



# The Yukon Legislative Assembly

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Number 2

2nd Session

25th Legislature

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## **HANSARD**

**Tuesday, November 2, 1982 — 1:30 p.m.**

Speaker: The Honourable Donald Taylor

# Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake  
 DEPUTY SPEAKER — Andy Phillipsen, MLA, Whitehorse Porter Creek West

## CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Chris Pearson	Whitehorse Riverdale North	Government Leader — responsible for Executive Council Office, Finance, Public Service Commission, and Economic Development and Intergovernmental Relations.
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Municipal and Community Affairs, Highways, Yukon Housing Corporation, and Yukon Liquor Corporation.
Hon. Howard Tracey	Tatchun	Minister responsible for Health and Human Resources, Renewable Resources, Government Services.
Hon. Clarke Ashley	Klondike	Minister responsible for Justice, Consumer and Corporate Affairs, and Workers' Compensation.
Hon. Bea Firth	Whitehorse Riverdale South	Minister responsible for Education, Tourism, and Heritage and Cultural Resources.

## GOVERNMENT MEMBERS

### (Progressive Conservative)

Bill Brewster	Kluane
Al Falle	Hootalinqua
Kathie Nukon	Old Crow
Andy Phillipsen	Whitehorse Porter Creek West

## OPPOSITION MEMBERS

### (New Democratic Party)

Tony Penikett	Whitehorse West Leader of the Official Opposition
Maurice Byblow	Faro
Margaret Joe	Whitehorse North Centre
Roger Kimmerly	Whitehorse South Centre
Piers McDonald	Mayo
Dave Porter	Campbell

### (Independent)

Don Taylor	Watson Lake
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Clerk of the Assembly  
 Clerk Assistant (Legislative)  
 Clerk Assistant (Administrative)  
 Sergeant-at-Arms  
 Deputy Sergeant-at-Arms  
 Hansard Administrator

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

**Whitehorse, Yukon  
Tuesday, November 2, 1982**

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

**DAILY ROUTINE**

**Mr. Speaker:** Are there any documents or returns for tabling?  
Are there any reports of committees?  
Petitions?  
Receiving or reading of petitions?  
Introduction of bills?

**INTRODUCTION OF BILLS**

**Bill No. 2: First Reading**

**Hon. Mr. Pearson:** I move, seconded by the Minister of Health and Human Resources that Bill No. 2, *An Act to Amend the Legislative Assembly Act*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Government Leader, seconded by the Honourable Minister of Health and Human Resources that a bill, entitled *An Act to Amend the Legislative Assembly Act*, be now introduced and read a first time.

*Motion agreed to*

**Bill No. 13: First Reading**

**Hon. Mr. Ashley:** I move, seconded by the Honourable Minister of Municipal and Community Affairs, that Bill No. 13, *An Act to Amend the Motor Vehicle Act*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Justice, seconded by the Honourable Minister of Municipal and Community Affairs, that a bill, entitled *An Act to Amend the Motor Vehicles Act*, be now introduced and read a first time.

*Motion agreed to*

**Mr. Speaker:** Are there any notices of motion for the production of papers?  
Notices of motion?

**MOTIONS UNDER STANDING ORDER 31**

**Mr. Byblow:** Mr. Speaker, I rise under provisions of Standing Order Number 31 on a matter of urgent and pressing necessity.

Whereas significant numbers of working families in the territory, particularly at Faro and other Yukon communities, are experiencing unwarranted delays in the receipt of their unemployment insurance entitlement, I would like to move, seconded by the Leader of the Opposition, that this House urge the federal Minister of Manpower and Immigration to take immediate steps to expedite the payment of legitimate unemployment insurance benefits to those people of the territory who have applied for, and are qualified to receive, such benefits.

**Mr. Speaker:** The motion, as suggested under Standing Order 31, requires unanimous consent of the House. Does the hon. member have unanimous consent?

**Some Honourable Members:** Agreed.

**Mr. Speaker:** Proceed.

**Mr. Byblow:** Very briefly, I raise the matter because, during the course of the past several months, I have had numerous occasions to mediate and to assist dozens of individuals in the territory, and particularly in my community, with the unemployment insurance entitlements that they were permitted to receive but were not getting.

In fact, this morning I received two calls from my community, again, in instances where applications for benefits have been made as long ago as six and eight weeks, and there has been no word from unemployment insurance as to what is happening in the processing of these claims.

The federal Minister of Manpower and Immigration, Mr. Axworthy was advised of the situation approximately two months ago when he visited the territory, and albeit an effort was made to expedite some of the payments. Immediately after, we seemed to return to the unwar-

ranted delays that we are experiencing again, and hence the need for this motion.

