



# The Yukon Legislative Assembly

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Number 12

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## **HANSARD**

**Wednesday, April 14, 1982 — 1:30 p.m.**

Speaker: The Honourable Donald Taylor

# Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Robert Fleming, MLA, Campbell

## CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government House Leader — responsible for Executive Council Office, Public Service Commission, Land Claims and Intergovernmental Relations.
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Renewable Resources, Tourism and Economic Development.
Hon. Geoffrey Lattin	Whitehorse North Centre	Minister responsible for Municipal and Community Affairs, Highways and Public Works, Yukon Housing Corporation and Yukon Liquor Corporation
Hon. Meg McCall	Klondike	Minister responsible for Health and Human Resources, Education and Heritage and Cultural Resources
Hon. Howard Tracey	Tatchun	Minister responsible for Justice, Consumer and Corporate Affairs, Government Services and Workers' Compensation Board.

## GOVERNMENT MEMBERS

### (Progressive Conservative)

Al Falle	Hootalinqua
Robert Fleming	Campbell
Doug Graham	Whitehorse Porter Creek West
Peter Hanson	Mayo
Donald Taylor	Watson Lake

## OPPOSITION MEMBERS

### (New Democratic Party)

Tony Penikett	Whitehorse West
Maurice Byblow	Faro
Roger Kimmerly	Whitehorse South Centre

### (Liberal)

Ron Veale	Whitehorse Riverdale South
Alice P. McGuire	Kluane

### (Independent)

Grafton Njootli	Old Crow
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Clerk of the Assembly  
Clerk Assistant (Legislative)  
Clerk Assistant (Administrative)  
Sergeant-at-Arms  
Hansard Administrator

Patrick L. Michael  
Missy Follwell  
Jane Steele  
G.I. Cameron  
Dave Robertson

**Whitehorse, Yukon  
Wednesday, April 14, 1982**

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

*Prayers*

**DAILY ROUTINE**

**Mr. Speaker:** Are there any Documents for Tabling?  
Reports of Committees?  
Petitions?  
Reading or Receiving of Petitions?  
Introduction of Bills?  
Are there any Notices of Motion for the Production of Papers?  
Notices of Motion?  
Are there any Statements by Ministers?

**MINISTERIAL STATEMENTS**

**Hon. Mr. Pearson:** I wish to advise the Members of the House, and the people of Yukon, that I will be absent from the Assembly on April 15, 1982, in order to attend the ceremonies marking the proclamation of the *Canada Act* by Her Majesty Queen Elizabeth II in Ottawa on April 17, 1982.

After spending 115 years in the United Kingdom, the Canadian Constitution is finally coming home.

<sup>02</sup> Commissioner Bell and I together, will be conveying the good wishes of the people of Yukon to Her Majesty the Queen and to all Canadians on this momentous occasion.

After the seemingly unending debate on the issues of repatriation last year, I am certain many Yukoners, indeed, many Canadians, fully believe that the Constitution is a matter that only concerns politicians, judges, lawyers and the media. It is important that individual Canadians understand the Constitution and how it affects the way we live. The Constitution is all the basic ground rules which establish and regulate our Government. These rules affect more than Government. They are vital to the lives of all individual Canadians. For example, the Constitutional principles of representative and responsible Government are often taken for granted, but our lives would be radically different without our right to elect representatives to carry out our wishes and to replace those who do not.

The new *Constitution Act* will be making two important changes in our Constitution. First, it will be changing the way in which our fundamental rights and freedoms are protected. Many of these will be now enforced by our courts instead by our parliamentarians. Second, it will be changing the way in which we amend our Constitution. The major written part of our present Constitution, the *British North America Act*, contains no specific procedure for amending many of its provisions. Because of this vacuum and because the *British North America Act* is a British statute, Canadians have had to ask the British Parliament to amend the Act for them. The *Constitution Act* provides an express amending procedure, which eliminates the need for a request to Britain.

<sup>03</sup> In other words, it patriates the Canadian Constitution. The repatriation process itself has been long and hard. It started 55 years ago. There has been much debate, often bitter. This debate is a reflection of the diverse make up of Canada itself. There are differing views about what Canada is and how Canada should be governed. For many Canadians these views will not change merely as a result of repatriating the Constitution, which must be a living, working document that ultimately can meet the needs and aspirations of all Canadians.

The main reason that our Constitution is coming home is because of our unique ability to reach a compromise. A compromise, of course, implies that Canadians who hold different views of Canada have had to sacrifice some principles they hold very dear in order to reach a common understanding with their fellow Canadians on a majority of principles.

On achieving this consensus, Canadians are to be congratulated.

Our rejoicing, however, must be tempered by sober reflection. The compromise is not yet complete. Many Canadians, our fellow citizens in the Province of Quebec and many of Canada's first citizens, the Native peoples of Canada, have not been able to accept the compromise.

<sup>04</sup> Extreme caution and sensitivity must be exercised in proceeding to the implementation of the new Constitution. At this time, I believe it is appropriate for Yukoners to reflect on where we fit in the Canadian family, and to examine our role in Confederation. Many Canadians may find it surprising that Yukoners have been involved in the process of repatriation far longer than that required to repatriate the Canadian Constitution. Since 1908, Yukoners have been attempting to bring Yukon's constitution, the *Yukon Act* home to Yukon.

Let me explain what I mean by bringing the *Yukon Act* home to Yukon. I am speaking about self-government. The same kind of government enjoyed by our fellow citizens in the ten provinces of southern Canada. Yukon was created by the Parliament of Canada in 1898. Our constitution has resided in Ottawa since that time. The Parliament of Canada gave us the privilege of having a Territorial Council, the precursor to our present Legislative Assembly. Within a short period of time this Council had grown to five elected and six appointed members. By 1908 there existed a fully elected Council of ten members. Thus Yukon, in a very short period of time, had achieved representative government.

The development of responsible government, however, has taken much longer. Responsible government can be defined as the principle that the formal chief of the executive branch of government, in our case the Commissioner, should normally act on the advice of advisors chosen from an elected legislative assembly and be accountable to that body.

In Yukon, the development of this process did not begin until 1960, when three elected members of the Legislature were appointed to the Advisory Committee on Finance, which was responsible for giving financial advice to the Commissioner. Additional responsibilities were granted to the elected members with the creation of legislative and budgeting committees in 1968. A more significant development, however, occurred in 1970 with the formation of a five-member quasi-cabinet known as the Executive Committee.

<sup>05</sup> Two of whose members were elected representative of the Legislature. In 1974 the number of elected members increased to three. In 1979 a fourth elected member was added. Finally, the elected members outnumbered the appointed officials. Nevertheless, the Commissioner theoretically could still act independent of the advice he received from the elected members of the Executive Committee or the advice of the Yukon Legislature.

In 1978, a second major development furthered the evolution of responsible government in Yukon. The general election of that year was held on party lines and the majority party in the 16 member Legislature formed the Government. This was followed in October 1979 by the issuance of new, historically significant instructions to the Commissioner. The Commissioner was to be bound by the advice of a wholly elected Cabinet, led by myself, as the Leader of the Majority Party. Effectively, the Commissioner's role was made akin to that of a Lieutenant Governor of a province.

Yukon is still moving toward responsible government. The process is far from over. Although the Government of Yukon has jurisdiction over all matters of a local or private nature, we have only one resource, wildlife, under our jurisdiction and virtually no land base. Only two-tenths of one percent of Yukon's 186,300 square miles is under our administration. There is no resource revenue sharing with the Government of Canada, even though resources are the mainstay of the Yukon economy. In time, and through compromise, this situation will change.

Yukoners want to be good Canadians. We have much to offer Canada. Although our numbers are small, we are rich in character and in cultural diversity. Our land is vast, beautiful and valuable. Yukoners at this time of Constitutional renewal can look forward to the day when we too will be welcomed into Confederation.

Despite its shortcomings, the Act to be Repatriated on April 17,

represents a victory for co-operation and understanding. Co-operation and understanding are what this country is really about. While I convey Yukoners good wishes, I will be seeking the support of other Canadians for Yukon's own constitutional development, just as Yukoners have worked and will continue to work for national constitutional reform.

This is a hopeful occasion and we have a right to be optimistic about the Constitutional future, both for Canada and for Yukon. To commemorate this historic event in the minds of our young people, every school in Yukon will conduct a simple ceremony on the morning of Friday, April 16, which has been designed to develop an appreciation and understanding of the tremendous significance of this event to all Canadians. To further underscore and celebrate this momentous occasion all students will be dismissed from school on Friday afternoon. I hope they will all enjoy their holiday and never forget its significance. Thank you.

**06 Mr. Penikett:** The Government Leader has appropriately given us a lengthy statement today, as befits the occasion and, I trust, in recognition of that same moment will be equally as liberal with this side.

As we have said before in this House if you read the debates going back many decades, since the turn of the century politicians in Yukon have thrived on disputes about representative and responsible government and provincial status. But to state the obvious, as long as the Federal Government retains its powers over the Territory, the constitutional issue remains the one issue that will dominate debates in this House and discussion in public life.

For most of our history the political leadership of this Territory has supported provincial status, in principle, and it is only as we have approached that goal in recent years that some of the practical considerations and problems with that objective have commanded our attention. At the federal level, the traditional political parties have adopted positions, in some part determined by the depth of their desire for a Yukon seat in Parliament, but the arguments in favour of provincial status for Yukon is similar to those presented on behalf of the prairie provinces and those opposed have customarily used four arguments: we have too small a population, we have too little legislative competence, we are too resource rich, or that we were too tax poor. In recent years I think that some of us have been concerned that some people in Ottawa have audaciously used both of the latter two arguments to make their case. Yukoners have sometimes complained that our Legislature in previous years only seemed irresponsible because it had so few responsibilities. That MLA's only ate their colleagues because they had nothing more substantial to get their teeth into.

As people, we have never tired of pointing out that we have more people than Manitoba had when it became a province. However, my Party has always held the view, here in the Territory, that the question in principle was one that ultimately could only be determined by Yukoners. In our view, the subject of the contrary arguments ought to be matters for negotiation with the Federal Government once we have decided the basic questions for ourselves.

In the past decade, the local constitutional consciousness has been expanded by the Yukon Indian communities Land Claims negotiations and its demand for culturally relevant local political institutions.

**07** This development has paralleled the emergence of recently expressed desires by both national Native organizations and municipalities for voices in creating a new Canadian Constitution. At the same time, I think politically progressive people in the North have been having serious reservations about the wisdom of adopting, in total, the institutions and infrastructure of southern political administrations. There are many people who believe we already over-governed and nothing in our experience leads us to believe that the southern model necessarily means progress. Nor are we, I think, hell-bent on exploding our population just simply so we can qualify for provincial status as some have suggested. I think this is a matter of conscience for some of us in a region where the booms have always been followed by busts.

There are ongoing debates about many important Constitutional matters for the Territory. We are only just facing them and to some extent those issues which are very important to us have been lost in the debate about the Canadian Constitution the last few years. As I have said, we ought be seizing this opportunity for beginning a dialogue and

a debate with the Native people in our own community about our Constitutional future because our geography is so big and our population is so small. I think it is ridiculous, and that all Members agree, that all the major disputes in our community have continued to come to rest on the desk of the Federal Minister, the schizophrenic Minister of Indian and Northern Affairs so many miles away. It is a patently absurd situation. We have said before, and I think there is some agreement in the House, that the provincial status movement and the Land Claims movement have been parallel processes. They are both being negotiated with the Federal Government. What I have felt we have had missing is a dialogue along the base of that triangle between the two local parties to those discussions.

In my view, and I think, in the views of many Members of the House, including Members of my Party, obviously we have to have a Lands Claim settlement before provincial status. We must develop some constitutionally valid and legitimate arguments from us as Northerners to the people who are making these decisions, but we must, in the end, reaffirm the collective right of Northerners to make these decisions for ourselves. We cannot have a perpetuation of the situation where the final decisions on these questions are left in the hands of others.

As a Yukoner and as a Canadian, I was proud to make our point, on behalf of us all, in London on the Canadian Constitution. I was also pleased to see a successful compromise achieved eventually, no matter how painful it was to arrive at it. As a Yukoner and a Canadian, I retain the hope that the *Canada Act* is only a first draft, as it were. I retain the hope that someday very soon Yukoners will have the opportunity to rewrite the *Yukon Act*.

**08 Mr. Veale:** Saturday will be a very significant day for this country and a significant day for the Yukon. I certainly welcome the Government Leader's statement that there will be a ceremony in the Yukon school system. I think it is extremely important for our children to realize the significance of the day. The day, however, is not euphoric for every Yukoner. Quite clearly, Indian people have felt the new *Constitution Act* is not going to meet all the desires they have expressed over the years. I look forward to their continued dialogue and negotiation to improve those rights.

I personally must confess there are issues, I felt, the Yukon could have had greater influence on. I raise those two issues, being the right of this Territory to become a province and whose consents are required, and also the concern about the right being in the Constitution for provinces to expand into the Territory. I expressed a great deal of concern about those two issues in the fall and I express a concern about them today, and particularly the inability of this Government to deal with those issues and take them head-on to the Federal Government.

I am pleased, of course, that the Government Leader is going to be in Ottawa with the Commissioner representing all Yukoners. I would hope that is going to be a change in practice, and that the Government will be going to all major meetings in Ottawa, in particular the Economic Conference which took place in January and our Government Leader did not see fit to go at that time. I think it is important for the people of this Territory to be at the major meetings of this country regardless of our status at the particular time. We are all in agreement that is just a starting point, to attend a conference to ensure that we will develop constitutionally as this country does.

The development of Yukon has taken place substantially since 1960 and we have been in favour of those developments. Our Party supports continued constitutional development and, in particular, ultimate provincial status with certain pre-conditions. It is our view that there must be a Land Claims settlement in place before the major steps are taken. Secondly, resource revenue sharing must be in place so that we will have some handle on the financial consequences of ever increasing constitutional development.

**09** Finally, we feel that, before any final irrevocable steps are taken, there should be a referendum for all Yukoners to make the decision together so that a substantial majority will be proceeding in some of those very important constitutional steps and it will not be a divisive matter for Yukoners in general.

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

**Hon. Mr. Tracey:** After consultation with the Minister of Highways and Public Works and the Minister of Education, and receiving

their approbation, it gives me great personal pleasure to announce that the Pelly Crossing School — the specifications of which were reached upon negotiations with the Indian Band, the people of Pelly Crossing and the Department of Education — were put out for tender.

This was a major commitment of mine. I committed myself, if I was elected, to have a new school put in Pelly Crossing. The temporary facilities have been there for approximately 15 years and they are still very temporary. They were frozen-up about half of this winter.

I am pleased to announce that the tenders for the school were opened on April 8, and the successful bidder, Klondike Enterprises, had a bid of \$2,125,000. It is also significant that there were numerous bids submitted for this school and the total spread between the highest bid and the lowest bid was under \$300,000. It gives me great pleasure to announce that it is a local company, using local labour and local resources that will be doing the job. I have spoken with the manager of the company and he assures me that he will be using local labour wherever possible.

It is also significant that the concept used in the construction of this school is that of a Community Resource Centre. It is designed so that it can be used for any activity that goes on in the community — for adult education, for recreation — and it was done in consultation with the people there. They are very happy and we are very happy.

It is going to be a major boost to our economy in Yukon this year. It is one of the only new projects that will be going on in the Territory. To go on in a very high unemployment area, such as Pelly Crossing, will be very significant.

I would like to say once again that it gives me great personal pleasure to be able to announce that we will be building a school in Pelly Crossing this summer.

**Mr. Kimmerly:** We, on this side, are also very pleased that a school is being constructed in Pelly Crossing. We note also that the temporary facilities which froze-up on numerous occasions this winter will eventually be replaced by a well constructed school and that the school will be a community centre. The local unemployment in Pelly Crossing is approximately 90 percent of the employable people who live there. We are extremely pleased that local labour is going to be used. I would urge on the Minister to use whatever influence he still has after the contracts are signed, that local labour means Pelly Crossing labour first.

The people of Pelly Crossing have expressed to me, when I made a recent trip there, the desire for more employment and the desire for employment on the school project specifically. It is unfortunate that the plans for the school do not include the use of wood heat, which it is my understanding that is a very strong desire of the people of the community there and would be an efficient way to maintain the Pelly Crossing school.

**Mr. Veale:** After all the serious discussions so far today, it is a pleasure to see a good old-fashioned election contract. I am sure it is just coincidental that the Minister is standing in the House announcing it today. I am sure the people of Pelly Crossing will be pleased that it is going to proceed and there will be employment in that community.

It is also very refreshing to be able to discuss the matter of having a local contractor build the school. I think that is a tremendous innovation and I commend the Minister for it.

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

## QUESTION PERIOD

**Mr. Speaker:** We will now proceed to the Question Period.

### Question re: Property Taxes

**Mr. Penikett:** I have a question for the Minister of Municipal Affairs.

Since the Minister has clearly stated that if a municipality raises its property taxes, the Territory will raise its Grants in Lieu of Taxes to the municipality accordingly. Will the Minister then confirm that if a municipality or municipalities raises its taxes, the Yukon Government will automatically increase the financial program budget which is identified this year?

**Hon. Mr. Lattin:** Again we seem to have some confusion over there. There is no relationship between the two.

**Mr. Penikett:** I am advised that it is the Minister that is confused, not me, since the money comes from the same item in the Budget.

Let me ask the Minister, since the Government does not intend to increase the Budget for the Municipal Finance Program, will the Minister confirm that an increase in taxes by a municipality, which will automatically result in an increase in the Grant in Lieu of Taxes to the municipality, will mean a reduction in other grants included in this budget line, such as Transit Deficit, or will result in a reduction of the grants available to other municipalities?

**Hon. Mr. Lattin:** No, I thought I was quite clear yesterday when I was referring to this. The grants that we pay in lieu of taxes are assessed and we pay taxes for our buildings just like any business or like property. There is no relationship between this money that we pay and the grants that we give. We are confusing two issues when we say that.

**Mr. Penikett:** On the subject of confusion, which originates in the Minister's proposal, I ask the Minister to explain why Grants in Lieu of Taxes are lumped together in the Budget with other grants to municipalities instead of having a separate allocation unless they are to be considered interdependent, which the Minister says they are not?

**Hon. Mr. Lattin:** They are put in the Budget that way. As I explained a moment ago, there is absolutely no relationship between the two.

### Question re: Old Crow road contract

**Mr. Veale:** I have a question for the Minister responsible for Public Works.

Relating to the Old Crow road contract, I have been informed that approximately four employees with outstanding wage complaints of about \$20,000 are outstanding resulting from that road work. Does the Minister confirm this and what action is he taking to assist those workers?

**Hon. Mr. Lattin:** I believe I said the other day that there was another payment coming to the contractor. I understand that there are some claims against the contractor. It has been rumored that the contractor has consulted his lawyer. At this time I am not aware of the four people, but if that is so and if it is a legal thing, there is nothing that we can do at this time with that, because there might be other payments that this contractor might have to pay and they are all considered at the same time.

Because we are having our final breakdown in accounting on this matter and because it might be a legal matter I cannot say any more at this time on this project.

**Mr. Veale:** Can the Minister give some indication when the final payment will be made to the contractor so he can, in turn, pay the wages of his employees?

**Hon. Mr. Lattin:** Just as quickly as possible.

**Mr. Veale:** That may be a matter of days or weeks. Would the Minister undertake to determine whether or not those wage amounts can be calculated so that he can proceed to have the payments made because they, of course, are the first priority beyond any other creditors? Would the Minister make that undertaking?

