



The Yukon Legislative Assembly

Number 36

2nd Session

24th Legislature

HANSARD

Wednesday, November 7, 1979 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake
DEPUTY SPEAKER — Geoffrey Lattin, MLA, Whitehorse North Centre

CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government House Leader — responsible for Executive, Council office, Public Service Commission, Finance and Pipeline.
Hon. Doug Graham	Whitehorse Porter Creek West	Minister responsible for Education, Justice, Information Resources, Government Services
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Highways and Public Works, Municipal and Community Affairs, Yukon Housing Corporation, and Yukon Liquor Corporation.
Hon. Meg McCall	Klondike	Minister responsible for Health and Human Resources and Workers' Compensation Board.
Hon. Peter Hanson	Mayo	Minister responsible for Renewable Resources, Consumer & Corporate Affairs, Tourism & Economic Development.

Government Members

(Progressive Conservative)

Al Falle	Hootalinqua
Jack Hibberd	Whitehorse South Centre
Geoffrey Lattin	Whitehorse North Centre
Grafton Njootli	Old Crow
Donald Taylor	Watson Lake
Howard Tracey	Tatchun

Opposition Members

(Liberal)

Iain MacKay	Whitehorse Riverdale South
Alice P. McGuire	Kluane

(New Democratic Party)

Tony Penikett	Whitehorse West
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(Independent)

Maurice J. Byblow	Faro
Robert Fleming	Campbell

Clerk Of Assembly
Clerk Assistant (Legislative)
Clerk Assistant (Administrative)
Sergeant-at-Arms
Editor of Hansard

Patrick L. Michael
Missy Parnell
Jane Steele
G.I. Cameron
Lois Cameron

Whitehorse, Yukon**Wednesday, November 7, 1979****Mr. Speaker:** I will now call the House to order.

We will proceed at this time with Prayers.

Prayers

Mr. Speaker: We will proceed at this time with the Order Paper.**DAILY ROUTINE****Mr. Speaker:** Are there any Documents or Returns for Tabling?**TABLING OF DOCUMENTS AND RETURNS****Hon. Mr. Graham:** Mr. Speaker, I would like to table the answer to a question by Mr. Penikett, on October 22, regarding the art education curriculum.

Also, I have an answer to a question by Mr. Byblow, on October 31st, regarding students with learning disabilities.

Mr. Speaker: Reports of Special or Standing Committees?

Presentation of Petitions?

Reading and Receiving of Petitions?

Introduction of Bills?

Are there any Notices of Motion for the Production of Papers?

Notices of Motion?

NOTICE OF MOTION**Dr. Hibberd:** Mr. Speaker, I would like to give Notice of Motion, moved by myself, seconded by the Member from Riverdale South, THAT IT IS THE OPINION of this Assembly that the Yukon Government should urge the Canadian Broadcasting Corporation to provide the late evening newscast from Vancouver to Yukon television viewers.**Mr. Speaker:** Are there any further Notices of Motion?

Are there any Statements by Ministers?

MINISTERIAL STATEMENTS**Hon. Mr. Lang:** Mr. Speaker, colleagues, as you are probably aware, the Local Improvement District of Carmacks was formed in 1973 and, due to some unfortunate events, it was dissolved in 1974.

Since that time, there has been continuous interest for the re-establishment of a Local Improvement District form of government in the community of Carmacks. Their application has always been deferred because of pending settlement of Indian Land Claims.

In the early summer of this year, a petition was again submitted by interested parties in the community of Carmacks, for re-establishment of a Local Improvement District.

A petition in opposition of L.I.D. formation was received and, subsequently, a hearing was held under the chairmanship of Mr. Al Wright. Mr. Wright has submitted his report and recommendations to the Executive Council.

Following consideration of the recommendations contained in the report and other information pertinent to the formation of the Local Improvement District, we have made the decision that a Local Improvement District be established in Carmacks as of April 1st, 1980.

The boundaries of the new improvement district will coincide with the boundaries of the block land transfer area with the exception of Lot 48 and Lot 125 in Group 903 which has been set aside for the use of Indian people.

The reason for the delay in the formation of the Local Improvement District until April 1, 1980 is two-fold: it provides the Municipal Services Branch sufficient time to determine the budget required and to provide the supplies and staff training required for the smooth commencement of operation in the Local Improvement District.

Another major reason for the delay is that we can more fully explain to the Band Council of Carmacks the benefits of becoming a self-governing community. As I mentioned previously the proposed Local Improvement District boundary would exclude the native community. It is our hope that they will reassess their decision not to participate.

This position is maintained by the Band Council and the Local Improvement District boundaries are struck on April 1, 1980. I must stress we would, upon their request, be prepared to amend the boundaries at a later date.

It should be noted, Mr. Speaker, that the formation of a Local Improvement District is to have a self-governing structure which grants limited administrative responsibilities for a designated area. Unfortunately some interest groups have preconceived ideas that it affects the tenure of land. This is not correct. Under existing statutes, a Local Improvement District will provide an avenue for the community to apply for financial benefits which previously it has not been eligible to obtain.

We believe that in the above mentioned delay in the formation of the Carmacks Local Improvement District we have made a responsible decision on the matter. Renewed efforts will be made over the course of the winter to explain to the Carmacks native community the benefits of L.I.D. status.

Thank you, Mr. Speaker.

Mr. Penikett: Thank you, Mr. Speaker. I would like to thank the Minister for his statement and say in passing that I think that what appears to be the interim decision made here is probably the wisest one under the circumstances.

The issue with which the Minister has had to grapple here is a complex one. I am sure that the Minister has looked at some of the precedents in other parts of the country in reaching his decision.

The experience in the Northwest Territories, the conflict between the people aspiring to settlement councils and band councils in some of those communities there and the way in which those have reflected different cultural traditions has been one that has not yet been resolved and is and will be an on-going problem.

I would be interested in finding out from the Minister at some point if Mr. Wright's report has been made public and if not, when it will be.

Generally, I thank the Minister for his statement and I think that as an interim measure, he has made the right decision.

Mr. MacKay: Thank you, Mr. Speaker. I listened with some sadness to the Minister's statement. No doubt it was a difficult decision to make because it does recognize that two people who share the same land, the same difficulties, the same river, who live side by side, cannot agree to govern themselves together in the very basic needs of a community. I think it is quite an indictment of our Territory.

Yet, I agree that this decision had to be made. To fail to set up an L.I.D. would have been unfair to the non-native community who have been seeking such a thing for some time. By the same token, the native people have exercised their right to retain control over their own self-government in that community.

Carmacks, hopefully, will not become a model for the future for the Territory. I think that in the course of the Land Claims negotiations we must hope that these kind of divisions and inequities will be put to rest and that in the future we can see small communities, such as Carmacks, develop more in harmony and learn to live together and govern themselves to their mutual benefit.

Hon. Mr. Lang: Mr. Speaker, I am pleased and I might add, surprised, that the Members opposite have agreed with the decision. I thought that, perhaps, there would have been an opposite view taken. I am pleased to see that they have seen the difficulties that we are faced with and the fact that we have made a decision based on the facts presented to us on the fact that this is legislation that is passed by this House, and it is there for the benefit of all the people of Yukon Territory.

Further, in respect to the publication of the report by Mr. Wright, we will inform the Member and I thought that he would have received a copy or, at least, been informed that it had been made public. As soon as it was submitted to us some time ago, I had it made public, just a couple of months ago, and if the Member does want a copy of it I will ensure that he receives one.

Mr. Speaker: Are there any further Statements by Ministers?

Hon. Mrs. McCall: Yes, Mr. Speaker, in response to questions raised in the House over the past week, I am pleased to announce that December 5th of this year has been set as the date for the plebiscite on a ban of alcohol in Old Crow.

In view of my talks with the Chief, Band members and the MLA representing Old Crow and their concern over alcohol conditions in that constituency, a vote in favour of a ban on alcohol for two years seems very likely. In that case, it is our intention to present legislation to this House in the next week, which would ban all sales and use of alcohol in the Old Crow area.

This legislation will have a coming into effect clause, which will allow the ban to come into effect on the day after the Old Crow plebiscite.

Mr. Speaker, this Government will also be announcing other measures that will be taken in order to combat the reasons for alcohol abuse in the Old Crow area. Not only will the Health and Human Resources department be concentrating on this problem, but the Education Department will start planning and construction of a gymnasium addition to the Old Crow School, which will be used by the community as a whole.

It is only with this unified type of approach that we will be able to solve the root cause of alcohol abuse in Old Crow.

I trust all Members of this Legislature will join in passing legislation when it comes before the House next week.

Thank you.

Mr. Byblow: Mr. Speaker?

Mr. Speaker: Is the Honourable Member rising on a point of order?

Mr. Byblow: Yes, I understand I am being given the privilege, some may call it dishonour, of being a Liberal for five minutes.

Mr. Speaker: I am sorry, the Chair cannot entertain such a provision. According to Standing Order 11(8), this is not permitted.

