It is very tough for a Member like me, when in good conscience I ask the Minister of Renewable Resources to give us more time to deliberate on the Bill before us. It makes it hard for me to believe that I am going to be heard in Committee of the Whole as I bring forward what my people think. I know what is going to happen. It is going to be dismissed.

The Government Leader will say that Dan Lang does not believe in human rights. That is what will happen. He will pontificate about the child laws in 1850 and how he was responsible for taking them off. That is what he will do. He will go on one of his long orations about how he is the only man in the country who stood up for human rights. He is going to say to the Members on this side that it is beneath his dignity to listen to our arguments. I do not know why I even have to be down in these Chambers. This is the parliamentarian, who during the election a year and a half ago said that we did not sit long enough. This is the parliamentarian who criticized the previous government erroneously, saying that we only sat for 11 days.

Yet, this is the Member who after six weeks of debate on the O&M Budget criticized this side because we are spending too much time looking at the expenditures of the government.

33 He is the man who is going to stand up and talk about open accountability and human rights, and how do you think that the people of the territory are going to accept that when you say one thing and do another? What impression does it give to the people of the territory when you have a government that is going around talking about open accountability on one hand and the next day is calling in the RCMP and the next day beefing up security, and the story goes on?

What I think the people of the territory have got is an opposition, an opposition that is not scared to stand up and say what they think and what they believe. That is the only thing they have got going for them. On the *Human Rights Act*, we have seen one of the greatest publicity manipulation programs that I think has ever undergone in Yukon, and as I said at the outset we have seen yellow, green and white papers going through the territory while we have a so-called coalition, no affiliation with the government, none at all, none at all.

We have ex-NDP candidates standing up in some other capacity speaking on behalf of organizations but no, no affiliation with the side opposite.

We have seen one of the greatest manipulations of public opinion that has ever gone on in the territory. Is that right? Is that right? That is the people's money. Surely the people are smart enough to make up their own mind. They do not need contracts with radio stations generated by this government to help them make up their minds, or ads printed by the Minister of Justice to go out to explain how really bad the people of the territory are, and if you like sushi it is okay. To bring out papers that are totally and absolutely incorrect, and the Minister of Justice admitted to it, but is he going to pull it off the shelf? No way. No way. He will continue to distribute it. That is what he will do because it is his prerogative. He is the Minister of Justice, and we are supposed to look up to him.

I have to ask: is that what the people of the territory want? Maybe it is a Yukon I have grown out of touch with. The Minister smiles to himself calmly and serenely as he sits there with his majority.

Maybe it is a territory I am getting out of touch with. Maybe you will get your objectives where everybody in one way or the other is going to be dependent on the government and therefore the whim of the political arm to survive.

34 It will not be written in legislation, but it will be a place where people will not be prepared to express their views, for fear of some retribution, as indirect as it may be. Is that the kind of territory we want? Do we want a territory where people are put in the position, with the authority vested in them, that they can use it in such a manner that they can take your reputation and put it on the line, in the public forum, so a man loses his family, everything he owns? Is that the type of territory we want? That is right. He may get some form of compensation from the government. Is that the kind of mechanism we want to put in place for human rights, or do we want a method of mediation, or arbitration, a process that permits and allows the people of the territory to put valid complaints forward to be heard, and decisions to be taken?

We are going to have a machine for education. We are going to the people's money spent so people can wander around and do studies.

Is that the kind of territory we want? There are 26,000 people in the Yukon. Is that the kind of Human Rights Commission that we want, that basically has that authority? It is there, because it does not say it is not there. Is that the kind of situation you want to see, Mr. Speaker, in the good riding of Campbell? I do not think so.

I do not think the people of Porter Creek East want to see that. They want to see something fair and reasonable. That is why I am so disappointed.

35 We brought forward something we thought was fair and was reasonable and you never took one suggestion, not one. But they listened, they listened. Must be great to listen and look so attentive when somebody is speaking to you and when it is all finished and done with you know what you are going to do anyway. It must be quite an ability, in the process of public consultation, to sit there and go through the public exercise and know exactly where you are going and what you are going to do.

The tragedy of it is that I think quite a number of people believed in the process that had been espoused by the Government Leader. I think there were quite a number of people in the territory who said yes that was a legitimate process to go through, to listen and to have input into decisions that are going to affect him or her on a daily basis.

I say to the side opposite: I think and I believe that the people of the territory have been used, and I also believe that the people of the territory do not like it.

36

Mr. McLachlan: I am not going to carry on to the length of the previous speaker, or try to pander to the audience, the television cameras, the media or radio stations.

Unlike some Members, the Liberal Party is not as opposed to the introduction of human rights legislation as the intransigent position of some Members of this Assembly would appear to predicate.

We regard the legislation as a progressive, 20th century piece of legislation that recognizes the value of human rights as they apply to Yukoners and to the Yukon Territory.

Negativism, simply for the sake of being negative, does not do anyone any good. The original piece of legislation that protected Yukoners' interests was passed 23 years ago. It served its purpose. It did the job it was intended to do at the time, but society demands of governments better protection now.

In recent years, it was often said that the issue of human rights was not really an issue in the territory. There just was not any interest. I would like to suggest that the debate that we have witnessed over the past year, the greatest public debate and controversy since the 1983 introduction to the *Childrens Act*, certainly says otherwise.

This piece of legislation has a number of articles in it that are quite in line with the articles of the Canadian human rights legislation. That piece of legislation has, to a large extent, as its basis of protection the *Canadian Charter of Rights and Freedoms*, the 1982 piece of legislation that drew unqualified support from all Members of the House of Commons.

³⁷ I would like to suggest that some people present today seem to have forgotten it.

We support the principle of the introduction of the bill respecting human rights. We believe the section on equal pay for work of equal value could have gone further; it did not, for reasons that only the Minister knows. Perhaps he will explain why during the clause-by-clause debate in Committee of the Whole. But, Mr. Speaker, we have some questions regarding Section 15, the appointment, the operation and the powers of the Human Rights Commission. We will be addressing those during the clause-by-clause debate on the Bill.

Thank you.

Hon. Mrs. Joe: The Human Rights Bill before us today is a landmark in the history of Yukon's social evolution. It endorses this government's commitment to the fundamental human right guaranteed to all Canadians by the *Charter of Rights and Freedoms* and ensures that those rights will help shape Yukon's future. The Bill is a strong indication of this government's commitment and obligation to put into action the principles we have sought to formulate through open discussion and consultation.

Members on the opposite side criticize us for not having meetings in Whitehorse. We did have meetings in Whitehorse. The Minister of Justice has had public meetings and has met with individuals and groups, and he has listened and heard what the people have said. I believe the principles contained in this Bill are based on a firm desire to do what is best for all Yukoners. It will give all individuals, as well as minority groups, a guaranteed protection for their rights and freedoms. It ensures that every one of us will be free and equal by discouraging and eliminating discrimination.

I believe that it is not only proper to do this as a moral obligation, but that it is right to do so as a practical necessity. I am proud that this government had the courage to address these fundamental issues, such as minority rights and pay equity. We have the courage to openly discuss these issues in public forums, to consult with many interest groups and to bring these issues to a resolution in the form of this Bill.

We provided the leadership that a government should provide for the people, and we did not hide from our responsibility in the hope that fear of reprisal would deter Yukoners from demanding protection for their rights and freedom. Unlike the Opposition, we acted responsibly rather than being content to merely change the name of the *Fair Practices Act*, which is a clear indication of their total lack of sensitivity to the human needs of Yukoners.