**Mr. Speaker:** Perhaps I have erred in not stating the motion from the Chair and properly placing it before the House as normally in dealing with Standing Order 31, unanimous consent having been given the Chair then would read the motion. Normally, no debate is necessary as the purposes of the motion are usually stated in the preamble to the motion. However, debate is permitted, in fact. It is a tradition that debate does not ensue on these motions. However, the motion is moved by the hon. member for Faro, and is seconded by the hon. Leader of the Opposition, that this House urge the federal Minister of Manpower and Immigration to take immediate steps to expedite the payment of legitimate unemployment benefits to those people of the territory who have applied for and are qualified to receive such benefits.

**Hon. Mr. Tracey:** We, on this side of the House, welcome this motion from the opposition. We recognize that there are a great many problems with unemployment insurance in the territory and across Canada. There is also another reason why we welcome it and that is the fact that a lot of our welfare money today, and in the past few weeks, has been going out to people who are actually eligible for unemployment insurance and because they are not getting their unemployment insurance, they are forced to come to my department to get assistance. There is also the problem that we have of trying to reclaim this money that is given out under welfare. We welcome it and we hope that the federal government takes cognizance of our request and something is done about it.

**Hon. Mrs. Firth:** As I am now the minister responsible for manpower, I would like to relay the message to the member for Faro that in the next day I will be seeing Mr. Axworthy, the federal Minister responsible for Immigration and Manpower, and I will certainly relay to him the urgency and the concerns of the people in the community that the member represents.

*Motion agreed to*

**Mr. Porter:** I also rise under the provisions of Standing Order 31 on a matter of pressing and urgent necessity.

Whereas 1982 will be recorded in the history of sports in the Yukon as the year that the Yukon saw its first representative compete in a sporting event at the Commonwealth Games, I move, seconded by the member for Whitehorse North Centre, that this assembly recognize the heroic efforts and perseverance of George Mason, the Canadian boxing champion from Dawson City, and the contributions of his coach and mentor, Art Fry, who has given a great deal of his life work to witness and be part of such a proud moment and, further, that this assembly commends the example of excellence and sportsmanship that these two individuals have set for all Yukoners.

**Mr. Speaker:** Such a motion requires unanimous consent of the House. Does the hon. member have unanimous consent?

**Some Members:** Agreed.

**Mr. Speaker:** It has been moved by the hon. member for Campbell, seconded by the hon. member for Whitehorse North Centre, that this assembly recognize: (1) the heroic efforts and perseverance of George Mason, a Canadian boxing champion from Dawson City; and (2) the contributions of his coach and mentor, Art Fry, who has given a great deal of his life's work to witness and be a part of such a proud moment; and further, that this assembly commends the example of excellence and sportsmanship that these two individuals have set for all Yukoners.

**Hon. Mr. Ashley:** I would like to support this motion wholeheartedly. It gives me great pleasure that I had the privilege of helping train, along with Art Fry, George Mason as a young man beginning his boxing career, I, myself, having been a Golden Gloves boxer in Dawson.

It also gives me great pleasure that this man hails from Dawson City, the heart of the riding which I represent as an MLA.

*Motion agreed to*

**Mr. Speaker:** Are there any statements by ministers?  
This then brings us to the question period.

**QUESTION PERIOD**

*Question re: Cyprus Anvil Mine reopening*

**Mr. Penikett:** Some weeks ago, this government responded to the initiative of the federal Minister of Northern Affairs and joined the senior government, the company and the union in an effort to reopen the mine at Faro. Can the Government Leader advise the House on the progress of these discussions?

**Hon. Mr. Pearson:** The agreement that was reached that day, as everyone is aware, was one that would see the unions involved and the company sit down and discuss productivity. The time limit that the minister sought was that they would begin these negotiations within two weeks.

I understand that meetings have been, and are being, held now and my latest information is that the Minister of Indian Affairs and Northern Development has indicated jointly to the company and the union that he is hopeful of having some advice from them, that advice will be passed on to me by Friday of this week.

We are running very short of time. The minister is anxious to present a package to the federal Cabinet in respect to assistance for Cyprus Anvil Mine, but he has perceived that he does need this advice from the company and the union before he can present that package.

**Mr. Penikett:** Beyond what was alluded to yesterday in the Throne Speech, could the Government Leader indicate exactly what the Government of Yukon is prepared to offer the other parties to these problems in exchange for a guaranteed reopening of the mine?

**Hon. Mr. Pearson:** I do not have the details here with me. There are a number of items related primarily to government infrastructure in Faro and at Cyprus Anvil Mine and we have identified these issues and said to the company that, should they live up to it, we will be prepared to reassess our position and a reassessment of that position with respect to infrastructure would mean a difference of \$1,600,000 in direct payments to this government right now.

**Mr. Penikett:** Giving that in recent years a large percentage of territorial revenues has come from Faro, and given that economic recovery in the territory may depend upon that mine reopening, is the \$1,600,000 figure that he referred to the greatest extent of support that will be offered by this government to affect the opening?

**Hon. Mr. Pearson:** Taking into consideration the amount of revenue that we do get from the Cyprus Anvil Mine and also taking into consideration our responsibility to the rest of the people in this territory, the \$1,600,000 was deemed to be the maximum we could commit without further federal assistance. We have made it clear to the federal government that, should they wish us to be the vehicle for offering further assistance, we would be most happy to do that.