Are there any further replies?

Are there any further Statements by Ministers?

Mr. MacKay: On a Point of Order, Mr. Speaker. I had, in fact, asked the Member from Faro to reply to this Ministerial Statement on my behalf, based on an informal understanding that I thought the Committee had reached that if such an occurrence did arise, where a Member had expressed a special interest in the subject, that he would be permitted to rise and reply, provided that I stood aside to do that.

Mr. Speaker: On the Point of Order raised by the Honourable Leader of the Opposition, I cannot agree.

Standing Order 11(8) provides a reply to Ministerial Statements by representatives of recognized parties only and does not include Independent Members who, of course, logically, are not members of a Party.

Mr. Speaker: Are there any further Ministerial Statements?

We will then proceed to the Question Period. Have you any questions?

QUESTION PERIOD

Question re: Land Freeze

Mr. MacKay: Thank you, Mr. Speaker. I do have some questions today, a number of questions.

I would like to address my first question to the Leader of the Government, and it is a serious question, because, once again, Mr. Speaker, I am going to seek clarification of what appears to be a public misunderstanding.

Mr. Speaker, the Minister for Indian Affairs and the Council of Yukon Indians have stated publicly that there is a land freeze of all land transfers from the Federal Government to the Territorial Government, until April 30th.

The Leader of the Government has repeatedly seemed to deny this state of affairs. Now, I do not wish to indicate that the Leader of the Government is deliberately misleading the House, but there is definitely a misunderstanding and I would like him to say what his understanding is of the agreement he has with Mr. Epp and if it differs with what is being said in other places.

Hon. Mr. Pearson: Mr. Speaker, nothing has changed from my previous statements to the House and I sure have no intentions ever of misleading this House. I want to assure all Members of that.

Mr. Speaker, I am being as frank as I can possibly be when I say

that the only subject, in respect to transfers of any kind that were discussed with me during the course of those talks in Ottawa, was the subject of recreational lots and an agreement was sought from us that there would be a delay of six months in us requesting the transfer of those lots.

Mr. Speaker, on behalf of this Government, I made that agreement. There were no discussions of transfers of anything else.

Mr. MacKay: Mr. Speaker, I accept at face value the Government Leader's statement that this was all that he discussed.

However, it has now become apparent from public statements from other sources, that much more was implied--

Mr. Speaker: Order, please. I believe the Honourable Member is making a speech.

Mr. MacKay: I am trying to corner the Government Leader.

Mr. Speaker, I am trying to give him an opportunity to clarify the issue.

Mr. Speaker: Order, please. Will the Honourable Member please get to the question.

Mr. MacKay: Yes.

Will he contact the Minister of Indian Affairs to find out if, in fact, there was some other agreement between himself and the CYI, that this Government Leader does not seem to be aware of?

Hon. Mr. Pearson: Mr. Speaker, I would be happy to do that.

Mr. MacKay: And having done that, will the Government Leader report back to the House the reply he receives?

Hon. Mr. Pearson: Yes, Mr. Speaker.

Question re: Human Resources Department Administration

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister of Health and Human Resources.

Earlier this week, she confirmed that she had received a letter from the private citizen, one W.C. Larson, of Mayo, in which letter the citizen asserted that the Department of Human Resources of Yukon to be the most insensitive and poorly administered social services organization he had ever encountered.

I would like to ask the Minister if the Minister has yet replied to that letter and if she has, in that reply, been able to deal with the substance of the comment made by the citizen?

Hon. Mrs. McCall: Mr. Speaker, I was under the impression that that was a private letter to me and I am not prepared to answer that.

Mr. Penikett: Mr. Speaker, since the letter appears to be less than private, since I received a copy in the mail, as did CBC, I wonder if the Minister, given that information, would then be prepared to reconsider her position of it being private?

Hon. Mrs. McCall: Mr. Speaker, the citizen in question was an employee. The letter ought, actually, under the Public Service Commission, to have been directed to the Deputy Head.

Mr. Penikett: Thank you, Mr. Speaker.

Since it was an employee it ought to have been directed to the Deputy Head and therefore since it was directed to the Minister and is a public communication, can I then ask the Minister if the Minister, given those facts, will be responding to the substance of the letter?

Hon. Mrs. McCall: Mr. Speaker, we are dealing with an employee situation, in fact. I might say that the concerns in the letter will certainly be taken into consideration, but it is an inter-departmental consideration.

Hon. Mr. Lang: Mr. Speaker, on a Point of Privilege:

I would just like to make a point, Mr. Speaker, that I find it very unsettling that a Member opposite would pursue a course of questioning in this House, on behalf of a past employee of this Government, in view of the statements that were made on a public broadcast on CBC this morning.

I was totally appalled by the conversation that was on the air this morning and I would suggest that the Honourable Member listen to it and perhaps see if he really wants to pursue the subject any further.

Mr. Speaker: Order, please. I cannot rule that the Honourable Member has a Point of Privilege, indeed.

Question re: CBC Free Time Political Broadcasts

Mr. Fleming: Thank you, Mr. Speaker: a question to the Government Leader. Sometime ago CBC decided to give some free time political broadcasts and have all parties participate. I wonder if

the Government Leader has been informed or has been asked to participate in those broadcasts?

Hon. Mr. Pearson: Mr. Speaker, we have been contacted by CBC respecting this. Our caucus chairman is the responsible Member from this side dealing with this problem or whatever it might be. He has had some difficulty in arranging a suitable time for meeting with CBC, but I was talking to the local manager this morning and assured him that I would have Dr. Hibberd get in touch with him at the earliest possible moment.

Mr. Fleming: Supplementary, Mr. Speaker: it seems as though the Liberal Party and the NDP Party have decided to agree to having the Independents, from their respective ridings, also allowed to be on the broadcast time. Although CBC's policies were different, they have agreed, too. I am wondering if the Progressive Conservative Party has agreed in the affirmative or will they be agreeing?

Hon. Mr. Pearson: Mr. Speaker, as stated we have not had any discussion yet with CBC in respect to this. I am confident that it will be given our consideration when we do.

Mr. Fleming: It seems as though the Government Leader does not wish to commit himself to having the Independents have their say completely, or even possibly not at all. I am wondering if the Government Leader would be giving his consent if he does out of the goodness of his heart or probably just for political reasons?

Mr. Speaker: Order, please. The question does not fall within the rules of the Question Period.

Question re: Social Worker in Faro

Mr. Byblow: I have a question for the Minister of Health and Human Resources of a more gentle nature.

The Minister indicated a couple of weeks ago that a replacement of a social worker for my community would be done in short order. Upon checking yesterday, the appointment has not been made and I would like to know what the problem is.

Hon. Mrs. McCall: Mr. Speaker, I do not have an answer to that question. It just came to my notice yesterday and I had a few other things to deal with in the meantime. I have not had a chance to do that. I think perhaps the Minister next to me could clarify one or two points on housing, that is probably what you are wondering.

Hon. Mr. Lang: Mr. Speaker, it has come to my attention this morning and due to the fact that one of my portfolio responsibilities is housing, my understanding is, at least the information that was provided me, that the individual involved turned down our job offer because of the housing conditions. It kind of put the Housing Corporation in a very difficult position to wonder just exactly what the problem was since I understand that the individual in question has never been to Faro and did not really look at the housing conditions that were there.

Mr. Byblow: I would simply ask the Minister what her plan of action is at this point to deal with a four month old vacancy?

Hon. Mrs. McCall: Yes, we are very concerned with it, Mr. Speaker. I would like to say that I think there is probably a bit of a misunderstanding over the housing. That is being looking into at the moment and we are going to pursue it further.

Mr. Byblow: Mr. Speaker, my information indicates that the Alcohol and Drug Services person is tendering his resignation as well. I would simply ask, is the Minister aware of this?

Hon. Mrs. McCall: Properly, Mr. Speaker, that worker would not be tendering his resignation to me. It would be to the Department head. I have no knowledge of it.

Question re: Tax Exemptions for Charitable Organizations

Mrs. McGuire: Thank you, Mr. Speaker, I have a question for the Honourable Minister of Municipal and Community Affairs.

Are funds available for grants and contributions to subsidize taxes on land owned by charitable, non-profitable organizations who contribute all funds made on this land to charitable and community causes?

Hon. Mr. Lang: Mr. Speaker, I am not too sure what the Member refers to. I do know that there is a section in the Taxation Ordinance that does provide for certain tax exemptions. If the Member wants to pursue it further I would be more than happy to discuss the situation. If there is a situation that is directly affecting her riding I would be more than happy to look into it.

Mr. Speaker, there is just one further point that should be made that has been brought to my attention. It has been in effect for some time and that is that community clubs have been exempt for over a year now. The legislation just passed through this House also reflects that as well to put it under the umbrella of that particular

legislation as opposed to the Recreational Development Ordinance.

