



# The Yukon Legislative Assembly

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Number 84

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26th Legislature

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## **HANSARD**

Thursday, April 9, 1987 — 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

Danny Joe	Tatchun
Sam Johnston	Campbell
Norma Kassi	Old Crow
Art Webster	Klondike

## OPPOSITION MEMBERS

### Progressive Conservative

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

### Liberal

James McLachlan Faro

## LEGISLATIVE STAFF

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

<sup>01</sup> **Whitehorse, Yukon**  
**Thursday, April 9, 1987 — 1:30 p.m.**

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

*Prayers*

#### DAILY ROUTINE

**Speaker:** We will proceed at this time with the Order Paper. Introduction of Visitors?  
 Are there any Returns or Documents for Tabling?

#### TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Penikett:** I have for tabling a Report on Regulations.

**Hon. Mr. Kimmerly:** I have for tabling a list of service contracts entered into by the government for the years 1982-83, 1983-84, 1984-85, 1985-86 and 1986-87. This represents 12,147 contracts, worth \$86,627,141.

**Speaker:** Are there any Reports of Committees?  
 Petitions?  
 Introduction of Bills?

#### <sup>02</sup> INTRODUCTION OF BILLS

##### Bill No. 63: Introduction and First Reading

**Hon. Mr. McDonald:** I move that Bill No. 63, entitled *An Act to Amend the Motor Vehicles Act (No. 2)*, be now introduced and read a first time.

**Speaker:** It has been moved by the Minister of Community and Transportation Services that Bill No. 63, entitled *An Act to Amend the Motor Vehicles Act (No. 2)*, be now introduced and read a first time.

*Motion agreed to*

**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

##### Government Service Contracts

**Hon. Mr. Kimmerly:** I am pleased to table today lists of the government's service contracts for the past five fiscal years. These lists provide information on the dates, values, contractors, and purposes of the contracts.

Members will recall that this fulfills a promise made by the government last fall to release this extensive information. It is our intention to continue this on an annual basis, with better information available as our computerization of the contracting process improves.

We also intend to take the necessary time in future years to put the information in a more organized and useful format, such as the different types of contracts.

However, in order to respond to immediate concerns this year, we are tabling the raw computer printouts now.

I must also mention that 290 contracts representing \$4,539,531 for 1982-83; 486 contracts representing \$7,521,620 for 1983-84; and, 350 contracts representing \$4,194,565 for 1984-85 are not yet included in this data, but will be added, I hope by Monday.

We believe the release of this information will serve two useful purposes.

Notwithstanding concerns about commercial confidentiality in other areas, it will be of great interest to members of the Yukon business community. Our government is committed to working with the private sector to create local opportunities and benefits. The

analysis of patterns and trends in government purchasing will help businesses engage in long-term planning.

For example, last year the government contracted for:  
 - more than two million dollars worth of engineering and technical services,  
 - more than four million dollars worth of transportation services, and  
 - more than one-and-a-half million dollars worth of computer services.

As well as millions of dollars worth of equipment rentals, highway camp catering, moving services, rural building maintenance, and office and other services.

The government's need for these services represents major opportunities for local businesses, and we are committed to helping them develop these opportunities. In particular, our increased capital works program is benefiting not only builders but also engineers, surveyors, truckers and equipment operators.

As well, the general public will be interested in how public funds are being spent. I should mention in this regard that all government contracts are now awarded by the public service in accordance with the *Financial Administration Act*.

Finally, I would like to suggest that the review of the administration of these 12,147 service contracts worth \$86,627,141 over the past five years may be an appropriate matter for the annual review by the Public Accounts Committee. This may be the proper forum to address this issue, since it is a matter of effective administration rather than of policy.

<sup>03</sup> **Mr. Lang:** We are very pleased to see, finally, that the government has tabled the information on approximately, I understand, \$20 million worth of contracts issued this past year that did not go out to tender. As a Member, I have to express my amazement at the government's decision to go back five years in collating this information when the government's argument over the past year was that the request for one year's information on contracts could not be compiled because of the huge expense involved and the time and effort it would take to collect this information.

From our point of view, the information provided will give all Members a baseline to compare with the present government's policy of spending taxpayers' money.

In conclusion, the government's paranoia over this issue, which obviously has been exhibited, is consistent with the government's actions over the past year, where they even went to the extent of dragging the RCMP through everyone's offices and desks in the YTG building.

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

#### QUESTION PERIOD

##### <sup>04</sup> Question re: Ross River Band road blockade

**Mr. Phelps:** With respect to the Ross River Indian Band blockade, at noon we heard that the federal government has made a statement with respect to this matter. It appears that the federal Department of Justice has made a statement to the effect that the company involved — Central Pacific — and its officers — Warren Lafave and the others — have been acting within their rights.

Would the Government Leader agree that the company and Mr. Lafave have been acting within their rights, have been complying with the law and are doing nothing illegal?

**Hon. Mr. Penikett:** I thank the Member for the question, but he is seeking from me a legal opinion, which I am not competent to give, nor is it permissible to request in Question Period.

If the question is: to my knowledge, is Mr. Lafave acting according to the permits and the permissions that were given to him by the appropriate authorities? In a general way, I would have to answer yes.

If the Member wants to know whether we have contrary legal opinions to that offered by the Department of Justice — and I did not hear the noon news report — I think he should direct the

question to our Minister of Justice.

**Mr. Phelps:** The general answer to the fairly general question will suffice. This morning, I heard the Government Leader on one of the radio programs saying that he had a lot of sympathy for the Ross River Band in these circumstances.

Does he not have any sympathy for the company and its officers, which is being treated unfairly, being unfairly blockaded, losing money and all through this doing nothing illegal and nothing wrong?

**Hon. Mr. Penikett:** Yes. If the Member is asking me if I have some sympathy for the principal of the company, Mr. Lafave, trying to go about his business, yes I do. The gentleman in question has been caught in a very fundamental and very basic conflict between the aspirations of the Ross River Indian Band, in a number of respects, and their frustration with the federal government's failure to deal with those questions to date.

**Mr. Phelps:** The Government Leader, at one point — I believe it was him, but perhaps it was his Minister of Community Affairs — offered at least to mediate in this dispute. I am wondering what there would be to mediate with the company when the company is acting completely within its rights. It has done nothing wrong. Why would they want to be involved in a mediation, which implies they have something they should give up?

**Hon. Mr. Penikett:** I am surprised a lawyer would ask a question like that. As he will well know, two people who are involved in a dispute have an interest in resolving it, as do we. I do not think, as a purely practical matter at this point, Mr. Lafave has persuaded, judging from the conversation I heard on the radio this morning, the Ross River Band of the justice of his cause, nor have they persuaded him of the justice of theirs. It seems to me that a resolution will require some other party.

#### Question re: Ross River Band road blockade

**Mr. Phelps:** I am really, really, somewhat amazed by the reluctance of this government to perform its duties, the reluctance of this government to treat all Yukoners, of whatever race, in a balanced and fair manner. This government has legitimised the actions of the company from the start. This government was in on the Land Use Permits involved for the road, the airport and the lodge. It took an active role in arranging financing for the company ...

#### Point of Order

**Speaker:** A point of order to the Minister of Justice.

**Hon. Mr. Kimmerly:** This is not a question; it is a speech, and it is going on and on about information. It is not in any way a question.

**Mr. Phelps:** I have gone through about one sentence and I have got a couple more, as I understand the rules.

I will just to carry on from where I left off before the Minister of Justice got nervous and tried to slow down the question. The road is under the Yukon Government jurisdiction and control pursuant to section 46 of the *Yukon Act* and under the *Highways Act*.

**Mr. Phelps:** I want to know why this government has not done something to open up the road so this company can go about its business.

**Hon. Mr. Penikett:** In the course of discussion of this matter we have heard some interesting propositions from the Member opposite. A few days ago, he suggested that all such business transactions that may involve an Indian Band should be subject to their review or the land claims process. Now, we are hearing a proposal that we escalate the conflict in some way by forcing it.

The Member should understand that the leases that Mr. Lafave has go back to 1984. They did not happen suddenly when we came into office. The behaviour of this government has been according to Hoyle. We have a gentleman, Mr. Lafave, an unfortunate party, caught in a fundamental and very basic conflict between the Ross River Band and the federal government.

If we can help resolve it, we will do so.

**Mr. Phelps:** This government is playing politics; it is trying to step aside, cast the blame on the federal government, as it is going to be doing continuously in its term of office. It is not living up to its responsibilities. This government does have jurisdiction and

control over the highways, and this is a highway at law.

I would like to know why this government has not done something to open up that road, why it sits back and splits hairs and tries to play one part of Yukon society against the other.

**Hon. Mr. Penikett:** The suggestion that we are playing politics with this issue is too laughable coming from the gentleman opposite. I dare say this government has done less fed bashing than any administration in the history of this territory, and certainly a lot less than the previous one.

I do not see, nor does this administration see, any value, any benefit to the public in escalating this conflict by involving another party and forcing a confrontation in this issue if it can be resolved another way.

No, we are not going to go in there like the charge of the light brigade and try to escalate it and make it worse. We are going to try and deal with it; we are going to try and solve it, and we are going to try and help the federal government solve it if we can.

**Mr. Phelps:** Does the Government Leader not realize that this blockade is leading to a loss of business and a loss of money, not only on the part of Mr. Lafave and his company, but on the part of truckers and suppliers in other parts of the Yukon? It is a dangerous precedent. Does the Government Leader not realize that? Is he not going to do something to reassure the Yukon public that this is a fair administration, not one that panders to one interest group over another?

**Hon. Mr. Penikett:** I will have to defer to the status of the Member opposite as a panderer. I understand the conflict very well; I understand the problem very well; I understand the root of the conflict. I understand that the reason there is a blockade now is because the federal government has been dilly-dallying around for 18 months now, before they adopted a land claims policy and come to the table and deal with the claims of the people of Ross River. If they had come to the table, if they had acted in good faith, if they adopted a policy, we would not have this problem today.

#### Question re: Ross River Band road blockade

**Mr. McLachlan:** I have a follow-up question that I would like to pursue with the Minister of Health and Human Resources from yesterday. Has she determined the facts of the case, as I presented to her yesterday in this House, with respect to the children being removed from the group home and taken, in the middle of the night, 130 miles south of Ross River to the access road leading to McEvoy Lake?

**Hon. Mrs. Joe:** Just to clarify something that I said yesterday, we do not have an agreement with the group home there. We do not have any children in our care. They are all in the care and responsibility of the federal government through Indian Affairs.

However, our department did become involved, and they talked to a member of the Band who is responsible for that area. It was determined that the children were not taken in the middle of the night. They went in a van during the day. We were assured that there was no danger to their safety.

**Mr. McLachlan:** Again, we see a distancing of the government from the situation that is existing there. The Chief of the Ross River Indian Band has been on the radio saying that the Government of the Yukon does not have any concern or any business or any jurisdiction whatsoever over any of the children in the group home or any reason to doubt their safety.