**Hon. Mr. Lattin:** Yes, I will make that undertaking.

### Question re: Whitehorse Copper Mine shutdown

**Mr. Byblow:** I have a question for the Government Leader.

The announcement today of the permanent shutdown of Whitehorse Copper, nine months earlier than anticipated, raises some further grave concerns respecting our employment situation in the Territory. Could I ask the Government Leader if he has been in consultation with the company regarding this latest development?

**Hon. Mr. Lang:** I will take the liberty of responding to the question. For the Member's information I do still have responsibility for Tourism and Economic Development. Rightfully, that particular question should be directed to me.

Yes, I have been in contact.

**Mr. Byblow:** Given that the Minister of Economic Development has undertaken the responsibility for the problems facing us, I would like to ask him what plans does his Government have in mind to mitigate against the social and economic upheavals in Whitehorse from this latest shutdown?

**Mr. Speaker:** Order please, this is a rather broad question and requires a very lengthy answer. I believe, as the Honourable Member for Faro knows, the Honourable Minister is noted for lengthy answers.

Order please, perhaps the Minister, in answering the question could be as brief and concise as possible.

**Hon. Mr. Lang:** As you have noted, the question is very broad so I will have to take some liberty of the House to give them the fullest answer possible in the shortest terms as possible so that the Member opposite has the ability to understand just exactly what is taking place.

First of all, I think that the Member is liberally — and I do not say that adversely to the Member for Riverdale South — using the word shutdown as if it was going to happen tomorrow. That is not the case. I have contacted the local people responsible for that particular mine. It is tentatively scheduled for nine months from now.

I think that we must make it very clear that there is a possibility that the longevity of the mine could be lengthened if the price of copper goes up. Right now it is at 92 cents and I have been told that if it goes over one dollar that there is a possibility that the time-frame, in respect to that particular ore body, could be lengthened, because it would make it profitable, the way I understand it, to mine some of the marginal loads that are still left in the area.

Further to that, we have indicated to the mine that we are very concerned about the shutdown and we are prepared to work with them as much as we possibly can in trying to relocate and find work for those employees adversely affected.

It should also be pointed out that no one is being laid-off today. The numbers of jobs that were quoted would more than likely be taken care of by attrition over the next four months. I would like to be optimistic that the price of copper would be going up. Of course, we have no control over that. For that matter, neither does the Government of Canada. Projections are, over the course of this year, that at some time the price of copper will be going up. If that does happen we conceivably will get another year of life from the mine that is presently in production.

**Mr. Speaker:** Order, please. I think that the question has been answered sufficiently.

**Mr. Byblow:** I have some difficulty understanding how the Minister can interpret nine months as being an immediate shutdown. However, recognizing that this Government played a very minimal role in the developments following the Cyprus Anvil announced shutdown and layoff, could I ask the Minister if his Government will now take a more active role, perhaps through Canada Manpower, in the retraining and relocation of the people affected by this Whitehorse Copper anticipated shutdown?

**Hon. Mr. Lang:** The Member goes off on tangents and, perhaps, I can understand why. I should point out — unfortunately I could not give all the information in my previous response — that we have been in contact with Dome Petroleum. They are prepared to come up, over the course of the summer, to interview for possible employment opportunities for people presently working at the mine. As far as training is concerned, there is no question that our facilities are available and they are there. We do have a Manpower Branch that works on an ongoing basis with Canada Manpower to help these people who would be adversely affected. I want to stress, as I think it is important — and I recognize the Opposition is to breed, bring doom and gloom, and if one were to listen to what is being said, over the course of the last couple of weeks, the only choice I would have is to jump off the bridge — that there is a possibility that the longevity of the mine will be much longer than the proposed nine months.

**Mr. Speaker:** Order, please.

**Mr. Byblow:** The Minister has already answered my question. I do not wish to have him answer any further.

**Mr. Speaker:** I would agree.

**Question re: Medical services**

**Mr. Kimmerly:** A question to the Minister of Health. The doctor in Elsa has recently stated that there are problems associated with company-run clinics in company towns and he recommends that such medical services be provided by YTG directly. Can the Minister state what the departmental policy is regarding company-run clinics in company towns?

**Hon. Mrs. McCall:** We have nothing whatever to do with company-run clinics. The Government of Yukon does not run medical clinics.

**Mr. Kimmerly:** In the case of a company-owned clinic in a company town, are there regulations regarding access to patients' records specifically by the company?

**Hon. Mrs. McCall:** I think that the question on access to records would rest with the doctor in the clinic. It would have nothing whatsoever to do with the company.

**Mr. Kimmerly:** Are there regulations, or is the Government considering passing regulations, concerning the continuance of medical services during a strike or lay-off?

**Hon. Mrs. McCall:** No. That would be up to the company whether there were enough people there to warrant medical services. I am sure that companies, as good corporate citizens, would see that there would be services there.

**Question re: Workers' Compensation**

**Mrs. McGuire:** I will direct this question to the Government Leader as I will make reference to his report. The Government Leader reported that major alterations to the Workers' Compensation system and in one particular paragraph where he stated, "actual earning powers of compensation recipients will be reviewed annually and compensation will be based on the actual loss resulting from injury". Will this regulation apply to injured people who are already on compensation on a monthly payment basis?

**Hon. Mr. Tracey:** I will answer that as Workers' Compensation is part of my portfolio.

No, there will be no change made for people who are on compensation at this time. They will not be brought under the new sections of the Ordinance. I would suggest that the Member wait for the Workers' Compensation amendments to be tabled before she starts asking questions. I do not think that it is right that I should be standing here answering questions that are already answered in the Legislation when it is tabled.

**Mrs. McGuire:** I feel that I can ask questions because it has been brought before the House. Will compensation based on actual earning loss be paid directly to a worker that is on compensation or will it be paid to the worker's employer, as it is now?

**Hon. Mr. Tracey:** I would suggest the Member across the floor read the *Workers' Compensation Act* to find out who does actually receive the payment. This will be dealt with under the new Legislation. I do not feel I will be answering these questions at this time.

**Mrs. McGuire:** I guess what I am getting at is that in a case where a compensation recipient wishes to become self-employed, as it is now, his compensation funds are paid directly to his employer. Will the earnings loss be paid directly to a recipient if he wishes to become self-employed?

**Mr. Speaker:** I am not too sure that the question has not already been answered by the Minister.

**Hon. Mr. Tracey:** I will give the same answer as I gave last time. It will be dealt with under the new Ordinance. I would suggest that the Member is mistaken in her belief and that she should go read the existing Ordinance.

**Question re: Land Policy**

**Mr. Penikett:** I have a question for the Minister of Municipal and Community Affairs. Will the new Land Policy announced recently by the Minister take priority over all other Territorial land regulations pertaining to residential, recreational and country residential lots?

**Hon. Mr. Lattin:** The new Land Policy does not apply to recreational lots. It applies to residential lots, rural residential lots, country residential lots, and that type of lots.

**Mr. Penikett:** Since there seems to be a conflict between the new policy and regulations developed for the sale of say, small country estates such as that proposed for Takhini Hot Springs road, will the requirement to pay full market value for these lands with a discount for each year of residency still apply or will these lots now be sold at development costs with 20 percent down and five years to pay?

**Hon. Mr. Lattin:** Reviewing the particular lots that you are referring to, at that time we said that they would be sold at develop-

ment cost, but price them at market value. The difference between the development cost and the market value would be returned to those who lived on them for ten years, who would get a 10 percent reduction per year. After ten years, they would have title to that lot. If they wanted to buy them at market value at any particular time, they had the option to do that.

**Mr. Penikett:** Would the Minister clarify the fact that there really are separate policies existing? I would ask him to be precise. As a question of policy, will individuals or corporations buying lots from the Government still be required to build a home on the lot before selling it or, under the new policy, will they be able to sell the undeveloped land?

**Hon. Mr. Lattin:** If they buy the lot and they have the title, just like any other lot, they will have the ability to sell that lot again.

#### Question re: Yukon Election

**Mr. Njootli:** I would like to direct my first question from this side of the House to my Honourable colleague the Progressive Conservative Government Leader. I wish him a good trip to Ottawa.

For the benefits of Conservatives on the streets of Whitehorse and around Yukon, is it still his intention to call a Yukon Election immediately after the Committee of the Whole has completed its own input into some of the 12 Bills that appear to date?

**Hon. Mr. Pearson:** I do not normally answer questions that ask what my intentions are.

**Mr. Speaker:** Questions seeking an opinion of a Minister are quite out of order.

**Mr. Njootli:** If he suddenly changes his opinion, or his mind, 70 percent of the constituents of mine will be out of the community of Old Crow in the trapline areas. A lot of miners will be out in various areas across the Yukon Territory. If he intends to call an election in the spring time, how would he account for all the Yukoners on this particular election day?

**Mr. Speaker:** I think I would have to rule that question out of order. You are asking again an opinion of a Minister and that would be quite out of order.

**Mr. Njootli:** I do not have a final supplementary for the Honourable Government Leader but I would like to ask him another question pertaining to Native people in regards to the Government of Yukon Territory.

If it is the Government's intention or policy to ask Native people to resign from Cabinet posts and eventually resign from the Party and, even worse, from the Deputy Speakership, is that setting a precedent towards Native people and White people in the Yukon Territory in regards to the election? Is it his intention to pursue it in that fashion?

**Mr. Speaker:** Order, please. I consider that question to be argumentative and quite out of order as the Honourable Member for Old Crow obviously knows.

**Hon. Mr. Pearson:** Point of Privilege. You must allow me to answer the question in that the Member has implied that I only ask Native people to resign from Cabinet, or to resign from this Caucus. I must be allowed to say something in reply to that.

**Mr. Speaker:** Proceed.

**Hon. Mr. Pearson:** I want to impress upon everybody that the reason that the Honourable Member was asked to resign from the Cabinet and was asked to resign from the Caucus had absolutely nothing to do with him being of Native origin. I would respectfully suggest that it was his actions, and it does not matter whether he is White, Indian, or anything else.

**Mr. Speaker:** Order, please.

**Mr. Njootli:** Point of Order. The point is that my actions are not before the courts yet, and are coming before the courts, and therefore a person is not guilty of those actions.

**Mr. Speaker:** Order, please. The Honourable Member for Old Crow has not raised a Point of Order.

**Hon. Mr. Pearson:** I just wanted to conclude by saying that his actions, in fact, have spoken for themselves. It has absolutely nothing to do with the fact that he happens to be of the Indian descent.

#### Question re: School buses

**Mr. Veale:** It is interesting to hear Conservatives debating Con-

servatives. I have a question for the Minister of Education. The Minister is aware that she is assigned a new school bus contract for 1982-83 for a contract price of \$965,000. Would the Minister justify the increase of \$147,000 over last year's contract?

**Hon. Mrs. McCall:** That is just for ordinary cost-of-living and inflation.

**Mr. Veale:** I understand that the contract excludes the fuel or gasoline costs which, I understand, are going to be provided by the Government. Will the Minister advise what the estimated fuel costs will be for 1982-83?

**Hon. Mrs. McCall:** I do not carry those figures around with me. I would appreciate it if the Honourable Member would give me questions of that nature in writing, and I will be happy to give him the answer.

**Mr. Veale:** I would think that that would be a very important issue for the Minister to have known when she signed the contract. Could the Minister advise if, before entering the 1982-83 contract, her department calculated what the costs would be of having a government-owned school bus system?

**Hon. Mrs. McCall:** The department calculates all costs and looks at the most reasonable costs.

#### Question re: Yukon Teacher Education Program

**Mr. Byblow:** I have a question for the Minister of Education on a different subject, unless the Minister of Economic Development would like to answer it.

The Minister of Education stated yesterday that the reason for cancelling the third year of YTEP was the lack of sufficient students for the course. Could the Minister state what criteria her department used to make that judgment? In other words, what would be an acceptable minimum number of students for the program?

**Hon. Mrs. McCall:** The number of students was very carefully considered. Of local students, I believe there were four wanting the course. Two were not fully convinced that they wanted to stay on, or they did not care. I cannot remember what happened to the third one. The fourth one was the one who was spoken about yesterday. There were some other students who would have taken it. They were all out-of-territory students. On weighing the number of students who were local and wished the course, there just were not sufficient students to put it on this extra year.

**Mr. Byblow:** I may be questioning those figures in future questioning if the House lasts. When we were discussing the Estimates, a 17 percent was announced for expenditures on Yukon Campus. It seems to me that the department must have been aware of the plan to cut the third year at the time the Budget was prepared. Why did the department not make a special effort to counsel the students, especially those who did organize their lives around the program, in order to provide them with sufficient notice of the termination of the program?

**Hon. Mrs. McCall:** I can only say that when it was realized that the course would be dropped, those students were notified at that time.

**Mr. Byblow:** Given that the Minister has indicated four students are the minimum number for the program to continue, had there been more applications than four, would the Government consider continuation funding of the program?

**Hon. Mrs. McCall:** Evidently the Honourable Member feels that he knows of more students than the number that I have mentioned. As far as I know, that was the number of students who would have wanted to continue. The out-of-town students were students who wanted to get in on the course. It is possible that if there was an enormous demand that the course could be reinstated. Individual courses within that are being continued and I see no reason at this time to continue the whole year.

#### Question re: Tourism

**Mrs. McGuire:** I have a question for the Minister of Tourism.

As the Minister is aware that YTG's Tourist Information Centre in Haines Junction is now housed in very cramped quarters of the Federal Parks Building, which has created frustration and dissension amongst the information officers in the past, would the Minister consider moving the centre back to its old location, the weigh scale building, before this summer's opening?

**Hon. Mr. Lang:** I do not know about the quarters that the Member speaks about. I would say that it is not presently our intention to move the quarters since most of the tourists do stop at that particular site that she referred to in her preamble.

**Mrs. McGuire:** In view of the fact that the Centre's present location is several blocks off the main highway and travellers have a difficult time finding it, as well as the lack of an adequate number of washroom facilities, would the Minister consider designating a totally new location on the main highway and a new building to accommodate the heavy tourist traffic?

**Hon. Mr. Lang:** I am very pleased to see the Member opposite agrees with our projections as far as the tourism industry is concerned, in reference to heavy traffic.

From my point of view, at the present time it is not our intention to move away from the present site. We will continue to monitor it and at some later date if we see a need for new facility it would be considered at that time.

**Mrs. McGuire:** Is the Centre under contract to Parks Canada for floor space? If so, when does that contract expire?

**Hon. Mr. Lang:** It is my understanding that it is not under contract. There is some sort of agreement in place but it is not a contractual agreement.

#### Question re: Children's rights

**Mr. Kimmerly:** A question for the Minister of Justice on the subject of children's rights.

Will the Minister now state whether or not the promised Green Paper will address the question of children's rights at all?

**Hon. Mr. Tracey:** When we table a Green Paper in the House the Member across the floor, as well as everybody else, will know what will be in the Green Paper. It will address many rights.

**Mr. Kimmerly:** I will ask if the Minister's department is considering the right of a child to be consulted in matters relating to guardianship and custody?

**Hon. Mr. Tracey:** I do not believe so.

**Mr. Kimmerly:** Is the Minister's department considering the right of a child to adult counselling and legal assistance for all decisions relating to guardianship and custody of that child?

**Hon. Mr. Tracey:** It may be, and when we table our Green Paper in the House the Member across the floor will know exactly what we have put in the paper.

#### Question re: YTG Hiring Policy

**Mr. Penikett:** I have a question for the Government Leader.

The Government has stated, by way of a press release, that its Hiring Policy gives first preference to residents, and second preference to Yukon students returning for the summer. Given the increasing unemployment rate, many unemployed local residents may want the YTG jobs that have been slated for returning students. Has the Government Leader any idea of the number of jobs that his Government has identified for offer to Yukon students?

**Hon. Mr. Pearson:** No, I do not. I will attempt to get that information for the Leader of the Opposition.

**Mr. Penikett:** When the Government Leader is finding that information will he also inquire as to the following?

Many students obviously need work during the summer in order to pay for their continued education. Could the Government Leader indicate, in line with his press announcement, what new initiatives this Government will be taking to ensure that Yukon students will be able to continue their education in light of the difficult local employment situation this summer?

**Hon. Mr. Pearson:** We have a Bill tabled. I believe we have given it second reading. The Members across the floor will find, when we consider that Bill in the House, that we have made every effort possible to ensure that local students are not encumbered any more than absolutely necessary in order to continue their education.

**Mr. Penikett:** The Government Leader may have changed the subject slightly. Has the Government considered its policy in respect to those students who may have recently moved here with their parents? In other words, is it its intention to differentiate between those

long-term residents and relatively new-term residents in terms of summer employment?

**Hon. Mr. Pearson:** A most extraordinary question as the Honourable Member has as much access to the Bill as I. I am sure that he is capable of reading that Legislation the same as I am. We deal with Yukoners and what we, as a Government, feel that we can do to help them with their post-secondary education in that Bill. There are some requirements. There are some criteria. Those are the ones that we have considered. We have considered everybody, but felt that we had to make some criteria.

#### Question re: Grey Mountain Primary School

**Mr. Veale:** I have a question for the Minister of Education regarding the Grey Mountain Primary School. Last summer the Minister had her department repair the leaks in the roof and, on November 23, 1981, I asked the Minister in the House, and thereby gave her notice of this question, what was the cost of the repair to the roof? Will the Minister now give that information to the House?

**Hon. Mrs. McCall:** I would have to carry all the administrative books for the Government around with me all the time to suit the Honourable Member, but the Department of Public Works looks after the repairs on the school.

**Mr. Veale:** I am sure that it is one figure that the Minister will attempt to carry to the next day for this Assembly. In her correspondence of January 1982, regarding the school and the roof, the Minister avoided giving any indication of what the cost was. However, she did say that she would monitor the situation closely this spring. Is the Minister aware of the fact that the pails are now out in various locations around the school and the annual spring leak has occurred? What action is the Minister going to take to repair those leaks permanently?

**Hon. Mrs. McCall:** I understand the Honourable Member's obsession with the leaks in the roof at the school. I assure the Honourable Member that we also worry about these leaks and that we will look after them.

**Mr. Veale:** I am sure that it is more than an obsession for the people who have to use the school. Will the Minister be placing the priority of having a permanent structure on the Capital Estimates for 1982-83?

**Hon. Mrs. McCall:** Oh, the Honourable Member wants a new school. That is really what it is, is it not? No, I do not think that a leaking roof really is sufficient cause to build a new school.

#### Question re: Yukon Housing Corporation

**Mr. Kimmerly:** A question to the Minister responsible for the Yukon Housing Corporation. Yesterday, in answer to a question about the waiting list, the Minister stated that he is monitoring the situation. Is the Minister also monitoring where these people on the waiting list are now residing while they wait?

**Hon. Mr. Lattin:** I do not have the facts before me on that particular case, but I do know that these people are living in other accommodations. I have no information on where they are residing. This is a thing that would not normally come to me. As far as monitoring the situation, as I said yesterday, we are doing that. Beyond that I cannot further answer that question.

**Mr. Kimmerly:** Does the Minister know approximately what percentage of these families are now housed in hotels?

**Hon. Mr. Lattin:** No, I do not know how many are housed in hotels.

**Mr. Kimmerly:** This is a similar sort of question. Perhaps the Minister will take it as notice and I will ask what is the cost to the Government of maintaining these people in hotels who are on this waiting list?

**Hon. Mr. Lattin:** I will take that question under advisement.

**Mr. Speaker:** This now concludes the Question Period. We will proceed to Orders of the Day.

#### ORDERS OF THE DAY

**Mr. Byblow:** On a Point of Order, and in view of the absence tomorrow of the Government Leader who is going to Ottawa, may we be advised as to who is going to be the acting House Leader for the



Government tomorrow?