Question re: Energy Prices

Mr. MacKay: Thank you, Mr. Speaker. I have a further question for the Leader of the Government. Today the Minister of Indian Affairs said that he was trying to obtain a voice on energy for the concerns of the North. Since the Minister will be speaking on behalf of the people of the Yukon, what position has this Government here asked him to take with respect to energy prices?

Hon. Mr. Pearson: Mr. Speaker, the Minister is dealing directly with a branch of his department, the Northern Canada Power Commission. We are in the process of developing an energy policy for this Territory that is not completed yet. I would be more than happy to bring it to this House the moment it is completed.

Mr. MacKay: I shall be more than happy to see it, Mr. Speaker. Does the Government feel that the historically higher prices of energy in Yukon should be included in a national debate that is going to be coming on in the next week or two where Ontario and other consuming provinces are asking for special deals from the producing provinces?

Hon. Mr. Pearson: Yes, Mr. Speaker. Hopefully we will be represented through the Minister of Indian Affairs and Northern Development at such a conference. Not having provincial status, we are not invited to those types of conferences.

Mr. MacKay: Since this is such a vitally important issue to many Yukoners with the approach of winter, will he consider sending one of the more intelligent Members of his caucus as a representative at these talks?

Mr. Speaker: Order, please. I will declare that question to be facetious of nature and therefore out of order.

Question re: Municipal Ward System

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister of Municipal Affairs which arises from his Ministerial Statement today. I would like to ask the Minister if his department is preparing legislation to create a ward system for Yukon municipalities?

Hon. Mr. Lang: Mr. Speaker, as the Member well knows, the consolidation of our Ordinances has been taking place. It is almost complete. It would be my position that I will be speaking to the Association of Yukon Communities as it is the voice of the communities throughout the Territory in respect to this legislation that will be coming before the House. I imagine that would be one aspect that would be discussed. I have mixed feelings on it myself.

Mr. Penikett: Thank you, Mr. Speaker. I wonder if the Minister could confirm to these voices of communities here or deny that his Department is giving active consideration to the formation of a ward system which would guarantee minority representation in elected local government bodies.

Hon. Mr. Lang: Mr. Speaker, from my knowledge, no, not at the present time.

Mr. Penikett: Thank you, Mr. Speaker.

Given that a majority of aldermen in this City have historically come from one neighbourhood, which some citizens have argued has denied representation of other neighbourhoods in this City, will the Minister be considering a ward system for municipalities such as Whitehorse, based on neighbourhoods?

Hon. Mr. Lang: Mr. Speaker, I have not given it any serious consideration. It is my hope that, in reflection, perhaps, we do have a municipal election coming up in Whitehorse. I know the Honourable gentleman across from me is no longer running and, perhaps that will provide maybe some representation from Porter Creek, through a free vote.

Question re: Energy Policy

Mr. Byblow: I have a question for the Government Leader on energy policy, but of a slightly different nature.

Indications are that we are having piecemeal power development very well taking place immediately, in the near future, which would have a long term effect on the future development of a central grid system.

My question would be, simply, does the Government, in fact, support this approach?

Hon. Mr. Pearson: Mr. Speaker, I am going to take exception with the inference of the Honourable Member, that there are indications that there is going to be any piecemeal development.

Mr. Speaker, he is the only person in the Territory who I have heard use this term and the only place I have heard it used is in this House.

Now, Mr. Speaker, any kind of development, if it can be hooked into the grid system, does not take away from the grid system. Any suggestion that that is not so is ludicrous.

I have said before, and I will say it again, we will support the orderly development of industrial energy in this Territory.

Mr. Byblow: Mr. Speaker, if we could just clarify our positions. I believe the Government Leader should recognize that any power development that takes place outside a grid system--

Mr. Speaker: Order, please. I believe the Honourable Member is now making a speech.

Mr. Byblow: I would simply then ask of the Government Leader if he feels a marketable value of hydro development can be affected by smaller type developments?

Hon. Mr. Pearson: Yes, Mr. Speaker, there is no doubt about it.

Question re: Teslin /Caribou Herd

Mr. Fleming: Yes, Mr. Speaker, a question to the Minister of Economic Development.

I am wondering, some time ago there was a meeting of the inter-agencies group in Teslin. There was some concern raised as to the recreational lots in the little Teslin area and the small caribou herd that was there.

The question was asked as to whether the Territorial Government had anything to do with it.

The point concerns a small caribou herd in the area. The Game Branch was consulted and the concerns were raised regarding this site. They say--

Mr. Speaker: Order, please. I believe the Honourable is also making a speech.

Perhaps the Honourable Member could get to the question?

Mr. Fleming: Yes, Mr. Speaker.

Mr. Watson said at that time there was no concern. The Game Department had no concern.

I am wondering if the Minister could tell me why there was no concern?

Hon. Mr. Hanson: Mr. Speaker, I cannot answer for somebody else in the past. We have had people down, this year, all summer studying the caribou herd down there. So, it is a great deal of concern to, because the herd is getting very much smaller.

In fact, we have almost got to the opinion now that we have pretty near studied that herd to death, but we cannot do anything about it. We have yet to come up with answers as to what we are going to do. Probably prohibit the hunting of them is the only answer.

Mr. Fleming: Supplementary, Mr. Speaker, to the Minister. What method was used, if the Minister could procure that for me? What method was used to come up with this decision that there was no concern?

Hon. Mr. Hanson: Mr. Speaker, I would suggest that you would ask the person who made the statement.

We have spent quite a few thousand dollars down there this year. So, it is a concern to us, but I cannot answer for Mr. Watson. I can only answer for myself and my Department.

Mr. Fleming: The Game Department, I think, is under the Minister. Is this true or not?

Mr. Speaker: Order, please. I do not think that question needs answering. It is a very wrong line of questioning.

Question re: Alcohol and Drug Services/Chief of Staff

Mr. MacKay: My question is to the Minister of Human Resources.

Can the Minister tell the House if her department has found a successor to the present incumbent of Alcohol and Drug Services Director?

Hon. Mrs. McCall: Mr. Speaker, no, we have not.

Mr. MacKay: Because this is such an important position in the Government, in the event that no successor is found by the Minister, will she retain the services of the present incumbent for the full six months' notice that he has given or until a successor is found?

Hon. Mrs. McCall: Mr. Speaker, it is possible.

Question re: Game/Cow Moose Hunting

Mrs. McGuire: Thank you, Mr. Speaker. I have a question for the Minister of Renewable Resources.

Whereas there is a recognized great decline in the moose population, partly contributed to open cow moose season, would the Minister consider restricting the taking of cows with first year calves?

Hon. Mr. Hanson: Yes, Mr. Speaker, we will. It is a very deep concern to all of us that the moose population is going downhill.

Question re: NCPC Head Office Relocation

Mr. MacKay: I have a question for the Minister of Economic Development.

He, with some flourish, some time ago, indicated that he was going to take steps to encourage NCPC to move its head office to Whitehorse.

I would like to know if he can report to the House today what steps he has now taken?

Hon. Mr. Hanson: I think you are kind of building a mountain out of a molehill. But it was suggested in the labour statistics release that they would be encouraged to move here. They have spent quite a few dollars, I imagine millions being a Federal Government agency, and they are planning a move but it is not definite as to where they are going to move yet.

Mr. MacKay: Has the Minister now had an opportunity to review the study that has been made evaluating the options that NCPC has with respect to moving to Yukon or the Northwest Territories?

Hon. Mr. Hanson: Mr. Speaker, I have not yet seen that report.

Mr. MacKay: I should have been a dentist pulling teeth. Will the Minister undertake to read this report as soon as possible and report back to the House as to the options available?

Hon. Mr. Hanson: Yes, Mr. Speaker, when he stops asking questions.

Question re: Dawson City Highway Maintenance Department

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister of Municipal Affairs.

Can the Minister confirm that the Territorial Highways Department partsman position has been eliminated in Dawson and that as a result the policy of decentralization for this particular department has therefore been terminated.

Hon. Mr. Lang: Mr. Speaker, in the reallocation of staff in that particular area there were two partsmen. The decision was made to go to one, but at the same time one of the individuals involved was offered employment elsewhere in the department.

Mr. Speaker, I would suggest that it does not go against the policy of decentralization, depending on your definition. The point is, as I said in the House earlier in the week, we have taken on the responsibility of the Dempster Highway on a year round basis, which the Honourable Member has said he objects to, but at the same time you have to recognize it does provide jobs and indirectly is, hopefully, going to aid the economy of the city in question.

Mr. Penikett: Thank you, Mr. Speaker. Previously, Dempster maintenance parts were ordered through the Dawson maintenance shop creating, as the Minister said, business for local merchants. Given the Minister's justification for winter maintenance of the Dempster is local employment, will the Minister reverse the decision which has not been made to do all the ordering through Central Supply in Whitehorse?

Hon. Mr. Lang: Mr. Speaker, I do not see the logic that the Honourable Member is pursuing. If a part is necessary, for example, at Tuchtua and it was in Whitehorse, I would find it very difficult to understand why they should go through Watson Lake and vice versa for the northern region of the area.