Does the Minister agree with that contention of the Ross River Indian Chief?

**Hon. Mrs. Joe:** Well, I am not sure whether or not he is asking for an opinion of my own, but the fact remains that we did look into the situation as was told to us yesterday by the Member for Faro, and we have determined at this point in time that there is no danger to their safety, and they are the responsibility of Indian Affairs who pays for their keep in that home. We do not have an agreement with them. Certainly I do not think they would like us to interfere with their administration.

**Mr. McLachlan:** If the Minister is not concerned about the children's safety, I am. A front-end loader came through the blockade on Tuesday. The RCMP were present at the site. That is proof enough of a potentially dangerous powderkeg situation. I

would like to ask the Minister if she considers the situation serious enough to have someone from her department raise the issue again with the Ross River Band in regard to those children at the site?

**Hon. Mrs. Joe:** I have already done that, and if the Member feels there is some danger to those children out there, I can certainly do it again. But I have every confidence that those parents know what they are doing and they know how to care for their children, just as well as the Member does and just as well as I do.

**Question re: Ross River Band road blockade**

**Mr. Phelps:** Perhaps I could ask the Minister responsible for Transportation Services, since the road in question is under his department's jurisdiction, why has this government not done something to open up this highway that is under its control?

**Hon. Mr. McDonald:** The Member's information is not the information that I possess. The road is not a public highway, it is not designated as a public highway, and the rights to the road are contained within the Land Use Permit that the federal government has issued to the applicant, Mr. Lafave, and those rights are contained within that permit.

**Mr. Phelps:** The Minister knows that the *Yukon Act*, section 46, states that all roads, streets, lanes and trails on public lands are under the jurisdiction and control of this government. The *Highways Ordinance*, as he full well knows, defines highway as any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or any other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles. He knows this falls under this government's jurisdiction. There is absolutely no question about that. Why is this government shirking its responsibility, trying to split hairs so it does not have to go out and do its duty to the people of the Yukon and open up that road?

**Hon. Mr. McDonald:** Clearly what the Member wants this government to do is get the bulldozers out there and ram the barricade so that the operator can get through the barricade. He wants us to escalate it to such an unreasonable extent that the situation will get much worse than it is today. That is not the position of this government, and we are certainly not going to take the advice of the Leader of the Official Opposition.

**Mr. Phelps:** That is not what we said at all. We said this government has a duty, a responsibility to do something to protect this businessman who is engaged in an enterprise that they have been in since the ground up. There are all kinds of actions they might consider, including going to court. Why has this government not done something?

**Hon. Mr. McDonald:** We have done many things. We have not only assessed the situation; we have discussed the possibility of mediation; we are presently looking into the legal questions; we know the RCMP have been looking into the legal questions; we have been trying to assess and understand the situation totally so we do not inflame the situation which is already obviously inflamed. We do not want to make the situation worse. That is clearly our position. We want to negotiate an arrangement that is satisfactory to the operator and to the interested parties. We recognize that there is a major principle involved here as well. Land claims themselves are involved and the failure of the federal government to get back to the land claims table and deal with the land selection in Ross River. That is one aspect of this equation that we simply cannot ignore; it is real, it is there.

**Question re: Ross River Band road blockade**

**Mr. Phelps:** This government has a duty to act on behalf of all Yukoners, whether they are Indian or white. That is the duty they have. In this case, there is an innocent party, and parties throughout the Yukon, who are losing money because of this government's inaction. I know that when a placer miner blocks a road with gravel or something, they are under the gun. This government takes action right away under the *Highways Act*. In this case they will not do anything.

My question is: when are they going to live up to their responsibilities and act as a government, not as a partisan body?

**Hon. Mr. Penikett:** We are acting carefully, we are acting with prudence, and we are acting in a way that will not make the confrontation worse. With what the Members opposite are recommending, it will do nothing to resolve the matter and everything to escalate it.

The Leader of the Official Opposition urges us to act on behalf of all Yukoners. We are doing that. We are acting in the public interest. A few days ago he was attacking us for assisting this businessman, now, today he is attacking us for not assisting him. He is trying to have it both ways and play both sides of the issue.

We are trying to recognize that there are two sides to the issue, and we are trying to deal with them fairly. Mr. Lafave is caught in a difficult situation. It is not a situation that we created. We are going to do what we can to try to help resolve it.

**Mr. Phelps:** Has anybody in the government spoken to Mr. Lafave since this incident started? If asked, will they?

**Hon. Mr. Penikett:** I have an appointment with him tomorrow morning.

**Question re: Ross River Band road blockade**

**Mr. Nordling:** I think it is the Government Leader who plays both ends against the middle so well.

The Leader of the Official Opposition has mentioned the effect of the blockade on people and businesses other than Mr. Lafave. Does the government have any plans for protecting those people?

**Hon. Mr. Penikett:** I do not know which people the Member is referring to? Is the Member referring to the people on the blockade, the members of the Ross River Indian Band, the children, the other citizens of Ross River, the people in Faro? I cannot respond to a question about people, generally, except that we will be trying to act in their interest.

**Mr. Nordling:** I understand that a local supplier has had to cancel an order for 30 boats and 40 motors, that a local hotel has 120 hotel nights booked that they may not be able to fill, and a local trucker stands to lose \$20,000 if this project does not go ahead. Those are the people I am talking about, and I would like to know if the Government Leader has any plans, or has he decided what the government will do to compensate those people?

**Hon. Mr. Penikett:** Again, we are not going to be compensating people for a situation that we did not create and are not responsible for. I am interested to have the representation from the Member. I had not heard this representation before. Notwithstanding the fact that Question Period is not designed for representations, I will take it as notice. I will add it as another complication to an already complicated situation that we, with all seriousness, with all fairmindedness, will be trying to resolve.

**Mr. Nordling:** I am amazed the Government Leader did not take into account the tremendous ripple effect that this type of action will have on the territory: the reputation of our tourism industry and the effect on business investment. It is convenient for this government to blame the federal government, but it does have a responsibility to Yukoners.

Has the Government Leader considered the effect of this blockade on the territory as a whole, not just the Ross River Band and Mr. Lafave?

**Hon. Mr. Penikett:** Of course we are considering that. I wish the Member would take the courage of his convictions and make that representation that he just made to the federal Minister of Indian and Northern Affairs. I think he needs to hear that. I think he needs to hear the consequences on the social fabric and the economic development of the territory of the federal government's failure to act in the land claims area.

If he wants to see ripple effects, then we would accept the prescription of the Member opposite that we ram the barricade and we escalate the confrontation to the point where we will not only draw one Indian Band to it, but all the Bands in the territory, and we would get this territory totally divided which, I am sure, may be the highest aspiration of the Member opposite. That is not my political purpose, nor the purpose of this administration.

» Applause

**Question re: Ross River Band road blockade**

**Mrs. Firth:** My question is for the Minister of Education regarding the Ross River blockade. I would like to ask the Minister if the parents who have taken their children out of school received the special permission required from the department officials to do so?

**Hon. Mr. McDonald:** I do not know the specific details the Member refers to; I can get back with the answer, but my understanding at this time is that no special permission was sought and none was given.

**Mrs. Firth:** I guess this government does not take its job very seriously, because I have the information but the government does not have the information. There are supposed to be some 75 children in the Ross River School; I understand that there are approximately 20 left in the school, and I would like to know what the Minister is going to do about this situation?

**Hon. Mr. McDonald:** Firstly, there are 34 of the approximately 70-some students out of school. My understanding is that the older students are remaining with their classes, because the parents feel it is important that those students at senior grades do not miss classes. The parents who have pulled their children out of school have indicated that they wish their children to see firsthand the situation at the barricade site. I realize that is something that is considered by the Members opposite to be something that is unwarranted. There have been instances in the past where parents do pull their children out of school. We do not automatically slap a subpoena on the parents. It has never been done to my knowledge. There are truancy laws in the territory, but if we go back in history they have not been exercised regularly. In the past, even in Mayo for example, one of the communities that I come from, parents have had pulled their children from school and have not been slapped with subpoenas to get their children back into school.

**Mrs. Firth:** The Minister has just told us that part of the curriculum for native children now is going to be learning what to do on a road blockade. I would like to know how long, how long the Minister is going to allow this situation to carry on?

**Hon. Mr. McDonald:** The Member suggested that part of the department's official curriculum now was to introduce children to protests. That is not part of the official curriculum. It is something that the parents wish to do with their own children. That is the choice the parents have made.

#### Question re: Service contracts

**Mr. Lang:** Turning to a different topic, in view of the position taken by the side opposite which is, I think fair to say, disappointing to the people of the territory, I would ask the Government Leader, with respect to the question of contracts, whether or not he is in a position today to table the information that is necessary to be looked at with respect to contracts that have been low tender but have been bypassed by Management Board decision? It is a question I asked about two weeks ago, I believe.

**Hon. Mr. Penikett:** I doubt if it was two weeks ago because we were not sitting. I apologize to the Member for not having the information, but we have been up very late dealing with other matters including the Ross River blockade situation. I apologize to the Member, I have not got the answers for him yet.

#### Question re: Rural teachers

**Mr. Brewster:** My question is to the Minister of Education. On February 10, 1987, I asked the Minister when the Kluane Lake School at Destruction Bay could expect another teacher. Can the Minister explain why it has taken two months to advertise this position?

**Hon. Mr. McDonald:** There was an attempt to get a teacher's aide into the school to meet the immediate requirements given that recruitment action would take some time. There were discussions with the Burwash Band and the Kluane Lake School Committee at that time, which indicated that a teacher's aide was not acceptable for reasons they provided, which were legitimate and good.

We subsequently sought a teacher living in the local area and the indications proved positive initially until recently the teacher ultimately declined. We subsequently put an ad in the papers looking for a teacher to see if we could get a teacher in as soon as

possible.

So there were a number of things that took place between the time that the Member asked the question in the House, which was only a week or so between the time the other students joined the school, until today when actual recruitment is taking place.

**Mr. Brewster:** The school year is rapidly disappearing and the advertisement states that this is a temporary position from April 21 to June 23. Can the Minister advise the House whether or not they have received any applications for this position.

**Hon. Mr. McDonald:** No, I do not know. I will get the information for the Member. I think we are both trying to get the same thing done here. There are some complications. Housing is not an easy thing to find in Destruction Bay, as the Member knows. That was the reason why we were hoping to get the qualified local teacher from Burwash Landing. We are trying desperately to resolve the situation, and we realize that time is passing. We would like to get a fully qualified teacher in place and will do everything we can to do that.

**Mr. Brewster:** Is it not true that a teacher was hired to start work on March 23, and that the government then hired her for another position after she had agreed to teach at Destruction Bay for the remainder of the year?

**Hon. Mr. McDonald:** No, that is not true. There was every indication that the teacher living in Burwash Landing would be prepared to teach but, as is that individual's right, that individual attempted to get on with something that that individual preferred to do, which was work on the *Education Act* working group. That person exercised her right of choice and chose to perform the other function.