**Hon. Mr. Pearson:** Mr. Graham is the House Leader. He has been so a tremendously long time. I would respectfully suggest that I think that the answer that the Honourable Member is looking for is that Mr. Lang will be the acting Government Leader tomorrow and while I am absent.

23

## MOTIONS FOR THE PRODUCTION OF PAPERS

**Mr. Clerk:** Item No. 1, standing in the name of Mr. Kimmerly.

**Mr. Speaker:** Is the Honourable Member prepared to deal with Item No. 1?

**Mr. Kimmerly:** Yes.

### Motion No. 2

**Mr. Speaker:** It has been moved by the Honourable Member for Whitehorse South Centre, seconded by the Honourable Leader of the official Opposition, that the draft Green Paper on Human Rights as prepared for the Minister of Consumer and Corporate Affairs be tabled in this Assembly.

**Mr. Kimmerly:** Mr. Speaker, on this particular Motion for the Production of Papers I can be relatively brief because I am confident that I already have the unqualified support of all of the Government Members. This of course, will be an uncontroversial motion. It is a very simple motion. The Minister of Justice has repeatedly in the previous two sessions referred to questions or has answered questions about the Government's planning and the Government's consideration of a revision of the *Fair Practices Ordinance* and similar ordinances in this area with the response that the questioner will need to wait until the Green Paper. There was evidence of that today on the subject of Children's Rights.

The purpose of placing the Motion is, to put it in common language, to "smoke the Minister out". We wish to know: is there a draft Green Paper? If there is, what does it consist of? If there is not a draft Green Paper, why is the Minister constantly referring to a Green Paper sometime in the future? What is the target date for the tabling of the Green Paper? The purpose of this Motion is that the Minister has side-stepped all of the responsible questions in this area with a postponement. What are the real plans of the Minister? I challenge the Minister to table what material is prepared to date.

**Hon. Mr. Tracey:** I was not aware that the Members from across the floor were starting to tell the Government when the Government would table anything in this Legislature. I made a commitment to work on a draft Green Paper on Human Rights and when I am ready to table that draft Green Paper, I will table it in this Legislature. It certainly will not be because the Member across the floor puts a motion that it be tabled. When we are ready to table a Green Paper, I will table it in this Legislature. Until then, the Member is going to stay in the dark.

24 **Hon. Mr. Lang:** I just wanted to stand up to show to the House and the media as well the contradiction in respect to what the Member has brought forward. He has asked us to bring forward a draft policy, not the firm policy that has been developed by this side of House.

At the same time, we have a Bill before us that is now in the Committee of the Whole that would make it illegal for us to bring forward a document of this kind because it would not be finalized policy. In *An Ordinance to Provide for the Freedom of Information* it states very specifically that "documents relating to policy decision under consideration but not yet finalized would be exempt from tabling or bringing forward for discussion". I find the Member's position in respect to the resolution he brought forward not only frivolous but contradictory.

**Mr. Penikett:** I had not planned to get into the debate, but having heard the last intervention, I have been sorely provoked again. The Minister who just spoke referred to some firm policy on this Government. The only firm policy we know in respect to this particular policy field is that they have no policy. We certainly have not seen any evidence of it. We have seen indications that they are prepared to discuss it. The Minister responsible has said that if he says no, we are not going to see any documents, that is it. Mr. Speaker, with respect, a rather arrogant assumption. Let me point out the obvious, if the House decided it wanted to see the documents it has nothing to do with

freedom of information. If they are public documents, and the House wishes to see them, nothing the Minister can say is going to prevent the House from seeing them. If the House wants to see them, the Minister can either provide them or resign. Those are two options. That is all I have to say.

*Motion defeated*

**Mr. Speaker:** We will now proceed to Motions other than Government Motions.

## MOTIONS OTHER THAN GOVERNMENT MOTIONS

**Mr. Clerk:** Item No. 1, standing in the name of Mr. Veale.

**Mr. Speaker:** Is the Honourable Member prepared to deal with Item No. 1?

**Mr. Veale:** Yes, Mr. Speaker, I am prepared to proceed.

### Motion No. 14

**Mr. Speaker:** It has been moved by the Honourable Member for Whitehorse Riverdale South, seconded by the Honourable Member for Klune, that this Assembly is of the opinion that the Northern Preference for Northern Contractors should be increased as follows:

- (1) for contracts up to \$500,000, a 10 percent preference, and
- (2) for contracts greater than \$500,000, a 5 percent preference.

**Mr. Veale:** The reasons for this Motion are obvious. There are few areas of the economy that we, as Yukoners, can influence as directly as the granting of Government contracts.

25 It is also particularly relevant to review the situation in an economic atmosphere where there are many jobs in the mining community that are simply no longer available and, in fact, are declining at an alarming rate.

The matter of reviewing the Northern Preference was brought to a head recently when a local contractor's bid was only seven percent higher than an Alberta firm's, who was awarded a contract for the sum of \$370,000. The local contractor in the case had bid \$396,000. What was extremely disturbing and indeed astounding, was that the Capital Budget had estimated an amount of \$398,000 for the project. In other words, the wise course would have been to accept the local contractor's bid, particularly as the Government, in those situations, is not required to necessarily accept the lowest bid.

The local firm, which was unsuccessful in its bid, employs about six people and had to lay-off one person the day following the notification of that advice, instead of being in the excellent position of being able to hire people, particularly when jobs are at such a premium.

Our Motion is based upon the recommendation of the report of the Task Force on Northern Business in July, 1975. That was a Task Force which of course had two Yukoners on it. They heard submissions from a great number of contractors and local businessmen all across the North and they came up with the figures that are contained in the Motion. In other words, having a ten percent preference for contracts up to \$500,000 and a five percent preference for contracts in excess of \$500,000.

There are clearly two factors at play in the economic situation today. Firstly, the general costs of construction have increased enormously, even in the past year. That has been made quite clear in the Capital Budget estimates and of course the Supplementary Estimates, where a number of contracts required a great deal more public money than had been anticipated in the Budget Estimates. This is also as a result of the inflationary situation in general and particularly I expect it is related to the costs of fuel which have shot up enormously in this country in recent months.

The other aspect that must be addressed is the temporal price increases done by the Government's surveys indicating that the cost-of-living in general in Whitehorse increased by 16.6 percent last year. 26 That means, of course, that the cost of doing business in the North has increased substantially since the original Northern Preference was introduced in December, 1980.

The other advantage of moving to the new preference is that it will resolve the problem of contracts generally now being well above the \$250,000 limit which had previously been set. In other words, go to the \$500,000 and offer greater opportunities for local contractors.

Also the encouragement required by having a preference for those contracts beyond \$500,000 in value to encourage local contractors to attempt to go for those larger contracts. In other words, not be relegated simply to the smaller contracts, under \$250,000, which is sort of the bench mark set by the previous preference.

The benefits to the Yukon will be enormous in having this Motion passed. I doubt very much that there will be any opposition on the Government benches to passing this Motion because it is really in the interests of all Yukoners, both in terms of developing the business community and in terms of jobs. The multiplier effect that a contract in the Yukon has, going to a Yukon company in terms of employment and general expenditures in the community, is quite significant. In a declining economy it would be something that we could do directly to ensure that the economic situation does not deteriorate further than necessary.

The issue raised by the Government Leader in his response to the Secretary-Treasurer of the Whitehorse and Yukon Area Building and Construction Trades Council regarding the contract that I have been discussing raises the problem, and it is something that has to be addressed, that there has to be competitive bidding. The Government Leader indicates that his expectation is that local contractors will go that other half mile to bid competitively. It is our submission that in fact that is what is happening now. They are going that other half mile to make competitive bids but they are not finding themselves in a competitive situation because they do not have the economies of scale that a larger firm may have outside, and they are faced with all the energy costs and the higher costs-of-living which prevent them from being as competitive as they would wish.

The question for some contractors may, unfortunately, not be so much a question of how competitive they can be, but a question of their very survival. There are equipment sales that are taking place right now, indicating that the economy is in a tight situation.

In conclusion, I hope that the Government will support this Motion and, hopefully, it will have a beneficial effect on the Yukon economy.

**Mr. Byblow:** I am introducing an amendment and I would like to do so now.

I would move, seconded by the Leader of the Opposition, that Motion Number 14 be amended by adding after the term "is of the opinion that" the following term: "during periods when Yukon's unemployment rate exceeds that of the National Average". I would like to speak to that amendment.

**Mr. Speaker:** It has been moved by the Honourable Member for Faro, seconded by the Honourable Leader of the Official Opposition that Motion Number 14 be amended by adding after the term "is of the opinion that" the following term: "during periods when Yukon's unemployment rate exceeds that of the National Average".

I will assume that the Honourable Member has not yet spoken to this amendment but indeed he has in proposing it, but proceed.

**Mr. Byblow:** I believe that the amendment that I had circulated treats the Motion before us in a little more responsible fashion than suggested in the original Motion. I think it treats the intent of the Motion in a fashion more in line with the several rounds of questions that my Party and I have had with the Government Leader on the very topic, and as recent as last week.

I recall a debate on a radio show recently in which the Minister of Economic Development was defending the five percent bid differential saying that taxpayers would not appreciate paying for a higher bid differential, saying that it was irresponsible and this was Government policy and that was that. I would suggest that it is not quite so simple.

I think what we are facing today, as outlined by the previous speaker, is one of the most severe economic downturns that I can remember. For the lack of sound economic planning and control of the economy we must, at least, afford or encourage and stimulate where we can. I think this amendment would serve to do that more responsibly and at a time when it is needed most, such as we are facing now.

Government would be acting as a catalyst to retain the most out of the economic activity in the Territory at a time when it is most needed. What the amendment is calling for is a special consideration during severe economic and subsequent severe unemployment circumstances. I do not think the Yukon taxpayer would object. From the discussions that I have had with contractors, with the trades people,

with suppliers, it is pretty clear that there are some very peculiar developments taking place during economic hard times.

<sup>28</sup> It was described to me something like this: because the times are difficult, not only here, but in the provinces and because contracts are scarce and because contractors are hungry and because these contractors are desperate to keep their key people on their staffs and, at least, skeleton crews together. What they are doing is they are undertaking projects in Yukon and gambling on breaking even, thereby under-bidding what would be a normal bid.

I think it takes very little imagination to recognize what happens locally when that takes place. Outside contractors come in, outside employment comes in, does the job, dollars are paid to the outside firms. I think the example that the previous speaker brought up on Duncan's is certainly a prime example.

The net result of all of that is that we lose the employment opportunities. We lose the opportunity of recycled dollars within the Territory and we even lose the potential income tax revenue that would be generated from those employed people, from those very dollars that are our own to begin with.

The amendment is designed to permit restoration back to the present Government policy when times are good. Basically, when times are good, everyone is employed and there is no need to give a higher bid differential preference for local contractors because they have work, they are employed, they do not need the additional preference. The five percent preference then would be acceptable.

I am introducing the amendment, tied into the unemployment rate and therefore presenting a much more responsible approach to the bid differential in the Territory during severe economic times such as we are facing now.

**Hon. Mr. Lattin:** Looking at the original Motion here, "Northern Preference and Northern Contractors", I might know that if we were to get anything from across the floor, from the Liberal Party, that they do not know that we are talking about Yukoners. It seems to me that it is an indication of how they have been treating the Yukon forever. Also, it is alright to say we are going to raise the preference to 10 percent...

**Mr. Speaker:** Order please.

**Mr. Veale:** I do not believe the Member is speaking on the amendment.

**Mr. Speaker:** Order please. I wonder if Honourable Members would be sure of their Points of Order before rising. It makes the House look very sloppy indeed and it is an abuse of the practices of this House.

**Hon. Mr. Lattin:** As I was saying a moment ago, when we are talking of 10 percent, we must realize that it is the taxpayers' money that we are spending and we have to be cognizant that 10 percent is a great deal of money.

The other thing that I found in the opening remarks on the debate was we were talking about a contract that came under the department's estimated price. I think we are losing site of why we have competitive bidding. It is that we have to get the best price possible for the taxpayers. If we were to follow his line of thought, it would seem to me that he does not believe in competitive bidding.

<sup>29</sup> I found that those thoughts were disturbing to me because I believe that in all projects the free enterprise system should work by competitive bidding. I believe in this very strongly. To suggest that because we came below estimates we should make allowances defeats the whole purpose of competitive bidding. I find that very repulsive to my line of thought.

**Mr. Veale:** I would like to speak to the amendment. There was a suggestion by the mover of the amendment that our Motion was not a responsible one and I pointed out to the Member that, in fact, the Motion is based on the Report of the Task Force on Northern Business of July 1975, which enquired of all Yukoners what they thought should be done and that Task Force came up with this very conclusion that we are now putting forward, so it is an extremely responsible one and one that has come from within the Yukon.

The amendment unfortunately introduces the concept of relying on statistics and I can only recall recently when we relied on statistics to increase MLA wages the difficulties that it cost us, and I can just imagine the horror show that we would get into on determining whose

unemployment rate was where and at what time. The Yukon has a substantial hidden unemployment which statistics are never able to accurately report. I could also see a situation where, as statistics are going up and down like yo-yos, one month the preference would be applied and the next month it would not be applied and it would be a most confusing situation. I will be voting against that amendment.

**Mr. Graham:** When I first read the Motion, I thought that it did not make a lot of sense. I thought that we were in the business of dealing with Yukoners. When I read instead, the phrase, as my colleague from Whitehorse North mentioned, about Northerners as a group, I have seen it put forward by some Liberal Member of Parliament that Northerners were any people who lived North of Prince George on a line across Canada. If that is the case, the Honourable Member's Motion would apply to all of those people and would grant that northern preference, as he would have it called, to all of these people.

I simply cannot agree with that. I also cannot agree with the amendment which states, "during periods when Yukon's unemployment rate exceeds that of the national average". If, by some fluke, the Liberal Government managed to bring down the unemployment rate in this country to an acceptable level, or even if they managed to get it down to two or three percent, if the Yukon's average was .05 percent above that average, then the contract differential would still apply.

I think it is pretty well a useless amendment because in times of high unemployment, if the Yukon managed to export enough unemployed to some other province and we managed to get below the national average, it would then not apply. I do not think that the amendment means anything at all.

I think that the biggest exception that we have to take to the amended Motion is the exception to the northern preference for northern contractors. Nobody has come up with any kind of definition of what is a Northerner. We are saying that the Yukon preference should apply to Yukon contractors, people who live, work and pay taxes in the Yukon — not in Fort St. John, not in Fort Nelson, not in Yellowknife, but in the Yukon. It is very interesting to see that both the NDP and the Liberal Party seem to think that we should pay a northern preference.

<sup>30</sup> All northern contractors do not reside in Yukon. If the Member for Faro, who thinks that we are losing income tax by giving contracts to Edmonton contractors, I guess he figures that the contractors from the Northwest Territories are going to kindly pay income tax in Yukon. I do not know. I do have a great deal of problem with the amendment as well as the main Motion and I will be voting against them.

**Mr. Penikett:** I would just like to make a couple of brief points. I think the observation of the wording of northern preference is probably a good one. I certainly think that my Party would be more than pleased to support a Government Member's amendment to make that meaning much clearer. We would be more than happy to do that.

Having dealt with that objection from the Member for Porter Creek West, I would now like to deal with his less substantive objection, and that is the question of economics, which he and I love to discuss from time to time. There is a concept in economics known as leakages, and once again, the Member for Porter Creek East does not want to learn anything, but I am going to try what his teachers never succeeded in doing. I want to talk about leakages because if there is a structural problem in the Territory's economy, it is that. To state the obvious, we know we produce practically nothing that we consume, we consume practically nothing that we produce, in statistical terms.

Leakage is wealth that is leaving the Territory, and is a serious problem for us. It seems to me that it is a desirable economic goal to try to reduce some of those. In the current constitutional context, that is admittedly difficult. I am sure that the Member for Porter Creek West who, on occasions, is a reasonable man, will recognize the obvious advantages to our economy of recycling our tax dollars through local contractors who will pay local wages, and to which local wages will go to support local small businesses. It is not very complicated arithmetic to be able to weigh the cost benefit of doing that as opposed to giving the same contract, providing the same amount of tax dollars, to perhaps an outside contractor who may not spend much of that money in the local economy.

It seems to me that the percentages being used here are perhaps not the perfect instrument. There is not a problem in defining when the

unemployment rate suddenly drops below the national average. The power to proclaim a policy such as this is clearly within the power of the Cabinet and they could do it on an annual basis. It seems to me that that is the basis on which most of the contracts are budgeted. That would not be an unreasonable policy.

I think, without getting terribly partisan about it, it is a useful time for us to be discussing the Yukon preference because of the current level of unemployment in the Territory, because of the tough times. I think that it is especially important now to be considering the problem of leakage from the economy and at looking at ways in which we can capture for the local economy, and retain for the local economy as much of our spending as we can.

I know the Government Leader, because he has on many occasions spoken about the virtue of this including the talk about the amounts of goods and services which are purchased here, will recognize the value of that. I think the same holds true for local contracts.

<sup>31</sup> It holds especially true and is especially valuable during a period of high unemployment. I do not think this has to be one of those furious debates that we have, but I do suggest that it is not an unreasonable proposition, and whatever the vote is today, I would urge the Government to quietly go off and consider the merits of this worthy proposition.

#### *Amendment defeated*

**Hon. Mr. Lattin:** I am talking to the Motion at this time. I want to reiterate that after many years of trying to secure a preference for Yukoners, it was this Government that came forth with a policy that we now have. This policy was accepted by the contracting people. It was a step forward. I think we had very good reception from the people in general.

At that time, on the first \$250,000 at 5 percent, these figures were quite valid. I am aware that the cost of construction has gone up in the same period. On the main Motion, this northern preference is meaningless because we are elected for the Yukon and we should be looking at the Yukoners themselves.

With that in mind, I would like to propose an amendment to the Motion, moved by me, seconded by the Minister of Tourism and Economic Development, that Motion No. 14 be amended by deleting all of the words after the word "that" and substituting the following for them: "This Assembly is of the opinion that the Yukon preference for Yukon contractors should be increased so that contracts awarded by Government of Yukon to a maximum amount of one million dollars have a Yukon preference factor for Yukon contractors of five percent on the first \$500,000 and three percent on the remainder."

**Mr. Speaker:** It has been moved by the Honourable Minister of Highways and Public Works, seconded by the Honourable Minister of Economic Development, that Motion No. 14 be amended by deleting all of the words after the word "that" and substituting the following for them: "This Assembly is of the opinion that the Yukon preference for Yukon contractors should be increased so that contracts awarded by Government of Yukon to a maximum amount of one million dollars have a Yukon preference factor for Yukon contractors of five percent on the first \$500,000 and three percent on the remainder"

**Hon. Mr. Lang:** I would like to make a few comments in respect to the Yukon preference, because I find it disturbing that the Members opposite seem to think that they originated the idea.

<sup>32</sup> I just want to give a little background since I recognize there are one or two Members new in the House. The Yukon preference was brought forward by the Conservative Government, and basically that was in consultation with the contractors to try to come up with an equitable differential yet, at the same time, would not impede the ability to compete in the private sector with anyone outside who wished to bid.

What we came up with at that time was very clear: 5 percent on the first \$250,000 plus 3 percent on anything over and above that up to a \$1 million dollars and on anything over \$1 million, it was to be the open competitive market, in view of the volume and the magnitude of the work that had to be done. Those people who were bidding should be able to bid competitively with anyone who wishes to submit bids on a particular project. It has been successful.