We have, as the Honourable Member well knows, over many, many years put a lot of monies into what is termed a VHF system which gives us communication directly from our camps to the appropriate agencies in order to get parts.

Mr. Penikett: Thank you, Mr. Speaker. The point is that local merchants used to keep a supply of parts on hand. They no longer have to because nobody is buying them. I would like to ask the Minister in view of that circumstance and its impact on the work force, not only the public work force but also the private work force of Dawson City, if he would now reconsider that decision?

Hon. Mr. Lang: Mr. Speaker, I would have to take the question under notice. I am not too sure what the Honourable Member is referring to in respect to the private sector and providing parts. It was always my understanding that the parts were, if available, either done locally--which I am sure would still continue in the case that the Honourable Member has referred to--if they are available and subsequently if they are not then they would be going through the appropriate agency in the private sector in the next largest community where those parts are available.

Question re: Diesel Mechanic Ticket

Mr. Fleming: Thank you, Mr. Speaker, I have a question to the

Minister of Education. In the case of a person going to British Columbia--I will pick one instance so that we do not get involved, a diesel mechanics course for instance-- and he obtains a BC ticket, and I understand that upon returning home that the ticket is not recognized in the Yukon and he has to pass another test. Is this true?

Hon. Mr. Graham: Mr. Speaker, it is true in some cases where we have agreed between other provinces and ourselves that our tickets are accepted in either jurisdictions that is not true, but in some jurisdictions in Canada it might be true.

Mr. Fleming: Supplementary, Mr. Speaker: I did not quite catch the last part of the Minister's answer. Did he say that we do have an agreement with BC and that the ticket is recognized in the Yukon?

Hon. Mr. Graham: I am not sure, Mr. Speaker. I would have to take that under advisement.

Question re: YTG Civil Servant Pay Revision

Mrs. McGuire: Thank you, Mr. Speaker. I have a question for the Government Leader. When did the last Yukon Civil Servant pay revision take place?

Hon. Mr. Pearson: I believe it was a year ago, Mr. Speaker. I cannot be absolutely certain. I believe it was last year and I believe it was a two year contract that was negotiated.

Question re: Labour Force Statistics

Mr. Penikett: Thank you, Mr. Speaker. I have a question for the Minister of Economic Development which he has asked me to ask him. It concerns the report that he issued in the House the other day on economic development and employment and unemployment in the labour force. Can the Minister tell the House how the labour force statistics for Yukon are developed?

Mr. Speaker: Order, please. I am just not so sure that question is allowable, in that it could require a lengthy reply.

However, I will permit the Honourable Minister to answer.

Hon. Mr. Hanson: Thank you, Mr. Speaker.

The way of reaching these figures is so complicated that I cannot answer it at one time. So, I will ask my man on statistics to draw up a paper so the Honourable Member will know how it is done then, and probably I will learn myself, at the same time.

Mr. Penikett: Thank you, Mr. Speaker.

Could the Minister say if, at the present time, the Medicare records of Yukon are used as a basis of establishing the labour force figures for Yukon?

Hon. Mr. Hanson: No, Mr. Speaker, they are not used. We have a model that the man has already tried to explain to me and I do not understand it.

Mr. Speaker: This then ends the Question Period. We will now proceed to Orders of the Day, Motions Other Than Government Motions.

ORDERS OF THE DAY

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion Number 35

Mr. Clerk: Item Number 1, standing in the name of Mr. Penikett.

Mr. Speaker: Is the Honourable Member prepared to deal with Item 1?

Mr. Penikett: Next sitting day, Mr. Speaker.

Mr. Speaker: So ordered.

Motion Number 36

Mr. Clerk: Item Number 2, standing in the name of Mr. MacKay.

Mr. Speaker: Is the Honourable Member prepared to deal with Item 2?

Mr. MacKay: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Leader of the Opposition, seconded by the Honourable Member for Faro, THAT it is the opinion of this Assembly that the Government of Yukon should take steps to ensure the continued existence of a viable rail link from Yukon to tidewater by:

(a) Seeking long-term financial backing from the Federal Government to enable the Yukon Government, through a Territorial Crown Corporation, to purchase the White Pass Corporation and subsidiaries;

(b) Inviting Canadian National Railways to participate in the Crown Corporation and provide management assistance; and

(c) Ensuring a source of capital funding that will enable the new Crown Corporation to extend the rails from Whitehorse to the Pelly River at Faro.

Mr. MacKay: Thank you, Mr. Speaker.

We have brought forward this motion today because we feel that the time is now for some action. We have an urgent need to do something today.

The maintenance of a rail link to tidewater from Yukon, I think everybody here agrees, is of an absolute necessity. We have heard that there are other alternatives available to the present operators of mines to transport their ores out of Yukon and, in fact, that these options may be cheaper in the short run.

But I feel, and I want to make the case here today that it is an absolute, vital need of the Yukon to maintain the existing rail link.

Yesterday, Mr. Speaker, I heard an excellent speech by Mr. John Bruk, the Chief Executive Officer of Cyprus Anvil Mines. His main message, and I think we should go through it to get through to the Members opposite, his main message was that the time is now to make some tough decisions to solve some of today's problems.

I think we spend too much time on grandiose schemes, such as a major hydro development or a major rail extension through British Columbia. I think in the meantime, it is recognized that there is barely enough power to meet today's needs and that the railway, our existing railway, the one we have, is rapidly deteriorating to a point where the only decision left may be to open the Skagway Road year round and abandon the railroad.

Indeed, the Government Leader's own letter to Mr. John Fraser, President of White Pass, in September, was a clear and unequivocal call for action to save the railway. It is unfortunate that White Pass and Yukon Route is rapidly becoming a financial cripple that cannot maintain itself.

Mr. Fraser's reply clearly indicated, Mr. Speaker, that his company is really not in much of a position to do anything about the problem, without outside help.

For that reason, therefore, we, in this Party, feel that the Yukon Territorial Government should clearly stake out its position on the issue now.

I would like to examine some of the options that are open to the Territorial Government. The first option is that they could do nothing. This inaction could lead to the bankruptcy of White Pass and the subsequent closure of the rail line. It is apparent, Mr. Speaker, that allowing the railway to close, even for a brief time, could lead to such a serious deterioration of the tracks that major expenditures would be required to be incurred to bring it back to life.

If no such resuscitation was made, the Government would be inevitably forced to spend an estimated \$16 million to upgrade the Skagway Road for year round traffic.

Another result of doing nothing, Mr. Speaker, could be that the Federal Government will step in and would grant subsidies to the White Pass and Yukon Route to maintain its existence. The taxpayers of Canada would then be paying the bills, while the White Pass Company retains the assets.

In the long-run, Mr. Speaker, all that would happen is that the status quo of today would be maintained. By the same token, White Pass' difficulty of never generating enough profit to venture into an expansion. Doing nothing, therefore, would lead to no long-term solution. It would merely be a bandaid solution or a subsidy solution.

A third possible result of inaction on the part of the Government would be for a third party in the private sector to come along and buy the railway.

That, I submit Mr. Speaker, leaves the Territory at the whim of the marketplace. Such a buyer may not come. Such a buyer, if it did come, may not have the long term interests of the Yukon at heart. It is unlikely that given the state of the railway right now that a willing buyer could be found, and furthermore, a buyer with sufficient financial muscle to be able ultimately to extend the rails to Faro.

I think it is evident, in Canada, from recent history, that rail expansions have generally been Government sponsored projects.

The next option that the Territorial Government has is to seek the purchase of the railway by CNR or by the Federal Government. I think there are three reasons why this is not desirable or even possible. I think, in the first place, the Federal Government has acquired some ideological baggage which is a bit of an embarrassment to them, but nevertheless it means that they are not in the business of acquiring any more Crown Corporations. I think we can

rule out the Federal Government.

The CNR has already turned down the opportunity of acquiring the White Pass. They are not particularly interested, I would submit, in maintaining a railway that might ultimately stymie development of their southern empire which may wish to go north sometime.

Even if the Federal Government or CNR were to assume control, this Government here, the one that has run for election and sought support to direct and help the development of the economy, this Government would have surrendered a key tool of development to a Federal entity, an event which I am sure Members on the other side of the House, as well as this, would not be willing to encourage.

I submit, Mr. Speaker, that the only other option open to the Territorial Government is to assume control of the events that beset us today. Unless our Government shows leadership in this field, we may well be faced with a major economic blow which the closure of the railway would be. I would like to, though, before going to the positive aspects of this Government taking this action, let us look at the negative aspects.

Where are the problems? In a perfect free-enterprise, Adam Smith, world which I think the Minister of Municipal Affairs still lives in, the Government would let the market forces and the weak would go to the wall. I think many people still believe in that basic principle and by and large it can still hold, except that this Government has an ultimate responsibility to all of the people of the Yukon.