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#### Question re: Ross River Band road blockade

**Mr. McLachlan:** I have a question for the Government Leader on some of the commitments he has made this afternoon with respect to the Ross River situation. As the Government Leader knows, there is a narrow envelope of time available in which to complete the winter road and move the equipment in to do the job, if it is to be done at all. At tomorrow morning's meeting with Mr. Lafave, will the Government Leader give an undertaking that he will recommend to FTLAC an extension of the time on the land use permit, to allow Mr. Lafave to complete the work, if he can do it at all?

**Hon. Mr. Penikett:** I am not going to prejudge the outcome of the meeting. I do not even know what Mr. Lafave will be requesting of me tomorrow morning. He will be coming with his lawyer. I look forward to hearing from him at that time. I cannot give an undertaking to make a recommendation, if that recommendation is not even being requested by any party, to my knowledge. I would want to know more about the facts from Mr. Lafave's point of view before I make any such commitment.

**Mr. McLachlan:** Will the Government Leader be sending someone else to the actual site to get the other side of the story from the other party first-hand, if he does not have a lot of reliance on media reports?

**Hon. Mr. Penikett:** I think it would be better if I kept my opinion of media reports to myself. It is my intention to have someone go out there, if there is something useful we can do on the site. At this point, it is my judgment that the focus of the conflict is moving from the Ross River area to Whitehorse and to even Ottawa, perhaps. If I am going to have people playing any kind of brokerage role in this situation, I want to have them in the place where they will do the most good.

**Mr. McLachlan:** When the government gave approval to the Canada Yukon Tourism Subagreement and the \$100,000 loan, it must have been convinced at that time that some economic benefit to this territory of the fishing lodge on McEvoy Lake. Will the Government Leader undertake to provide for the Members of the Legislative Assembly the cost benefit study to the territory of the approval of the programs granted to Central Pacific Investments?

**Hon. Mr. Penikett:** I do not know that there is a cost benefit study about the particular project at this particular lake, as such. As the Member opposite no doubt knows, Mr. Lafave has been in business in the territory for some time in a number of locations and

has had leases on quite a large number of lakes for quite some time. I am assuming that it is his record in similar businesses in other locations within the Yukon Territory that would have provided the basis for the judgment about his eligibility for the loan programs mentioned by the Member opposite, rather than the kind of feasibility study that might have been required of an unknown proponent.

<sup>14</sup> **Question re: Ross River Band road blockade**

**Mrs. Firth:** My question is to the Minister of Education regarding the Ross River children who are presently out of school. I would like the Minister to answer the question that he did not answer before. How long is he going to allow the children to be kept out of school?

**Hon. Mr. McDonald:** We are assessing the situation as it is a component of a much larger situation, and when we have an answer to that question, I will provide it to the Member.

**Mrs. Firth:** The Minister said they have someone assessing the situation. Has the principal been contacted? Have the parents of the children been contacted by his Department of officials?

**Hon. Mr. McDonald:** Yes, the principal has been contacted and has been communicating with the department with respect to the numbers and the character of the situation in Ross River as he understands it.

**Mrs. Firth:** Could the Minister tell us how the children are going to make up the lost time from this year's school curriculum.

**Hon. Mr. McDonald:** Through hard work and perseverance, they will make it through as all children do.

**Speaker:** There being no further questions we will now proceed with Orders of the Day.

## ORDERS OF THE DAY

### GOVERNMENT BILLS

#### Bill No. 27: Second reading

**Clerk:** Second reading, Bill No. 27, standing in the name of the hon. Mr. Kimmerly.

**Hon. Mr. Kimmerly:** I move that Bill No. 27, entitled *An Act to Amend the Workers Compensation Act*, be now read a second time.

**Speaker:** It has been moved by the Minister of Justice that Bill No. 27, entitled *An Act to Amend the Workers Compensation Act*, be now read a second time.

**Hon. Mr. Kimmerly:** This Act is proposed to fix six separate problems. I will go through them in order.

Firstly, there is a problem that lawyers will recognize as a natural justice problem in the make-up of the board. That is because the board is an appeal board for persons who complain about their treatment through the Workers' Compensation Board procedures. So what is happening is that when a person who has a complaint appeals to the board, which is a right of appeal granted by the statute, the law, they are appealing to a board where one of its members made, or was responsible for, the original decision. That is the chairperson of the board. This situation has existed since 1983.

<sup>15</sup> The way to correct it is that the chief administrative officer of the Workers' Compensation Board should not be a board member sitting on appeals, so this Act serves to fix that particular situation. We will appoint a chairperson of the board who is not the administrative officer of the Workers' Compensation Board.

Secondly, the present Act speaks about silicosis and has a two-year exposure clause in it, and that is seen now as outdated in that the plan should cover all lung diseases, and the two-year exposure clause is seen as restrictive, so that is removed.

Thirdly, there are age limits for payments to dependent children and they are being increased, which is a reflection, more than anything else, of the increased schooling that most children have. The increases are from 16 to 18 years and from 18 to 21 years for children attending post-secondary institutions.

Fourthly, there is a statutory limit on the expenses that may be paid for the removal of a body for a person who is killed in an industrial accident. The actual costs are in fact higher than the statutory limit, so we are modernizing the Act to put in a provision that the amount payable should be the amount of the cost, not any arbitrary limit.

Fifthly, there is an anomaly in the Act concerning independent operators or independent business people. They can presently, if they wish, apply for coverage under the Workers' Compensation Plan, and they have been, by and large, applying for coverage but applying at the minimal amount, or their monthly payments are the minimal amount. When they go for benefits, they apply for, of course, the maximum amounts. The measure proposed here is that these independent operators ought to make the option themselves as to the level at which they wish coverage. And if they pay the minimum amounts, they will be entitled to commensurate benefits. If they pay higher premiums, they will be entitled to higher benefits.

<sup>16</sup> Lastly, there is an anomaly about the way spouses are defined in the Act, and a provision about widows' benefits upon remarriage. It is perceived that that provision is contrary to the provisions of modern principles of human rights, in that the marital status should be irrelevant. The provisions for payments to surviving spouses are, therefore, changed.

I would recommend this measure to all Members, as the six principles clean up the Bill and modernize it and fix the problems that I have mentioned.

**Mr. McLachlan:** I just want to serve notice to the Minister if, during Committee of the Whole debate, he could bring forward more information about what the 11 other jurisdictions are doing on the silicosis easement. If it standardizes Yukon with the other jurisdictions, I have no problem, but if we are making it easier here and other jurisdictions require a minimum exposure to this industrial disease, I could foresee some problem of movement of people to here, mining being the type of migratory occupation that it is.

Secondly, I would hope that the Minister could also bring forward evidence that the change in the legislation to 21 years for dependent children in university is of no other prejudice to any other government program, that is, the Minister of Education's \$3,100 scholarship assistance program for outside students.

**Mrs. Firth:** I will be looking forward to some more thorough questioning in Committee of the Whole about some of the particular clauses. I will be particularly interested to find out if these are the wishes of the Minister, or if they are the wishes of Yukoners.

**Hon. Mr. Kimmerly:** As to the question of silicosis, this change will permit Yukon to become a party to an agreement on mutual aid in cooperation with all of the other jurisdictions in the country. We are bringing our law into line with the rest of the country. I will answer further questions as they are asked in Committee.

<sup>17</sup> Motion agreed to

#### Bill No. 75: Second reading

**Clerk:** Second reading, Bill No. 75, standing in the name of the hon. Mr. Kimmerly.

**Hon. Mr. Kimmerly:** I move that Bill No. 75, entitled *Nursing Assistants Registration Act*, be now read a second time.

**Speaker:** It has been moved by the Minister of Justice that Bill No. 75, entitled *Nursing Assistants Registration Act*, be now read a second time.

**Hon. Mr. Kimmerly:** I am pleased to introduce the *Nursing Assistants Registration Act*. This is a new Act that will provide authority for licensing maintenance of qualification standards and of disciplinary and regulatory procedures for all qualified nursing assistants employed in the Yukon.

At various times since 1974, all of the provinces and the Northwest Territories have passed legislation regulating nursing

assistants through licensing procedures. The Government of the Yukon is the last jurisdiction to initiate this legislation. It is important to note that in 1984 the Department of Education initiated new regulations under the *Apprenticeship Act* to formally establish initial certification procedures for nursing assistants. These regulations were formalized by Order-in-Council in November 1986, and they are now in force.

Important as these regulations are, it has been recognized by both the Nursing Assistants Association and the government that the regulations do not provide for the maintenance of qualification standards, the establishment of standards of conduct, disciplinary procedures and the right of appeal. These requirements, together with licensing have been incorporated in this Act and this will ensure that the credibility and the status of the nursing assistants in the Yukon will not be reduced nor impaired.

A Nursing Assistants Advisory Committee is established by this Act, the function of which, first of all, is to advise the government on educational standards, on ongoing training programs, qualifications for registration and matters relating to fees. Additional functions are to review applications for registration and oversee areas of competence and standards of practice.

This Advisory Committee will consist of five members, three of whom will be nursing assistants. The structuring of the committee in this way will ensure that nursing assistants will play a very important role indeed in all the regulatory decisions made within the framework of the Act.

Provision has also been made for the establishment of a disciplinary panel.

In introducing this Act, I would also wish it to be a matter of record that the people most affected by the Act — that is, the nursing assistants — have been involved with the government every step of the way in a consultation process. I am pleased to advise the House that this Act enjoys the unqualified support of the Nursing Assistants Association.

The nursing assistant profession enjoys considerable respect, trust and admiration across the country. It gives me pleasure and satisfaction to place before this House an enactment that will serve the best interests of all the registered nursing assistants and the public.

**Mrs. Firth:** First of all, I would like to take credit for the Minister consulting so well with the nursing assistants. He was subject to some questions last session in Question Period about this particular issue. I see he has responded favourably. I do not hesitate to stand up and say that the Minister listened well to my suggestions, and he did a good job of consulting. I can confirm that because I, too, have consulted. I would like to compliment the Minister in that process.

The Nursing Assistants Association advises me that they are in complete support of the legislation. Will the Minister be providing us with the regulations before we have passed the legislation, perhaps in the form of draft regulations, as has been his practice in the past?

I will probably have some questions about the authority of the advisory committee, and I would be trying to get some idea from the Minister as to how much he will be utilizing the advisory board in an advisory capacity. I look forward to debate in Committee of the Whole with respect to this piece of legislation that deals with very important individuals within our society.

*Motion agreed to*

**Bill No. 58: Third reading**

**Clerk:** Third reading, Bill No. 58, standing in the name of the hon. Mr. McDonald.

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

**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 read a third time and do pass.

*Motion agreed to*

**Speaker:** I declare that Bill No. 58 has passed this House.

**Bill No. 40: Third reading**

**Clerk:** Third reading, Bill No. 40, standing in the name of the hon. Mr. McDonald.

**Hon. Mr. McDonald:** I move that Bill No. 40, entitled *Gas Burning Devices Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the Minister of Community and Transportation Services that Bill No. 40, entitled *Gas Burning Devices Act*, be now read a third time and do pass.