I think one should not downgrade the ability of our private businesses to compete. We have not had the ability to review the contracts in the past year, but when we initially brought in the pre-

ferential clause in respect to contracting it was very clear. We are very pleased with results of the work that was done and the research that was done at that time. Seventy-five to eighty percent of the Government of Yukon contracts, and I have no reason to believe it does not exist today, were done by local businesses. Those are significant figures. In respect to the private sector, those people who are bidding contracts overall are competitive and can compete in most parts without a preferential clause, and do it successfully.

The Member from Riverdale South snickers. This morning it was announced here that a contract for a major school being built in this Territory was successfully bid on by a Yukon contractor against people who bid from outside the Territory. It is to his and his company's credit that they did come forward and that they did get that bid.

I do not think that this side of the House would argue about a preferential clause being revamped, as we have indicated in the amendment brought forward by my colleague. We do believe there should be guidelines. I find it difficult to believe that the Leader of the Liberal Party would take the tact of the NDP and try to tie it to the national average as opposed to coming up with a set formula and a maximum amount of money. We are talking about taxpayers' dollars. You are going to put into the position where, unless we have a ceiling and a volume of work to a maximum, you are going to have the situation where people will move here with the intention of setting up a one-man office for only the purposes of bidding.

<sup>33</sup> The point I am making is that we are walking a very fine line in respect to the differentiation between what a Yukon business is — and I recognize the Liberal Party would like it northern business — as opposed to somebody coming from outside and at the same time trying to maintain the competition that is necessary if we are going to maintain the integrity of the bid depository system. If we do not maintain the integrity of the bidding process in the Yukon Territory, and it is to be altered to the point that the Member opposite wants to alter it, perhaps what the Member should put forward as a resolution is that all contracts be awarded to conservative companies.

I think it is a very valid point I am making here. I think we have to be very careful. I do not care what political persuasion that we are, we cannot get into a situation where pork barrelling would take place. I think it is a misuse of the taxpayers' dollars, which probably the Member from Riverdale South would disagree with, looking at his Federal counterparts. From our point of view, there has to be integrity, yet at the same time a recognition of the small business in the Territory that could be aided by a certain differential in respect to availing themselves to contracts within the Territory.

When one looks at the resolution that was put forward by the Member for Riverdale South, what it means that if there were a \$7 million job, one would have to pay extra in the area of \$350,000 to \$400,000. The other point that has to be made is that when you talk about bringing that extra differential in, what you would be doing when you are talking about that magnitude of a job — there is not a bottomless pit of money, there is only so much taxpayers dollars available — is effectively, perhaps, one, two or three other projects would not be going forward. Perhaps the roof in Grey Mountain Primary School would not be fixed because all the money went into the Porter Creek School.

I wanted to bring some reasonable arguments to the floor of this House. This points out the real thin line that has to be walked when you are talking about the contracts and the authorization of contracts. I want to impress upon Members that we recognize that there should be a preference. We have put one into effect. We recognize it was two and a half, almost three, years ago, because it was a commitment that we made when we ran for office and like all commitments that the Conservatives make, we enact them as soon as we can, we recognize that perhaps it should be upgraded.

Taking that further, and I recognize the Members opposite agree with what I have just said, with the amendment we are bringing forward it is very clear, up to \$1,000,000 contract there would be a definite preferential. Along with that we will increase from \$250,000 to \$500,000 the five percent, which recognizes the smaller jobs in respect to small business.

I think we have taken a responsible attitude. As for the Member opposite, if he had his way perhaps we would only have one project in

the Territory. I think we are being very, very responsible and trying to get as many projects as we possibly can going throughout the Territory. I think the Member for Riverdale South is agreeing with me. I can recognize the fact that perhaps he has not thought this all out.

With this, I think this recognizes the situation in the Territory, and I think that the major concern that we have on our side of the House is not only the fact that the contracts being awarded to local firms — and I indicated that for the most part they have been successful — but also the other area would be in respect to labour.

<sup>34</sup> We are doing everything we can in our authority to impress upon people, whomever they may be, that when a contract is authorized that local employment be used. I think if one takes a look at contracts in the past year, most of the contracts that were done by local tradesmen, local people were involved in the actual construction of the projects requested.

I can see that there is unanimity on the other side of the floor of the House and I would like to see this as a unanimous resolution through the House to show that there is a common cause in respect to this particular issue.

**Mr. Veale:** Speaking to the amendment, I would like to point out that the Government side has made a great deal about the term "northern contractor" in the amendment. I have a tender form by the Government of the Yukon where it talks about northern sub-contractors on three different occasions. I am surprised to hear the Members are coming out now and saying that the northern contractor concept does not exist and that it was defined very explicitly in it and I think that is just a pretext of course. The Government knows precisely what is meant by a northern contractor, and if there is any confusion, they can clarify it by a simple regulation defining it. We would not object to defining it as Yukon contractors if that is what they want to do.

I am also a little disappointed. We know when a Government amendment comes forward, all of the backbenchers will support it just gladly. They will be leaping to the front to vote for it. I would like to say that this is a very small change. The \$250,000 limit is being increased to \$500,000. The other very significant change, which is even more significant than the \$250,000 change is the change in that the three percent will now be without limit, as I see it in that amendment, because it indicates that there will be three percent on the remainder, and as the Government chooses its words carefully in these amendments, "on the remainder" means the remainder being any figure over \$500,000.

In any event, if that is not the case, and the Government is indicating that it does not mean anything over \$500,000, then the change is insignificant, absolutely insignificant. I would point out that it would have helped Duncan's Ltd., in the circumstances, one would have hoped helped a little bit, but not a great deal. Even with the change that they have made would not have really addressed the situation that our Party is trying to bring before this Assembly right now.

The Member for Porter Creek East talked about the bottomless pit and taxpayers not being a bottomless pit. One wonders, when the results come in from the Old Crow School contract, and the road to Old Crow, just how bottomless that pit is going to have to be, because it is going to be a substantial overrun that this Government is going to have to account for to the people of the Yukon Territory.

<sup>35</sup> The major problem is that the amendment is seeking to indicate some movement on the Government's side to address and review the northern preference, but it is such a minor change that of course we would not object to the passage of that amendment. It is a shame that the Government is not prepared to go along with what the Task Force on Northern Business recommended in July of 1975, considering all the increases that have occurred in fuel prices and the cost-of-living in Yukon.

**Mr. Fleming:** I arise in support of this amendment. This has been quite dear to my heart long before these Members across the floor were ever here. I can well remember some years back when we were asking for this type of thing. I do believe in the principles the Honourable Liberal Member is bringing up to a certain extent. However, you have to look at facts when you are looking at dollars and they are taxpayers' dollars. You have to look at where they are going to be spent. I do not believe the Honourable Liberal Leader has explained any of those facts

yet. He has come up with an item and said that there was a contractor in Yukon who had a contract let and his bid was somewhere around \$390,000 and another contractor bid \$370,000 and he feels that contractor, even though he was over by 6 or 7 percent, and not 5 percent, should have that contract.

If we continue to raise this percentage, sooner or later there is going to be a time when it will cost the taxpayer more money for every contract in this Territory. This very contract the Honourable Member refers to, if it had been a 10 percent differential, could have cost the taxpayers, providing how the bid went, up to almost \$40,000 more for anything up around \$400,000.

I was a contractor myself once and I know how contractors feel and what they look at. A contractor from outside can see that a half a million dollar contract can be bid for \$500,000, and another almost \$50,000 on top of it. The contract is probably only worth the \$500,000 but he can add a little more because the Yukon contractor knows that he can get more. In the long run, the taxpayer in this Territory will pay the bill. There is no question about it.

<sup>36</sup> I do not think that is going to do the economy of the country any good. I think the 5 percent that was there before was a substantial figure. You can figure out a bid with 5 percent differential fairly easily over anybody outside. If you are not doing that, you are probably not bidding very well. A contractor from outside still has many things that are in his way so he cannot bid as low as somebody in the Yukon, or should not be able to.

The Government in this amendment realized that the price is becoming a little higher everyday and brought it up a small amount, in fact almost doubling it, to \$500,000 anyway, and then agreed for another 3 percent to \$1 million. Of course, beyond that is a large contract and I think the contractors can sharpen their pencils no matter where they are, above \$1 million.

I will be supporting the amendment, but I cannot go along with 10 percent. We wish to give the contractor all the benefit we possible can. The very fact is that we cannot take the economy of the country downhill again just to give a few more preferentials than we should. I cannot agree with that. The 5 percent is giving them a fair break.

**Mr. Falle:** I rise too, in support of our amendment. Some of the things we have to consider when we are talking about a \$2 million dollar contract and it was 10 percent, it means the taxpayer is going to have to dish out another \$250,000. That is a lot of money. I am just giving you an example.

One of the things that bothers me when we are having preferential treatment for Yukoners is what is stopping anyone as a contractor from coming in and setting up shop and calling himself a local contractor? If I owned a big company outside, I would have a man in here if it would be beneficial to me to bid on Yukon contracts. Where there is money involved, there is generally a way that people get around it.

<sup>37</sup> I have no idea what constitutes a Yukon contractor, as to whether that person has to have a company here, has to have his office here, has to have many things here. I think when we are looking at contracts in any way, shape or form, I have to agree with Mr. Lang, we have to protect the integrity of the bid contract. It is the idea of making things competitive. You have to sharpen your pencils up. You have to be competitive. If you are not competitive, then you should not be in the game. It is the taxpayer that has to pay the bill. When you are talking about ten percent, that means that there are more jobs down the line that are not going to be filled because, in effect, what we are doing is shutting down other jobs. There is only just so much money. If a contract cost a lot more than we anticipated, that means something else has to be shut down, and we are looking for jobs.

I think five percent is a reasonable amount of money. It is a preferential for the small contractor and, let us face it, at \$500,000 at today's prices, it is not a very big contract. When your houses in Riverdale at \$125,000 and so, it is not a big contract. These are the people at whom we are trying to aim the Government's money. We are trying to give these people a break, the small contractor. The big contractor, over \$1,000,000, has to sharpen his pencil and compete. As for five percent increase, I think now is a good time for it. It does show responsibility.

**Mr. Penikett:** I just wish to say that my Party will be supporting the amendment unless, of course, we hear from any more speakers on the other side which may persuade us otherwise.

I am fascinated to hear references to the Task Force on Northern Business Preference, because I know of some of the individuals who are involved, as do all Members of the House. I am fascinated because, of course, the biggest spender of all in the Canadian North is the Federal Government. I am fascinated because I recall the Minister involved who had something to do with initiating the project, and then I also recall, in one of my previous incarnations, trying desperately to get a commitment from the Federal Government to accept the recommendations of the report. It was very, very, very clear that the Federal Liberal Government was absolutely opposed, and had no intention whatsoever of implementing those recommendations. I just want to say that because I think that it is important to have it on the record.

As to the amendment, this will not make it a perfect world in the Yukon but we will support it.

*Amendment agreed to*

*Motion as amended agreed to*

<sup>38</sup>

# **Motion No. 15**

**Mr. Clerk:** Item No. 2, standing in the name of Mr. Kimmerly.

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

**Mr. Kimmerly:** Yes.

**Mr. Speaker:** It has been moved by the Honourable Member for Whitehorse South Centre, seconded by the Honourable Member for Faro that it is the opinion of this Assembly that the terms of reference of the Board of Directors of the Yukon Liquor Corporation established pursuant to the *Liquor Ordinance* should be amended to require that the Board, when considering the granting and regulation of liquor licences shall consider:

(a) the recommendations contained in any duly passed resolution of a municipal council or local improvement board with respect to licences within the jurisdiction of such a council or board, and

(b) the social and health problems created by alcohol abuse within a community.

**Mr. Kimmerly:** This is a timely Motion. As perhaps all Members will know, there were proceedings in the communities of Upper Liard and Ross River where exactly this question became a very relevant consideration for the Liquor Board. The Liquor Board has made public its statements in response to those proceedings in Upper Liard and Ross River that the social effects of alcohol abuse are not within their jurisdiction — they have gone on record as stating that, although that is not stated in the *Liquor Ordinance* itself — and the Liquor Board has stated that there should be a principle whereby the process for decision-making in this area should be similar for all Yukon communities. It has indeed gone slightly further and has said that the considerations around liquor licensing and the regulation of licences ought to be completely uniform throughout the Yukon.

What this Motion does is forces the Liquor Board to consider various things. It is worded to be a very modest proposal so that the Liquor Board is not forced, or required, to make any particular decisions or to make any decisions in any particular direction. The only requirement will be that the Liquor Board will consider some new things which it has not considered in the past. This is also a timely Motion because in our bordering Territory, the Northwest Territories, the principle of local control around the availability of liquor and liquor licensing is extremely well established and many communities in the Northwest Territories are experimenting — and I use that word very carefully — with different kinds of regulation of the availability of liquor and liquor licensing. This kind of direction, or Government control, is by no means radical, or even novel. It is well known in Canada since before the present century.

<sup>39</sup> The general principles involved are crucial and the Motion, if it is accepted by this Assembly, really goes a very small step. However, it goes a very small step in a direction that the Assembly has not previously gone, or that the Liquor Board is not now following. The incidence of alcohol abuse and the problem of alcohol abuse is not the same for all Yukon communities and it affects the different cultures in the Yukon differently.

I want to be very careful. I am not saying that alcohol abuse, as a social problem, is primarily the problem of one cultural group because I do not believe that at all. The problem of alcohol abuse exists for all

of the cultural groups in the Yukon, however, it affects the cultural groups differently and for cultural reasons.

The proper considerations and responsible criteria for liquor licensing in Whitehorse is different from the criteria which ought to be established in, for example, Old Crow, Ross River or Watson Lake. The different communities in the Yukon, because of their different population sizes, cultural make-ups, in terms of the percentage of the population in the various cultural groups of the Yukon, and because of the differing unemployment factors and the differing levels of education in the various communities, makes it imperative that the individual communities of the Yukon be able to express their individual needs in this area.

<sup>40</sup> What the Motion calls for in its first part, part (a), is that the duly elected representatives in municipal areas may direct their minds to what they want in their community and may pass a resolution, and that the Liquor Board must consider what the local people want.

The people of Faro, in all probability, are going to want something different than the people of Ross River. The people of Old Crow, in all probability, are going to want something different than the people of Whitehorse. Indeed I believe the Minister responsible for the Liquor Board has already got concrete evidence of that fact with respect to both Old Crow and the community of Pelly Crossing, where an experiment occurred.

The Pelly Crossing experiment is extremely interesting. There was a Liquor outlet controlled by the Selkirk Indian Band and the Indian Band decided after an experiment with the availability of liquor in the community to stop that. They did do that because in that particular situation they could because the licence went to the Band Control Store. The social problems improved immeasurably. I defy the Minister to say any differently. I have that information from the Chief and many other members of the Community.

The major change in principle which I referred to earlier is this, and I wish to draw an analogy, actually two analogies. There is a saying that if you are faced with a flood, you do not open an umbrella, you build a dam. The present Government response to the alcohol abuse problem in Yukon is very much like opening an umbrella. The excellent efforts of the individuals in Alcohol and Drug Services and in the Social Work areas have not, in the past many years, made a significant dent in the problem. They have assisted many individuals with individual problems with alcohol abuse and drug abuse. However, the social problem is worse now than it was in previous years, five years ago or ten years ago.

<sup>41</sup> It is accepted by virtually all the social scientists, not all of them — it is not a unanimous statement — however, most and the vast majority of social scientists now call the alcohol abuse and the drug abuse problems social problems, as opposed to individual problems.

We have substantial evidence of this. An example is the wave of drug abuse that occurred in the early 60's, where there was clearly a new social problem, and it affected so many people that it could not be said to be an individual problem but a social problem.

The extent of the social problem of alcohol abuse is related directly to unemployment in communities. There are social causes to this social problem. Alcohol abuse, especially for Native people, is related to the cultural disadvantage that Native people find themselves in, to the extremely rapid cultural change that Native people find themselves in, to the extremely rapid cultural change that Native people must face in order to survive in Yukon, and alcoholism is one of the factors that obviously takes its toll.

Another example of this kind of a problem and an example where legal means were used to solve a social problem, or partially solve a social problem, which is extremely well documented now because it ended, is the problem of child labour, especially in England. Before the Child Labour Laws were passed, it was extremely common that very young children worked in mines, as chimney sweeps for example, in factories. In response to the economic needs, families increased in size tremendously. This is extremely well documented in connection with the industrial revolution in England.

<sup>42</sup> Now many anti-poverty workers and social workers work on that kind of a problem just as alcohol and drug counsellors work on the alcohol abuse problem in Yukon with very little effect. The major effect that changed the social problem was the passing of the Child

Labour Laws in the English Parliament. It did more to keep families together than any counselling ever could do. It did more to define the modern definition of the nuclear family and the economic realities that a family now faced, than family counselling or any government programs involving only counselling and aimed at individuals. That is a prime example and an example well accepted by legislatures and social scientists of where legislation has affected social problems far more than a counselling program could do.

It is proposed that the social and health problems caused by alcohol abuse within a community are social problems and are beyond the scope of individual counsellors dealing with individual problems. They require a social reaction. A social solution to a social problem. It is proposed that the licensing of liquor outlets and the availability of liquor is clearly within the competence of this Government, pursuant to the *Liquor Ordinance*. It clearly affects the consumption of alcohol in various communities, which must affect the social problem of the abuse and the expense to the taxpayers and the individual tragedy which occurs from alcohol abuse. It is proposed that the only responsible way to regulate licensing of this potentially dangerous substance is to consider the social problems caused by alcohol abuse and to consider the individual differences of communities as expressed by the elected representatives of those communities.

<sup>43</sup> I would urge all Members to support this extremely modest proposal, which goes a small step in solving the number one health problem facing Yukoners today.

**Mr. Fleming:** I am absolutely appalled at the Member opposite, and maybe that Member is with the rest of the NDP Party. I do not really believe that they can support some of the things that he brings into this House. It might be a little bit of an election gimmick. I sympathize with him because he has problems, because there are a few people who wish to drink once in a while. There are a few people who do not drink at all and then there are some, a few, but it is not a big percentage of people who drink too much and do have a real problem.

The Honourable Member goes on about unemployment, that the drinking is causing unemployment. That is a possibility. I do not know why there would be unemployment from that angle. If anybody is drinking, he is not unemployed, I realize that. He has a job to go to first before he can drink anyway. That is not the reason we have unemployment.

I would like to remind the Member that through this Motion — and it is a lot more than just a Motion to help the social system in this country, because if that was all that was in this Motion I would be quite prepared to look at it, that is not the case — the Member is trying to get the Yukon Liquor Board somehow in a position where they can possibly, through a Motion from three or four people who are in a municipality or a LID that have passed a resolution that is not necessarily passed by all people in that community, to shut down every business in the Territory that sells a little liquor.

That is exactly what could happen. And it will happen if certain social people get in those positions. If you talk about unemployment in the Territory, I would like to remind the Honourable Member if he gets out on the road and takes a look at the places along this highway, that they are the ones who are supporting the Native peoples, people who probably do have problems in these communities. A lot of them are working even though they have the problem, because those are the people who hire them.

<sup>44</sup> The Motion says "any duly passed resolution of a council or board". It does not mean that is the majority of people, and I am here for the majority of the people. I am not here for three or four people to start running the whole Territory because they have a little problem. We will try to solve that problem, but not by shutting down half the businesses in the Territory.

I cannot see the Honourable Member making the Liquor Board a health board and a human resources board or whatever. I think that is exactly what he is trying to do with it. The Board is there for a purpose and the people in communities have a right, if they think they have too much of a problem, to stop the new licences from coming in, to work on renewal of licences. There are a lot of rights that are there now and that Board can justify themselves very well in that field.