This Bill addresses the issues of discrimination based on sexual orientation and based on race. We are not proposing special protection for any category or any group of people. What we are proposing is equal treatment for all classes, for all categories and for all groups of human beings.

³⁸ It is not a question of giving privileges, extra rights or special status to any particular segment of society, and it should never be such. It is, rather, a question of confronting, in a responsible manner, major social issues, and I am proud that this government has had the courage to do just that.

I believe these issues are moral issues that must be addressed. It goes without saying that as a result of amendments to the *Criminal Code* at least a decade ago, not only is a homosexual, or a bisexual orientation not unlawful, but any act that results from it, unless specifically prohibited, is not unlawful. None is prohibited except a general list of offences that can be committed by either homosexuals or heterosexuals against children and women in certain cases. This government's Human Rights Bill provides a provision that will make membership in a class a prohibited ground of discrimination.

Not long ago, Indian people were discriminated against as a separate race. This also happened to the Irish, and we must not forget the suffering of the Jews. The Human Rights Bill says that you are exactly the same if you are those things and that you are entitled to have your right to services for which your tax dollars pays evaluated on the basis of your willingness to obey the law and your own merits and demerits.

That is what the Human Rights Bill is. It is a protection against harassment and denial of access for groups of people who may be

perceived by others as being homosexual. It will ensure that these people are not forced to experience fear and loneliness in their daily lives. The purpose of this Bill is not to exalt their status, not to permit them to break the laws, and not to alter any of the values of our society, but to give them the rights they are entitled to as human beings. It will give them access to housing, employment and to other benefits that tax dollars provide. This access will be granted on their individual merit and entitlement.

The Human Rights Bill says that law-abiding citizens of this group will have access to services judged entirely on their merits, and not because of some stranger's perception that they belong to the group or not.

This Bill addresses the issue of pay equity, which is so important for many Yukon women in the labour force. I believe that all Yukoners share a mutual goal to create a society in which both men and women will be treated fairly and equally. The Human Rights Bill takes direct steps to further this goal. While it does present ultimate solutions, it does recognize that inequality and discrimination exist. Of course, there is no single solution, no quick fix for such complex issues, but the Bill is a first step towards their resolution.

The common objective to resolve the pay equity issue is there, and the first step will have been taken. This is very important for Yukon women who, in ever-increasing numbers, are entering the workforce, yet their earnings in proportion to male incomes are only slightly increasing. In 1981, for example, 48 percent of Yukon women worked outside their homes, compared to 1981 when this figure jumped to 67 percent. During approximately the same period of time, women's incomes compared to men's rose from 44 percent to a slight increase of only 48 percent. This government is committed to ensure that these working women who, in many instances are the sole supporters of themselves and their families, are not forced to labour in job ghettos.

The Opposition claims that pay equity is unworkable, that it is too expensive. They also claim that it interferes with market forces, and, finally, it is the long arm of government reaching into private business.

³⁹ The fact of the matter is that in other jurisdictions that addressed pay inequity, these claims were unfounded. I predict the same results for the Yukon. I predict a day will come when everyone, including business, will be proud that an historic inequity in pay practices no longer exists. I believe that pay equity, in the final analysis, will provide all Yukoners, men and women, with the very real sense that they are all being treated fairly and squarely in the workforce. I, myself, being both a woman and an Indian person, know what it is like to experience discrimination and what it feels like not to have anywhere to turn to for justice against discrimination.

I still remember very clearly the confusion, the hurt and the frustration I felt as a young girl growing up in a society where fingers are pointed at you because you are labeled as being different. I wondered why people treated me so differently and searched for answers from my Elders. As I grew older, I gained the understanding that what was happening to me was because of discrimination, a word that I did not know. Many people in those days believed that Indians were not as good as other people. It was shocking for me to know that Indian people were not allowed to vote. They did not gain this fundamental right until the early 60s, which is not that long ago.

In the Yukon, the federal government Indian agents employed any number of discriminatory tactics against Indian people, regardless of whether or not legislation supported their prejudices. The entire practice of taking away an Indian person's status was carried out for a number of reasons. For example, our children were not allowed to attend public schools unless their parents gave up their Indian status and were no longer classified as an Indian. The family allowance was used as a bribe to settle Indian families close to communities, even though it meant destroying their economic means of survival.

If you were Indian and fought against such discrimination by refusing to give up your status, you were not allowed to open a business, you were not allowed to drink at public bars, and you

were not allowed to work at certain jobs. Basically, you were not allowed to take your rightful place in society.

I lost my Indian status in 1958, like thousands of other Indian women across the country, because of Section 12(1)(b) of the *Indian Act*. In many of these cases, the husband was an Indian, but the government had decided he would be branded non-Indian because he wanted to work or he wanted to send his children to the same school as the white children, as the white people in the Yukon sent their children to.

Once the Indian man was labeled non-status, that meant his wife and his children must suffer the same discrimination. The struggle to remove these discriminatory clauses from the *Indian Act* was long, and took the energies of many, many women. It took many years for the federal government to right this discriminatory wrong. In my case, it has taken almost 30 years, and the battle goes on.

Let us not forget that this discriminatory practice was not abolished easily. It has been a long, hard struggle for the Indian people to right these wrongs and the struggles continue today.

The Human Rights Bill is a major step in the Yukon to ensure that these practices and these discriminations do not continue for the Indian people and do not continue for all other minority groups, who would not be protected if the government did not bring this legislation forward to replace the most outdated piece of legislation in Canada, the *Fair Practices Act*.

Listening to the remarks from the Opposition, I find it hard to believe that they still seem to doubt that certain sectors or groups in society have long been discriminated against because of their sex, their colour, their religion and so on. I wonder in what dreamland they live to be so opposed to giving Yukoners the protection for fundamental rights against discrimination.

Over the decades, we have been moving step by step by sometimes painful step towards a situation in which all persons have an equal opportunity to participate in society without fear or humiliation. Well, this government is prepared to give Yukoners that protection, and we have done just that by bringing the Human Rights Bill forward. I am proud to be part of a government that has had the courage and foresight to stand here today and defend the human rights of all Yukon people to ensure equality and protection for those Yukoners discriminated against in the past, and who may need the protection in the future.

Mrs. Firth: I rise today as a Member of this Legislature representing a certain percentage of the population of the Yukon Territory to speak to the human rights legislation that has been tabled in the Yukon Legislature today. I do not refer to it as Yukon human rights legislation, and I hope that when I have concluded my comments the Members of the government will all have as great an appreciation of why I have not done that as we do on this side.

I want to go back in history a bit, and I want to go back in Yukon history. I do not talk about the industrial revolution and the great dark ages like the Government Leader does because my function is here in the Yukon Territory and as a representative in the Yukon Legislative Assembly. I prefer to talk about Yukon history.

I want to start the Yukon history in November of 1981, the exact date was November 12, 1981 when a new Member was introduced to this Legislative Assembly. That new Member was the Member for Whitehorse South Centre. He was a New Democratic Member and his name was Roger Kimmery. The Member started in this Legislative Assembly very subtly and very quietly with complimentary throne speeches, complimentary to the Members opposite, who were the government of the day, talking about what he believed in and making comments about how good their throne speeches were and how he hoped his could be just as good.

Then he started questioning the Minister of Justice of the day, and he started questioning him very thoroughly and very consistently. He started questioning him about civil rights and about the *Fair Practices Act*. Now that started back in 1981 and 1982.