*Motio, agreed to*

**Speaker:** I declare that Bill No. 40 has passed this House.

**Bill No. 77: Third reading**

**Clerk:** Third reading, Bill No. 77, standing in the name of the hon. Mr. Kimmerly.

**Hon. Mr. Kimmerly:** I move that Bill No. 77, entitled *Lottery Licensing Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the Minister of Justice that Bill No. 77, entitled *Lottery Licensing Act*, be now read a third time and do pass.

*Motion agreed to*

**Speaker:** I declare that Bill No. 77 has passed this House.

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

**Speaker:** It has been moved by the hon. House Leader that the House resolve into Committee of the Whole.

*Motion agreed to*

*Speaker leaves the Chair*

**COMMITTEE OF THE WHOLE**

**Chairman:** Committee of the Whole will come to order.

We will recess for 15 minutes and return with the Department of Justice.

*Recess*

**Chairman:** Committee of the Whole will come to order.

**Bill No. 6 — Second Appropriation Act, 1987/88 — continued**

**Department of Justice — continued**

*On Court Services*

**Hon. Mr. Kimmerly:** If you will permit me, I can answer the questions that were raised yesterday about past lines.

I was asked about the number of convictions for consuming alcohol while driving. We asked the RCMP, and the RCMP do not keep these statistics individually. It is possible to obtain them, but it would require looking at each of the tickets that were issued over the last year.

The RCMP have a very good idea of the incidents of the crime and they estimate that in the last 12 months in Whitehorse there were 350 to 400 charges where people paid the ticket. This refers only to adults and there may be some young offenders as well, but the crime is certainly being committed, and there are convictions by those tickets.

I was asked about the completion date for the Pelly Crossing RCMP detachment. This is a federal Department of Public Works project. We asked them. The tentative date is now August 6 of this year.

I was asked about the maximum award under Compensation for Victims of Crime. I thought it was \$50,000, but I am glad I checked because it is, in fact, \$15,000. There are two little technicalities to that. If the Board awards lump sum and periodic payments, or if periodic payments are awarded, the maximum is \$25,000. If more than one person is involved in the injury, the total awards can go up to \$75,000.

There has never been a case so far where the maximum has been



awarded. That would probably involve a complete or 100 percent disability.

I was asked about the occupancy at the Correctional Centre. Last year, the lowest occupancy was 53, and the maximum occupancy was 107. I will pass to Mrs. Firth a list of the number of inmate days for the past three years. The average daily count on the past three years is: 1984-85, 67.5; 1985-86, 67.5; 1986-87, 73.2. The sheet also lists the occupancy by month. It is clear that there is an emerging trend that the occupancy in the winter is higher than the occupancy in the summer, which leads me to investigate doing a work camp in the winter. Perhaps that may help.

<sup>22</sup> **Mrs. Firth:** I think a work camp in the winter also might serve as a bit of a disincentive, too, as opposed to a work camp in the summer. So, I am glad the Minister is going to take a look at that. I thought there must be some kind of trend developing by now because we have been keeping statistics for long enough.

Can I just ask the Minister about the drinking and driving charges. Should that not be included in the note of the supplementary information on page 215? Is there some reason that it is not at number 3, where it says it includes all unlawful possession, consumption, conduct and sales offences and offences of public drunkenness? Or are those more serious? That was why I asked the question, because I did not see any indication of it in the supplementary information. These notes explain the territorial law offences and particularly the *Liquor Act* offences, so I just thought we would see something there about it. Maybe it is not a major enough offence to be included. I do not know.

**Hon. Mr. Kimmerly:** Yes, that is a helpful suggestion. They are, in fact, included on page 215 under Territorial Law Offences, *Liquor Act* Offences of \$3,711. It is included in that number, and it would be helpful to add a description about drinking and driving. I thank the Member for that observation.

<sup>23</sup> *On Program Director*  
*Program Director in the amount of \$473,000 agreed to*  
*On Supreme Court*

**Mr. Phillips:** I am wondering why in the statistics on page 200 all the statistics are increasing and yet there is an 11 percent drop in that budget.

**Hon. Mr. Kimmerly:** The statistics are not increasing. In fact, the forecast has always increased a little bit, but the actuals are remaining fairly constant. There are between 20 and 25 trials a year, and it has remained fairly constant over the last several years.

**Mr. Phillips:** Maybe the Minister could explain the 11 percent decrease in the Budget then.

**Hon. Mr. Kimmerly:** I have also the benefit of last year's Budget Book. In fact it was estimated last year at \$214,000. The reason why the 1986/87 forecast is higher is unusual, and I believe it results primarily from the Dawson murder trial.

**Mr. Phillips:** Could the Minister get back to us with the reason?

**Hon. Mr. Kimmerly:** I have already explained the reason and that is accurate. There is another factor as well about the expenses of the law library, which were here in previous years and which are not now. There is a general increase on a number of items about supplies and witness and jury fees and the like.

<sup>24</sup> *Supreme Court in the amount of \$214,000 agreed to*  
*On Territorial Court*  
*Territorial Court in the amount of \$1,096,000 agreed to*  
*On Sheriff*

*Sheriff in the amount of \$201,000 agreed to*  
*On Native Courtworkers*

**Mr. Nordling:** Could the Minister explain the huge increase in Native Courtworker Service?

**Hon. Mr. Kimmerly:** I addressed it in my general remarks. This was recommended by the study done by Mary Kane, which formed part of the negotiations with the Council for Yukon Indians. The funds are going to rural communities that, in the past, had no courtworker service, or very marginal service. It will allow for the hiring of community-based courtworkers. That hiring has already taken place by the Council for Yukon Indians.

The money will be transferred under a contract to the Council for Yukon Indians. It is cost-shareable with the federal government, to

the tune of 50 percent.

**Mr. Nordling:** Were the recommendations of the study a great revelation to the Minister? My understanding, from the impression that was clearly given by the Minister, is that one of the reasons the Native Courtworker Society was disbanded as a result of its funding being cut off, was because they could not provide rural courtworker services for \$120,000 that they had.

**Hon. Mr. Kimmerly:** I think I recognize the intent of the question. The old society, at one point, provided a service in the communities. They sent a courtworker traveling to the communities on the circuits. They stopped that about four to five years ago and maintained the same funding.

It was always clear to me that the program needed more funding in order to provide the rural service. The Kane Report was not a revelation in that sense. It was well known three and four years ago.

<sup>25</sup> **Mr. Nordling:** Just to clear this matter up, why was more funding not given to the society at the time if, obviously, it was inadequate, and we have arrived at the point where it is going to cost nearly a quarter of a million dollars a year.

**Hon. Mr. Kimmerly:** The program was underfunded for many years. When we came to power we recognized a very, very inefficient program and changed it as quickly as we could, obviously too quickly for some of the Members opposite. But the problem of the funding existed back into 1983 and 1984. As to why those governments of the day did not allocate more funding, you will have to ask your colleague from your side of the House.

**Mr. Nordling:** This is often what we hear from the government's side: the excuse for their inadequacies is that was something that was done by the previous government or the federal government. I would like to hear what exactly the Minister of Justice of the day expects to get for \$240,000.

**Hon. Mr. Kimmerly:** The precise contract has not, in fact, been signed with CYI, but we will have a supervisor of Court Services and I believe six other courtworkers, four or five of which will be in rural Yukon and the rest in Whitehorse. There is, in addition, some training money, and the Yukon courtworkers will be using the services of the Alberta courtworkers for training. There will undoubtedly be other training initiatives in the next year probably, along with JPs and the like.

**Mr. Nordling:** When does the Minister expect that the contract with CYI will be signed?

**Hon. Mr. Kimmerly:** I would expect in a couple of weeks; very shortly. The major terms are all worked out and it is a question of the wording at this point.

**Mr. Nordling:** Will the Minister make a copy of that contract available to Members of this side when it is signed?

<sup>26</sup> **Hon. Mr. Kimmerly:** Yes, I will.

**Mr. Phillips:** What communities are going to be receiving rural courtworkers under the program?

**Hon. Mr. Kimmerly:** I will determine that finally from CYI and let the Member know. The Council for Yukon Indians indicated some communities in a newspaper ad in trying to attract candidates. They are either in the process of hiring or have hired. I specifically spoke to the Vice Chairman in charge of Social Programs about that policy. I was led to believe that it would depend finally on the availability of qualified candidates in various communities. However, the decision as to where to place the workers will not be with the government; it will be with the Council for Yukon Indians.

**Mr. Phillips:** Will the courtworkers in the rural communities be carrying on any other job other than just the courtworker's job?

**Hon. Mr. Kimmerly:** They may well in the future, but not under the auspices of this program. This program will fund the courtworker service, and it may be that in rural communities the courtworker would have some other function under some other program. That is possible. The day-to-day supervision, or the office supervision, will be through the Bands and the professional supervision will be through the Director in Whitehorse.

As the Member well knows, in the rural communities the roles of various individuals sometimes overlap and it is probably a desirable thing as everybody pitches in in a spirit to get the work done. That may occur, but it is not funded under this agreement.

**Mr. Phillips:** I believe the Minister said that there would be two courtworkers based in Whitehorse. The concern I have is, I believe one of the problems of the old courtworker system was that they were so busy in Whitehorse they could not get to the outlying communities. Does the Minister feel that two are adequate for Whitehorse?

**Hon. Mr. Kimmerly:** We have been operating with two in Whitehorse over the last two years. The decision about allocation of the persons will be made by CYI. It is particularly appropriate that they do that as their Board of Directors, of course, represents all of the Indian Bands in the territory.

<sup>27</sup> **Mr. Phillips:** Will the Minister make that list available to us?

**Hon. Mr. Kimmerly:** Yes.

*Native Courtworkers in the amount of \$240,000 agreed to  
Court Services in the amount of \$2,224,000 agreed to  
On Attorney General*

**Chairman:** General debate?

**Hon. Mr. Kimmerly:** Under Legislative Counsel, there is a major change. The reason for that is the printing of the statutes and the contract with a lawyer who was preparing the statutes. I am pleased to announce that we are expecting the new revised statutes approximately the end of this month.

**Mr. Phillips:** Where are we with the Minister's plans for the devolution of the Attorney General?

**Hon. Mr. Kimmerly:** The federal civil servants are lukewarm on the idea, to say the least. That will not be a surprise to Yukoners. I have written a letter to the federal Minister of Justice. Shortly after that, officials conversed, and we received the distinct impression that nothing would happen, unless somebody built a fire under somebody else. I have written another letter to the new Minister of Justice federally. I intend to discuss it with him at the next convenient opportunity, which I am expecting will be towards the end of May.