I would like to remind the Honourable Member also that in his Motion — and I would be quite prepared to amend it if the Motion was



good in the first place, but it is not — he has forgotten that we are not all LID's or municipalities. Until the time the new Act comes in for municipalities, this Motion only covers the municipalities and the LID. I have a list here, and I presume they are all right, of unorganized communities: Carcross, Ross River, Liard, 1083, Burwash, Pelly Crossing, Johnsons Crossing, Swift River, Rancheria, Stewart Crossing. All these little places seem to have been forgotten in this Motion. I suppose if they have social problems, that does not mean anything. I think we are here to look after everybody in the Yukon Territory, not just part of them.

I do not believe that we can allow a Motion like this to pass and allow it to be set up so just a very few people, possibly only three or four in a community, without the voice of the majority in that community, going to the Board and — if the Motion is passed, the Board is obliged to do what they say — "The recommendations contained in duly passed resolution of a municipal council or a local improvement board with respect to licences within the jurisdiction of such a council or board." — now, that does give the Board the right to do it, and a resolution could be made without the majority of people supporting it, anywhere.

45 They may kick them out in four years or they may change it. It can be done. I think that the Honourable Member has forgotten many things in this Motion and he has just one thought in mind. He has a problem or he thinks someone else has a problem. I think he has a problem, too, really.

He said something a moment ago about the flood waters and his dam. I suggest that he get a boat. I am afraid that I would not help the Honourable Member because I am sure that if there were a hole in the bottom of it, he would go up to the other end, cut a bigger one to patch that one. It would not do any good.

This is the type of motion that he continues to bring into the House, such as the one that he brought in the other day, in tabling of papers. These kinds of motions are not thought out very well. I hope that this Motion is defeated. If it has any political views in it for the Honourable Member, I hope that it does not do him too much good because I think that I would have to say if that type of government got back in the House here, that never would you see so many taken by so few.

**Hon. Mr. Tracey:** I heard one comment from the Member across the floor that I have to agree with, that liquor licences are within the legislative competence of this Government. I think that is where it begins and where it should end, with this Government. We have open meetings on any licence application or any objection to a renewal of an application. We have already committed ourselves to hold open hearings. Any person, or any organization, such as council of a hamlet, or a LID, or a municipal government, could make representation to the Liquor Board. The Liquor Board makes its recommendations to this Government, who will make the laws. I think that is where it should begin and where it should end. As the Member for Campbell said, we should never allow three or four people, or a clique in any community, to be in a position to shut down any business in the Territory.

He also made some remarks about the Selkirk Indian Band and their control of liquor in that community. The Selkirk Indian Band happens to be part of my constituency. I have commended the Selkirk Indian Band for closing up their liquor outlet, but you must remember that it was controlled and owned by the Selkirk Indian Band. I think that the Member across the floor forgets what we have now in the village of Pelly Crossing is bootlegged whisky at \$80 a bottle. We have drunken drivers on the highway at all times. We have deaths and car accidents one after the other. I think the Member forgets all of that.

46 I can remember, in this Territory, up until 1968, there was an interdict list and that interdict list was for people who abused alcohol. Not just Native people. The Member across the floor, while he says that he is speaking for the disadvantaged, he speaks about Native people more than anyone else. The interdict list was not just for Native people, it was for anybody who abused alcohol. That gave the courts the ability to put that person on the list and made it against the law to serve him alcohol.

I can remember, very well, the furor that was caused by the Native Indian Bands in this Territory because they were not treated like White people. They wanted to be able to booze whenever they felt like it. So they put pressure on and, at that time, it was the same type of people as

the Member across the floor, the social workers and the people that supposedly had great social conscience, that forced the Government of that day to take the interdict list away.

Now the Member across the floor not only wants to bring back something along the same lines, but he wants to make it worse. He wants to also force that upon the people who do want to enjoy alcohol. He wants to bring in selective prohibition.

Prohibition has been proven time after time after time not to work. It never worked. It never will work. Pelly Crossing is a very good example of why it will not work because they are going to find booze somewhere. They will make it, they will import it, they will do anything to drink it. You cannot stop people from drinking. It has been a problem in this world since history began.

He says that the Northwest Territories' local control over alcohol has been working. No. Not working in all cases, but has been working. I do not know where he gets his information from but the information that I get is that it is not working any better than prohibition has been working in Pelly Crossing. You cannot stop people from drinking.

There is no way that I can, in my heart, support a resolution that is only going to cause deaths on the highway and bootlegging to go on again in this Territory. I think that we have Legislation in effect now that prohibits that type of thing from happening. I firmly support the existing Legislation and I cannot support this Motion.

47 **Hon. Mr. Lattin:** I will make my remarks very short and brief. I find several things that I disagree with in the Motion. One of them is that I think that we have addressed most of the problems by having open hearings. I would suggest that what he is trying to accomplish with this, and the other things, is to cloud the water with what has already been addressed and we have stated that we would have open hearings. I was just looking at the (a) part of the recommendation and I find it very disturbing that the mover had not done a little bit more research because he was referring to Ross River and he was referring to Upper Liard.

The way that the resolution reads is that these people would still not have any representation because they are not accepted municipalities. We are creating a situation, when we do that, that there are those who have the right and those who do not. I am absolutely opposed to having some for some people and nothing for somebody else.

That is what this has done, divide the communities into ones that are municipalities, which have the right to address this issue and the ones that are not municipalities, that are denied the right. I do not know what the Member has in mind when he proposes this.

The other thing that I believe you are doing in this, and I reiterate what my colleague has said, is create a selective form of prohibition. I have been around for many, many years, and I have seen many times when prohibition has been in place and, if you think for one moment that that is going to stop the consumption of alcohol, you are off base. It has never in the past and it never will.

I can remember back in the war days when rationing was on, which was a form of prohibition, and in those days more people drank, more people purchased liquor than in the previous years before rationing. To get yourself caught in the policy that this will solve anything is absolutely ridiculous.

I firmly believe that drinking is not a social problem, it is a problem that I have to address myself. I have to want not to drink. You can put me in all the programs, you can do all the counselling and everything else, but until I make the decision myself that I do not want to drink there is nobody who will change me. This has been proven time after time after time. When are we going to learn that this is a personal problem.

After having made those few brief remarks I cannot agree that this Motion is necessary and I will be voting against it.

48 **Hon. Mr. Lang:** I was waiting for the Leader of the Official Opposition, or perhaps I should refer to the Leader of the Official Opposition in the backbench there. I sometimes wonder who is running the show across the way there.

Taking it a step further, I have to say that this is probably one of the more well thought out, yet at the same time one of the more devious — and I would not question the motives, sincere as they are, from the Member — Motions put forward during the course of this sitting of the House.

I have watched with a great deal of interest the Member's so called very major concerns, as he says, and there are concerns there is no question — in respect to the drinking and the certain segments of our population, Native and non-Native, who imbibe to much and subsequently cause a great part of the social problems that we have today — and I find myself in difficulty debating with the Member opposite, because of his past employment and also his lawyer-client situation that now exists. Subsequently you bring in the world of ethics and you bring in all this various paraphernalia that the legal profession enjoys.

When I take a look in respect to the position that was brought forward in Ross River where, under the Legislation, a hearing was requested and held to see whether or not there was anything wrong in respect to the compliance of the liquor licence. It did get blown out of proportion. It brought into question the validity of that particular establishment which proved to be wrong in the end.

Of course, there was no front page or no advertising by CBC exonerating anyone and giving those people their necessary credits, as far as that establishment was concerned, but it was a great big political furor for my friend opposite.

I say to you today that the great pretender across the way and his two benchmen have a responsibility to come forward and stand up and say where they do stand on the liquor laws. I want to refer you to some comments that were made by the Member for Faro, who it is reported — and I have no reason to question the validity and the accuracy of the statements that were in the local astonisher — "Faro hotelier, Maurice Byblow, who is also the town's MLA, told the Board he would be willing to accept offsale rationing in Faro as well, if he were shown it would be effective. Later he admitted rationing would not go down well in Faro."

When I take a look at those statements that are coming forward on various issues as time goes on, and I take a look at this resolution, there is no question in my mind what the Members opposite are advocating is selective prohibition, using a vehicle at the local level to do it.

There is a Member from Tatchun who got quite emotional here a little earlier, who really does have problems in his community with the misuse of alcohol and the fact that there is not a liquor outlet close by, and subsequently those who abuse the liquor that is not available and have to go elsewhere, have caused major problems for those families and those people involved.

The Member opposite says he is getting to the root of the problem. Once again, I say to you, the NDP are looking at a symptom and trying, as the Member for Campbell said so well and so eloquently, to patch up the ship from one end to the other as opposed to looking at the major problems.

I think it is not just this House, but the Government of Canada in many respects, to certain segments of our population, has a responsibility to look at what is being done, in respect to many people in the Yukon and, for that matter, throughout this country. Basically it is a question that has been bred over the last 20 years, and it is a question of affluency. People get money from Government and do not have to work for it. These are the areas that you have to look at because how can they afford this liquor at \$80.00 a bottle? Where do you get the \$80? That should be the first question. There has got to be something wrong, because if they are not working and they have the \$80, one does not have to surmise where they are getting the money. Nine times out of ten, because of Federal programs, in the most parts and to some extent, the social assistance that could well be abused that is authorized through this House, monies are being made available through those channels. Then you see the abuse that goes on.

There remedy to the situation is to bring a resolution forward that is going to effectively allow maybe four, three, two, depending on the number of people on the Board, to pass a resolution and condemn some person that has invested money under the authorization of legislation passed through this House to operate.

The Member opposite says it is working in the Northwest Territories. Well, I am here to tell you that from the people that I have talked to, it is not working where there is road access. It is not working at all.

I recognize the Member for Whitehorse South Centre is new here, but if you will recall prior to the liquor laws being enacted in the early 70's — and the Speaker well knows the problems that we had with the bootlegging and the court docket and whatever — and it was great for

the lawyers, but it did not do anything for the general populace.

I say, in respect to the resolution that is before us, all I can say that it is selective prohibition and I think the NDP have a responsibility to come forward and tell the public exactly where they stand as opposed to going along as the great pretenders, going to solve all the problems, but have no position on anything.

**Mr. Veale:** I think the debate has gone a long ways beyond what the Motion is actually stating. The Motion says, and the Members opposite are not really giving it any consideration, that the Yukon Liquor Corporation Board of Directors "shall consider", so it is asking them to consider two points. One, the views of local municipalities and two, social and health problems. The amazing thing is, in my opinion, the Board has the right to consider those problems now and does consider them every time they deal with an application. It is within their powers to do so. So the resolution to that extent is a motherhood resolution because it uses the word "shall consider".

I have some difficulty with saying the resolution is somehow saying a number of things that are imputed to it. I am disappointed, and I assume it is just an oversight about not putting in the word "Band Council" and I am sure the Assembly has noticed and I expect he will indicate that was certainly intended.

Now that the Minister has indicated there will be public hearings, anyone can come in and make any recommendations they wish to make to the Board about any problem which may or may not arise in association with alcohol. The Board, of course, is obligated to consider those things. I do not see what all the smoke is about, but I guess there is an election coming. It is really a Motion that is actually unnecessary, but it is really not unnecessary to shout it down and impute to it a number of motives that are not there.

**Mr. Speaker:** The Honourable Member for Whitehorse South Centre now speaking will close debate.

**Mr. Kimmerly:** To sum up the point I am not going to rebut the Member from Campbell, who clearly got his facts wrong when he was making various statements. All of the Members from Campbell, Tatchun and Porter Creek East made reference to the facts of the Northwest Territories experiment. If they read Hansard, they will realize they clearly misstated what I had said.

The reason why I rise in rebuttal is to speak mainly to one major issue. The debate, in my opinion, has not been at all instructive, but is illustrative of attitudes which exist on the part of Members of this House.

The point that I wish to raise in rebuttal is that several Members opposite made statements that prohibition does not work or that prohibition did not work. That kind of a statement is not accurate. Prohibition certainly changed some things. Prohibition worked for some things and did not work for some other things. It is an established, uncontroversial fact that during Prohibition, the amount of absolute alcohol consumption decreased substantially, and the amount of alcohol-related disease decreased substantially. Clearly also, Prohibition had an effect on organized crime in Canada and the United States. Clearly, prohibition is not going to stop alcohol consumption totally. I certainly agree with that. The raising of the question of prohibition is not any way instructive but it is illustrative of the attitudes of Members opposite. If they read the Motion and they consider it rationally, they will realize it is not a prohibition motion.

In response to the rhetorical question of the Member from Porter Creek East, we do not support prohibition. We are not in favour of prohibition. It is interesting that with a related drug, cannabis or marijuana, there is a prohibition contained in the Federal law. It is interesting that the Federal law is not working to stop the use of cannabis and I would expect that prohibition laws relating to alcohol would be treated in a very similar way by the public. We are in favour of local control of licensing. This is not the issue of the right to drink, it is only the issue of the availability at certain places at certain times. This is a different question. A prohibition motion would make it illegal to possess or drink alcohol and the Motion does not do that. We are not supporting prohibition, I repeat.

There is obviously a division of opinion among Members opposite as to whether alcohol abuse is an individual or a social problem. It is my opinion that it is both. However, in many communities, it is more of a social problem than an individual problem. The social aspects of



the problem are greater than the individual aspects in many communities, and there certainly are individuals who are not affected in their own personal lives by the social problems of alcohol abuse.

What the Motion is designed to do is not establish local control in an absolute sense, but to establish local consultation. That is precisely what the Motion says, local consultation. It is designed to identify the problems of alcohol abuse in consideration with the question of licensing of the availability of alcohol.

**Mr. Speaker:** Division has been called. Mr. Clerk, would you kindly poll the House.

**Hon. Mr. Lang:** Disagree.

**Hon. Mr. Lattin:** Disagree.

**Hon. Mr. Tracey:** Disagree.

**Mr. Falle:** Disagree.

**Mr. Hanson:** Disagree.

**Mr. Graham:** Disagree.

**Mr. Fleming:** Disagree.

**Mr. Penikett:** Agree.

**Mr. Byblow:** Agree.

**Mr. Kimmerly:** Agree.

**Mr. Veale:** Agree.

**Mrs. McGuire:** Agree.

**Mr. Clerk:** Mr. Speaker, the results are five yea, seven nay.

**Mr. Speaker:** I must therefore declare that the nays have it and the Motion has been defeated.

*Motion defeated*

**Mr. Clerk:** Item No. 3, standing in the name of Mr. Graham.

**Mr. Speaker:** Is the Honourable Member prepared to deal with Item No. 3?

**Mr. Graham:** Next sitting day, Mr. Speaker.

**Mr. Speaker:** So ordered.

**Mr. Clerk:** Item No. 4, standing in the name of Mr. Hanson.

**Mr. Speaker:** Is the Honourable Member prepared to deal with Item No. 4?

**Mr. Hanson:** Yes, Mr. Speaker.

#### Motion No. 10

**Mr. Speaker:** It has been moved by the Honourable Member for Mayo, seconded by the Honourable Member for Whitehorse South Centre, that the Second Report of the Standing Committee on Statutory Instruments be concurred in.

**Mr. Hanson:** There is not much that a person can say about Statutory Instruments and make a strong speech on it. I have often thought that I would not want to get stuck with this position, but since I have been put on the Committee, I have come to enjoy it.

I do like pointing out to the various Ministers the legislation problems that their departments are having. The problems seem to be staying about the same, from what I gather. They are not getting any smaller — there are one or two departments that have shown a little enlightenment, but not too much. We hope that things will get better as time goes on.

The Committee has called several witnesses before it, and I must say that the last two witnesses showed an intelligent interest in the Committee and the message that we were trying to impart. Once we were able to get that across — where the problems lay — they were very willing to cooperate with us.

Most of our problems in Committee — aside from the Chairman — are the same old ones. These mistakes started to be made probably 15 or 20 years ago and have never been cleaned up, because people still go back to the old file and pull out the last one they did, which was wrong to start with. We have already had the Deputy Minister on the mark once before on this, before I was made Chairman.

Most of the problems relate to the fact that Orders-in-Council do not recite the parent Ordinance. As these documents are for public information and accessible to the public, they should quote the parent Ordinance. They should also be written in language that is understandable by the layman and, quite often, they are not.

I know that the Vice-Chairman of the Committee might get up to talk upon this subject, and he has already lectured me on it. I said that that was the way that they did them in England, and I got slapped for that

one. It is not a laughing matter if you are in Mayo, for example, or Watson Lake, and you get an Order-in-Council to read and you do not have any idea where the parent Ordinance is. I think the Departments will have to start cleaning up their act and write them as they are meant to be written. They all have the handbook "How to Prepare Statutory Instruments", and no doubt future committees will be asking for more power to enforce the use of this handbook.

**Mr. Kimmerly:** Unlike the Chairman of the Committee, I have approached the task of being on the Statutory Instruments Committee with relish and enthusiasm. It is an extremely important subject that is left on the back burner by many legislatures. During the freedom of information debate, on second reading, I made the statement that the two most fundamental areas where our freedom, or the rule of law, or our constitutional development needs to be emphasized, are freedom of information and subordinate legislation.

In the Yukon, the subordinate legislation or the Statutory Instruments, or the regulations or the "regs", as they are often called, are a larger body of law than the ordinances. Many of the regulations go beyond the authority of the enabling legislation. Many of the regulations create a substantial new policy. Many of the regulations create offences which are not referred to in the enabling legislation. I was not a member of the Committee that prepared the second report, however, I was a member of the Committee that prepared the fourth report, which is not yet tabled and it is a much more forceful and better report.

**Hon. Mr. Tracey:** In my reply to the members of the Committee, I would like to commend the Committee for the work that it has done. It is an excellent job. Especially the second report. I believe I was involved in that one myself.

**Mr. Speaker:** There are many recommendations in the reports that this Government recognizes are things that we should overcome. There were some that the department and I might disagree with but, I think on the whole, the reports have been excellent. They have put before the public, and before the Legislature, the problems that we are having with subordinate legislation. I am happy to tell the Members of the House that there has been very much work done on it since I have become the Minister of Justice.

We are going to revamp and rewrite "How to Prepare Statutory Instruments". We are consolidating all of the regulations and, hopefully within the next year or so, we will have perhaps two volumes of regulations so that we will not have the proliferation of a dozen volumes full of loose-leaf pages. We will have a couple of bound volumes of regulations and we will be updating them on a regular basis.

I, and my department, have also been working on bringing in regulations under the *Regulations Ordinance* to set the guidelines for the preparation of Statutory Instruments so that everyone in this Government will know exactly how to prepare them and how they must be prepared. If they are not prepared along those guidelines, they will be sent back to the department for proper preparation. I think in the next few months all the legislators in this Assembly are going to see a major difference in the preparation of statutory instruments.

**Mr. Fleming:** I have enjoyed very much the work that I have had on the Committee. Being here seven or eight years, you realize just how much that Committee has done towards having the regulations consolidated and making them precise.

Many years ago you would have no idea. It would take you two hours to even find out what it was all about and what ordinance or act it was in. I think that we have gone a long way. I hope that in the future the terms of reference may be expanded a little bit. I do not like to say that we should take an Order-In-Council and send it back. I feel strongly that the Committee should have the power that if it is subordinate legislation that they could refer it back or delete it entirely. I hope that in the future that will be looked into to see if it could not be done.

*Motion agreed to*

**Mr. Clerk:** Item No. 5 standing in the name of Mr. Hanson.

**Mr. Speaker:** Is the Honourable Member prepared to discuss Item 5?

**Mr. Hanson:** Yes.

**Motion No. 11**

**Mr. Speaker:** It has been moved by the Honourable Member for Mayo, seconded by the Honourable Member for Whitehorse South Centre that the Third Report of the Standing Committee on Statutory Instruments be concurred in.