At the time of the *Fair Practices Act*, nobody said that it was the greatest piece of legislation that the Yukon had ever had, or the greatest law that had ever been made in the world, but Yukoners accepted it and were living with it. Whether they were all happy with it we do not know, but it had not been brought to the attention

in the public. There were not a lot of complaints, a lot of accusations and allegations of discrimination. There were not great debates in the Legislature about the *Fair Practices Act* and about how it needed to be updated and how Yukon was so far behind everybody else with their *Fair Practices Act* or their human rights legislation or their discrimination legislation.

The Member for Whitehorse South Centre started asking on November 16, 1982, and I would like to quote from *Hansard*, because they are a public document and they do cast reflection upon Members of this Legislative Assembly, upon their beliefs and their goals and their objectives and upon their agendas. I ask the House to bear with me while I go through this. It is very informative.

The Member for Whitehorse South Centre asked to the Minister of Justice, "Will the Minister make a commitment to bring in a new *Fair Practices Act* before the end of 1983?" The Minister of Justice of the day replied that the department was looking at it. The Member for Whitehorse South Centre again said, "Will the Minister be tabling a green paper on the *Fair Practices Legislation* before tabling the actual bill?"

The Minister of Justice of the day said not very likely, upon which the Member for Whitehorse South Centre responded that previous Ministers had promised green papers, and will the Minister state whether or not the department is working on fair practices legislation in any way, shape or form at all? He never felt that things moved quickly enough. He made comments to that occasionally, that things never moved quickly enough here in the Yukon Territory; never fast enough to suit his agenda.

He again asked, in the same Session, on November 23, 1982, not one question about the *Fair Practices Act*, but three, all in the same day. On November 23, 1982, he asked: "On November 16, I asked about a new *Fair Practices Ordinance*, and the Minister stated that the department was working on it. Which department was working on it? Which ministry? ... Will the Minister say whether or not there will be a bill in the expected life of this Legislature? ... As the Minister does not know, could he say if he wishes, or if it is the Minister's policy, to bring a bill in in the life of this Legislature?" He was persistent.

He asked again, quoting the Member for Whitehorse South Centre, the same day, November 23, about the *Fair Practices Ordinance*: "Does the Minister know if the department has now reached the stage of collecting the legislation of all the other provinces? Is the department looking at the question of affirmative action programs for Indian people in the civil service? I am aware of the Public Service Commission discussions. The question, obviously, has implications under the *Fair Practices Ordinance*. Is the Minister's department looking at civil rights implications of these programs?" A very persistent Member.

He concluded that day with his final question, again November 23, 1982, Member for Whitehorse South Centre: "A simple question about the *Fair Practices Ordinance*. Is the department also looking at the question of property rights in respect to a Yukon Civil Rights Code? Will the Minister say specifically if the department is working on the question of property rights in this context or not?"

Some time went by. I did not examine every page of the *Hansard* that the Member was quoted on. I am sure there are more references that I have missed, but I felt I had enough to prove my point.

We come then to *Hansard* April 19, 1983 and the Member for Whitehorse South Centre is again asking about Fair Practices and Labour Standards and he says: "I have a question to the Minister of Consumer and Corporate Affairs about both Fair Practices and Labour Standards. Approximately a year ago the government of the day clearly indicated a policy of supporting the principle of equal pay for work of equal value. Is that still the government policy now?" Well, the Minister of the day said he was looking at those areas and Cabinet was formulating policies. The Member was insistent and pressured the Minister to make a statement, or make a commitment to make a statement, on the issue before or during the Fall Session. You have to hand it to him; he kept at it and he kept at it.

Then we move on to November, 1984, and what do we have again. On November 26, 1984, we have the Member for

Whitehorse South Centre again asking a question about the *Fair Practices Act*. He is again saying that the *Fair Practices Act* exempts the Yukon Government and they should not be exempted, civil servants should not be exempted and when is this legislation going to be updated. The *Fair Practices Act* does not speak about age or physical or mental handicaps, the green paper expresses no position on those subjects. What is the government's policy concerning discrimination? The government has no policy on these issues. It will obviously be for the courts to decide.

"After April 18, when motions are brought about discrimination on the basis of age, will the government intervene and oppose discrimination on the basis of age?" I know the Member continued in his pursuit to make all Yukoners equal. He continued in his pursuit of what he feels is social reform. It is consistent with his ideology and his political philosophy. The Minister felt truly and compassionately that we needed social reform in the Yukon Territory.

All along he was also consistent in his political agenda, and he constantly told Yukoners about how abusive they were to each other, how badly one group treated another group, how unfair one was to another one, how one was not benefiting from something that someone else was benefiting from, how one was unfortunate and one was fortunate; he constantly talked in those tones. He talked about how there was not enough for the women, how there was not enough for older people, how there was not enough for Indian people, how one segment of society had everything and others had nothing. He spoke about that constantly, constantly, constantly — how we considered groups non-citizens, and he said it again today: groups that were considered non-citizens.

When you say that enough people start wondering if maybe this is really happening. Whether it is or not, they start wondering about it. The Member for Whitehorse South Centre was well on his way to at least raising his question of social reform in the Yukon Territory.

I find that as politicians we are often asked why we do this job: "Why do you want to be a politician, Bea?" my constituents say to me. "It is a terrible job. Why would you ever want to do that?" I know all the Members of the House have heard the same question, and you look at them and tell them all the good self-righteous things you want to do and they look at you and on their faces you see an expression of sadness, puzzlement and bewilderment, and you also see suspicion.

43 The public is becoming very suspicious and very cynical about the people who are elected to represent their interests and their concerns. They ask me what the real reason is. You tell them, and you feel you have done a good job expressing your points, but they ask what our cause is. Every politician runs because they have a cause. It is certainly evident that we all know what one of the causes of the Member for Whitehorse South Centre was. One of the causes was to see his new socially reformed Yukon with new human rights legislation.

It was not a Yukoners' cause. It was the cause of the Member for Whitehorse South Centre. It was his big cause that he had been pursuing since 1981 when he became a Member of this Legislative Assembly, this big cause for social reform.

On October 24, 1985, the Member finally reached a time when he could complete, he could fulfill his every dream come true. He could move ahead with his cause. He was elated; he was confident. I remember him coming into the House that day to speak to the second reading of the Human Rights Bill that had been tabled. He was glowing with self-confidence and determination because he fulfilled his cause that he felt so strongly about.

The Minister of Justice, as he was by this time, had convinced himself that every Yukoner, every Yukoner in this territory was ready for human rights legislation and was ready for his kind of human rights legislation. He had convinced himself that everyone in the Yukon was ready to jump on his bandwagon, that this was everyone else's cause just as fervently as it was his own.

He went on to talk about public consultation and gave us our first real exposure to public consultation. It had never occurred before as far as this government was concerned. The previous governments had never gone out and solicited opinions from the public or from

anyone. They had never consulted the public, and so, the Minister of Justice of the day, the Member for Whitehorse South Centre, was going to give us his great philosophy on public consultation. I am going to read into the record again some of the comments that the Minister of Justice made that day in this Legislative Assembly, October 24, 1985, out of *Hansard*.

The Minister was giving his second reading speech on the Human Rights Bill of the day. The Minister says, remembering all the time that he is so determined, "It is our intention to provide the Legislature and, indeed, the public in Yukon with the policy of the government so that a responsible, free and democratic legislative discussion can take place as to exactly what the people want." "Free, democratic" — those words are used so freely by the other side of the House. "Freedom, democracy, equality". They just run off their tongues.