Mr. MacKay: Another aspect is that if the railway is losing money now, why should the YTG buy a loser? We may be saddled with ongoing need for funds. Where are these funds going to come from and are the taxpayers in the Yukon prepared to shoulder the burden? I am going to answer these questions later.

The third negative aspect that will come up is that we do not have the expertise in this Government to run a railway. Often the theory is that governments have trouble running a coffee machine let alone a complex company. These are the arguments that are against it and I would turn now to answer these arguments and look at some of the positive aspects of a move to take over the railway.

As I stated at the beginning, Mr. Speaker, the maintenance of a rail link to tidewater, eventual expansion to the mineral rich areas of mid-Yukon, are, in our estimation absolute necessities in the long term economic plan for Yukon. The solution suggested today will guarantee that result. No other option available does that.

The tools of development, the major ones, are transportation and power. This House has already passed a resolution seeking the takeover of the power company. So to take over the major monopolistic transportation company seems to me not a great ideological step for this Government to take. It is merely another logical step at an attempt to control the levers of development.

Another advantage, and this may come as a surprise to a lot of Members opposite, the railway can actually make a lot of money for the Yukon. There are many knowledgeable businessmen on the other side, and they know that a knowledgeable and gutsy businessman does not go out to look for a company that is at the zenith of its fortunes, because that way they are going to pay top dollar with little prospect of any major improvements in earnings. These knowledgeable and gutsy businessmen look for a turn-around situation.

I suggest to you, Mr. Speaker, that today the White Pass and Yukon Route is in a turn-around situation. A study commissioned by the Federal Government for the Task Force report, shows that the White Pass and Yukon Route can anticipate being in the black by 1982 and thereafter showing an increasingly healthy profit.

A major advantage of beginning this move now is that the railway is still functioning as a going concern. It has profitable divisions. Yet overall, the price, and this is where we should be getting down to some pretty real thinking, the price should be now getting down to the level where the Company may be a good buy. I emphasize that this may be the "bargain time". In no way do I recommend this Government buys the railway at any price.

Financial reports have shown that the price may vary from a low of four or five million to a high of fifteen or sixteen million. The Federal Government forecasts show the profit in 1982 of over three million before interest and income tax. I suggest to you that that kind of profit is not a bad return on investment.

I could regale you, Mr. Speaker, with many more interesting figures. However, I do not wish to detract from the basic principles of my argument. One more point: there has been concern expressed by employees of White Pass that perhaps becoming civil servants is not their desired goal. I think that has to be addressed

clearly and unequivocally. These same employees should be aware that the company that they are working for is in severe financial difficulties and they should be worried about keeping their jobs in the long run. If this company folds up, these employees will have to seek employment elsewhere. They may well find it in the Yukon because the ore still has to be moved but they will lose any seniority privileges that they have and may well wind up with a poorer paying job. This Government, in taking this action, may well be saving and safeguarding the jobs of Yukoners.

The final argument that I would like to address and it is one which I suspect is the most crucial in the Members opposite is that argument of timing. Is it the right time for the Yukon Territorial Government to make this move or is it premature?

I noted that the Progressive Conservative Party had some debate on this issue over the weekend and that the Government Leader himself sought some fairly immediate action. I am glad that he agrees with me. I hope he can carry his caucus today.

My reason for putting forward this motion today is that right now there is a CTC inquiry in process. That inquiry, sponsored by the Federal Government, wants to hear from as many Yukoners as possible. I suggest that we, in the House today, speak for just about as many Yukoners as possible. I think that the transcripts of this debate should be forwarded to the CTC. I think we should clearly state a few things so that they can understand the position of the Yukon.

I think there are probably three things that we can agree on from both sides of the House. First, this House has already indicated their reluctance to see Federal subsidies given to White Pass due to past management practices of the present owners and also due to a fairly legitimate reluctance to see getting into a situation of subsidizing in the future.

I do not think this House favours subsidies.

The second factor I think we can agree on is this House regards the maintenance of a sea/rail link as crucial to Yukon's future.

The third point is that this House view favourably the concept of extending the rails to Faro.

Given agreement on these things, what we are talking about now is how to attain these objectives. The way we think you should attain these objectives is to make the move now to go after the ownership of that company.

How will you do it? Well, the resolution, Mr. Speaker, contains elements of how.

We need Federal Government backing. We already have some cash here in this Government, but we need Federal Government backing and I suggest that a pro-development move such as this, the Federal Government would have a difficult time turning down.

Next, I think we need to secure expertise. No doubt, many of the personnel of White Pass would stay on. However, a pool of experienced personnel is needed and CNR, a Federal Crown Corporation, has that expertise. We should ask their help.

Finally, the key factor, Mr. Speaker, we should have assurance of future funding for the rail extension to Faro, because I think without that assurance, and I think that is probably the most important part, without that assurance, it may well be that this Government should allow the White Pass railway just to fold up and go away. That is the crucial thing.

To summarize, Mr. Speaker, timing. I think the timing could not be better. Right now, the railway is still operating. I do not know if we can safely say that a year from now that it will still be operating, unless something happens from outside.

So, we have to regard the fact that it is a going concern, it has customers lined up for its tours next summer, it has a pipeline that functions and makes money, it has personnel in place here, it is a going concern. The time is right now.

Financing, this Government, we are assured, has excellent contacts in Treasury Board. We should be talking to these people and seeing what funds are available.

Expertise, we have expertise in the town. The local people have been running this railway for 70 years, 80 years. We should also call upon our neighbours to the south, in the form of CNR, who have a greater pool of expertise.

Capital for the long-run, is an absolute necessity because without it, the long-term viability of the railway is in doubt and, I suggest, the long-term viability of Yukon as a mining community, is going to be in doubt, too.

Finally, I will leave you with a question. What other choices do you have but to go for the bundle?

Mr. Byblow: Mr. Speaker, I am entering the debate on this motion because I believe it articulates a position of this Assembly towards a mode of transportation that is vital, as outlined in the previous speaker's address, vital to Yukon's economic future, which I believe we all agree, is a very important issue.

I think, at the same time, this motion reaffirms what has been historically a government responsibility in this country. In fact, the railroad 95 years ago ensured Confederation and has since then been looked after by government.

I think the support of this motion, Mr. Speaker, would dispel the allegations that Yukon is plagued by inactivity and a lack of decisiveness. Or, better yet, as some might say, that we are sitting on our assets.

To suggest that this motion is premature can only be interpreted as a confusing contradiction on our part, because, on the one hand, we are promoting orderly growth and development and on the other hand, we are allowing one of those keys, those tools, as mentioned, one of those tools to development, to be thrown away. Again, to use a cliché, to be allowed to be driven into the rails, or off the rails.

We have heard financial analysis of the railroad's viability. We have heard recently that industry in Yukon found it necessary to pump some additional financial aid into the railroad. We have heard this Government's charges of irresponsibility and inefficiency on the part of the railroad. We have heard before, in debate, the charges of corporate usurping of revenue and profits out of Yukon by the railroad.

Somehow, I think we are believing that the inquiry facing White Pass will somehow be the solution the railroad's continuity and viability.

I have difficulty there, Mr. Speaker. The mandate of the inquiry is frighteningly powerful. Not only will we have once and for all the assimilation of all the facts and figures and corporate intricacies of White Pass, but we could have some very heavy-handed legislation that could force White Pass to liquidate, bankrupt, or seize.

If you take that notion and lay it up against the impact on our transportation needs and obligations, against our notions of development, against the role of Government to provide the infrastructure to encourage development, you have some pretty shaky future prospects of the Territory.

Mr. Speaker, I do not think we too often realize the full value of the railroad or its impact, its potential. I do not think we realize the role of this mode of transportation in terms of what it plays in the development of the mining industry.

Mr. Speaker, probably no one is closer to this realization than I am. My community and half the Yukon exists only because of one of the largest lead zinc mines in the world. Twenty-five per cent of Canadian lead production comes from my riding and it gets to tidewater by that railroad.

The growth in my community, as a result of the expansion of the mines' capability, is really the only confirmed bright prospect in Yukon's economy in the near future.

I think it is an undoubted position, Mr. Speaker, that any railroad shutdown would be a disaster and we would end up grappling with alternate routes to move our products.

As the previous speaker noted, we heard yesterday that unless we attend to principle concerns of transportation and energy, on an immediate basis, the Territory is going to be less attractive to industry. It is going to be less attractive to people. It is going to be less attractive to survival of our present activities.

The logic, Mr. Speaker, goes a step further. In the resource corridor of the Pelly, and beyond, lies the most likelihood and probabilities of new mines in the Territory. A tin deposit in the McMillan Pass will likely be developed by 1985. The Summit Lake deposit at Howard's Pass is slated for 1990.

If you take a position to extend to the Pelly now, you not only attend to the transportation infrastructure of the existing resource extraction, but you lay the groundwork for future expansion. I believe road construction over rail erection is hardly comparable in cost.

I am not even going to attempt any financial justification or analysis. I leave that to more competent types.

I would note, Mr. Speaker, that last December's task force report cites the salvage value of \$48 million, as a possible purchase price.