*Motion agreed to*

**Mr. Clerk:** Item No. 6 standing in the name of Mr. Hanson.

**Mr. Speaker:** Is the Honourable Member prepared to discuss Item 6?

**Mr. Hanson:** Next sitting day.

**Mr. Speaker:** So ordered.

**Mr. Clerk:** Item No. 7 standing in the name of Mr. Graham.

**Mr. Speaker:** Is the Honourable Member prepared to deal with Item 7?

**Mr. Graham:** Yes.

**Motion No. 12**

**Mr. Speaker:** It has been moved by the Honourable Member for Whitehorse Porter Creek West, seconded by the Honourable Member for Mayo that the appointment of Grafton Njootli, Member for Old Crow, as Deputy Speaker and Chairman of Committee of the Whole be rescinded and that Mr. Bob Fleming, Member for Campbell, be appointed Deputy Speaker and Chairman of Committee of the Whole.

*Motion agreed to*

**Mr. Clerk:** Item No. 8 standing in the name of Mr. Graham.

**Mr. Speaker:** Is the Honourable Member prepared to deal with Item No. 8?

**Mr. Graham:** Yes.

**Motion No. 13**

**Mr. Speaker:** It has been moved by the Honourable Member for Whitehorse Porter Creek West, seconded by the Honourable Member for Mayo that the appointment of Bob Fleming, Member for Campbell, as Deputy Chairman of Committee of the Whole be rescinded and that Al Falle, Member for Hootalinqua, be appointed Deputy Chairman.

*Motion agreed to*

**Mr. Speaker:** May I have your further pleasure?

**Mr. Graham:** I move, seconded by the Honourable Member for Whitehorse West that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

**Mr. Speaker:** It has been moved by the Honourable Member for Whitehorse Porter Creek West, seconded by the Honourable Leader of the Opposition, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

*Motion agreed to*

**COMMITTEE OF THE WHOLE**

**Mr. Chairman:** After recess we will be going into Bill No. 101.

**Recess**

<sup>57</sup> **Mr. Chairman:** I will call Committee of the Whole to order. We will go into Bill 101. *An Ordinance for Freedom of Information on Clause 1, general debate.*

**Mr. Penikett:** I want to say what a pleasure it is for me to have the experience of standing here trying to move a piece of legislation in its meandering way through the House. I appreciate the offer from the Member for Porter Creek East who has offered to give me as much help as he can at the benefit of his short experience in Cabinet.

We are dealing with a serious matter and I want to say at the outset, because I have not had the benefit of a huge bureaucracy in the drafting of this legislation, it may contain one or two small areas which might benefit from some improvements. I think the person who did the mechanical drafting did an excellent job, but I think we admit that — and we are humble and modest in this respect — there may be some possibilities for improvements.

From this side of the House, I wanted to indicate our readiness to consider reasonable and constructive amendments to the measure as it winds its way slowly through Committee. I know that those amendments will be ruled out of order if they defy the principle of the Bill but if they add to making improvements, they will be met with enthusiasm.

I want to reiterate my belief that this country would be well served by a Freedom of Information Law along the general lines of the Swedish or US legislation, as I said. I think it is important for us to consider doing what the Minister of Justice said we should not do, and that is that we might be the first, a young new jurisdiction, to take the first step and have the clean break with tradition of administrative secrecy.

Instead of all government information being secret except when those in authority deem appropriate to make it public, we could have the reverse principle, which is that information would be public except when it falls into exempt categories.

<sup>58</sup> The Minister of Justice made a number of comments in his excellent speech on Second Reading which I want to respond to in a moment. I think I want to make it clear because some reference was made to the exempted categories. When we get to that section, I would appreciate the advice and assistance of all Members of the House in improving that section if they feel it needs improvements; I did hear one or two comments in that regard.

One of the greatest challenges in drafting legislation like this — I am assuming this is about to become a collective effort in which all of us will share — is to achieve a proper balance between the greatest possible access to information while assuring adequate protection to the privacy of the individual. This is difficult and I think the Bill does try to address this problem squarely.

Now, to the Minister's remarks: the Minister cited his number of concerns about the Bill and I think he also indicated his general support and we appreciated that. I think his concerns are real ones, but none of them insurmountable problems.

I want to address his real suggestion that we not run before we can walk. I think that is generally a good rule, but I think one of the things that I have noticed about this Legislature is that it is possible for a Government of this size in a jurisdiction this small to seize an initiative proposed by any Member in the House and legislate or regulate accordingly in very little time.

That is not the case in Ontario in the Legislature which sits in Toronto, nor is it the case in Ottawa, nor, I suspect, is it the case in most of the large jurisdictions. It seems to me that it is possible for us to take some initiative here and I think that would be commendable.

The Minister talked in his number of concerns about the problems created by the US legislation. I think it is important to note about the US legislation that in many ways that was a renaissance Bill. It really did create a new mood, a new atmosphere, a new sense of openness, a new faith in democracy in that country.

The Minister mentioned that when the legislation first became law there were millions of dollars spent. He talked about staff searching for and screening documents which are required and hiring a host of lawyers to advise the agency. I think it is important to remember that it is conceivable that it costs just as much money to deny people requests than to find out reasons why you do not give people information, as it does to provide them with information. In any case, even if the millions of dollars that the Minister was talking about — and I calculated it out based on the approximate things — the cost to each citizen in the United States was maybe 10 cents per person.

<sup>59</sup> Now, we spend a lot more than that on many other things which, dare I suggest, might not be as worthwhile. The fact of the matter is, we do have an epidemic problem in the national bureaucracy and that is concerning the use of the rubber stamps to which the Minister refers. There are all sorts of people running around stamping things "secret" just to make their report seem important. One way to guarantee that a few people read it is to stamp it "secret". There are a few things floating around this building that are marked "confidential" and the minute someone sees it, their interest increases accordingly. That should not be the way things are and it should not be that people have to develop a delicious fascination in something that is confidential before they develop an interest in public business.

I think the Minister also said that each application resulted in its own

court case in the United States and that was not true. A lot of the requests for information were quite routine and they were able to respond to them very readily. I think it was certainly a very clear minority of cases that ended up in court and they were on those borderline cases, the ones whether it dealt with national security or it invaded someone's privacy unduly.

The Minister's suggestion that somehow freedom of information could result in murder of informers and so forth might be a real civil libertarian concern, but it is hardly something that ought to concern us. I do not know if any Ministers have any documents in their possession which would cause someone to kill in order to obtain them if they find out this information is there. I would be extremely surprised if that were the case.

The question of the large expenditures was also raised and I want to hear much more from Members opposite on this question because it is one I do not want to treat frivolously. The Minister, further on in his speech, made an interesting suggestion that somehow there might be a charge for such information or that the Government might be in a position, if they recovered the real costs of providing such information, of engaging in a very useful and profitable business. He stated the obvious point, that there are many consultants and researchers who use information published by the Government to their own benefit and charge other people for having recycled this information. Maybe it is appropriate the Government should charge. That consideration would have to be weighed against the alternative when you are talking about the Yukon public. The Yukon public might clearly argue that they have already paid for this information through their tax dollars. They have already paid for the gathering of the data and therefore it ought to be theirs as a matter of right. I will be interested to hear, as we work our way through the Bill, the Government views on that question.

<sup>60</sup> Mr. Tracey has suggested that this was an open government and sometimes too open. I do not know what a government that is too open looks like. The Members opposite will forgive me for suggesting that I think to characterize the Government opposite as "too open" would be overstating things somewhat.

The Minister asks why staff in the Government should spend a lot of time gathering statistics and information. They do that now. They do that sometimes for requests from MLAs from all sides, but I think we are not talking about special reports being prepared here. I think what we are talking about is information which is already available and making that information public.

The Minister suggests that it might be useful, as we consider this measure, to keep a record of any refusals of information which cause difficulty to any of our citizens. That is an offer which we readily accept. As we go through clause by clause discussion of the Bill, I expect various Members may provide exactly that kind of information and exactly those kinds of examples to the Minister and we look forward to hearing his response at that time.

Rather than going into any other detail, I would welcome discussion on General Debate and, at some future time when we get into clause by clause discussion, we can discuss those particular matters and suggestions for improvements that will come from the other side — and perhaps this side.

**Mr. Graham:** In listening to the Member opposite, it occurred to me that in compiling and producing this Bill, he did not get the same legal advice on this question as he did on the question of the legality of calling this an Act as opposed to calling it an Ordinance. It would frighten me somewhat.

As we have already said, we agree with the principle of the Bill as presented. There are a number of questions I have concerning the Bill itself and I look forward to discussing it in more detail.

I should first of all give the Member opposite a preview of some of the questions I am going to ask him. If there have been problems in the past, if the Member opposite has had problems, I wish he would tell us when he has had problems obtaining information from this Government that would have been available under this Act, and when these things occurred and what the information he required was. I would also like to know, because I have been through the Bill a number of times and it still has not been made clear to me, exactly how this system is going to work and how much it is going to cost.

<sup>61</sup> I just took a worst case incidence that could occur as a result of this

Bill coming into force in the Yukon. You will notice that any individual, meaning a Canadian citizen, can ask for information under the Bill. They can ask for any amount of information that they would like under the Bill and they can go back as many years as they wish under the terms and conditions of this Bill, at least so far. As a worst case, I can visualize all of the sometime Yukoners, the mandarins from Ottawa, anybody who has an interest in writing a book about some of the things that have happened in this Government over the past 100 years, coming along and requesting a number of documents from the Records Centre. Can you imagine, if anybody has been to the Records Centre and seen the 10 or 12 foot high ceilings with row upon row of boxes with little numbers on the ends of the boxes, the number of people we would have to hire to individually take each request, go to the Records Centre, pull the request out for any number of documents that person wanted, then read through each document to determine if the release of such documents would be detrimental to the security of Canada and whether they would harm international relations, whether they would be detrimental to the conduct of federal-provincial relations, whether they would be private business. Can you imagine if they had 100 requests for documents of 100 to 200 pages each. That would mean somewhere in the neighbourhood of 1,000,000 pages that would have to be individually read by somebody, and it determined as to whether or not they would be exempt from the Bill under section 4.

I decided that that could be the worst case. I would imagine that there are not going to be that many people looking for recent documents in the Records Centre. I should add that I essentially see the Freedom of Information Bill not so much as a problem concerning rights of people. Everybody in this Legislature seems to agree that freedom of Government information, publicly paid for information, is the right of every Yukon citizen, not necessarily every Canadian citizen, but every Yukon citizen should have a right to every bit of information that this Government pays for.

That is one of the areas that I will take some exception to, because if Yukon citizens are paying for the production of these reports, then it should be the Yukon citizens who obtain that information. The way this Bill reads, all Canadian citizens are treated equally.

<sup>62</sup> As I said, I see it as a records-keeping problem. I can see massive problems in the record keeping end trying to deal with the information that would be requested by Yukon citizens — as opposed to Canadian citizens.

I think that the Member opposite seems to be of the opinion that we possibly would not have problems, such as the Minister of Justice was speaking about, with police documents and that sort of information, but court documents are publicly paid for. They would be eligible, under this Act, and the only ones that would be exempt under this Act would be proceedings before a court of justice or a judicial enquiry. In other words, all the dead files would be made available. I have some problem with that.

I also believe that there should be some kind of limit on the number of documents somebody can apply for. I can see a citizen who is upset with something that has gone on in this Government, coming in and applying for a mass of information that he feels he would like to read at some time, just to be a pain in the prat, for no real reason other than just to be a problem.

I think you have to have some method of controlling how much information any one citizen can get at any one time. Possibly, as the Minister of Justice indicated, we can make it at one's own cost. I am sure that that would restrict the number of documents that any one citizen would request.

I also have some problems with the appeal section. I disagree with the principle behind the appeal. Again taking the worst case situation, we can have a citizen coming in and applying for a mass of documents, the majority of which are turned down because of something under section 4, something that we consider vitally important like a document relating to a policy decision under consideration by the Government but not yet finalized by the Government. He could then apply for a court order and may then apply for legal aid, of course — because he could not afford the lawyer himself to obtain the information for him — and these things can go on and on and on.

I wonder if the Member opposite has any method of controlling abuse of the Act. As he said, all citizens have paid for the information

to be compiled by the Government, so they all have a right to it, but only a very small proportion of the total population of the Territory will ever feel the need to make use of this Act. Therefore, I wonder if there are any controls being considered for the abuse of the problems.

<sup>63</sup> I think that we have to take a look at the appeal section because, as I said, I disagree on principle with the appeal section. I just wonder if anybody has any suggestions different to what is in here.

I also noticed with great pleasure the number of regulation-making sections that are being proposed under this Act. I wonder if the Member opposite can provide us with an outline of the regulations that he would like to see under this Act, because I am sure that as he has always asked for the regulations to be provided in all of the Acts that this Government has proposed, I would like to see his regulations come forward as well.

I think that those are all the general comments that I have to make. I look forward to questioning the Member opposite in greater detail as we go through this Bill, on a clause by clause basis.

**Mr. Penikett:** I move that you report progress on Bill No. 101, *An Ordinance to Provide For Freedom of Information* and beg leave to sit again.

**Hon. Mr. Lang:** On a Point of Order. Perhaps I need some correction from the Chair, but all we have to do is recess as we will be sitting this evening. Is that not correct?

**Mr. Penikett:** We revert to Government business at 7:30 p.m. Would you like me to restate my motion?

**Mr. Chairman:** Please do.

**Mr. Penikett:** I move that you report progress on Bill No. 101, *An Ordinance to Provide For Freedom of Information* and beg leave to sit again.

*Agreed*

**Mr. Chairman:** Committee will now recess until 7:30.

*Recess*

<sup>01</sup> **Mr. Chairman:** I will call the Committee of the Whole to order. We will proceed with Bill No. 5. We were still having some discussions on the Department of Health and Human Resources, Revenues and Recoveries, which was not completed.

**Bill No. 5; Second Appropriation Ordinance, 1982-83.**

**Mr. Kimmerly:** Perhaps I will go back to the last question asked about this item. I was asking questions about the calculation of this \$362,000 increase and the method by which it was calculated or estimated. I believe the Minister stated that the number of individuals who owed premiums was estimated, but the amount of premiums owed by any individuals is known. There appears to be a contradiction in that; if the amount owed by individuals is known, obviously the number of individuals ought to be known as well. Could the Minister explain that?

**Hon. Mrs. McCall:** The amount owed by individuals and the number of individuals is known, but it is not known how many can be collected from.

**Mr. Kimmerly:** Is the figure of uncollected premiums known and then the estimated recovery an estimate or percentage of that? Is that the procedure that was used?

<sup>02</sup> **Mrs. McCall:** That is part of it. There is an estimated \$400,000 dollars to be collected.

**Mr. Kimmerly:** I believe we are getting somewhere. Could the Minister explain how the estimate of \$400,000 dollars is arrived at.

**Mrs. McCall:** That is the number of people owing and the amount outstanding.

**Mr. Kimmerly:** What is the number of people owing?

**Mrs. McCall:** We do not have that with us.

**Mr. Kimmerly:** Is the figure known to the government, even though it is not with the Minister now?

**Mrs. McCall:** Yes.

**Mr. Kimmerly:** I wonder if the Minister would undertake to supply that at some future date?

**Mrs. McCall:** Yes.

**Mr. Kimmerly:** The next thing I wish to raise is when is the computerization going to start or is it already in existence?

**Hon. Mrs. McCall:** A system has not been decided upon. We are still looking at various systems and we expect to have it going within the next three or four months.

**Mr. Kimmerly:** Is the figure of uncollected premiums of \$400,000 arrived at through calculations on the manual system?

**Hon. Mrs. McCall:** Yes, of course, since we do not have the computer system yet.

**Mr. Kimmerly:** I would like to raise a special case and ask for an explanation, if there is one. This afternoon there appeared on my desk an envelope from the department stamped "April 14" and addressed to me. Inside I found a letter, which I just now gave to the Deputy Minister, with a date stamped "February 10" claiming that I owed premiums of \$132. It was a very timely letter. What I do not understand is that I remember distinctly when I was elected I transferred the premiums from a private system — I paid privately and it came off the salary cheque that I received — and I have the pay stubs here that indicate that I have been paying regularly. I would ask the Minister to explain if this is a normal procedure.

<sup>04</sup> **Hon. Mrs. McCall:** I must let the Honourable Member know that we hear this story frequently, but you have to give us credit for our gallant attempts at collection. That proves that we do try. If he does not owe, then we will not take him to small debts court.

**Mr. Penikett:** Just one brief observation rather than a question to the Minister: when we were asking questions about this the Minister indicated that the increases that she saw were going to result from an improved efficiency in collections as a result of a computer rather than an increase in the numbers of users. We accept that as a possibility, but I also want to register my concern because the Minister also seemed to indicate in an earlier answer that many of the people from whom they are attempting to collect were the kind of transients against whom we might not even have legal claim. In other words, they were here for the three month period — as evidenced by my friend here who is not a transient, but is in the category of a person against whom we have no reasonable claim. Will the Minister then at least grant the possibility that her expectations in terms of improved collection may prove unwarranted?

**Hon. Mr. Lang:** I think that is a very hypothetical question that he is putting forward. The forecasts were brought forward in respect to the information we have gleaned through this program of how much money is available, what we can foresee collecting through computerization, and a reinforced effort with those people who have not paid. If you are trying to have somebody on this side of the floor of the House say, "Well, maybe not" or "Maybe so" — all we can say on this side of the House is that this is what the forecast is in our best judgment. We will see at the end of the year exactly what was recovered — perhaps the Member may not be here, perhaps he may.

**Mr. Penikett:** Perhaps I will be doing mechanical work on the Member's Caterpillar. I do not doubt that my hourly rate would exceed the Member's opposite. Could the Minister clarify the contradiction? I am sure she appreciates the assistance from the loquacious Member from Porter Creek East. Is it her expectation? The Minister will forgive me that just because a number appears in this book it does not qualify as holy writ. We take the Budget very seriously, but we do not quite accord it the reverence we do for other kinds of documents which may exist in our homes.

<sup>05</sup> Can the Minister clarify that contradiction for us?

**Hon. Mrs. McCall:** There is not a contradiction. I do appreciate my colleague's support on the subject. He is quite right in what he is saying. It is possible, of course, that we have been too optimistic. No one can accuse this Government of not being optimistic. In the light of what appears to be a worsening situation with mine closures, these things were not known when these estimates were made. I certainly will say that we could be wrong. We do not claim to be totally infallible. We do think that we are going to save a considerable amount and we are counting on that.

**Mr. Kimmerly:** Is the cost of transferring to the computers known or estimated and, if so, what is it?

**Hon. Mrs. McCall:** There was \$100,000 in Government Services

for that.

*Department of Health and Human Resources in the amount of \$25,676,000 agreed to*

**Mr. Chairman:** We will turn now to Page 164, Department of Highways and Public Works, \$28,405,000.

**Hon. Mr. Lattin:** It is my pleasure to present this budget at this time. The Department of Highways and Public Works has undergone reorganization during the past year to more clearly delineate and define areas of responsibility to better coordinate the related functions and to improve efficiency. This has brought together the planning, maintenance, design and construction of highways and airports into one branch. Similarly, all the other components of building management have been consolidated in the Public Works Branch. The budget of the Department shows a substantial increase in funding over and above that of the previous years. This will allow the full implementation of the various activities under the highway maintenance management system.

Bituminous surface treatment was applied to 207 kilometers of the Alaska Highway and to seven kilometers of the Carcross to Skagway road section in 1981-82. This has resulted in greatly improved road surfaces and has improved the safety and comfort to the users.