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

44 It was not the Yukon dream; it was the Member's dream. It was the Member for Whitehorse South Centre's cause and dream.

He goes on to say, when making comments about a White Paper for the public, he says, "...we are not presenting a White Paper to the public. Because of the long delays in the past, we perceive that the public mood is that we have waited long enough, and it is time to act." Again, the Member for Whitehorse South Centre, in all his determination, "All Yukoners want this; all Yukoners are ready for this. They are pounding my door down saying, 'We want human rights legislation.' We want your kind of human rights legislation."

He goes on to talk about the Yukoners' dream. "We strongly believe that there is a Yukoners' dream. Part of that dream is about individualism, about the spirit of the raven, if you will, about the independence of the sourdough or of the individual. This Bill is designed to serve, protect and promote individual freedom. Where it does that, which I believe it does in its entirety, we believe it will be supported by the Yukon public. There may, and probably will be, problems pointed out in the legislative process, and the government will be listening intently, and most seriously to the amendments that may solve those problems."

Amendments, Mr. Speaker? We could not even get second reading debate delayed three days, and the Minister tells us he is going to listen intently to our amendments. Very, very often, I have heard this Member say one thing and do another.

We asked for meetings. We asked for public meetings. We wanted more public consultations, and the Minister hummed and hawed about it. We waited quite awhile. We wrote letters. I wrote two letters on behalf of my constituents asking for public meetings about two papers. We waited for a response; we got no response. The Minister met with his Cabinet colleagues, and we wrote Conservative comments in the paper. People were phoning us asking if Whitehorse was going to have public meetings. The Minister decided, all of a sudden, in a big press release one day, "No, we are not going to have public meetings in Whitehorse. We are not going to let the Whitehorse residents say anything."

Amendment proposed

Mrs. Firth: For that reason, I would like to propose an amendment to the motion: THAT the motion be amended by deleting all the words after the word "that", and substituting the following therefor: "Bill No. 99 entitled *Human Rights Act* be not now read a second time, but that it be read a second time this day six months hence."

45 **Speaker:** It has been moved by the Member for Whitehorse Riverdale South: THAT the motion be amended by deleting all words after the word "that", and substituting therefore the following: therefore Bill No. 99, entitled *Human Rights Act*, be not read now a second time but that it be read a second time this day six

months hence".

Mrs. Firth: I have brought forward this amendment to again show the Members of the government how strongly this side of the House feels about public consultation and about what has happened with the Human Rights Legislation in the Yukon Territory up to this day.

Getting back to the facts, back to the history, shortly after the Select Committee was struck in the Yukon and the public consultation process began, there was a great rebellion by Yukoners. It was not just in Whitehorse, it was not just the white people, it was the Indian people in the communities, too. It was not just Whitehorse that rebelled, the communities rebelled. Much has happened since those first meetings. There have been all kinds of accusations, posturing, back and forth on both sides of the House, out in the public and back and forth by both parties.

The Select Committee was cancelled the first time the government met with opposition to their legislation. They cancelled their so-called consultation process. Then the government tried a new tactic, remembering the determination that is there behind the Minister of Justice. We tried the educational approach. Obviously, people in the Yukon were not convinced that they needed legislation so we tried the educational approach to convince them that they needed it.

My colleague for Porter Creek East has already gone on about the white papers, the green papers, the yellow papers and the booklets. The booklets, incidentally, for the new bill, these white booklets which I as a Member of this Legislature was able to get two copies of, of the 4,000, for my 1400 or 1500 constituents. Then the next day maybe I could get 4 copies, that kind of information. We have radio ads, we have community tours and visits from the Minister and private meetings in the Ministers office. If you were lucky you could get 10 or 20 minutes and then the Minister had to rush off to another meeting. I am sure he had people lined up in the rooms like a doctor who has patients and he runs along and sees each one for ten or fifteen minutes to tell each of them his way the Human Rights Bill should be and tell them his version, not to come to a public meeting where they can openly discuss it and have an exchange of ideas. It goes from one office to the next office.

We had great speeches in this Legislature when the motion was brought forward about having open public meetings in Whitehorse. At that time the Government Leader gave us a great history lesson on the Industrial Revolution and about all the woes of that time. He talked about the resistance of people to change. He talked about how people who resist change were the ones who had the power and the will. I sat here and watched him and watched him because I do not think that the constituents of Riverdale South have the power and the will, and that was why they resisted change.

They were all neighbours. They live next door to each other. Their children play with each other. They sit on school committees. They decide the future of their children's education. They play sports together. They have fun together. But the Government Leader said no, they are resisting this change because they have the power and the wealth. I object to that kind of attitude. I object to the Government Leader saying that because people resist change, it is because they are losing power and wealth that they do not even have.

The people who live in the constituency that I represent are no different than anyone else anywhere else in the territory. They are neighbours, their kids play with each other, they go to work every day, they earn their living, they pay their taxes, and they try to be good citizens of this territory.

They resisted the change. They resisted it. Why did they resist it? Yukoners were shocked. They were puzzled, and they were confused. They did not understand what had gone on in this territory to bring about such an extreme decision for human rights legislation. It was confusing to them as neighbours, as friends of each other, as people who have fun together, wondering where these cases of discrimination were. Whose house was it in?

The Minister of Health and Human Resources shakes her head. I have heard the Minister of Health and Human Resources give big impassioned speeches as if there was drug abuse and child abuse

cases against the law in every household in the territory. It sounded like everybody in the territory has a social problem. That is just not true. That is not true. I would ask the Minister of Health and Human Resources to bear with me and give me the time, as I give her the time when I listen to her great theories.

Yukoners were afraid when they saw the human rights legislation. They were afraid. Not just the people in Riverdale South, not just the people who came out to the meetings and publicly expressed their opinions. All Yukoners were concerned and afraid. I had Indian people come to me who were afraid of what it was going to do. I had men come to me in the constituency. I had women come to me. I had homosexuals come to me, and I had young people come to me. They were homosexuals who had said, "who has gone and asked someone to do this great thing for us?" Why are they doing this? Why do we need this? What is happening that we are not aware of? They keep asking why. They were afraid for their families. They were afraid for their rights. They were afraid for the Yukon where they had come to love, enjoy and live in harmony with their neighbours and their friends and friends of their friends.

The questions that were put to me most of the time were these: why are they doing this? Why do we need this? Whose idea is this? Whose cause is this? It is not our cause. We are not going and asking for it. I did not go and see the Minister. I never had anybody come to me and say I was one of the people who went up and expressed a concern that we needed human rights, discrimination was becoming unbearable in the territory, and we needed this. Whose cause is this? It is not Yukoners' cause. It is the Member for South Centre's cause. It is the cause for the New Democratic Party, of which the Member is a member.

People started being concerned about the future of the Yukon. They started talking about how dangerous this could be, how divisive it could be, how it would reduce people's tolerance, how it would cause problems, how they were afraid that their neighbours might not like them anymore, how they were afraid to know what they were supposed to say and what they were not supposed to say anymore, and how they felt they could not speak out anymore because it would be a violation against this government's human rights legislation.

Then groups started organizing. In all this democratic, drawing into the arms of the NDP government and consulting and drawing all the people of the Yukon under the folds of their wings and making everybody happy and having this Utopian society we always hear about. Groups started organizing against each other. They started letter writing campaigns. They started talk shows. It was homosexual against heterosexual, Status of Women against the business community, men against women, young people against older people. This is drawing Yukoners together? This is creating a more united Yukon, to have all these groups organizing little meetings over here and there, the Minister of Justice going out on his campaign trail to the communities, having little meetings in every community?