No doubt the upgrading, the extension costs would have to be considered. But, as opposed to alternate transportation, rail, for

industrial needs, is most economic to any Government in charge of providing that into structure. That is our obligation if we are seriously concerned about the economic future.

I think, too, Mr. Speaker, that I would also note from the task force report and point out the consequences of a continued lack of solving the railroad's problems. The report makes the point that this kind of approach would have a long-term impact on economic development and serious financial implications for the Federal and Territorial Governments who would be pressured into investing in expensive upgrading or alternate transportation into structure.

It seems only logical, Mr. Speaker, that if we are going to take command of our affairs, we should not be tolerating the present uncertainty surrounding the railroad. If we want to provide for a more favourable investor climate we had better ensure a more stable posture to that railway.

Mr. Speaker, the Government might respond by saying nothing should be done until CTC reveals all and this is fine. But, what then? I think the previous speaker went over the various alternatives. I am not sure that anything will have really changed except that confirmation that either the railroad clean up its act which it is financially unprepared to do or shut down or get a subsidy or be purchased by another corporate web, or even some other alternative.

Mr. Speaker, I think we should be providing that alternative. It is historically accepted. It is the only way to go. Its economic justification is paramount, I think, to the survival of the Territory. It is a responsible move. It is immediate.

I do not think we should be hanging our laurels on CTC for some miraculous solution. We should be affecting the outcome of the inquiry by saying that this railroad is absolutely necessary to the Territory and we want it at its face value, and we will run it.

When I say that, Mr. Speaker, it reminds me of the opposite side on several previous motions, I sound like I am arguing the Government's position. I am not sure what that means.

However, if, in fact, we have some rationale for delaying taking the position outlined in this motion, let us hear it. I do not think we should be rejecting it, but if you want to hold off taking steps towards the acquisition of this utility, then the arguments must address all of the ramifications brought about by delay.

Mr. Speaker, my riding is particularly concerned and particularly affected by what happens to White Pass. It has been proven time and time again over the last ten years, as Faro goes, so goes the Yukon.

Hon. Mr. Pearson: Mr. Speaker, I have found it very interesting listening to the previous two speakers speak to what I believe to be a well-intentioned motion. It is very good because it echoes everything we have been saying in this House in respect to White Pass since last spring. But, Mr. Speaker, the one thing that it does do is say that we are now going to go on record as wanting to buy this railroad and its subsidiaries at any cost. There is no getting around that.

Now, Mr. Speaker, there has been a tremendous amount of studying done in respect to this question just exactly where White Pass is financially, where Federal Industries as their owner is financially, what participation the Federal Government should have in ensuring the ongoing well-being of this railroad, what participation this Government should have in it and, in fact, what the cost should be to the taxpayers and the people of this Territory.

Hopefully, Mr. Speaker, all of those questions, all of those concerns, should culminate in the CTC report because after all, in the final analysis, this is the organization that exists in this country to do exactly this kind of thing and advise government on exactly what the best means of ensuring the ongoing transportation system is.

So, Mr. Speaker, I am afraid we are going to have to oppose the motion, not because of its intent, but rather because of its content and the implication that this Government is prepared to buy that railroad at any cost and we must reject that notion. Thank you.

Mr. Penikett: Thank you, Mr. Speaker. I had thought to give a long speech on this subject at this time. As all Members know I have had an interest in White Pass and Yukon Route and Government policy toward it.

I am not going to do that today. I would like, however, to recommend to all Members a very important work of Canadian thought called *A Nation Unaware* a Canadian economic culture by a gentleman named Hershel Harden. It has several chapters in that book about the financing, private and public, of railroads in this country, some of the not always salutary history behind such operations.

Therefore, Mr. Speaker, I would like to move, seconded by the Honourable Member from Riverdale South, that debate now be adjourned.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse West, seconded by the Honourable Leader of the Opposition, that debate be now adjourned.

Motion agreed to

Mr. Speaker: We will now proceed to Government Bills and Orders.

GOVERNMENT BILLS AND ORDERS

Bill Number 16: Third Reading

Mr. Clerk: Third Reading, Bill Number 16, standing in the name of the Honourable Mr. Pearson.

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member for Tatchun, that Bill Number 16, Parks Ordinance now be read a third time.

Mr. Speaker: It has been moved by the Honourable Leader of the Government, seconded by the Honourable Member from Tatchun, that Bill Number 16 be now read a third time.

Motion agreed to.

Mr. Speaker: Are you prepared to adopt the title of the Bill?

Hon. Mr. Pearson: Mr. Speaker, I move, seconded by the Honourable Member from Tatchun, that Bill Number 16 do now pass and the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Leader of the Government, seconded by the Honourable Member from Tatchun, that Bill Number 16 do now pass and that the title be as on the Order Paper.

Motion agreed to.

Mr. Speaker: I shall declare that Bill Number 16 has passed this House.

Bill Number 28: Third Reading

Mr. Clerk: Third reading, Bill Number 28, standing in the name of the Honourable Mr. Hanson.

Hon. Mr. Hanson: Mr. Speaker, I move, seconded by the Honourable Member from Tatchun, that Bill Number 28, An Ordinance to Amend the Game Ordinance be now read a third time.

Mr. Speaker: It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Member from Tatchun, that Bill No. 28 be now read a third time.

Motion agreed to.

Mr. Speaker: Are you prepared to adopt the title to the Bill?

Hon. Mr. Hanson: Mr. Speaker, I move, seconded by the Honourable Member from Tatchun that Bill Number 28 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Honourable Minister of Economic Development, seconded by the Honourable Member from Tatchun, that Bill Number 28 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I shall declare that Bill Number 28 has passed this House.

May I have your further pleasure?

Hon. Mr. Graham: Mr. Speaker, I move, seconded by the Honourable Member from Hootalinqua, that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole.

Mr. Speaker: It has been moved by the Honourable Minister of Education, seconded by the Honourable Member from Hootalinqua, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to.

Mr. Speaker leaves the Chair

Mr. Chairman: I shall call Committee of the Whole to order. At this time we will have a short recess.

Recess

COMMITTEE OF THE WHOLE

Mr. Chairman: I shall call Committee of the Whole to order. This afternoon we are considering Bill Number 15, Day Care Ordinance. Perhaps I should have waited until we had our Minister here.

Hon. Mr. Graham: It is no problem, Mr. Chairman. We will look after it.

Mr. MacKay: Mr. Chairman, the Opposition would like to have the Minister in charge here.

Hon. Mr. Pearson: I am sure that she will be right here, Mr. Chairman.

On Clause 3(1)

Clause 3(1) agreed to.

On Clause 4(1)

Clause 4(1) agreed to.

On Clause 4(2)

Clause 4(2) agreed to.

On Clause 4(3)

Mr. Fleming: Yes, Mr. Chairman, the Government Leader assured me the other day that the Chief Medical Officer of Health is a Federal appointment. I am just wondering in this position to be appointed, he will also be appointed to the Board it says here. This is a move that is automatic that he will be one of those members. I am wondering, would he, in any case, have a conflict of interest that would cause him not to function properly on that Board?

Hon. Mrs. McCall: Mr. Chairman, no. I would think that this is a helpful thing. It would ensure standards of health. He may appoint someone else to represent him who would fulfill the same task, but I would not think at all that there would be a conflict of interest. I think it would be a helpful thing.

Mr. Fleming: Yes, Mr. Chairman. I am just wondering in the fact that he is a Federal, maybe you could not consider him a Government employee, none of this would bother him in any case?

Hon. Mrs. McCall: I do not think so, Mr. Chairman.

Clause 4(3) agreed to

On Clause 4(4)

Mr. MacKay: The words "at pleasure" mean that you can fire any member of the board at any time.

Hon. Mrs. McCall: Yes, Mr. Speaker.

Mr. MacKay: What reasons would you suggest you might have for having this need to fire a member of the board?

Some Honourable Member: Being a Liberal.

Hon. Mrs. McCall: I think it is just a clause that has been inserted just as a safeguard. It is normal.

Mr. MacKay: So, a new government taking over, perhaps could clean out this board and appoint its own party members. Is that correct?

Hon. Mr. Hanson: Under a Liberal Party, probably. We are not built that way.

Clause 4(4) agreed to

On Clause 4(5)

Clause 4(5) agreed to

On Clause 4(6)

Clause 4(6) agreed to

On Clause 4(7)

Clause 4(7) agreed to

On Clause 4(8)

Clause 4(8) agreed to

On Clause 4(9)

Mr. Penikett: Mr. Chairman, I do not want this section to pass without my commenting that Government can find some money for day care. It has found money to pay remuneration for a Board. I just only wish that the same funds were directed to the centres.