The devolution is long overdue. It is my clear impression that there was a political will to do that, although the new Minister, Mr. Hnatyshyn, and myself have not specifically talked about this issue. I will be pushing it.

*On Program Director*

**Mr. Phillips:** Could the Minister explain the 39 percent change in that line?

**Hon. Mr. Kimmerly:** The position of director of legal services has now been filled, and it was not filled last year. The original estimate of last year was \$88,000, but reduced through supplementals because of the hiring of this person, which occurred mid-year last year. He will be here all year this year, barring any personal change.

<sup>28</sup> **Mr. Phillips:** I am sure the \$99,000 is not all salary. Could the Minister tell us what else is involved?

**Hon. Mr. Kimmerly:** There is employee travel inside Yukon for \$800; travel outside for \$3,000. Contract services, which involves obtaining legal opinions and the like by outside counsel, for \$10,500. Office supplies for \$500. Communications — this is phone, et cetera — \$1,000. The Law Society membership fees. All of that adds up to \$19,000, then the salary plus benefits of the individual involved.

*Solicitors' Branch in the amount of \$352,000 agreed to*

*On Public Administrator/Chief Coroner*

*Public Administrator/Chief Coroner in the amount of \$270,000 agreed to*

*On Legislative Counsel*

*Legislative Counsel in the amount of \$168,000 agreed to*

*On Land Titles*

**Mr. Lang:** I would like to know what the intention of the government is regarding land titles.

**Hon. Mr. Kimmerly:** I thank the Member for that question; the devolution, if you will, of the legislation is long overdue. We have been in contact with the federal government who have made it very clear to us that they have no objection to the territory passing legislation to replace the federal legislation, provided that the Council for Yukon Indians agrees. I have been in touch with the Council for Yukon Indians actually several times, and they are meeting in what they call their devolution committee on April 9th

— in fact, today — and I have it diary-dated to contact them again tomorrow.

**Mr. Lang:** I just want to get it clear whether the determining factor for land titles to be transferred will be if the Council for Yukon Indians give their consent. Is that correct?

**Hon. Mr. Kimmerly:** That is our information from the federal government.

**Mr. Lang:** To get this straight: federal government is saying that the Council for Yukon Indians has to give their consent in order for you, as a government, to present the legislation?

<sup>29</sup> **Hon. Mr. Kimmerly:** No, not specifically, but it is federal legislation. In order to, in a consensual way, transfer it, the federal government are saying they will agree if the CYI agrees. The implication is, if they do not agree, they will not assent to the passage of our Bill if we propose one.

**Mr. Lang:** I just think all the Members of the House should object to that kind of attitude by any government to the Members of this legislature. We are elected by all the people of the territory, not any one group, whether it be placer miners or whomever, to hold up legislative action in this House. It leads one to wonder about the authority that is vested in this House or why we even go through the exercise.

*Land Titles in the amount of \$145,000 agreed to  
On Legal Aid*

**Hon. Mr. Kimmerly:** In light of the discussion last time, let me report that progress is made here, but it is not completely finished. The new Act is proclaimed and the society is operating. They have advertised for staff recently, and I am sure Members have seen the ads. The regulations are passed and the tariff of fees for lawyers is now passed. What remains to be seen is the way the society will direct the means test to be applied and the availability to be applied.

I have had one discussion with the Board, which is an independent Board under the Act, about exactly that. I will be having another within the next month, I hope. The abuses that had occurred, I believe, are no longer occurring!

**Mr. Phelps:** I am wondering if he can be more specific as to the abuses he is talking about. Is he referring to people who do not need Legal Aid obtaining it or what?

<sup>30</sup> **Hon. Mr. Kimmerly:** All the things were mentioned last year at approximately this time. The Leader of the Official Opposition made specific reference to civil cases and the persons who would get or obtain legal aid. Those decisions are not made in their specifics by the government, and they should not be. They are made by an independent board and, legislatively, that is the Legal Services Society. The policies that they have are crucial. I have discussed the content of our debate last year with the non-legal representatives on that board, at least in its general sense. Because the statute gives the power to the board, that is how I have proceeded to effect or administer the will expressed by the House last year.

**Mr. Phelps:** I am not wishing to debate the manner in which the Minister has gone about discussing the debate from last year, and so on, but I am interested in going through some of the problems and trying to get some handle on how various kinds of abuses have been resolved. If the Minister will bear with me, perhaps we could be more specific.

The first issue was that the Minister was speaking about a means test to determine whether or not people really qualified for legal aid. Could he expand on that a bit?

**Hon. Mr. Kimmerly:** The regulations passed under the Act provide for the means test, which the administrators of the program must apply. That is provided for by a regulation that was recently passed and supervised by the board.

**Mr. Phelps:** When did, or will, the means test, pursuant to the regulations, go into effect?

**Hon. Mr. Kimmerly:** The regulations were signed by the Commissioner about two weeks ago. The practical effect will occur as soon as the board has employed their staff member, which may be done already. If it is not, it is imminent. It should be in effect for the 1987-88 fiscal year.

<sup>31</sup> **Mr. Phelps:** It is anticipated, I take it, that the regulations

ought to cut down a certain kind of abuse of Legal Aid so that it will, in effect, cut down on the overall cost of Legal Aid taken by itself?

**Hon. Mr. Kimmerly:** Yes, that is accurate.

**Mr. Phelps:** Then, to move to the next issue that looms fairly large in the minds of many when they consider Legal Aid and the issue of recovery of Legal Aid fees from clients, particularly on civil cases, can the Minister provide us with any statistics to give us some idea of recovery of Legal Aid fees from the civil files?

**Hon. Mr. Kimmerly:** It was approximately \$11,000 last year. The regulations again provide for specific circumstances and the duty to recover. So I would hope and expect a greater recovery this year and in future years.

**Mr. Phelps:** I am pleased to see this being placed into effect and am pleased to see that there is some recovery. My concern is that there are two kinds of situations: one is where there is a civil case, and there is a lump sum of money as a result. The party is successful, so it is very easy for the lawyer to simply say, "Thank you very much; I have collected the judgment for \$5,000 and I am going to deduct fees and submit them to the Legal Aid officer." I suspect that the vast majority of the fee recoveries are from that. My concern is whether or not there is a follow-up in situations where it is not easy; where a person, either (a) did not win the case or (b) was in a case where there was no lump sum payment of damages or the like. Is there a follow-up to ensure that when those kinds of parties are able to repay, that they do repay?

**Hon. Mr. Kimmerly:** In the past, practically speaking, there has not been. The regulations provide for it now and I know, for a fact, that it is the view of the board that there should be that follow-up and we will monitor it over the years. I am expecting a substantial improvement in this next year.

**Mr. Phelps:** I want to say that I am encouraged by this development. I just suggest that perhaps it would make sense to keep statistics now on the basis of Legal Aid that is recovered out of the judgment and the action itself — and thus requires very little effort on the part of the responsible lawyer — and recoveries that are not part of the judgment itself, recoveries that are more difficult to follow-up on. I just suggest there be those two categories for statistical purposes to aid future legislators and the administration in determining whether or not there is effective recovery.

**Hon. Mr. Kimmerly:** I thank Mr. Phelps for that suggestion.

**Mr. Phelps:** My next question has to do with the figures for the Legal Aid in going from the line item \$858,000 Actual for 1985-86 and then it dropped to \$760,000 for 1986-87 and is estimated for just about the same this year at \$759,000. I take it that the drop in the item was largely due to the successful negotiations that Justice had with the Law Society regarding Legal Aid. If that is the case, the more efficient fee scale came into practical effect perhaps six months through the fiscal year, is that correct?

**Hon. Mr. Kimmerly:** Yes, approximately. I forget the date that it came into effect, but I believe it was August or September.

**Mr. Phelps:** Quoting from last year under some questioning about the Budget, — I am reading from *Hansard* May 22, 1986, at page 763 — in response to a question from Mrs. Firth the Minister stated, "The Budget has been consistently overspent in the last four or five years. The intent of the government is absolutely clear. We will be moving in mid-year. I would hope that we would be at the level of under \$500,000 by next year. It is irresponsible to budget that amount without the actual controls in place."

I am wondering why the Minister feels that the present situation of \$760,000, which is roughly 50 percent over the goal or objective of the Minister, has, in fact, occurred.

**Hon. Mr. Kimmerly:** Because this is the most realistic figure. The negotiations with the Law Society had not occurred at the time of that debate, and I was pressing for a leaner scheme than was eventually agreed to. It was a compromise kind of agreement at the end. There have been more circuits added in the rural Yukon, and that has had an effect. I am convinced that this is the most realistic figure.

There is also the question of the administrative costs of the Legal Services Society — the potential liabilities for office space and staff salaries and the like. The federal government has looked closely at

our arrangements, and we do have an agreement with the federal government. This entire amount is cost-shareable on a 50-50 basis for this next year.

**Mr. Phelps:** The cut from \$858,000 in 1985-86 Actual to \$760,000 forecast took place partly because of the change in the negotiated legal aid tariff, which was in effect for roughly half of the fiscal year. This means to me that having the same amount this year represents a fairly substantive increase, because the tariff will be in place for the entire year. Could the Minister comment more fully on the reasons for that increase? It has already been said that there is an increase in the administration, which will be cost shared. Are there other reasons as well?

**Hon. Mr. Kimmerly:** Yes, there are other reasons. I freely admit we are estimating here. The factors of the increased circuits are important, and the decrease from 1986-87 forecast from the 1985-86 actual was not entirely due to the agreements with the Law Society. There was also a tightening up of eligibility at various times of the year.

It is our best estimate, based on a computer prediction of the fees, as we have experienced them and as we are expecting them, that this is an accurate assessment of the expected fees.

**Mr. Phelps:** Last year, I suppose, partly in support of the negotiations that the Minister was entering into with the Law Society, the names of the individual lawyers who were making large amounts of money on legal aid were tabled in the House first and then published in the paper. I do not wish to get names, but I would like to know whether or not the Minister has followed up on the earnings of individual lawyers from Legal Aid, and can advise whether any lawyers are now billing in excess of \$100,000 for Legal Aid in any given year?

**Hon. Mr. Kimmerly:** Yes, I have followed up. In the last year, there is only one with a total of approximately \$106,000. However, that is fees and disbursements. The fees for that individual, as of March 23, were \$65,900.

**Mr. Phillips:** Last year, in the debate on Legal Aid, the Minister talked about recovery of Legal Aid and that that was an important point and he was going to stress the recovery. How much did we recover last year from recipients of Legal Aid?

**Hon. Mr. Kimmerly:** Eleven thousand dollars odd.

**Mr. Phillips:** Were there any cases of full recovery, or is it partial recovery of Legal Aid, and is someone working at that job now specifically to recover Legal Aid?

**Hon. Mr. Kimmerly:** No one works at it specifically, although it is, by regulation, now a duty of the society and the society's staff will have, as a part of their duty, the recovery of these monies and the chasing down of the bills.