Worst of all is the attitude of the government, of the Minister of Justice, of the individual whose cause was being destroyed. His attitude, politicizing, blaming, throwing party politics up in the air. It is here to stay. We have party politics. We have different philosophies. That is life in the territory now.

But no, the Minister of Justice goes to a community like Watson Lake. Watson Lake expresses their displeasure at the Human Rights Bill. What does the Minister do? Runs off to the media, tells them that it is because Watson Lake people had the Conservatives come in and tell them what to say and tell them what to do, because Conservatives organized it, just like the Conservatives organized the public meetings way back when, when the consultation process came to a halt. It was the Conservatives who organized it. Watson Lake people are not capable of thinking for themselves. They do not have any opinions of their own. They are not free thinkers. They are not individuals. All this talk about individuality, the sourdough, the raven; where did all that go? All of a sudden, they are Conservatives, or they are wrong, or someone else told them what to say.

Worst of all, he goes up to a little community like Old Crow, a beautiful little community like Old Crow, and the former Member

of the Legislature for Old Crow phones me, as a friend, and expresses to me some concerns about the human rights legislation. I told her to go to the meeting and talk to the Minister of Justice and express those feelings to him. The next morning I hear on the radio the Minister of Justice saying that the long arm of the Leader of the Official Opposition has reached the community of Old Crow and told the people to stay away from the meetings in Old Crow. How low? How low to do that to those people up there, to do that to a colleague who sits and represents the people of that community? What a low move.

I am getting tired of the side opposite using the Conservatives as an excuse that everybody else is wrong or they just do not understand or they need to be educated because they do not believe in his cause.

I think Yukoners have come a long way since this debate began a year ago. They are prepared to accept new Human Rights Legislation, just as I am. We are prepared to accept that change has come and we are ready for that change, but let us do it according to what Yukoners want. Let us not do it for some politicians' political cause and for their agenda. Let us do it for the people who are going to be living with it. Let us do it for the Yukoners not for the NDP or for the Minister of Justice because he wants to be the most famous Minister or have the most progressive legislation, or be the most controversial Minister, or whatever he wants to do or be. This is serious stuff we are talking about. This is how Yukoners are going to live together with each other, here in Yukon, forever. This is the kind of legislation that is going to attract new people to the Yukon Territory and it is a growing territory and it has a tremendous potential, and we have to have a responsibility to decide what kind of people we want to attract to the Yukon territory, what kind of new blood we want here, how quickly we want to grow. Let us do it together and let us do it to Yukoners' wishes not to someone else's wishes.

I raised a concern in this Legislative Assembly last week in the form of a motion about no meetings being held in Whitehorse, and I referred to it as urban discrimination. Well, the Members opposite got a great uproarious laugh out of that. They thought that was the funniest joke they had heard in a long time. It reminds me of how they criticized the Conservatives in Ottawa in the House of Commons when they laughed about women's issues. They did the same silly things. Politicians always do silly things at one time or another. They all laughed, they thought that was really funny, urban discrimination: "ho ho ho, ha ha ha. Is that not a silly term?"

Well there are a lot of people out there who feel that way, and who feel the Minister of Justice has intentionally gone to the communities, sat down with them, had their little meetings, had coffee, criticized a few of them and made some nasty comments about some of them, but he still went out there and he met with them, but he will not extend the same privilege to people in Whitehorse. He will not sit down with them and let them come and express their opinions, and he will not do it because the rest of the government front bench does not want him to do it because the Government Leader cannot deal with the way some people in Whitehorse express themselves.

He cannot deal with that. He thinks they are of a lower intellect or they are not able to express themselves in a civilized way. That is fine. He can be as generous as the Minister of Justice who says he has people living next door to him and he does not like what they do, but he still accepts them as people, as I do, as we all do here. Why can the Government Leader not do the same? Why can the Government Leader accept the person who expresses himself in a more emotional way as an individual who has a different way of expressing himself? No. The Government Leader is shocked; that is terrible. People have had to come and talk to him in the corner because this was such an outrageous display.

Really, who is discriminating against whom? Whitehorse people have every right to be heard, to express themselves in any way that they want to, just as the communities do, just as the business community does, just as the Status of Women do, just as the seniors do. How we express ourselves is our individualism, our freedom and all those great things that the Members opposite talk about, all

those great democratic rights that we have. There is lots of talk, but when it comes to putting the talk into action, they are not so generous with accepting individual spirit, the sourdough, the spirit of the raven and the Yukoner's dream. It is nice to talk about all those wonderful things, but you have to believe in them when you talk about them. I do not get the feeling that the Members really believe in it.

I also hear some very, very serious words used in this Legislative Assembly. They are short words; they are small words, but they are very serious to me. They are words like hatred, spewing hatred, racism, fear — all those horrible words that we should not even be using in this House, those kinds of words that if people hear enough times, they start wondering what is really happening. Look at the Members on the other side. Who is so keen to jump up in an afternoon and start yelling those kinds of words across the House. You do not hear it coming from here unless we hear those things on that side of the House. We do not talk about that.

Yet, the Members opposite never hesitate to jump up and say, the Conservatives are anti-equality for women; they are anti-homosexuals; they are anti-native; they are anti-this; they are anti-that. We are not even allowed to have any opinions that are different without being anti-something, according to the Members on that side of the Legislature. We are all individuals, and we all have opinions, and they do not agree, and they are not the same as the ones the other side of the Legislative Assembly has. There are people in the public whom we represent, who share the same ideology and opinions that we do. They have the same right to be heard. They have the same right to be heard and listened to.

I am getting very concerned about the cynicism that is growing in the public about politicians. The public is rapidly losing trust in the political process and in its politicians. I think the electoral outcomes across Canada, both in the provinces and the territories, we will see at one time, federally, are reflecting that. The public does not know who to believe anymore or what to believe anymore. They keep getting things shoved down their throats, some other politician's cause shoved down their throats, whether they want it or not. They are told it is for their own good. It will help them. If they just give it long enough, it will be for their own good, and they will be happy that they have it.

The Yukon has had too many causes inflicted upon it, and it is getting tired of it.

I am getting tired of it, and I think that is what Yukoners are telling us when they rebelled against the Human Rights Bill.

Yukoners have been generous in their acceptance thus far. I agree with the Government Leader when he says he hears more constructive debate, more positive debate. That is good. It is a learning process for all Yukoners. So, let the learning process carry on. Do not come into the Legislature and force the Opposition into second reading, particularly after the actions of the Minister of Justice last evening. I will not put him through the embarrassment of going through it again.

Do not say to us: you have to do it, you cannot have three more days. I do not care if you could only get five or six booklets out to people in your constituency — "Oh, you have 1,400 constituents; that is too bad". We asked for the weekend to spend some time with our constituents. But no, we should not have that, I forgot, because we will be going out and we will be orchestrating something or will be organizing something.

For the Members opposite to talk about orchestrating when they have personally gone around with petitions and had them signed by constituents, and have personally gone out and created issues. When we were the government of the day, we recognized that that was their job as the Opposition. That is what we are doing. We are doing our job. We are not orchestrating people. We are going out and informing them of what is happening, of what kind of laws this minority government wants to make on their behalf.

We are informing them of what laws they are going to have to live with. They all say, oh, the Conservatives are the big problem, they are the reason that Yukoners do not like this legislation. That is absolutely wrong.