Clause 4(9) agreed to

On Clause 4(10)

Clause 4(10) agreed to

On Clause 4(11)

Clause 4(11) agreed to

On Clause 4(12)

Clause 4(12) agreed to

On Clause 5(1)

Clause 5(1) agreed to

On Clause 5(2)

Clause 5(2) agreed to

On Clause 5(3)

Clause 5(3) agreed to

On Clause 5(4)

Clause 5(4) agreed to

On Clause 5(5)

Clause 5(5) agreed to

On Clause 5(6)

Clause 5(6) agreed to

On Clause 6(1)

Clause 6(1) agreed to

On Clause 6(2)

Clause 6(2) agreed to

On Clause 6(3)

Clause 6(3) agreed to

On Clause 6(4)

Clause 6(4) agreed to

On Clause 6(5)

Clause 6(5) agreed to

On Clause 6(6)

Clause 6(6) agreed to

On Clause 6(7)

Clause 6(7) agreed to

Mr. Fleming: I find it a little hard in some of these sections that the Board has such a power and there is no way for an appeal of any type in the Ordinance anywhere. It is just a mandatory setup whereas the Board shall have the final say, and there is no appeal on any decision whatsoever anywhere in the Ordinance.

Hon. Mrs. McCall: Mr. Chairman, I think that the Honourable Member is incorrect there. I think that there will be some appeal. I cannot find the spot, but I think that the way that it is made up, everything is going to be well considered. I do not think that it is going to be an arbitrary dictatorial type of board. That is not how I understand it.

Mr. Fleming: In the event that the Minister or myself or other Members do not find an appeal section in here, could I assume that there will be an appeal procedure somewhere in regulations?

Hon. Mr. Pearson: Mr. Chairman, the Board can only work within the parameters of the regulations that are set up for it. The terms and conditions of the granting of the licence will be clearly specified in the regulations.

What the legislation does is allow the Board to grant licences with terms and conditions as well in the licence. It also allows them to re-grant that licence, taking out terms and conditions that were initially in the licence.

We have tried to make it just as broad as we possibly can. The Board is constituted to ensure that the facility that is being licenced is safe. Hopefully, the Board will have people on it that will be cognizant of safety standards that are required. It will be their best judgment that will decide whether a licence shall be granted or not. There is not any question of law here so there is no appeal in that sense.

Mr. Penikett: Mr. Chairman, I am sure the Government Leader did not mean part of what he just said now and I would like to give him an opportunity to correct it for the record.

He described the board as working within the regulations and, of course, they were going to do that. For myself, I find that a horrendous principle.

I am sure what he really meant to say was that the regulations would be drawn within the parameters of the Ordinance, within the bounds of the Ordinance, which is the way it should be, rather than the other way around, I hope.

Hon. Mr. Pearson: Mr. Chairman, what I am trying to get across is that the regulations will set the requirements, the safety standards that are to be met.

The board will then make a judgment whether those safety standards are being met or whether they are not.

We are giving them the latitude to be able to give a licence. If there is a doubt, they can grant a licence, based on a condition that that doubt will be removed in one way or another and then the licence, if you wish, can be granted clean once again.

But there is not an appeal, Mr. Chairman, that the Honourable Member is referring to, to the courts, because it is a decision of the board as to whether a licence shall be granted or not.

On Clause 7(1)

Clause 7(1) agreed to

On Clause 8(1)

Clause 8(1) agreed to

On Clause 8(2)

Clause 8(2) agreed to

On Clause 8(3)

Clause 8(3) agreed to

On Clause 8(4)

Clause 8(4) agreed to

On Clause 8(5)

Mr. Fleming: I am just wondering where, in subsection 4, of course, this is the licence pursuant to subsection 4, that the operator of the day care centre was, in fact, not doing his thing according to the law? For instance, cases such as we have seen on TV and read in the papers of what has happened to some of the old peoples' homes and so forth, and some cases where they are really seriously breaking the law and endangering the children, it would be in this case, to health hazards and so forth, that once you have revoked the licence, that you would allow ten days?

I am presuming that the board just may do this, because I think it does say.

No, he would be deemed to have a valid ten-day licence regardless of the case and I am wondering where you get the logic there, if the case was serious enough.

Hon. Mrs. McCall: Mr. Chairman, if there was a case where children were being harmed in any way they would be protected under Child Welfare anyway, in the Criminal Code.

Clause 8(5) agreed to

On Clause 9(1)

Mr. MacKay: On Subsection (e), I do not want to unduly delay the proceedings of this Assembly but I would like to hear something from the Minister of her personal philosophy of what these standards should contain. I realize that she may be operating under some constraints from her Caucus but I would like to hear her personal philosophy as to what the standards should be.

Hon. Mrs. McCall: Mr. Chairman, you were referring to Section (e). Well my personal feelings are that these standards should relate to facility location, space allocation, sanitary facilities, health conditions, fire and electrical safety, eating and sleeping accommodations, nutrition, activity programs, activity areas, staffing, security, administration and record-keeping, et cetera.

Now, I think I can assure the Member that these will be contained in the regulations which are in draft form. We are working on them.

Mr. Byblow: It might be termed a ludicrous interpretation, but is there any intent here to regulate the rate of day care under any form of categories, licences or whatever?

Hon. Mrs. McCall: I am sorry, Mr. Speaker, I did not quite understand the question.

Mr. Chairman: Maybe Mr. Byblow would rephrase it.

Hon. Mrs. McCall: No, no. There will be no regulating of rates.

Clause 9(1) agreed to.

On Clause 10(1).

Clause 10(1) agreed to.

On Clause 11(1)

Mr. Penikett: Why six months, Mr. Chairman. Why not January 1, 1980 as some of the other Bills are?

Hon. Mrs. McCall: Mr. Speaker, it is in order to allow time for the establishing of a Board for the day care centres and family day-homes to apply for licences, to firm up and analyze the regulations which will contain the specific standards referred to in Clause 9(1)(e). In order to continue conferring with the existing centres in order to have regulations which are sensible and minimal and that are not going to cause undue hardships.

Mr. Penikett: Mr. Chairman, given that you already have regulations that have been agreed upon between the Government and the Child Care Associations, previous drafts that have been agreed upon, given that I do not see how they can apply for licences before the Ordinance comes into force, none of the reasons given by the

Minister make sense for waiting six months.

Hon. Mrs. McCall: Mr. Speaker, I think that I can assure the Member that we are working in close cooperation with the existing centres. They are not unaware of what we are doing. They asked for this Ordinance and regulations. They are looking forward to this and we are working with them. This will give them time to have some idea of what is coming up and prepare for it.

Mr. Penikett: Mr. Chairman, I know most of the people and they did not ask for this Ordinance.

Mrs. McGuire: Mr. Chairman, I just wonder if may make a few comments on the overall Ordinance.

Mr. Chairman: I think, perhaps, Mrs. McGuire, I will have to rule that you cannot. On third reading, you could make any that you wish, but after we have had general discussion, I think it would be quite inappropriate for me to allow you to speak on it.

Clause 11(1) agreed to

Mr. Chairman: We cannot continue with the Preamble.

There was one stood over.

On Clause 2

Hon. Mr. Pearson: Yes, Mr. Chairman, it was the "family day-home service" definition, in respect to the six years of age, was mysteriously stood over and I do not know exactly what the objection was.

There was a question in respect to why six years of age and possibly the Minister could clarify that.

Hon. Mrs. McCall: Mr. Chairman, this Ordinance is a Day Care Ordinance that applies to preschoolers. If a person was operating a service providing home-day care to four to six children, under the age of six, they would require home-day care licence to operate such a facility and service.

Persons operating a service to provide day care to seven or more children under the age of six years, they would require a day care centre licence to operate such a facility and service.

If a child happened to be there who was over the age of six, they would be protected just because that centre is protected under the Ordinance, but the Ordinance specifically does apply to preschoolers and, as in other jurisdictions, six is just an arbitrary age that is set. It does not mean that a seven or an eight year old could not enter the door.

It is a protected centre, under the Ordinance, and, therefore, they would be protected in that way.

I just might mention, in response to Mr. Byblow's question regarding a birthday party, the legislation is meant to licence day care centres and home-day care facilities which offer a paid day care service to preschool age children. It is not intended that it be enforced in any other situation.

Mr. MacKay: I would have expected a couple of things. I think the point I was trying to make yesterday was in respect to the age of the children, even at the ages of seven, eight, nine, ten, this Government should be concerned about their protection and that having four to six children was set because you thought, well, that would be one standard which is set for people who have four to six people in their home.

They could still have four to six people, three of whom may be over the age of six and three of whom might be under the age of six so you have got the numbers that you were seeking. You still have, in my opinion, kids who require special protection, special interest on the part of the Government.

So, that was the thrust of the question, was why was it set at six, because you still have children of that number involved.

If you are understanding what I am saying and you are saying, well, it is the policy of the Government not to be concerned with children over six in a day care situation, then I will accept that as your answer.

I will not accept it as being right but I will accept that it is your answer.

The second one is that it does not seem to say in the Ordinance about the fact of these day care-home centres are only those that are being paid for the services. It does not actually say that. It just says a service offered for a fee. It is stated in other Ordinances, you know, that you fully intend that. It is not stated here and so presumably, somebody could get around this Ordinance by claiming, in fact, that they do not collect a fee for it.