**Mr. Lattin:** This program will continue in 1982-83 with a firm program of 272 kilometers of BTS applications.

You will also note an increase in the airport maintenance funding. This increase will allow us to employ observer communicators at the Ross River Airport where a new passenger cargo shelter is now being constructed. This budget also provides for the on-going maintenance of our buildings and funding at an adequate level to allow for the upkeep of these buildings to a satisfactory level.

The Department has had its share of problems within the last year with damage to the Yukon River bridge and the destruction by fire of the Old Crow School. The response of this Department to this case was both quick, effective and professional.

In 1982-83 the O&M budget for the Department of Highways and Public Works reflects this Government's commitment to continue to improve Yukon's transportation infrastructure for the benefit of both the commercial and the private user.

**Mr. Penikett:** I would like to deal with this estimate as expeditiously as I can. To assist in that process, what I would propose to do — if the Minister is agreeable — is outline in some detail during this general debate some particular questions that I would like to explore when we get to those items, and I would do that by way of giving notice to the Minister so that as we move through it we can have a proper discussion.

The three general areas which I would like to ask about in this department arise in the following areas. As an example of the kind of management problems or maintenance problems that this Government, has I wanted to talk about the experience with the Klondike Highway this winter, because there has been some public discussion about that. I think, apart from the brief answers the Minister has had an opportunity to give in Question Period, he has not had an opportunity to give as detailed an explanation on the Department's position as perhaps he would have liked to have done.

Another thing I would like to talk about is under Public Works, which is the a general business of capital projects. The one I particularly would like to talk to the Minister about, in terms of the review which has been indicated in the Department, is the Dawson Sewer and Water Project, in terms of on-going costs and whether there are any costs carrying forward this year, and whether the Department is yet in the position to be able to give some kind of acceptable assessment, from their point of view, as to what went wrong and what went right and how they may be able to avoid similar problems in the future.

<sup>06</sup> That would lead me into some general questions I would have on the difficulties for the Department in terms of project management, particularly projects that might not originate in their Department.

Finally, I would like, in view of these expenditures, to get some progress report on projects that the Department now has. A problem that we did touch briefly on in the Public Accounts discussions was the problem of trying to integrate projections about O&M costs as well as Capital costs, and that was a planning problem.

The third major item I would like to talk about is the problem of long-term planning and, again, that discussion follows logically, to some extent, to the two very productive and very useful meetings the Members of the House, who were also members of the Public Accounts Committee, had with the officials of the Department on that subject. I want to relate those to this year's Budget.

I want to just review for the Minister the extent of my knowledge about the Klondike Highway situation this winter. This may have happened during the time that the Member for Porter Creek and I were in Alaska. I am not sure that I remember the details. About that time the Government Leader and I were sent letters from two representatives of the Teamsters Union. I would just like to review part of what the letter said. "Dear Sir: On, or about, December 17, 1981 the weather was warm and it rained through most of the southern part of the Territory leaving the Klondike Highway, around Carmacks to Whitehorse, covered with ice. No grading or sanding was done on any portion of the road and on December 22 a White Pass unit was hit by a car about four miles North of Braeburn. The car came to a slight right turn and the driver of the car lost control and collided with the truck." He then went on to detail the tragic accident.

Further down in the letter they talk about "a rough estimate would be that about 20 vehicles left the road at various points. This includes at least two Government cars, one at 12 mile and one at 14 mile.

"Driving out of Whitehorse, most of the empty White Pass B trains had to run chains to get over 14-mile hill. With most of the trucks running chains, most of the hill was roughed up enough to enable the trucks to get up the hill without chains.

"We contacted the Acting Minister of Highways and explained the condition to him. The following week a grader was on the road and slightly scarred the surface. Over the next two weeks, the grader got out..."

**Hon. Mr. Lang:** Point of Order. Perhaps the Member could give the Hansard Editor a copy of this letter so that they could make some sense of what the Member is mumbling about?

**Mr. Penikett:** I would be pleased to provide a copy of the letter. On the question of making sense out of what the Member is mumbling about, I am sure that the seven years experience with hearing the Member opposite has given them considerable practice with that problem.

"Over the next two weeks the grader got out as far as 35 mile, the end of the pavement. The section beyond the pavement to Carmacks, where the Carmacks section starts, was not graded until later and the grading had very little effect due to the rough condition of the road. In the past year, there were about two gradings on this section of the road, one after putting clay on top of the good gravel surface.

<sup>06</sup> "The Carmacks section graded their section and took off some of the loose snow. However, the pavement from the bottom of Mile 50 past Braeburn had no grader on it until a White Pass "B" train stopped to put on trains and a Federal Government pickup hit the back of the trailer damaging the rear axle and demolishing the pickup. Fortunately no injuries were incurred. The grading had little effect as the sides only were graded and the centre of most of the road was hardly touched. On areas where the road surface has been scarred, from ice blade or tire chains, the ice has broken up leaving the surface bare.

"When a road is being rebuilt a paved shoulder should be at least four feet wide on each side to enable vehicles to drive on, or pull over, in case of road blocks, et cetera.

"We feel that most of the accidents occurring on this road could have been prevented if proper maintenance and siding had been carried out..."

**Hon. Mr. Lang:** Point of Order. Perhaps the Member opposite has copies of that letter so that we can all read along with him?

**Mr. Penikett:** I doubt very much if the Member is capable of reading as fast as I am talking. Perhaps one of his colleagues could read it aloud to him.

"Most of the gravel roads are not properly prepared before freeze-up to facilitate good maintenance in the winter. We feel the people in charge do not consider suggestions made by road users regarding proper grading and sanding of highways. When a suggestion is made to any Government employee or official, the only answer received is, if you carry tire chains, use them."

Then there was the attached position calling for a couple of resignations, but we will not go into that, which was signed by a number of people.

Further to that, we have the recommendation coming out of one of the reports that there was a problem with maintenance.

On April 6 the Minister, Mr. Lattin, replied to me. "I am writing on behalf of Chris Pearson, the Government Leader, in response to your letter regarding the meeting of representatives of Teamsters Local 31. As you know, we met with Don Evans, Steve Szollosi and Lee Nielsen to discuss the concerns this group has about highway construction and maintenance. The discussion was frank and fruitful and ended with an agreement to meet again and to discuss the matter in more detail.

"We had arranged another meeting but it had to be postponed at the last minute because the attendance of the Teamsters' representatives was suddenly required elsewhere. We plan to meet again soon.

"I will keep you informed of any developments that occur as a result of our next meeting with the Teamsters."

At that point, having summarized that issue and, after having given the House this information — and if the Hansard people would like copies of the correspondence, I will make it available — because there are a number of assertions and criticisms made in that correspondence, I would like to deal with those in detail. The Minister has indicated briefly some of his problems in respect to that stretch of road.

From time to time we do hear from citizens, and I am sure the Minister has heard them, that somehow the department does not want to grade the road because they are scared of hurting the pavement or whatever accusations. I would like the Minister to deal with that when we get into the detail.

<sup>99</sup> The problem of the Dawson sewer and water project: rather than reading into the record any long discussions of that, because we have been through it before, I would appreciate it if — because it is a major project that there have been problems with is as an illustrious example of what we might want to avoid in future — the Minister may care to give us some report, not only of what expenditures will continue to be borne, but how well advanced the review of the project is, whether we are yet in a position to be able to assess responsibility for what errors may or may not have been made and further indicate to the House what actions he and his officials may be taking to prevent a reoccurrence of similar problems. I say that now because the project is obviously several years old and we ought to be at a point now where we can do an adequate review.

That would lead me to some questions about project management. I want to ask the Minister about the appropriateness of the Minister's Department as the responsible agency in terms of managing large capital projects, and whether the Minister has had an opportunity in the past year to consider that problem, and whether or not he has found cause to rewrite his mandate or redefine his mandate in that regard. That would again lead me to ask if he could give us some progress reports of some of the major projects and expenditures that may be involved here?

Finally, a question on long-term highway planning: when the Deputy Minister was before the Public Accounts Committee, he was very frank about the kind of enormous costs he would anticipate if he were able to do the kind of long-term planning that goes on in some of the provinces. I think the numbers were fairly startling to all of us, but it has been indicated that we have a very short time frame right now, would be interested in hearing what changes in expenditure, if any, or what reorientation or reemphasis the Minister touched on in his opening remarks, might be indicated in that area.

**Hon. Mr. Lattin:** A number of these questions were asked when we were dealing with the Budget. I want to get out of the General Debate. I think I will be able to address them as we go along. I think that would probably be the appropriate place to address the questions for which notices were given.

<sup>10</sup> **Mr. Veale:** The other area that was not mentioned was the issue of the Yukon River Bridge and I would appreciate, either now or specifically under the section or the line item dealing with bridges, hearing from the Minister in terms of what will be done, what the capital costs are going to be, whether they are capital costs and who is paying them. Hopefully there is an answer now from the Department on what they will be doing to measure height limits of vehicles when they pass over

weigh scales. That is something that I hope he will be addressing very shortly.

The maintenance of the Klondike Highway has been covered extensively, but could the Minister also state, in terms of winter driving in general, whether or not there is any system of designating particular danger areas based on accidents that have been reported. There are a number of areas along every highway system where there are particular surfaces that become great problems, often in the spring or when the warm weather hits, and cause a number of accidents.

I would like to hear from the Minister on that to determine whether or not there is any specific policy that they apply to keep an extra watch on those particular areas.

We always talk about the spring road problem which is very severe now in certain areas such as the section on the way to Porter Creek, the 20 kilometer section on the way to Haines Junction and there is a very serious problem on the way to Teslin just outside of Jake's Corner. I am wondering what the policy of the Department is in terms of signing these areas. For the regular user, they are often not a problem, but for the occasional user, the person who is either a tourist or visiting from out of town, some of those areas are very severe and have caused accidents, such as the one that recently occurred near Porter Creek.

The other area of concern is the one that we addressed in the Budget debate last year, and that was the creation of in-house expertise in the Department to be able to evaluate many of the engineering reports and feasibility studies that the Department is generating. I would be very interested to know if the Minister has any new additions in terms of in-house expertise or whether he has been able to address that problem at all in the past year.

<sup>11</sup> **Hon. Mr. Lang:** I just wanted to make a few comments in general debate. It seems to me that on general debate nobody has really discussed the total overall budget that is being put forward. Looking at what the overall budget in context of the overall budget of the Territory is what I thought general debate was.

I appreciate the fact that Members opposite are giving notice of detailed questions but I thought there would be more of a discussion in respect to the general direction of the Department for the forthcoming year, and try to glean from the opposition if they had a position, or if there was no position at all.

The point I would like to make, and I think it is important that it be stressed in respect to this budget that my colleague put together, is that there is a sizeable increase in respect to the Department of Public Works on the maintenance side of the budget. I think that it is important that it be stressed that this is going to allow, over the course of the summer months on a casual basis, more jobs because there is going to be major upgrading on some of the highways, which will be discussed.

It is an important principle that one has to look at in respect to the discussions that the Opposition has been putting forward in talking about jobs and unemployment and various things like this. This is one vehicle that is going to provide more jobs in respect to the overall economy as far as the Territory is concerned.

In the area of airports and the Government becoming more involved — because it is an integral part of our transportation system and I think Mr. Lattin should be commended for the work he and his Department are doing in that area — it is important as far as the Territory is concerned, not only for the short term but the long term, as far as the air transportation industry of the Territory is concerned, and that is that more and more responsibility be here in this House and, in turn, in the administration of the Government of the Yukon Territory, as opposed to the Government of Canada.

So with those thoughts in mind, I think one should be looking at that budget in the context of the budget. There has been a sizeable increase that reflects the priority that the Conservative Government has put into this area.

**Mr. Lattin:** To answer to some of the points Mr. Veale raised, the first being the Yukon River Bridge: that bridge is funded by Public Works Canada. We have completed the first stage of repairs. We now have single lane traffic. There will be a contract coming out for the next stage, and when it is completed, the bridge will be opened to full traffic, probably in the month of August.

<sup>12</sup> He also referred to height measurements of traffic. We are addressing this very diligently. We have had a lot of consultation with the



other provinces. We have a project under design and study now. When we have completed it, I am sure we will implement it. Contrary to what the Member opposite implied, there is no system in any of the provinces, and they all differ, that is actually foolproof. So what we are doing is trying to address all the possible pitfalls that the systems have and come up with one that will suit our needs adequately. One thing we would do when we get that system, whatever form it takes, is to construct it in Yukon using Yukon labour.

I know that the Member opposite always implies that we are not looking after local labour. This is one project on which we will be doing that.

He also mentioned accidents. If there is a location that is hazardous and causes accidents, these are always marked and signed. About the signing policy for the highway, we use the Canadian Standards for the signing that we do.

**Mr. Veale:** There was some reference by another Minister about the job creation potential in this Budget. Would the Minister give some specifics on the number of jobs to be created? I gather there is perhaps one person-year increase in the entire Department. What is the job creation potential in the Budget?

**Hon. Mr. Lattin:** It is true that the normal complement of the Department is fairly steady. In the Highway Department, more so than any other department in the Government, most of our work is done in the summertime. The extra help we have is of the casual nature and that is the area in which we will be providing the jobs you were referring to.

**Mr. Veale:** I gather then that the Minister has no idea about the job creation potential in any specifics?

**Hon. Mr. Lattin:** Not the numbers. I believe it is in excess of \$1 million.

**Mr. Penikett:** On the same subject, I would appreciate it if the Minister can, at some point, come back to us with some of the numbers of casual and contract positions that he expects to be created this summer. An approximation would do handily. I want to explain why I asked the question. The 1982-83 Main Estimates, in addition to the total allocation of 1,532 person-years, shows the Government plans to make 1,529 casual and contract appointments. It is very hard when we are looking at the Estimates to see what the assignment of those people is. I accept what the Minister just said, that this Department is probably the main employer of casual workers in the summer. I think it would be useful to get some sense of how many of the 1,529 identified in the total are going to come from this Budget.

**Hon. Mr. Lattin:** I do not have those figures. He asked me to bring back the figures during the Budget debate. I will certainly bring the figures back to the best of our ability.

**Mr. Byblow:** In previous debates and discussions with the Minister, the whole question of road standards has been brought up. I believe the Minister indicated during last year's discussion of the Estimates that the whole engineering and construction feasibility would be looked at more closely in the future in light of what happened on the Klondike Highway a year ago during the spring break-up. Sections of the road deteriorated. There arose some question of whether the road was constructed to specifications. There was some question of whether there had been adequate preparation of the roadbed and the Minister indicated there would be, in the future, a different light in terms of looking at the construction and engineering of these highways.

I raise that in light of the economic concern of the need for the highway to carry the heavy loads that they do carry. By way of notice, later on in debates, I will be raising some specific queries regarding what standards Yukon does follow in relation to other provinces.

**Hon. Mr. Lattin:** Last year we did mention this point. We are reviewing it and making some recommendations; there will be some changes in procedure in the future. We learn by experience. We recognize that there were problems in the original design and we are taking steps to correct these and so that we will not make the same mistakes in the future.

**Mr. Veale:** Would the Minister just deal, in general debate, with my question regarding the creation of the in-house expertise to deal with the assessment of engineering reports and feasibility studies? We discussed that a great deal in the last Budget debate and I was wondering what progress the Minister had made in terms of being in a position

to adequately assess the work being done by people on contract and whether or not situations like the Dawson City Sewer system will reoccur and what steps he has taken to ensure that that will not happen again?

**Hon. Mr. Lattin:** All these projects are under our scrutiny. In some cases it is not practical, with some of the limited resources that we have, to consider each one individually. We are certainly reviewing them with more care than we had and I hope that, because things have come to our attention and because we are reviewing them, in future we can eliminate a lot of the problems that we have experienced in the past.

**Mr. Veale:** Is there any change in the allocation of person-years to address this specific problem or has any particular person-year been added to address that problem?

**Hon. Mr. Lattin:** No. We have not added any person-years in this area.

#### *On Administration*

**Mr. Chairman:** We will proceed now with Administration, under General, \$454,000.

#### *On General*

**Mr. Penikett:** Perhaps we could bring on this item with a discussion of the program objectives. I read that they are "To provide overall management including planning, programming, budget control and central administration services for the Department; to administer Northern Exploration Facilities Program and VHF Trunk System; to provide engineering management services for municipal and other construction projects." Let me begin with overall management, including planning.

<sup>15</sup> In the ongoing review and the reconsideration and the learning from experience that he has talked about, has there been a new thrust, a new emphasis or a new orientation in respect to the business of planning in the Department?

**Hon. Mr. Lattin:** We are developing that kind of information. I feel that this will address the problems that the Honourable Member asks about. It is an ongoing review and it is something that does not happen overnight. I feel that we are definitely making strides in this area.

**Mr. Penikett:** I appreciate the very positive answer from the Minister. On the subject of planning in connection with highways, because I would assume that it would be under this general administrative function, could the Minister indicate whether the Department is, of yet, in a position to expand or extend the time frame for its projections and plans beyond the period that it has been using up to this point?

**Hon. Mr. Lattin:** This discussion is under Highways, which is further down on the list. We are using, as the Member opposite is aware, a five-year planning process. For various reasons, that is what we deem to be the practical projection into the future that we can plan for. In the future this may change, but right now we feel that a five-year plan is as much as we are able to do adequately.

**Mr. Penikett:** I thought from the Minister's previous answer that he might indicate that he had perhaps extended that period a little bit. Let me ask him, in terms of general administration, a question about employees which is not as specific as the question that I asked about casual employees but was a matter that we spent some time with last year and that is the question of location of employees. The official policy of the Government is still decentralization; however, the management philosophy of the administration is obviously efficiency or the maximizing of their resources. The Minister will recall our discussion last year and to state the obvious, those two objectives can be in conflict.

<sup>16</sup> **Mr. Penikett:** I wonder if the Minister has had any occasion to dwell on this question further. Particularly on the subject of employment, the Minister will recall that there is always a concern expressed in smaller communities about the number of employees in this Department. This is a very major employer in the whole of the Government and the impact on the total employment of the Territory of this Department's activities is major and in certain cases the numbers of employees of this Department could even conceivably affect the viability of small businesses or the economic health of the whole

community. There has been a pattern, I think we observed, of centralization which may have produced benefits in terms of efficiencies for the operation of the system that may have contradicted other policy goals of the Government. I wonder if the Minister has had a chance to do any further thinking about that question since the last time we discussed it?

**Hon. Mr. Lattin:** No. One of the things you have to realize is that we only hire people when there is work to be done. We just do not go out hiring for the sake of hiring and since the last budget there has been very little change in that particular area.

*General in the amount of \$454,000 agreed to  
On Public Works (Construction)*

**Mr. Chairman:** Construction, \$111,000.

**Hon. Mr. Lattin:** I just want to point out here that the word "construction" is not an adequate word for this category. It should be "Public Works".

**Mr. Penikett:** Just to make it clear, is the Minister proposing that we change it in the estimate, for record.

**Hon. Mr. Lattin:** Yes.

**Mr. Veale:** Could the Minister just provide us with some explanation of the decrease? Is it one of these hidden costs again that is being transferred to Government Services or is there something else in the works?

**Hon. Mr. Lattin:** This is brought about by the re-organization of the Department and a lot of the work there is now under Highways down below. It is just a matter of re-organization that reflects this amount in this line item.

**Mr. Byblow:** I would like a brief explanation of the practical function of this part of the Budget in terms of the \$111,000, recognizing it is just a small portion of the total Budget. What type of works would be applied to this allocation?

**Hon. Mr. Lattin:** Most of this is the management area of the Public Works.

**Mr. Byblow:** Would it be fair to say that between this \$111,000 and the previous \$454,000, a project such as the internal job of the Old Crow school would have been managed?