*On Attorney General*

*Attorney General in the total amount of \$1,793,000 agreed to On Consumer and Corporate and Labour Services*

**Hon. Mr. Kimmerly:** Again, there is a substantial change for Consumer Services — a 39 percent decrease. This is solely because of the medical enquiry involving one of the local doctors. The originally budgeted amount last year was \$263,000, but there have been additional supplementals as a result of the activities of the Medical Council. They are budgeting \$251,000 this year, which is a slight decrease, which is an estimated savings on out-of-territory travel and some contract services.

On Labour Services, there is a fairly large increase and that is caused by the loss control officers and the implementation of the *Occupational Health and Safety Act*, which I have previously explained.

*On Program Director*

*Program Director in the amount of \$120,000 agreed to*

*On Consumer Services*

*Consumer Services in the amount of \$251,000 agreed to*

*On Corporate Services*

*Corporate Services in the amount of \$228,000 agreed to*

*On Labour Services*

**Mr. McLachlan:** Why is it up by three-eighths? Does the Minister anticipate a lot more appeals?

**Hon. Mr. Kimmerly:** This is basically the salaries of the Loss

Control Officers.

*Consumer and Corporate and Legal Affairs in the amount of \$1,035,000 agreed to  
On Solicitor General*

**Hon. Mr. Kimmerly:** There have been some internal transfers within this Branch that I might explain for the interest of Members. The reason why there is a Program Director is that we are anticipating filling the vacancy, which has existed since before 1985, of the Director of Corrections.

The reason for doing that is that I am interested in savings and streamlining and coordinating the probation officer function and the treatment function at the Correctional Centre.

There was a person year, entitled Case Management Coordinator, which was at the Correctional Centre. That person has left the public service, and we have not replaced that person. We are using that person year as the Director of Corrections.

There is a Crime Prevention Officer who is working out of Community Corrections, which is not a new person year. It comes from the Correctional Centre and is the transfer of one individual to a new job. The new job title is the Crime Prevention Officer. We have one of the case managers at the jail as being transferred and is doing probation work under Community Corrections.

We are substantially making savings in the Correctional Centre area because the statistics I have provided indicate a rise in the population at the jail. With the increased costs this year over last, the decrease is more substantial than it looks.

<sup>36</sup> The Community Residential Centre is done through a contract with the Salvation Army. This contract was tendered. I believe four local groups bid on the opportunity of providing a Community Residential Centre. The Salvation Army was selected among the societies who bid.

The policing costs are going up two percent a year under the federal-territorial agreement. The policing costs are going up, but I have given a strong message to the RCMP, both in this Legislature and privately, that we are not interested in expansion in this area, unless it proves to be absolutely necessary because of unforeseen events in the future.

**Mr. Phillips:** The Minister talked about an increase in inmates in the Whitehorse Correctional Centre. Sometimes it has been very high compared to the capacity of that centre. I know the overcrowding must be creating some difficulties for the inmates who are there, but what has it done to the security of that facility? There are only so many guards per inmate. It must create some problems that way.

**Hon. Mr. Kimmerly:** Yes, it creates problems. It is desirable to have fewer inmates. However, given the flexibility in the numbers, and the efforts of the other branches of the department through specifically three programs, — the work camp, the community residential centre and the fine option program — we are trying to alleviate the population pressure at the jail.

These programs are for the inmates who require less security than the persons sentenced for violent crimes.

**Mr. Brewster:** Awhile ago, the Minister said that the greatest ratio of prisoners is in the winter. How does the summer correctional camp relieve this situation?

**Hon. Mr. Kimmerly:** It relieves the situation in the summer, but not in the winter. It is a good idea to do the camp in the wintertime. The kinds of work that the inmates would be involved in would probably change in the winter, but we will seriously look at that, as the question has a legitimate point to it and is very serious.

<sup>37</sup> **Mr. Phillips:** Late last fall, I believe, there were two inmates who walked away from the Whitehorse Correctional Centre within a couple of weeks of each other. Would the Minister say that, by the reports he got, the reason for that was the overcrowding at the time? Was there a lack of supervision? What was the reason?

**Hon. Mr. Kimmerly:** The answer specifically is no. The reason can best be described as the personal problems of those particular individuals. Where you have inmates on a work program that is relatively unsupervised, it is possible to walk away. It is interesting that the escape statistics are less from programs like that than from the inmates who are experiencing more severe forms of

custody. It is also interesting that escape rates here are among the most favourable in the country. It is always going to be the case that there are some escapes from prisons, and that occurs in the prisons with the absolute highest security provisions in the world in fact. The protection of the public on these work programs is largely in the fact that violent inmates, or potentially violent inmates, do not get an opportunity to take part in them.

**Mr. Phillips:** Maybe the justice report was very accurate when it said it was a rather comfortable place to be and the people did not really want to escape from that institution.

I have a concern that was brought to me some time ago about overcrowding in the jail and about guards who were threatened and feared for their lives in some cases. The overcrowding maybe resulted in some of that, and there are some fears in the jail. What is the morale like right now with the staff in the jail?

**Hon. Mr. Kimmerly:** It is good, as far as I am aware. It has gone up and down, not only in the last year but ever since the creation of the place. There was an incident that I am aware of where a guard was not only threatened, but I believe assaulted, and disciplinary action was taken. As long as you are involuntarily detaining individuals, these kinds of things will occur. It was not an incident that resulted in lasting or serious injury, although all injuries are serious, and it was temporary. The inmate was harshly dealt with.

<sup>38</sup> **Mr. Phillips:** I appreciate what the Minister is saying that this type of thing may fluctuate with the type of inmates that you have confined at the time. The security and the morale of the guards have to be a concern when you have that many inmates in an institution that was not designed for that many inmates.

The Minister is talking about decreasing the number of guards in that institution by attrition or whatever, and I am just concerned that we do not get into a volatile situation again with the guard/inmate ratio.

**Hon. Mr. Kimmerly:** I watch the situation closely. In fact, in the almost two years that I have been in office, I have watched it closer and closer on occasion. The institution is overcrowded. The conditions are less than perfect; however, that exists everywhere, and we are trying to reduce the population pressure as opposed to building a very large new jail, which would be extremely expensive for the taxpayers.

**Mr. McLachlan:** The inmate cost per day is listed at \$106 per day. It is somewhat more than it would be to put them in a downtown hotel, although I do not wish the Minister to believe from that inference that I am trying to draw an expression "hotel" to the Whitehorse Correctional Institute, although I know one newspaper has used that term.

I want to ask the Minister if any thoughts were being given, because of research being done in other parts of Canada and the United States, about the use of radio collars for computerized tracking of inmates who are not considered dangerous and who are out on day passes or week passes. If those inmates break the specified area they are confined to, it is recorded on a computer and it can be monitored for considerably less than \$100 a day.

**Hon. Mr. Kimmerly:** I am aware that there is something in the nature of an experimental program in the Province of British Columbia involving that scheme. It is proving extremely expensive, approximately \$7,500 per inmate, I am told. There is no plan to do that here. It strikes me as a potentially controversial program, and we will watch what occurs elsewhere.

**Mr. McLachlan:** Is the \$7,500 per inmate an annual cost?

**Hon. Mr. Kimmerly:** It is the cost of the radio equipment. I believe there are other costs as well.

<sup>39</sup> **Mr. McLachlan:** At \$106 per day, that is somewhere in the neighbourhood of \$38,000 a year. When the policing agreement is signed with the RCMP, is that a five-year term at one crack?

**Hon. Mr. Kimmerly:** It is a 10-year term, and it expires March 31, 1991.

**Mr. McLachlan:** The RCMP tend to work a lot of overtime. They will stay on cases for a very long time. We are projecting an eight percent increase in policing. White collar crime, fraud, things like that can run up the RCMP costs of investigations significantly. How do we protect against that situation in our Budget and policing

agreement with the RCMP?

**Hon. Mr. Kimmerly:** There are two things I am aware of. One of the ways to avoid overtime is to hire more staff. We are looking at the cost of overtime, as it relates to the cost of new staff. I would prefer there be no new staff because of the cost factor. I have discussed exactly those things with the RCMP, but in a fairly general way, not in a specific way.

There is another factor that I have paid personal attention to. There is a substantial overtime cost in Members appearing to be witnesses in court. That can be reduced with a proper coordination with the scheduling of the trial with the member's normal hours of duty. There are surprising savings that are possible, probably in excess of the \$50,000 a year, if it works well. I am discussing with the Crown Attorneys and the judges and the court officials ways to reduce the overtime cost for members' appearances in court.

The overtime costs for specific investigations is something that I have not specifically addressed with the RCMP. I will mention it sometime in the future.

**Mr. McLachlan:** A number of federal Acts are quoted in the statistics in which RCMP are involved in policing. One of those mentioned is the *Unemployment Insurance Commission Act*. I was always under the impression that the Unemployment Insurance Commission has its own investigators to do their own work. Why are the RCMP involved in policing the *Unemployment Insurance Commission Act*?

**Hon. Mr. Kimmerly:** I do not specifically know. In fact, I have been involved as a lawyer in specific cases, and it has been the Unemployment Insurance people who have certainly appeared in court and the like. It may be that they are simply performing an assistance function in laying informations and appearing in court as the regular duty officer at the court appears. I expect that is the case, and the statistics are simply here for informational purposes about the charges.

**Mr. McLachlan:** Also quoted is a *Young Officers Act*. Is that a typographical error and should it be "*Young Offenders Act*", or is it truly young officers? What is a young officers act?

**Hon. Mr. Kimmerly:** I did not pick that up. I am certain it is "young offenders".

**Mr. McLachlan:** Under which particular federal Act is commercial crime investigated in the territory? Or is it not a federal Act?

**Hon. Mr. Kimmerly:** It is all federal and it is the *Criminal Code*.

**Mr. McLachlan:** The Minister made reference last night to some thoughts he has had about a territorial police force. Can he tell the Legislature why he feels a territorial police force would be, if it would be, more effective than the RCMP?

**Hon. Mr. Kimmerly:** I would be interested in the views of all Members about that as it relates to the policing agreement. I am aware, and I was very interested in the situation in the Province of New Brunswick, where they, in this last policing agreement, have taken over highway patrol and have done so at a substantially decreased cost to the province. I think it is about \$8,000 a member less than the RCMP were doing it for.

The RCMP has a policy of national recruitment and they move their members around nationally. It may be in our interest to have a policy of territorial recruitment and to follow the policy of most of the officers spending their careers in the territory. That may, in fact, be a barrier to native recruitment in the RCMP. I am being careful by saying that it "may" be. It is something that should be carefully studied.

In my view, a debate in this Legislature about the way we would like to go is entirely appropriate, and this year and next are perhaps the crucial years because, if we are going to do anything, it will involve substantial planning and we will, in fact, have to allocate monies next year to perhaps investigate a territorial highway patrol or a territorial police force of any kind.