The Government Leader always gets up and talks about the generosity of the Legislature, of listening to opposing views, the

challenge, the spirit of debate. Where is the spirit of debate here? We are not even allowed to have a different opinion to the Members opposite. If we do, we are not supposed to get up and express it, because then we are anti-women and anti-pay equity. That is absolutely wrong, too. We are not anti-human rights. Nor are the rest of the Yukoners out there, who are expressing some concerns, who are asking for public meetings, and who are asking for some time to consider this new piece of legislation.

We had a huge bill tabled in this House the first time. Now we have a tiny one. A thin one in plain English, and that is good. The Minister was asked for a simpler edition, one that was more comprehensible, one that people could understand, and he has brought that back. We do not have the regulations. People are very concerned about the regulations. Those concerns have been expressed to the Minister. We are hoping to get them. I do not know if we will. The Government Leader will tell us soon, which could be from now to eternity. Soon has been everything from two weeks to eight months to whatever, we have yet to see.

Yukoners want a chance to come out to read what information the government is putting out, to read the bill and to ask some questions. They want to ask questions of the Minister. The Minister has the responsibility to make himself accessible to all Yukoners. That includes Whitehorse residents, too. He has the responsibility to have meetings in Whitehorse, whether he wants to or not, whether his Cabinet colleagues want him to or not. That is what his responsibility is.

⁵¹ We have a letter here from the Chamber of Commerce. It is the second time they have expressed a concern and asked for time. The Chamber of Commerce represents a lot of people in the Whitehorse area. There are also Chambers of Commerce in other communities. They are asking for time. They are asking for a delay in the passage of the Act until the Spring Session. They express that the matter of Human Rights Legislation is far too important to rush into without full discussion. All concerns will then be addressed before the final reading.

They are making a plea for time after they have written a very comprehensive letter about regulations, about equal pay for work of equal value, about the Human Rights Commission, about the appointment of the Commission and about complaints. They have made good constructive solid recommendations and observations. This is the kind of healthy exchange and healthy debate we need. As I have said before, Yukoners are accepting that we need new human rights legislation but they want to be part of it. They are not prepared to leave it up to the Minister of Justice or his colleagues to do it for them. Nor am I. Nor am I, and I would be irresponsible if I was.

I want to make an appeal again to the Minister to tell his Cabinet colleagues that there will be public meetings in Whitehorse, that he will meet with the public, that he will discuss issues with them, that he will take into consideration their constructive, solid ideas and observations, that he will listen to the people, that he will put his self-righteous cause aside, his ambition and desire aside, in favour of the people that he has been elected to represent, and he has been elected to represent all of the people in the Yukon Territory, all of them. That is his function and responsibility now.

Let us take six months before this bill is passed. Let us take the recommendation of the Chamber, let us agree with this amendment and let us have a truly democratic process and public consultation process that the side opposite so freely and often talks about.

Hon. Mr. Porter: I will not respond to some of the vicious, violent, and what I would describe as visceral attacks that have been levied in the course of debate. Rather, I will restrict my remarks to the technicality of the amendment as proposed by the Member for Riverdale. In the course of the process of Parliamentary Government, a bill is introduced and brought before the House. It is moved to second reading and at second reading we are to debate the principles of the bill. After we have concluded the second reading debate process, we then move on to Committee of the Whole, so the suggestion that this is the only time that this bill would be given consideration of debate is totally false. The debate will go on to Committee should it pass second reading and at that

Committee Members are permitted to debate *ad nauseum*, if they so choose, the contents of the bill and can bring forward amendments. If they disagree with the measure in Committee they can do their homework and bring forward substantive amendments to the contents of the bill. To leave one with the impression that we are on this day at this particular point attempting to ram through a legislative measure is totally incorrect. I think what is being done here is what is commonly called a six-months hoist amendment. It is contained in Beauchesne, annotation 742.

⁵² It reads as follows: "The traditional way of opposing the second reading of a Bill is to move an amendment to the question that deletes all of the words after the word THAT and substitutes the following..." We have the amendment of the Member before us, which reads that Bill No. 99, entitled the *Human Rights Act* be now read a second time but that it be read a second time six months hence.

Annotation 743 reads: "An established form of amendment, such as the six month formula, used to obtain rejection of a Bill is not capable of amendment". What all of this boils down to is that if we were to adopt this motion by way of agreement, the effect would be to kill the current legislative measure before the House. I find that difficult to reconcile when we have heard all afternoon that the side opposite does indeed want to consider a legislative measure that speaks to human rights. By their putting forward this amendment, they are telling us that they are not interested in the measure before us.

It does not mesh to the rhetoric that has been established in the course of debate. I welcome the technical comments of the Member of the Opposition if he believes that the argument that I am making is wrong. I would welcome hearing whatever he brings forward. I submit that what we are involved in here is simply a procedural process of delay of this measure. It flows with their early established tempo, if you will, of this sitting of the Legislature. It is totally connected with the theme that we have had throughout our sittings for the past couple of weeks; we are engaged in a process of parliamentary filibuster, which means that the opposition is going to do everything, by use of rules or otherwise, repetition of debate, to delay and obstruct the proceeding of the House.

That is the reality of what we are engaged in here, and I think that if they do believe in the position that the most recent speaker has articulated — that they do believe that there should be a form of human rights — then the proper thing to do would be drop the amendment, proceed with the second reading, have a vote on second reading, get the Bill into Committee, and at the Committee stage if they want to alter the Bill in any way, they have the ability to do so through the avenue of amendment. If they do otherwise, I think, they are making the statement that they have committed themselves to a form of legislative terrorism, to put it in graphic terms that can be best understood.

I know that this will elicit a response from the Member for Porter Creek East. I realize I hit home with that comment. I thank the Member for the rare moment of civility that he occasionally displays. I think we will see further filibuster on this amendment, to talk out the clock and not have the measure addressed. If they are really serious about dealing with the Bill's contents, we will see a withdrawal and proceed with the debate of second reading and a vote. I welcome any positive, constructive attempts of the side opposite to fairly deal with the measure.

⁵³

Point of Order

Mr. Lang: I am rising on a point of order. I am kind of at a loss. I am very concerned about the comments made by the Minister of Renewable Resources. He used the term "legislative terrorism". I look at the rules of debate, subsection 19(1), which states, "A Member may be called to order by the Speaker if that Member computes false or unavowed motives to another Member."

It would seem to me that the comment, in view of the debate, is totally and absolutely out of order. I would like you to rule on that and, if necessary, ask the Member to withdraw it. I do not think comments of that kind do anything for him nor the Assembly.

Speaker: Order, please. The Chair would like to rule on this. I find that this may be unparliamentary language, and I would like to

take that under advisement.

Mr. Lang: I want to comment about some of the statements that my good colleague, who was formally from Campbell, is now from Watson Lake and lives in Whitehorse. I would like to make some comments with respect to his observations on the amendment before you.

I think the Member for Riverdale South did very well in enumerating the concerns of not only her constituency and the people she represents, but a very large base of people across the territory, to the extent that I would say it is probably a majority.

The amendment is there for a purpose; the rule is there for a purpose. The rule allows the people representing the electorate, to deal at various stages of a bill, with the very profound question whether or not, at this time, a legislative measure should be proceeded with.

To call it legislative terrorism is totally out of order. The rules were accepted by all Members of this House, were accepted in good faith to work in the best interests of the people we represent to ensure that we did not ever have a government that could come in and do what they wanted when they wanted and how they wanted, no matter what.