I wonder if you considered that and if there are a number of ways of getting around it. The barter system still prevails in some areas, and I wonder if you consider that as a possible loophole?

Hon. Mrs. McCall: Mr. Chairman, I think that perhaps Mr. MacKay is confusing this with the babysitting service around the neighbourhood. No one would obtain a licence under this Ordinance unless they had fulfilled the obligations required. I do not think they will be getting around it in that sort of way.

Mr. MacKay: I am not going to prolong the debate much longer. I will just put on record that it is possible, under this Ordinance, for somebody to have five kids under the age of six and not be licenced. If that is the intent of the Government, again, if I am understanding it correctly, I will accept that as an answer but I disagree.

Hon. Mrs. McCall: Mr. Chairman, this is possible if there is no fee.

Clause 2 agreed to

Preamble and Title agreed to

Mr. Chairman: I now declare Day Care Ordinance has cleared the Committee of the Whole.

Hon. Mrs. McCall: I move, Mr. Chairman, that you do now report Bill Number 15, Day Care Ordinance without amendments to the Assembly.

Mr. Chairman: It has been moved by Mrs. McCall that I do now report Bill Number 15, Day Care Ordinance without amendments to the Assembly.

Motion agreed to

Mr. Chairman: We will now consider Bill Number 33, An Ordinance to Amend the Yukon Council Ordinance.

Hon. Mr. Graham: Mr. Chairman, can I suggest that we take a short recess. I have some work being done, some copies being made for amendments to the Ordinance, and I do not have them yet.

Mr. Chairman: It has been moved by Mr. Graham that we now take a short recess.

Motion agreed to

Mr. MacKay: Mr. Chairman, we are ready to proceed with this Bill. I think that we are going to be unduly delayed by the Members opposite.

Mr. Chairman: The motion has carried. I will now declare a short recess.

Recess

Mr. Chairman: I shall call Committee of the Whole to order. We will be discussing Bill Number 33, An Ordinance to Amend the Yukon Council Ordinance. I will anticipate general discussion.

On Clause 1

Hon. Mr. Pearson: Mr. Chairman, as I stated in the House when discussing the principle of this Bill, it is my duty as Government Leader and a responsible Minister to take cognizance of the recommendations of the Standing Committee and reflect those recommendations as closely as possible in the legislation. That is what has been done in this case.

Mr. MacKay: Mr. Chairman, as I also said in the House, during the Second Reading, that I recognize all the numbers and all the proposals as being those that have been thoroughly discussed and approved by a Committee established by this House which had a majority of Government Members on it; so, it is hardly surprising to see the Bill come forward in its present form. I would anticipate, because the report from that Committee was accepted by the House, this Bill will proceed in a fairly routine manner through the House.

Mr. Penikett: Mr. Chairman, I would just like to add my thoughts in that regard. I think the Committee, notwithstanding the limp-wristed shot of the Leader of the Opposition, did non-partisan work on this issue.

I think those of us who are privileged to be part of the process know that the final conclusions of the Committee were, at times, the result of some, what might otherwise be considered, unholy political alliances.

The Committee did reach a consensus on these questions. They came to a conclusion, they made a report to the House. The report was accepted and I believe without a dissenting voice being recorded at that time.

I would therefore expect, as the Government Leader has said, the Bill to proceed in line with the Committee report and, if I may dwell on that subject just for a second, Mr. Chairman, obviously, had it been amended, I think that would have been a question of loss of confidence in the Committee and I think all Members of the Committee probably would then have been obliged to resign, if, in fact, their report was damaged in some way.

The other thing that I think is interesting about this Bill is that it is a Money Bill. Therefore, presumably, if the Government were defeated on this Bill, there would be an election called shortly afterwards. That is not a prospect that we have faced before, but it is an interesting one and I think, therefore, would cause us to consider very seriously the fate of the Government, depending on the final outcome of this legislation as it proceeds its wonderful way through Committee.

Thank you, Mr. Chairman.

Mr. Fleming: Yes, thank you, Mr. Chairman.

As the Honourable Member has said, there was not too much dissention on the report of the Committee.

However, I did, at that time, I think, stand up with a quote or two that I felt the Committee had done a good job and I am not about to jeopardize any Committee in any fashion of this type, unless there is something really serious.

However, I do still have a few comments and those comments, I think, will possibly be brought up during the discussion of the Bill and the clause-by-clause reading.

Mr. Falle: Mr. Chairman, I would like to propose some amendments to this Bill.

Mr. Chairman: Are these amendments to Clause 1, Mr. Falle?

Mr. Falle: Clause 40, Mr. Chairman.

Mr. Chairman: We will accept your amendments when we reach that Clause.

Mr. Penikett: At the point that they are introduced, may we know whether they are Government amendments?

Mr. Chairman: Yes.

Mr. Falle: These are my amendments.

Hon. Mr. Pearson: Mr. Chairman, I have heard a couple of questions from the Honourable Member opposite in respect to Government amendments, Government Money Bills, et cetera.

Mr. Chairman, I want it clearly understood that this Government is not going to stand or fall on the fate of this Bill. That is not the object of the exercise. This Bill is here as a result of a Committee of this House. There is no other way for it to get here. Every Member of this House has the right to a free vote in respect to this Bill.

Mr. MacKay: Mr. Chairman, the Leader of the Government is making some pretty wide and handsome assertions on this Bill. I would submit that if this Government produces a Money Bill that this Government chooses not to amend but it becomes amended and it subsequently is defeated, that is the end of the Government. I would suspect that the Members opposite should consider very, very carefully before they choose to do that. I do not think that this is a free vote. It is not something that you can disclaim responsibility for; it is a Money Bill.

Hon. Mr. Graham: Mr. Chairman, I have sat here listening, with a certain amount of interest, to the Members opposite. This Bill came about as a result of a Committee report. That Committee is merely five Members from this House. There were some very good amendments in that Committee Report that I feel are acceptable to all Members of this House.

There are a few clauses in this Legislation that I disagreed with. There were a few things in that Report that I disagreed with and I am the Chairman of the Standing Committee. But I did not think that those few things that I disagreed with were enough of a reason to reject the whole Standing Committee Report.

The Member's assertion opposite that the Government could stand or fall on this piece of Legislation, is ridiculous. This is a piece of Legislation brought in as a result of the investigations of five Members of this House. It is not a result of the majority of the Members of this House bringing in the Standing Committee Report. I think the Leader of our Government has shown a great deal of good sense in bringing in a Bill that shows exactly what the Standing Committee requested. It is up to this House to approve or amend this Bill as they see fit.

Mr. Penikett: Mr. Chairman, I do not want to join what sounds like a potentially acrimonious debate. In perfect seriousness I want to raise a point of order which has two parts.

I understand the traditions of committee work, that the Chairman must bring in a report. He may not agree with all the particulars on occasions but, he has the job and that is one of the burdens and responsibilities of being Committee Chairman, to bring in the conclusions of the Committee and defend them in the House.

That, the Minister has done eloquently and adequately on the

previous occasion. We do have rules under Beauchesne against reflecting on previous votes of the House and I think that is an area we want to be very careful with before we proceed in this discussion.

My other point of order, Mr. Chairman, and it is one I ask you to consider with respect, and it is something that myself, without getting into a hot debate with the Government Leader about, I would like a ruling on. I would like some reference from yourself, Mr. Chairman, or, if you need recourse to a higher authority as to whether this, in fact, not by how we assert it or the difference in partisan rulings but, in fact, by authority under Beauchesne, or Mr. Speaker, or any other authority you can give, as to whether or not this is, within British parliamentary traditions under Beauchesne, a Money Bill or not.

If we can obtain a ruling on that, Mr. Chairman, rather than us arguing about it for a couple of hours, I would be content with that ruling.

Hon. Mr. Pearson: I am quite happy with that as well but, Mr. Chairman, I do not think there is any question about it being a Money Bill. It is in this House by message of the Administrator because it does require the expenditure of funds. There is little doubt about that. It is a Money Bill in that sense of the word.

Hon. Mr. Pearson: I think we should, in addressing the question to the Chairman or the Speaker, determine, possibly, is it a Money Bill in the truest meaning of the word Money Bill? And, number two, can a free vote on such a Bill be held?

I think those are the answers that we need.

Mr. Penikett: Mr. Chairman, the Government Leader has put it much more eloquently than I. That is exactly the procedural questions that need to be settled.

Mr. Chairman: Until I obtain the decision that I will give, I will ask if you will indulge in a short recess.

Recess

Mr. Chairman: I shall call Committee of the Whole to order. At this time, I will declare a recess until 7:30 this evening.

Recess

The following Legislative Returns were tabled November 7, 1979:

79-2-39

Art education curriculum in Yukon Schools
(Oral Question - Oct. 22/79 - Page 457)

79-2-40

Students with learning disabilities
(Written question No. 13)