The major issue is the question of native policing and what is expressed to me by native people as a dissatisfaction with the present policing.

<sup>41</sup> Those issues should be debated thoroughly, and I purposely raised them because if we do not talk about them here we will not

be the people who make the decision; it will simply continue on and on as it has in the past.

**Mr. McLachlan:** It sounds suspiciously like it could be a move towards excellent local employment were suitable candidates available. What would the Minister see for training facilities for a territorial police force? Would Yukon College do it, or do part of it? Would it still require sending out potential candidates to the RCMP training academy in Saskatchewan?

**Hon. Mr. Kimmerly:** This is all tentative, of course, but it would certainly be my expectation that if a decision were made — perhaps in association with Indian people, perhaps in association with the bigger municipalities — to enter into a territorial police force, then the initial training would probably be done outside the territory as we now train for correctional officers at the jail. However, it is entirely possible to use Yukon College for this kind of thing.

If you add up all the law enforcement officers in the generic sense and include the municipal officers and the wildlife officers and perhaps various other functions, there is a substantial number of people in law enforcement in the territory and there may be the basis for a northern training program. That detailed analysis has not been done and I would, in fact, not propose that it be done until some policy questions are answered first.

**Mrs. Firth:** I would like to ask the Minister what the status is of the Corrections being an accredited institution. The last time we discussed it, I believe the Minister said that he was looking at it.

**Hon. Mr. Kimmerly:** I do not specifically know. I believe the situation is exactly as it was last year, but I will get back with that answer.

**Mrs. Firth:** I gather then that the Minister is not actively pursuing Corrections being an accredited institution. Is that something that has gone by the wayside and is not a priority of the government, and we were not going to look at it in the immediate future?

**Hon. Mr. Kimmerly:** It is not a priority, but it has not completely fallen by the wayside either. The expense, as I understand it, is substantial and it is inconsistent with cutting costs.

**Mrs. Firth:** I have no problem with that. I gather the department argument was, in the past, that there could be some benefit because of a prisoner exchange and so on, but it would not seem logical that we would have the facility to take prisoners from out of the Yukon if we cannot accommodate the ones we have here at times when we have high numbers. I am not being at all confrontational. I do not feel it is a high priority either. I just wanted to see what the Minister was doing in that area.

**Mr. Phillips:** With respect to the inmate cost per day, what is the average inmate cost per day for a similar institution across Canada? How do we compare to that?

**Hon. Mr. Kimmerly:** I do not know, but I will get that information and provide it.

**Mr. McLachlan:** What is the success rate of collecting a territorial court-imposed fine? Is it 100 percent success?

**Hon. Mr. Kimmerly:** It is generally quite good, but I do not specifically know. There certainly are unpaid fines, and the practice that used to be is that the warrants were issued regularly. The persons who did not pay were regularly jailed, and that usually fixed the situation. Because of that, the collection rate is reasonably good. I do not know the percentage.

**Chairman:** Before we move to the line items, we will recess for 15 minutes.

*Recess*

<sup>43</sup> **Chairman:** Committee of the Whole will come to order.

*On Program Director*

*Program Director in the amount of \$69,000 agreed to*

*On Community Corrections*

*Community Corrections in the amount of \$675,000 agreed to*

*On Institutional Corrections*

*Institutional Corrections in the amount of \$2,864,000 agreed to*

*On Policing*

**Mrs. Firth:** I want to ask a question about the supplementary information page on policing on page 214. When the statistics show *Criminal Code* offences and the calendar year in brackets, what does "cleared" mean? There are 834 actual cases. Does that mean that 612 of them were cleared through the system?

**Hon. Mr. Kimmerly:** The "cleared" means completed or finished. The larger number indicates cases that are still ongoing or still active.

**Mrs. Firth:** Is that going to be something that is going to be provided on an annual basis? Will there be a carryover? How will we know whether the other cases were cleared? Will they just be included in the subsequent year's statistics?

**Hon. Mr. Kimmerly:** Yes, the statistics are new cases that come into being in the year and we finish each year with some cases uncleared, of course.

**Mrs. Firth:** I had another question with regard to policing. I mentioned to the Minister yesterday, when we come to the Division Administration for the members for Police Services, that there has been an increase. It shows 18 in the 1986-87 Budget, on page 194, and it shows 20 for 1987-88. I again mention that the Minister said that his objective was to cut down on the top-heavy administrative area of the RCMP. Can he give us an explanation of those statistics? The difference comes under the one extra for civilian members and one extra for regular members.

**Hon. Mr. Kimmerly:** That is a result of the PIRS system, or the Police Information Retrieval System, which is a national police computer for policing information. That is the reason for that.

**Mrs. Firth:** Is the Minister still intent on his objective of cutting down the administrative area of police services?

**Hon. Mr. Kimmerly:** Yes, but within the terms of the police contract, the only way I can do that practically is by holding the line, which we are doing.

*Policing in the amount of \$6,558,000 agreed to*  
*On Community Residential Centre*  
*Community Residential Centre in the amount of \$177,000 agreed to*

*Solicitor General in the amount of \$10,343,000 agreed to*  
*On Policy and Planning*

**Chairman:** Page 217, general debate?

**Hon. Mr. Kimmerly:** These issues have already been identified. There are three person years and the two term positions for human rights, which end June 30.

<sup>45</sup> *On Operations*  
*Operations in the amount of \$145,000 agreed to*  
*On Information and Education*  
*Information and Education in the amount of \$5,000 agreed to*  
*On Human Rights Development*  
*Human Rights Development in the amount of \$32,000 agreed to*  
*Policy and Planning in the amount of \$182,000 agreed to*

*On Revenues and Recoveries*  
*On Fines, Territorial Court*  
*Fines, Territorial Court in the amount of \$190,000 agreed to*  
*On Registrations and Fees*  
*Registrations and Fees in the amount of \$50,000 agreed to*  
*On Business and Professional Licences*  
*Business and Professional Licences in the amount of \$314,000 agreed to*

*Revenues in the amount of \$554,000 agreed to*  
*On Recoveries*  
*On Native Courtworkers Program*  
*Native Courtworkers Program in the amount of \$120,000 agreed to*

*On Compensation to Victims of Crime*  
*Compensation to Victims of Crime in the amount of \$124,000 agreed to*

*On Legal Aid*  
*Legal Aid in the amount of \$290,000 agreed to*  
*On National Parole Board*

**Mr. McLachlan:** Is this a cost-sharing agreement, to monitor prisoners released on parole in this area from the National Parole

Board? Why are we recovering \$30,000 from a National Board?

**Hon. Mr. Kimmerly:** The National Parole Board had an office here and in 1983 the parole board closed their office and entered into a contract with the territorial government to perform the service and we have performed it ever since.

*National Parole Board in the amount of \$30,000 agreed to*  
*On Firearm Acquisition Certificates*  
*Firearm Acquisition Certificates in the amount of \$1,000 agreed to*

*On Gun Control*

**Mr. Phillips:** What is gun control?

**Hon. Mr. Kimmerly:** This is a program that was entered into by the previous government, and I remember the NDP Opposition at the time opposed it. This is a contract with the federal government to administer the federal gun control legislation. It is interesting that that contract is up for renewal and the decisions on the renewal are about to be made.

<sup>46</sup> *On Workers' Compensation Board*  
*Workers' Compensation Board in the amount of \$121,000 agreed to*

*Recoveries in the amount of \$721,000 agreed to*

**Chairman:** Contributions, page 220.

*On Contributions**On Courtworker Services*

**Mrs. Firth:** I know the Minister has said this is going to be a contribution agreement to CYI to handle the service. Do they have the capability, staffwise and so on, or is it going to require that they hire staff within CYI to be able to accommodate this program?

**Hon. Mr. Kimmerly:** They did not. They have hired the courtworker staff that used to be at Skookum Jim.

**Mrs. Firth:** I take it this is just one program that the government has with CYI. Does the government anticipate that a lot of these joint programs, which they are entering into through contribution agreements, are going to substantially increase the size of the administration of CYI? Has there been any assessment done by the government about that particular issue in general?

**Hon. Mr. Kimmerly:** No, there has been no assessment. I am not aware of any other programs. The Joint Commission on Indian Education and Training is the only other one, which is not an ongoing program.

**Mrs. Firth:** There are other programs in Education that are contribution agreements. I just want to raise the issue, as the government is entering into contribution agreements, that we not create another bureaucracy at CYI. I think some of the Bands have had some concern about that, and I just want to express that concern at this time.

*Courtworker Services in the amount of \$240,000 agreed to*

**Chairman:** Any comments on the Transfer Payments?

*Contributions in the amount of \$445,000 agreed to*

**Mr. McLachlan:** Before we clear the department total, the amount of money for personnel in the two departments under the Minister — Government Services and Justice — is about the same, yet the personnel in the Justice department is considerably less: 142 versus 169. That would translate into an average higher annual salary for Justice people than Government Services people, although there are actually fairly good paying positions in the Department of Government Services as well.

The comment that I often hear from the man on the street is that is just because there are a bunch of high paid lawyers running around the department. Does the Minister agree with that analysis, or does he have any reason why the salary level for fewer people in the Department of Justice is so much different than the other department, on a comparative basis?

<sup>47</sup> **Hon. Mr. Kimmerly:** It is the high-paid judges.

**Mrs. Firth:** The judges will love that one. I have gone through the supplementary information and compared it to last year's supplementary, and there are some new initiatives in the supplementary information and statistics. I just want to compliment the department on that information and tell them that it makes the Budget much easier for the Members of the Legislative Assembly to comprehend when we have some additional information.

**Department of Justice in the total amount of \$16,280,000**

agreed to

### Community and Transportation Services — continued

#### On Community Services

#### On Sport, Art and Recreation

**Hon. Mr. McDonald:** I agreed that I would follow up on some information that was requested yesterday, and I will briefly run through it. It is not terribly significant, but it is necessary.

There was a question asked about future year funding on the Alaska Highway construction, and I have checked with the staff of the department. There is no firm information on that available. If a person were to simply take the figures in the old capital plan it would for the next year be approximately \$10 million. I do not think anybody holds out any realistic hope that that money will be spent next year, at least not under the conditions that we think the federal government is operating at the present time.

There was a question about dust control on the Faro/Ross River Road and the quick answer is that there will be dust control at the intersections, as I have said, and half a mile up the road from the intersection. At this time, full dust control has not been budgeted for on the road.

The Member for Faro asked a question about the expenditure by community sheet for the entire O&M Budget. The Faro breakdown, and these have to be considered as rough, rough, rough estimates: for airport preparations \$163,000; community grants \$545,000; and recreation \$33,000 for a total of \$742,000.

The highways money, which is spent in the district, has been, for the purposes of this exercise, allocated to the camps in the area: Drury Creek, Ross River and Carmacks.

On the decentralization of the driver system, there will be computer terminals in Watson Lake, Dawson, Faro, Mayo and Haines Junction. Those terminals will essentially allow persons to take the written driver's tests in any office, and to issue permanent licences with photos on the spot.