The Minister of Renewable Resources has the audacity to stand up and say it is a deliberate attempt to block a legislative measure. ⁵⁴ He says it has been a tactic of this side all the way along. Who were the Members of this House who passed four pieces of legislation last night? And there probably could have been a fifth if we had not all gone home with our ball and decided we were not going to play anymore? Yet the Minister of Renewable Resources has the audacity to stand up in this House and accuse Members of blocking a measure. The measure before you is very simple. We have a government that has said they are listening to the people. We have a government that has spent hundreds of thousands of dollars in public consultation, and it is no secret that there are measures in the bill before us that a good majority of the people of the territory do not support and in some cases do not understand.

What the amendment does is provide an opportunity for the government to go back up and redraft a bill that can come into this Chambers and we can all simultaneously stand up and say what a good piece of legislation it is, as opposed to all bending to the wishes of the Minister of Justice's and the Government Leader's vision of the social structure of the Yukon.

It is not as if the people of the territory have not spoken. They have already indicated we have been going for over a year, and we all know that. Positions have gone forth. We know that one political party will do anything that the majority government will now do; we know that. We knew what the Conservative position was and we put that out, a very reasonable, practical approach to what the procedures should be with respect to the question of human rights if there were violations. It was all very clear. It was not a hidden secret. We had the various organizations coming forward and presenting their point of view with respect to the question of homosexuality. It all came through loud and clear. The Minister said he was out there to listen and did it with a great deal of pride, and rightfully so. What have we got? He knew what he was going to do right from the beginning. There is a purpose for the amendment. The amendment is there for a very basic reason.

If you say you are going to listen and you are going to bring in, in the best interest of the people of the territory, a legislative measure, then bring in a bill that is acceptable to the majority of the people of the territory, whom, in part, six people on this side represent. You knew when you were discussing this measure that there were three or four areas that this side would have a very difficult time accepting. In fact you knew they would not accept it. You knew that before you came in. It was not a secret. It was not a secret to you or anybody in this room, or the general public or the media. Under the guise that you stand for the perfect world, Utopia, it is very clear the amendment we are speaking of here is in order. There is no question about that.

⁵⁵ The Minister of Renewable Resources surely should not be surprised that this side is going to make some effort to put forward their position, one manner or another. He acts so surprised and stands up and pontificates and says this is what the rule was really

for. You have never seen the rule used. The Minister of Renewable Resources did not even know it was there until he read it in the book.

To my knowledge, there is only once in the last 12 years that this particular motion has ever been put forward. I see my good colleague, the Government Leader, nodding his head yes. You know why I know? I was there. Maybe next year when the Minister of Renewable Resources is here and it comes forward, he will be fully knowledgeable on the amendment and the purpose of the amendment, instead of standing up and accusing somebody of abusing the rules of the House.

At the same time, you cannot play it down, but there is a common understanding between the sides of the House, in good part, of how you should deal with House business. The Minister of Renewable Resources, in his capacity of reporting to Caucus, tells me that, no, this side cannot have three more days. He accuses this side of legislative terrorism.

He says that we are abusing these Chambers and the rules, when privately there was a request to have a few more days for people to become more knowledgeable on the issue to see whether they like it or dislike it or whatever. We get a no. We get a bill that that side knows is going to cause a controversy because they knew our position before we walked in.

It is not a surprise to the side opposite. It is not a surprise to my good friend up there writing for the *Whitehorse Star*. It is not a surprise to anybody in the Chambers. There has been a letter writing campaign and phone calls. There has been a publicity propaganda campaign, paid for by the taxpayers, going on for months, knowing full well where we stood, and knowing full well that, in order to get support, you had to try to influence public opinion. They knew we did not have the resources.

The Minister of Justice is smiling to himself, thinking that this is really great stuff. Look at how he has brought the Yukon together, and everybody is going to move together. As the member for Riverdale South has said so well, we have group against group now, man against women, as far as we can make out. We have race against race, and this is a piece of legislation that is supposed to bring us together.

⁵⁶ They knew that there were three or four areas where there was going to be major concerns. Other than those, we would have all been in agreement, but we had to get it all in, because we all know that the Minister of Justice may not be all that long in tenure. We are subjected to the electorate every three to four years, — in this particular case, they will probably hang on for four years — in the spirit of cooperation, the spirit of good government.

There is a major reason why we put the amendment forward. We have had only one organization that has any time at all to study the contents of the Bill. What other organizations have seen the bill, had the time, the ability and the money to go through the provisions and to be able to knowledgeably say to the side opposite, unless they were working in conjunction with the government, whether or not they agreed or disagreed with the Bill.

In another three days, we would probably have had a couple more organizations stating what their positions were, as well as a few individuals. This is a government that listens. It is a government that says that the previous government never listened to anybody.

One of their letters is public knowledge. The Whitehorse Chamber of Commerce wrote a very constructive letter about their observations on the Bill, and they have not had that much time to study it. They did feel it important enough to immediately get together an organization to come up with a critique of some provisions of the Bill.

One of the major recommendations is that we delay passage until the Spring Session. The Spring Session will be a new Session. The new O&M Budget will be brought in, as well as the Throne Speech. It also allows for the government to bring in the *Lottery Act* again. They could bring in this Bill changed to what the people of the territory would like to see. That is the problem. The Government Leader suggests that we make it a PC Bill. Why does it have to be a PC or an NDP Bill? I thought this was going to be a Yukon *Human Rights Act*. We did put our position forward prior to coming into the House, knowing that it is a controversial issue. We brought forward

what we felt was the position that most people of the Yukon would support. The government burps and disregards it.

The government had the opportunity to bring forward a piece of legislation that would have been a compromise. People would have seen them as a government that was listening. They would have had us saying that we concur with it. Instead, we have a piece of legislation that effectively has the same principles as the bill from last year. The only difference is — and I will give credit where credit is due — that it is very cleverly drafted.

⁵⁷ It is exceptionally well crafted by whoever wrote it. The principles are the same. The enunciation of the principles are the same. I say to the side opposite and the House Leader, there is a reason for the amendment. The amendment is not something that comes from the figment of somebody's imagination. There is a legitimate reason for the amendment. What is wrong with reassessing your position? What is wrong with that, in view of the controversy that is going on here. Maybe it is time to say, "Look, maybe the other guy has got a point of view." Maybe all those people who spoke to the Minister on different issues, whom he said he listened to, do have a point of view, and maybe it is a point of view with some validity and should be taken very seriously, instead of just dismissing it.

There is nothing worse than listening to somebody, and then paying them lip service and saying that you are listening. Why would you do that? If you are going to do something, and you are not going to pay attention to the person you are listening to, do not pretend that it was all consultation. The Minister nods very sagely and wisely, and smiles to himself and says, "I am going to do what I want anyway." If the Minister is going to go through the public process, then he should take it seriously.

Our side is saying, with this amendment, that it has not been taken seriously. There are four or five areas in this piece of legislation that we believe have to be seriously looked at. This gives the government the opportunity to reassess their position and avoid an acrimonious debate — "You are for human rights/no you are not" — which will happen, people being people. We are all human; I am not saying that this side or that side is above or below it. It would permit us to get on with the Capital Budget, get on with one of the basic reasons we have a fall Session.

The Minister of Justice can then go back and reassess his position. That side laughs; they think it is a joke, and they say in legislative debate, "We will take your concerns seriously." How can you expect us to believe that? How can you really expect the public to believe that, when the first request was for a delay of three days and have second reading on Monday. Is the side opposite really happy with itself? Do they really feel good about sitting there and saying, "Well, we will just let them talk, and then we will push it through"? We are supposed to sit back and take it in good faith, and pretend we like it.