**Hon. Mr. Lattin:** In this case, the head office management would apply.

**Mr. Penikett:** In general debate, I raised a question with the Minister which he may yet come back and provide an answer to. I wonder if he might preview the subject for me now. I asked him about project management. I understand you are talking about the head office management of the Public Works here. Since the report of the Public Accounts Committee, in which this matter was dealt with, has there been a change in the Department's mandate in respect to project management or management of construction projects?

**Hon. Mr. Lattin:** At this time, no, there has not been.

**Mr. Penikett:** Could I clarify that point by using an example? In respect of a school project, which a contract might originate in the Department of Education, it is not necessarily the case that the responsibility for that project would come to the Minister? Or is it clear that the Minister does have that responsibility now?

**Hon. Mr. Lattin:** We have the construction design responsibility on projects such as you are referring to.

**Mr. Penikett:** I was not just concerned about the design phase. I was talking about the management of the project from conception, as the Minister just referred, to completion, to the point where it is turned over to the client, which, in the example I gave, might be the Department of Education. Is the mandate of the Department to manage such things clearly established now?

**Hon. Mr. Lattin:** If we are talking about something in Education, they have to raise the funds; they have to justify it. We work closely with them, but it is a two-way process.

**Mr. Penikett:** I understand what the Minister is saying. I do not want to seem obtuse, but I want to be clear. In terms of the actual construction, let us use the example I gave: if there is a problem during the construction period, a problem in terms of the management of the project, that problem is this Department's responsibility? It is this Department that is managing the project or the capital construction until it is completed? The Minister says that the Department of Education has to raise the money and to say what it wants — I understand all

that — but once that decision is made and the work actually starts, and Education would not then be involved again as I understand it — I would appreciate knowing if I am correct in this understanding — it is the Minister's area of responsibility until such time as the job is completed and the school is turned over to the Minister?

**Hon. Mr. Lattin:** In that instance, we would manage the project. It would be our responsibility. There could be one exception, and that is if the Department of Education had some changes. When the project is underway, the management responsibility is in our Department.

**Mr. Penikett:** That is what I wanted to get clear. I understand there was some confusion, at least in some of our minds, sometime ago about that. Just to be sure, in a case such as I am using, when the contract is out, there is someone in the private sector actually doing the work. Then the ongoing relationship between that contractor and this Government is handled by this function?

**Hon. Mr. Lattin:** That is correct.

**Mr. Veale:** I would ask for a clarification from the Minister. He indicated that some of the decrease in this line item for Public Works was actually being picked up in Highways. Does that indicate that there is going to be an actual shift in personnel to the Highway aspect because of an increase in the number of contracts? Or is this just a theoretical designation of how Administration breaks down?

**Hon. Mr. Lattin:** At one time, Construction used to cover all areas but now we have broken them down into municipal, engineering, highways, and transportation.

**Mr. Veale:** I thank the Minister for the answer. I realize now that it is broken down, but is the point correct that there is going to be a substantial allocation to Highways in terms of person-years in administration that will be taken away from Public Works management?

**Hon. Mr. Lattin:** No, it is a reorganization in the overall program. There is no change in the person-years at all.

**Mr. Penikett:** The Minister said that there is no change in the person-years. Could he indicate, very briefly, given that we are now more clear about the responsibilities for this function, what people they have there? What are the titles of the positions? What are the functions that are carried out under that function?

**Hon. Mr. Lattin:** There is a Director, accountant and a draftsman. Those are the components of this function.

**Mr. Penikett:** Is the Director an engineer and, if so, what kind of engineer?

**Hon. Mr. Lattin:** Yes, the Director is a Professional Engineer.

**Mr. Byblow:** The Minister indicated no change in personnel. The 1981-82 Estimates called for a 26.5 man-year component in this administrative portion of the budget. I acquired that from the 1981-82 Estimates. In the 1982-83 Estimates, the forecast for 1981-82 is listed at 29.5, an increase of three through the course of the year, if I am interpreting that correctly. Later on in the allotments, the allocation for personnel is increased by some \$300,000. The analysis that I am making from that is that there is an increase of three people in the administrative component of this branch since this time last year. If my analysis is incorrect, could the Minister clarify it?

**Hon. Mr. Lattin:** According to my figures here for 1981-82, we had 29.5. You will notice this year that we have 30.5. We get this one extra man-year from the transfer of this position from the Capital Projects over to O&M. Actually, in the Department we still have the same number of people.

**Mr. Byblow:** What I do not understand is why last year's Estimates called for 29.6. When we introduced the Supplementary Estimates about a week ago, there was no reference made to any increased personnel. In fact, we voted back \$782,000 in this Department on the O&M side. I believe I am correct in making the assertion that the Department did increase by three in the course of a year. That is quite straightforward.

**Hon. Mr. Lattin:** I believe that last year there was, in addition to that, a Director position which I do not believe has been filled, and also an Airport Manager. What the other one was has eluded me.

**Mrs. McGuire:** I would like to point out a little difference in the expenditure summary under Administration. It says that there are 30 person-years whereas, on Page 164, it says 35.

**Hon. Mr. Lattin:** I believe that that is just a typing error.  
*Construction (Public Works) in the amount of \$111,000 agreed to*



**Mr. Chairman:** The Committee will now have a brief recess.

*Recess*

**Mr. Chairman:** I call the Committee to order. The next item is Municipal Services, \$141,000.

*On Engineering (Municipal Services)*

**Hon. Mr. Lattin:** Mr. Chairman, firstly I would like to make a correction. Rather than Municipal Services it should be Engineering. This department consists of an engineer, a systems operator and a draftsman. I believe this would be the area where you were asking the questions about the Dawson water and sewer system. We are making a review of the Dawson water and sewer situation. The review is not completed. When it is, and we are in Session, I will make the results available for the Members. I believe there was another question concerning the amount of money. We do not know the extra amount of money. It would not be in this Budget; it would be in Municipal Affairs budget. We are managing the project in Highways and Public Works.

**Mr. Penikett:** Could the Minister bring us up to date on the Dawson sewer and water system? I had hoped that the review would be complete by now and the Minister would be able to tell us a little more than he has about what he believes went wrong and what he thinks might be done to avoid a repetition of the problem in the future. Can he give us some kind of recent update as to the total cost of that project to date?

**Hon. Mr. Lattin:** I do not have the figures available. I will have to get them from Municipal Affairs because it is their money we are spending. If I do not get them in this Budget, I would have the figures available when we are considering the Municipal budget.

**Mr. Penikett:** I do appreciate the Minister's undertaking in respect to the total dollars because some of the rumours one hears are almost unbelievable. Can he give us any indication at all, in respect to the review we are talking about here, as to whether he has reached any preliminary conclusions about the reasons for the kind of problems that we experienced with that project?

**Hon. Mr. Lattin:** Until we get the complete review, I think it would be inappropriate for me to make any preliminary statements. If I were to make them, I think they would be subject to the final review and I suggest that when the final review is made, I could then address that more adequately.

**Mr. Penikett:** I do declare the Minister is becoming quite adroit at avoiding answering some kinds of questions. When does he plan that the review will be complete.

**Hon. Mr. Lattin:** I do not really try to avoid answering my honourable friend across the way. I try my very best to answer his questions, but on this review that we are making, I am not in a position to say when it is. A lot of it is done by overtime work and the Department is very busy. The person who is doing that has had a lot of work lately and she assures me that as soon as it is possible she will certainly get the review completed.

**Mr. Penikett:** I beg the Minister to give us a clue. Is it going to be one month, six months a year? What does he hope for?

**Hon. Mr. Lattin:** That is a very difficult question to answer as other things can come into it but from where I stand now, it would appear that we are looking at another six months before the review will be completed.

**Mr. Penikett:** I just had one further question. The Minister identified the staff in this amount. Is there any other expenditure other than staff in this figure?

**Hon. Mr. Lattin:** It is just the staff and expenses for that particular item.

*Municipal Engineering in the amount of \$141,000 agreed to On VHF Trunk System*

**Mr. Chairman:** VHF Trunk System, \$216,000.

**Mr. Penikett:** \$216,000 might be worth a sentence or two from the Minister.

**Hon. Mr. Lattin:** There is not very much you can say about it. It is the amount of money that is in the maintenance of this particular system and beyond that I cannot elaborate very much on it unless there is a specific question.

**Mr. Penikett:** Sometime ago, I believe it is more than a month. I

wrote the Minister a letter following a representation from a constituent regarding the contract for this system. The Minister has not yet replied and I wonder if perhaps I could ask my first question. Is it his intention to reply in the near future?

**Hon. Mr. Lattin:** We are talking here of the VHF. I believe that the contract the Member was referring to has nothing to do with this particular line item.

**Mr. Penikett:** A very good answer from the Minister. He did not answer my question as to whether he is going to answer my letter later. I will ask him when we talk about radios. Could the Minister give us a very simple breakdown of the \$216,000?

**Hon. Mr. Lattin:** I will certainly see that the Member gets an answer to his letter. I believe that there is one on the way.

This is for contracts for the maintenance of the towers, feeder stations and includes batteries and mountaintops.

**Mr. Penikett:** How many contracts are involved? Is it one or a dozen?

**Hon. Mr. Lattin:** There is only one contract.

*VHF Trunk Systems in the amount of \$216,000 agreed to On Less Internal Chargebacks*

**Mr. Chairman:** We will deal with Less Internal Chargebacks, a credit of \$191,000.

**Hon. Mr. Lattin:** This is chargebacks to other departments.

**Mr. Penikett:** A year ago in Public Accounts I seem to remember that we had one or two misunderstandings regarding chargebacks. There were some people who were not clear about the way the system worked. The Minister will recall those problems. Have they been cleared up to his satisfaction?

**Hon. Mr. Lattin:** Yes, as far as I know, they have been.

**Mr. Chairman:** Mr. Lattin, for the Chair's benefit, I would like to have a little explanation as to exactly what these items are, if the Minister would not mind? How do we come to this credit? What do you get it from?

**Hon. Mr. Lattin:** I am always happy to answer questions from you, Mr. Chairman. These are the chargebacks for the radios that they had.

*Less Internal Chargebacks in the amount of \$191,000 agreed to On Northern Explorations Facilities Grants*

**Mr. Chairman:** Northern Explorations Facilities Grants, \$60,000.

**Hon. Mr. Lattin:** There is not very much to say about this. These Northern Explorations Facilities Grants are what is commonly known as tote road assistance. I think everybody is familiar with it. It has proved to be a very beneficial project for a lot of people, especially the small miners. I think that it is something that they have taken a lot of advantage of, and I feel that this is a very worthy project in our Department.

**Mr. Penikett:** I understand from various public utterances from Members opposite that there have been some disagreements about, not roads particularly, land use questions between them and their big brothers in Ottawa. Has the tote road program been the subject of any discussion, either as a result of some initiatives, from an environmental point of view or other people concerned, about the appropriateness of the land use or the choice of routes and the placement of roads?

**Hon. Mr. Lattin:** We have a committee when we are considering any tote road assistance and, on that Board there are three Federal members.

**Mr. Penikett:** Is the Minister in a position to tell us from which offices those Federal people come and what our representation on the Committee is?

**Hon. Mr. Lattin:** We have three on the Board. One is from Renewable Resources, one is from Tourism and Environment and one is from Highways. I am not quite sure of the respective positions of the ones from the Federal Government, but they are all in the environmental field. I feel that they have a good representation on this Board and they are quite aware of the applications. This Board seems to be working quite adequately.

**Mr. Penikett:** I assume that our representatives include Messrs. Kent and Blackman. The Minister indicated that there was another person from Tourism?

**Hon. Mr. Lattin:** Yes. Our representative is not Mr. Blackman, it

is Mr. Christensen. One of the people from the Federal Government is a geologist.

**Mr. Veale:** Could the Minister give a time frame on when the applications are received and when the decisions are made? Has it already been completed for this year's season?

**Hon. Mr. Lattin:** We never know when these applications are coming in. It is whenever the people applying for them make the applications. When they come in, we try to review them as quickly as possible. We do not know how many applications we will receive this year. The figures we estimate in the Budget year is what we see has been used other years. Some of the applications go into the winter.

**Mr. Veale:** Is there a rule of thumb on what percentage of a particular project will be funded out of this grant? I would assume that \$60,000 would not go very far in terms of keeping Cats going, and that sort of thing.

**Hon. Mr. Lattin:** I am sorry I do not have the details. There is a formula we apply when we are making these grants. I do not have the details of the formula. If the Member opposite would like me to bring it back at another time, I will.

**Mr. Veale:** I thank the Minister for that commitment. Does he have any idea of the general location of most of the applications and where the work is done? Is it in the Dawson City area? Is it placer miners or is it hardrock miners?

**Hon. Mr. Lattin:** That is a hard question to answer. It is both the placers and the hardrock miners. It applies to all Yukon. It applies wherever a person has a project where they feel they want tote road assistance. As far as I am aware, the ones that I had reviewed seem to me to encompass most areas in Yukon.

**Mrs. McGuire:** Am I correct in saying that applications for tote road assistance take place after the fact? That is, after the road has been built, one then applies for the assistance? I believe it is based on the amount of fuel that has been used in order to build that road, the amount of equipment, the number of hours worked, so therefore the road would have to have been built before the application. That is my understanding. If that is the case, then any consultation with environmentalists would take place during that period?

**Hon. Mr. Lattin:** No, we have to have the application first to approve them. If an application came for work that has been done, we would not consider it. It has to be before the Board before the project starts. We review it then we make our decisions, but not afterwards, as the Member indicates.

**Mr. Byblow:** How much of the expenditure allocated for last year was spent?

**Hon. Mr. Lattin:** As far as I can remember it was very close to the total amount. The final amount has not been determined.

**Mr. Byblow:** Can the Minister say whether or not applications, or funding, under this particular program exceeded the money available? In other words, was there much more applied for than was available?

**Hon. Mr. Lattin:** I am not sure, but as far as I am aware, I do not think that it did.

**Mr. Byblow:** I asked that because I believe the Minister, in previous debates, indicated that there were many applications coming in, in the past, indicating the need to increase it in the budget from its previous low \$20,000 amount.

I believe, for the information of the Minister, the Federal representatives include the regional mining engineer for DIAND, the regional geologist for DIAND, as well as the regional manager for Yukon Lands and Forests.

**Mr. Chairman:** Was that a statement, Mr. Byblow, or a question?

*Northern Explorations Facilities Grants in the amount of \$60,000 agreed to*

*On Highways (and Transportation)*

**Mr. Chairman:** Highways, \$577,000.

**Hon. Mr. Lattin:** Unfortunately, we have another correction. After Highways we inserted the word "Transportation". This is the design and maintenance of highways and of airports.

**Mr. Penikett:** The Minister, if I heard him correctly, put some emphasis on the word "design". Perhaps it would help us if he could give us a little bit of a breakdown of this \$577,000 so that we might have a better understanding of what it is for.

**Hon. Mr. Lattin:** This covers the manager of transportation and it would also cover the various superintendents. As you are aware, we have several of them. If I can refer to the line below, Airports has been moved up into this particular budget as well. These are the general items that this budget reflects.

**Mr. Veale:** What are the person-years involved in those two line items? I gather that you have said four in terms of the upper echelon management, but how many below in terms of drafting, design and that sort of thing?

**Hon. Mr. Lattin:** The detailed management and the draftsmen are all covered in the Capital. These are just the people whom I referred to a few minutes ago.

**Mr. Penikett:** Could the Minister elaborate just a little? As I understood his answer, what we have is the senior establishment of Highways, the superintendent rank and above. Those people are not charged against the Highway and Maintenance program, but they are part of the Administration. You talked about three superintendents, but there is still a lot more money there than the personnel would make up for. What other things are involved here in this expenditure?

**Hon. Mr. Lattin:** Besides these people, there are the regulations officer, clerical people and also, as I indicated a moment ago, the Airport Manager has been moved out of Airports into this branch. When you gather them all together, the total comes to the amount indicated here in the budget.

**Mr. Penikett:** Are there any functions under this item which are contracted out?

**Hon. Mr. Lattin:** No. Not in this instance.

**Mr. Penikett:** Of the Highways programs and the Airports program, this is the cost, in simple terms, of the senior administration of that entire program?

**Hon. Mr. Lattin:** Yes, that is correct.

**Mr. Chairman:** A question from the Chair: is this item now called just "Transportation" or is this Highways and Transportation, or Highway Transportation?

**Hon. Mr. Lattin:** For the edification of the Chair, it is Highways and Transportation.

**Mr. Veale:** There is a substantial increase of well over \$160,000. Is that strictly for the salaries for the managerial people that the Minister has listed?

**Hon. Mr. Lattin:** The Manager of Highways has transferred to this department from Capital. Also, the Airport Manager has been moved into this item, too.

**Mr. Byblow:** In this total administrative portion of the budget, does the administration include the administration of capital projects as well?

**Hon. Mr. Lattin:** Yes, it does.

**Mr. Byblow:** Is this also the administrative component that makes decisions with respect to road restrictions such as the road bans that we may have or that we have had.

**Hon. Mr. Lattin:** That is correct.

**Mr. Byblow:** Could I then ask the process that is used to determine whether a road ban restriction is imposed? How does it break out in terms of this structure that we have just gone through?

**Hon. Mr. Lattin:** The process to determine this goes through the superintendent, through the management and it goes up to Mr. Blackman, who is the Deputy, and then a decision is made. This is the only time of year that we have these problems and we monitor it very carefully. It goes straight up to the top of the Department.

**Mr. Byblow:** So the testing work and the data accumulation would be taking place in a separate division from this administrative division? Is it this data that is received by the administrative component and flows upward where the decision is made?

**Hon. Mr. Lattin:** This comes under the Management Engineer.

**Mr. Penikett:** On this very difficult subject, has the Minister reached a decision or is he coming to a decision point?

**Hon. Mr. Lattin:** Not at this time. We are monitoring it very carefully. We are making the necessary tests that will be required, but it is too early at this time to make a decision whether we will or we will not. Just because we had a problem last year does not mean we will or will not have the same problem this year.

**Mr. Byblow:** The Minister, in describing this portion of the admi-

nistrative budget, said that the airport function was moved upwards into Highways. I would like to ask if an airport personnel still exists within the department and is working in that function?

**Hon. Mr. Lattin:** We have an airport manager who works in this department and this is where his salary is included.

*Highways and Transportation in the amount of \$577,000 agreed to*

**Mr. Graham:** I move that you report progress on Bill No. 5 and beg leave to sit again.

**Mr. Chairman:** You heard the Motion. Agreed?

*Agreed*

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

**Mr. Chairman:** It has been moved by Mr. Graham that Mr. Speaker do now resume the Chair.

*Agreed*

*Mr. Speaker resumes the Chair*

**Mr. Speaker:** I now call the House to order.

May we have a report from the Chairman of Committees?

**Mr. Fleming:** The Committee of the Whole has considered Bill No. 101, *An Ordinance to Provide for Freedom of Information*, and Bill No. 5, *Second Appropriation Act, 1982-83*, and directed me to report progress on same and beg leave to sit again.

**Mr. Speaker:** You have heard the report of the Chairman of Committees. Are you agreed?

**Some Members:** Agreed.

**Mr. Speaker:** Leave is so granted. May I have your further pleasure?

**Mr. Graham:** I move, seconded by the Honourable Member for Mayo, that we do now adjourn.

**Mr. Speaker:** It has been moved by the Honourable Member for Whitehorse Porter Creek West, seconded by the Honourable Member for Mayo, that we do now adjourn.

*Motion agreed to*

**Mr. Speaker:** This House now stands adjourned until 1:30 p.m. tomorrow.

*The House adjourned at 9:29 p.m.*