I have no information yet on the O&M from Fox Lake to Carmacks, but I will respond to the Member for Faro in writing on that score.

The Member also requested information on the seven-day-week highway maintenance operations. I would just like to quickly run down what is happening there. It has been in place for almost a couple of years. Eagle Plains and Ogilvie are on six-day-weeks, but Whitehorse, Carcross, Fraser, Blanchard, Swift River, Ross River and Drury Creek are on a seven-day winter week. Everybody else is on a five-day-week.

The Member for Porter Creek East asked a question with respect to apparent discrepancies in the personnel figures in the highway maintenance section from last year to this year. The reason for that apparent discrepancy from last year's estimate to last year's forecast and this year's estimate and personnel allotment for highway maintenance is that, for the first time, weigh scale operations and central workshop are not being shown under the line Other, as there are of course chargebacks to the system, as the Member knows. Instead of showing them as Other, they are now being shown as Personnel. They are essentially charged to maintenance operations but instead are shown at this time, I think properly, under Personnel. That's the reason for the major change there.

There was some discussion on The Top of the World Highway. I cannot quite remember the debate, but the whole highway will receive dust control this coming year.

**Mr. Lang:** I think it is safe to say he hardly touched on sports, recreation and whatever. With the administration of the lotteries now taking three direct person years, and with the Sports Yukon and Yukon Arts Council losing one person year, I am assuming that an additional two people now will have to run the lotteries over and above what was being done in the past. Could the Minister explain to the House why that is going to be more efficient than the previous arrangement, and more cost efficient?

**Hon. Mr. McDonald:** Now that we are not in Question Period, it will allow me the chance to expand a little bit on what is happening.

My understanding is that there is more than one person working under the contract for the managing of lotteries. My information is

that there are two people. There is an increase in personnel for the Lottery Commission, which represents total staffing as I have projected in the figures in the information I handed out. That incorporates more than the management of the lotteries.

Historically, what has taken place is the Lottery Commission has been concerned about the seeming discrepancy between the government's stated position over the years that the Lottery Commission is arms-length from the government and, at the same time, that all secretariat services are being provided by government personnel. This means that all applications that come in from various groups — and there are hundreds of them — are screened by the Recreation Branch staff. All the financial work that is done is done by Recreation Branch staff. All the secretarial functions are being done by Recreation Branch staff, and that has been a continuing irritant.

At this time, it was felt that it would be better and proper for the Lottery Commission, in its rightful role, to assume the responsibilities completely and allow Recreation Branch staff to do what Recreation Branch staff are supposed to be doing, which is organizing and supporting community recreation activities, elite sport activities and to support and aid the sport governing bodies around the territory and arts bodies around the territory.

That is being figured into the new duties that the Lottery Commission would assume. The figures that are shown in the comparison for the Lottery Commission do not show, as the Member quite correctly pointed out in the right hand column, the approximately \$130,000 payout to Sports Yukon/Arts Council. Then, on the other side, if I may compare apples to apples, we would have to figure in the profits estimate that is taken from the total that is paid to the distributor.

We should also figure in the Recreation Branch support, which includes the financial work, the secretarial services and much of the time of the Recreation Branch director.

**Mr. Lang:** I am not going to belabour this, but I believe it was a very unwise decision by the government. I have to take exception to the onus being put back onto the Lottery Commission for making the decision, because the final decision had to be made by the Government of the Yukon Territory that the contract breached. The Minister himself signed it. Nobody from the Lottery Commission was responsible for it, so I am not going to get into a long harangue unless the Minister wants to. It displays the fact that when you have a lot of money, you can justify anything. I am sure that if we were under constraint that that type of measure would not have taken place.

Therefore, I do not have any further questions with respect to this particular section.

**Mr. McLachlan:** The decision by the Lottery Commission to put in half a dozen other computer terminals in communities outside Whitehorse, does the Minister know the cost of installation of one of those remote computer terminals, not in the City of Whitehorse? I ask because I anticipate some problems with that type of operation running in rural communities.

**Hon. Mr. McDonald:** I do not know the cost. I have not been involved in the discussions between the Lottery Commission and the Western Canada Lottery Foundation on the introduction of these machines into rural communities.

I do know that the issues they have to deal with include the cost of the placement of those, and what it does to lottery sales generally. Every indication is that the lottery sales are enhanced. People purchase more tickets because of the convenience. My understanding is that the Western Canada Lottery Foundation does its own analysis as to where it will put these machines before agreeing to place them in a particular location.

It is their considered view that places where the Yukon Lottery Commission wishes to place them will be money makers. I do not know the technical background to that, but if the Member wants to know a particular figuring, I can let him know. I do know that Dawson and Faro and Watson Lake are candidates, but I do not know what final decisions are going to be made.

**Mr. McLachlan:** I would appreciate the Minister finding the installation costs. I asked the question because I know that the mining company at Faro has had problems getting Northwestel's



computer line link for the system to make it work in order to do payroll by computer. I could foresee some problems with the machine going down at times when people want to purchase tickets. Any information the Minister could shed would be appreciated.

**Hon. Mr. McDonald:** I will undertake to do that.

**Chairman:** Anything further?

*Sport, Art and Recreation in the amount of \$1,104,000 agreed to*

*On Assessments*

*Assessments in the amount of \$381,000 agreed to*

*On Taxation*

*Taxation in the amount of \$984,000 agreed to*

*Community Services in the amount of \$9,392,000 agreed to*

*On Municipal Engineering*

**Chairman:** General debate?

**Hon. Mr. McDonald:** This is a fairly lean little operation. It does pretty good service around the territory. Under the Public Service Commission Estimates, there is going to be a community operations trainee under the positive employment program, to train someone to be familiar with the procedures and practices of operating municipal utilities.

The major change is that they are going to be moving from what they call abate larvicide to a vectoback larvicide, which is considered to be more biologically safe. It is a little more expensive, but is considered to be more environmentally safe. That is about the extent of it.

**Chairman:** Ready for the first line item?

**Mr. Lang:** I fully understand what this branch is all about.

*On Administration*

*Administration in the amount of \$249,000 agreed to*

*On Unincorporated Communities*

<sup>52</sup> *On Special Program*

*Special Program in the amount of \$149,000 agreed to*

*On Total*

*Total amount of \$729,000 agreed to*

*On Revenue*

**Mr. Lang:** Perhaps the Minister could elaborate on the significant increase in the bulk commodity fees. Also, could he tell us why there is a decrease in the school tax? Are we going to take the school tax off for everybody, or just a few people?

**Hon. Mr. McDonald:** I knew the Member would pick on that — I could not escape it. I do not mean the bulk commodity fees — that is very easy to explain. The bulk commodity fees show a partial year; it was less than what was anticipated to be moved in a full year — one dollar per wet tonne. The \$460,000 is the expected revenue this year at one dollar per wet tonne for the transportation haul.

I do not have an answer for the Member on the school tax. The school tax rate will not drop. It may be that the forecast is wrong. I will check and find out for the Member. At this point I simply do not know.

**Mr. Lang:** I would appreciate it in writing because general property tax is going up by almost \$200,000, yet school tax is going down, and that does not make any sense. So if he could correspond to me in writing if we happen to be out of the House, I would appreciate it. That is a positive statement. I do not like to leave things hanging on *Hansard* because it does not read very well.

**Hon. Mr. McDonald:** Last time I said yes, yes, positively yes, and I say that this time as well. Yes, yes, positively yes.

*Revenues in the amount of \$5,871,000 agreed to*

*On Recoveries*

*Recoveries in the amount \$12,609,000 agreed to*

<sup>53</sup> *On Grants*

*On In-Lieu-of Property Taxes*

*In-Lieu-of Property Taxes in the amount of \$1,468,000 agreed to*

*On Conditional Municipal Grants*

*Conditional Municipal Grants in the amount of \$347,000 agreed to*

*On Dwelling Unit Grants*

*Dwelling Unit Grants in the amount of \$2,759,000 agreed to*

*On Home Owner Grants*

*Home Owner Grants in the amount of \$917,000 agreed to*

*Grants in the total of \$5,491,000 agreed to*

*On Contributions*

*On Whitehorse Transit*

*Whitehorse Transit in the amount of \$345,000 agreed to*

*On Dawson Water and Sewer Deficit*

*Dawson Water and Sewer Deficit in the amount of \$172,000 agreed to*

*On Target Downtown*

**Mr. Lang:** Is there not any thought that Target Downtown will need at least some contribution from the government with respect to the work that they are doing in the downtown?

**Hon. Mr. McDonald:** The Department of Economic Development has the program now for core-funding these groups. Target Downtown would make application to them. There have already been discussions, I believe. I do not know what the situation is with it, but it was felt appropriate to move it to Economic Development.

*Target Downtown in the amount of Nil agreed to*

*On Community Recreation*

*Community Recreation in the amount of \$382,000 agreed to*

*On Recreation Directors*

*Recreation Directors in the amount of \$70,000 agreed to*

*On Yukon Sport Governing Bodies*

*Yukon Sport Governing Bodies in the amount of \$230,000 agreed to*

*On Territorial Experimental Ski Training Program*

*Territorial Experimental Ski Training Program in the amount of \$15,000 agreed to*

*On Yukon Arts Groups*

*Yukon Arts Groups in the amount of \$88,000 agreed to*

*On Advanced Artist Development*

*Advanced Artist Development in the amount of \$13,000 agreed to*

*On Special Populations, Special Programs*

*Special Populations, Special Programs in the amount of \$36,000 agreed to*

*Contributions in the total amount of \$1,351,000 agreed to*

<sup>54</sup> *Community and Transportation Services in the amount of \$42,852,000 agreed to*

**Hon. Mr. McDonald:** I move you report progress on Bill No. 6.

*Motion agreed to*

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

*Motion agreed to*

*Speaker resumes the Chair*

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

**Mr. Webster:** Committee of the Whole has considered Bill No. 6, entitled *Second Appropriation Act, 1987-88*, and directed me to report progress on same.

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

**Some Hon. Members:** Agreed.

**Speaker:** I declare the report carried.

**Mr. Phillips:** I move the House do now adjourn.

**Speaker:** It has been moved by the hon. Member for Whitehorse Riverdale North that the House do now adjourn.

*Motion agreed to*

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

*The House adjourned at 5:29 p.m.*

The following Sessional Papers were tabled in the House on April 9, 1987:

87-3-115  
Regulations Report - March, 1987 (Penikett)

87-3-116  
Service Contracts, 1982-83 (Kimmerly)

87-3-117  
Service Contracts, 1983-84 (Kimmerly)



87-3-118  
Service Contracts, 1984-85 (Kimmerly)

87-3-119  
Service Contracts, 1985-86 (Kimmerly)

87-3-120  
Service Contracts, 1986-87 (Kimmerly)

10/10/2020

10/10/2020