⁵⁸ Surely the Members opposite do not expect us to sit idly by and let the now majority government just sit there and think they are going to do whatever they want, if we think it is not in the best interests of the public we represent. Then the Minister of Renewable Resources stands up on a procedure and says it is legislative terrorism, yet it is his side that did four pieces of legislation last night.

Did the Government Leader actually expect to bring this legislation in and we were going to roll over and say we have seen the light and really believe in what you are doing? Is he that far removed from the people of the territory that he believes Bill Brewster, the Member for Kluane, with whom he has been associated as a fellow parliamentarian since 1978, was going sit here and all of a sudden say you are right.

It is not as if he does not know us. Here we are with six Members in the House. We are telling you that there are some major concerns with the legislation that you have brought forward to us. Are we going to be listened to? As the Minister of Justice proudly said publicly and in *Hansard* as the Member for Riverdale South said reading and saying he wanted a full and open debate, analyze all the various principles involved, make sure everybody had input? We stand up and say there is another way of doing this, as opposed for the government to analyze and go back and have a look at their

position, and we are accused of using the legislative procedure for the purposes of terrorism?

Surely that was not the purpose or intent of your legislation, was it? Was the intent of the legislation to draw up a major controversy, and you knew it was coming? Did you not discuss this at Caucus to say, "look, maybe we should not proceed with this particular element of it, because it is going to be controversial to the point of damaging the people it is intended to help?" Was there no political discussion in that respect to say maybe we can take only a few steps now and a few steps there.

Why do we have to be like Toronto? We all saw the *Journal* the other night. Do you think that was a pretty picture to see what we are going to be debating later on in the House? Do you think I am going to enjoy it? Do you think any Member on this side is going to enjoy it?

The side opposite can surely take some time to reassess a number of the elements of the bill before us. There are some good parts in the bill. I am not going to argue that.

⁵⁹ Surely, surely in order to get on with the wellbeing of the territory, do you not think it is in your best interest, as a government, politically, to maybe just draw back a bit? This is the most controversial piece of legislation that we have discussed in what, ten years, and you could not even delay second reading for three days. The Member for Riverdale South has put forth a legitimate motion, a motion that gives an opportunity for the government to say "Yeah, okay we will do that for you." What would be wrong with it? What would be wrong with listening, and once you have heard the other point of view, saying, "Yeah, I can agree with that." What would be wrong with that instead of listening and pretending you are listening and then going ahead and doing what you want to do anyway? I think it would restore some credibility to the government.

To have the Member opposite, who is the most knowledgeable of the rules, accuse us of abusing and misusing the rules to the extent that we are almost talking about a Middle East crisis, is totally and absolutely unacceptable. If that is the attitude that side is going to take when we stand up and say we disagree on this particular principle for this following reason, it is going to turn into quite a debate. It is not going to do anybody any justice. It is not going to be in the best interests of the people we represent when it is all finished.

Surely the amendment before us is legitimate; it permits the government to reassess the position they have put themselves in; it allows them to seriously consider our practical alternative approach. It allows and permits them to maybe further talk to the business community and various other organizations who still have some very major concerns about the legislation that we see before us. So I think that the Member for Riverdale South should be commended. They should see this motion as a constructive move from our side. Six months is not going to hurt anybody. In fact they can bring it back in on April the 1st. That is not six months from now.

It will allow them to bring forward a bill so that, in good part, we can all stand up in second reading and say that we concur, and we can say, to quote the Minister of Justice, "A bill of rights for all Yukoners."

⁶⁰ Right now what we have does not do that. It is going to cause more political turmoil in the territory, more political problems throughout the Yukon. It is going to do the exact opposite to what the Members wish it to do, to bring the people of the territory together. Why do we not have human rights that we can all concur with instead of bringing forward a piece of legislation that receives the response that this has received here?

Mr. Phillips: I rise to support this motion of the Member for Riverdale South and commend the Member for the motion. I am extremely disturbed at the apparent move to rush through the proposed human rights legislation. It is one of the most significant and controversial Bills that we have ever had to deal with. All of a sudden, there seems to be an effort on behalf of this government to run it through. They were not prepared earlier to give us three more days.

They have presented us with a White Paper and a green paper

earlier and made some efforts to reach out to the people and seek their opinions on human rights. I commend the government for the public meetings that they held in the outlying communities. This consultation leads me to ask the question why they only consulted 30 percent of the Yukon's population. Is this Bill not going to affect everyone, or is it only going to affect the 30 percent that they consulted?

There are 26,166 people in the Yukon; that is according to the government figures of June of this year; 18,385 of those people live in Whitehorse and we are denied the same rights that they gave the outlying communities. Is this equal and fair treatment on the part of a government that proposes to bring in a Human Rights Bill treating everyone fairly? I ask the government, I ask the people of the Yukon, is this an example of this government's fairness? I suggest it is not.

I believe this is a very important matter to all of us. I think it is time that the Minister himself lived up to the words that he has spoken in this House many times. He wants the people to have an opportunity to debate the motion. The way we are today, if we put this Bill through the House, by the time I can take these booklets, have them distributed amongst my constituents — and many of the constituents have called, and I, like the Member for Riverdale South, have been unable to get the booklets; I received six more today, which is a total of eight I have received. They told me there is no more available today, maybe tomorrow, there may be 4,000 more that we can get that we can start to distribute to constituents.

How are the people of Whitehorse going to get together in individual groups, sit down, discuss what is in this Bill, make constructive criticism, or agree wholeheartedly with what is in this Bill and get back to me, a Member who is supposed to represent them in the Legislature. By the time they do that, it will be passed.

At the rate this government is going, it will be all over. What about the rural residents, the residents this government professes have been treated so badly in the past few years? They have another problem. We have to send the bill out to the communities because they have not done it. We have to distribute it out in the communities, then we have to get their comments and they have to call their MLA or come back to us so we can represent their views in the House. How are they supposed to do that in the Yukon?

I think the government has been very devious in planning this legislation at this late time in the sitting. This is Christmastime, a very smart move. How can people get together in this time when they are planning a Christmas holiday? Some are going to be gone. How can they get together and seriously discuss a bill that is as important as this and get back to the people. Right now, quite frankly, people are not interested in politics. They are interested in planning for the season that is ahead of them, a season when they get together with families and they spend some time together. It is a very nice move from this government.

I am very disappointed that the government has rejected the first motion that we put together today for three more days. I have had many phone calls. I would say to you and to the Member for Watson Lake even several phone calls from people in Watson Lake who have said to me: how can we respond to this thing now? They have no time. We need a few more days to respond to this. It has to be obvious to everybody that this minority, now majority, government is going to push this legislation through, come hell or high water.

I would also like to mention that the Member for Kluane was phoned by the Council and asked to bring up this legislation for them on the weekend. The Watson Lake Chamber of Commerce has conveyed to me that they are interested in getting a copy of this legislation, which I sent them the other day.

Speaker: Order, please. Pursuant to Standing Order 2(6), it is my duty now to adjourn this House until 1:30 p.m. Monday next.

The following Sessional Paper was tabled December 4, 1986:

86-3-75

Tarr Inlet Port Feasibility Study

- Final Report, November 1986

- Photographic Inventory of Reconnaissance Survey (2 volumes)
(McDonald)

The House adjourned at 5:30 p.m.