There are infrastructure changes that Cyprus Anvil, in their action plan, have put forward that would require federal action rather than territorial action. Of course, when Cyprus Anvil put the action plan forward, it was simply to government. They did not specify which, and very rightly so. We have looked at what our responsibilities are and exactly how far we can go. I think that we have made it clear, both to the federal government and Cyprus Anvil, that should we go any further, we would be affecting directly and very adversely everyone else in the territory.

**Mr. Byblow:** I would like to question the Government Leader further on the same subject.

I am a little unclear as to what guarantees this government is actually providing for any aid to the mine. I ask that because this government has moved very reluctantly towards any insistence of a guarantee for the mine reopening in any discussions with various parties held over the past summer. Specifically, I would like to ask the Government Leader, for the record, if he could state what his government's position is regarding the guarantees for aid, either federal or territorial, that will be offered to the mine, including the \$1,600,000 he mentions?

**Hon. Mr. Pearson:** The hon. member for Faro seems to be the only one who is talking about guarantees. I do not know what he is talking about. We are talking about something that, physically, everybody is going to be able to see. Either that mine is going to open or it is not going to open.

In respect to the reluctance of this government, I would like to point out to everybody that this government is the first and the only party to this whole thing that has made any kind of an offer, that has made any kind of a move, that has indicated any sort of a position at all.

I am not prepared to hear from the member for Faro that we are reluctant. We are not at all reluctant in this case. We are the ones who

went to Ottawa and we are the ones who put the money on the table.

**Mr. Byblow:** My question surrounded the reluctance to insist on the mine reopening for any aid offered, so I will pursue that line of questioning.

I think the government and I agree that there is an absolute necessity to have Cyprus Anvil back in production in order to restore the devastated economy of the territory. I would then like to ask the Government Leader if it is the intention of his government to support the creation of, say, a crown corporation with federal assistance, if that is what is necessary to get the mine reopened?

**Hon. Mr. Pearson:** That is quite a different question. I am going to go back again to our reluctance, alluded to, once again, and also these guarantees.

I said at the outset, like we said at the very beginning, like we have always said, if Cyprus Anvil goes back to work, this is what we are prepared to do.

There is absolutely no way that this government, or any government, is going to give Cyprus Anvil something for doing nothing. That is a preposterous suggestion, but only one that could come from the member for Faro.

**Mr. Byblow:** I think until recently the government was doing that very thing, offering something for nothing. I would therefore like to ask him if his government is prepared to take an equity position or an equity participation in the mine, given their commitment of funding and assistance for reopening?

**Hon. Mr. Pearson:** Mr. Speaker, it is a hypothetical question that I could not answer in any way but as a hypothetical question, because we do not have the wherewithal, we do not have the money to even consider an equity position in Cyprus Anvil Mine.

There are people in the territory that may have a chance to take such a position. I have encouraged them to do so. I think it would be a great thing.

But as far as this government having an equity position in Cyprus Anvil Mine, I am here to tell you now, we do not have the money to do it, even if we wanted to.

#### Question re: Social Assistance Plan

**Mr. Kimmerly:** A question for the minister responsible for the social assistance plan. On July 14, the minister spoke of, and I quote, "a complete reassessment of social assistance". Will the minister inform the House as to the progress of the reassessment with respect to the timetable?

**Hon. Mr. Tracey:** Mr. Speaker, I am sure the member across the floor recognizes that a complete reassessment of social assistance is not done in a matter of weeks. It is a very large program. There is a lot of nitty-gritty detail in it that has to be studied to find out if we are getting economies out of the program. That is being done on an ongoing basis.

We have brought out things such as the Yukon opportunity plan to try to find work for the people that are employable. Approximately eighty percent of the people that are drawing social assistance right now are in fact employable people. We have put on staff a person to try to find work for those people to try to get them off welfare.

But the actual study of the whole department is being done on an ongoing basis and as things are found they are corrected wherever possible to try to make the department more economical and to try and get the best benefit out of the dollar that the government is spending.

**Mr. Kimmerly:** I would ask the minister to clarify the answer and state a target date for when a completion of the study is contemplated and if he is intending to make a ministerial statement as to the policy change in the current session.

**Hon. Mr. Tracey:** I thought I had made my position clear. I said it was an ongoing study. We would make adjustments to the programs as we are going through it and finding the problem areas. And as far as a ministerial statement, no, I was not considering a ministerial statement to come out and say we are doing this and this and this with the Department of Health and Human Resources. I am fairly confident that as we do make these changes, such as I just announced with this Yukon opportunities plan, we will make the changes.

#### Question re: Yukon Opportunities Plan

**Mr. Kimmerly:** Respecting the Yukon opportunities plan, is there a

job description for the person in charge of this plan?

**Hon. Mr. Tracey:** Yes.

**Question re: Registered traplines**

**Mr. Porter:** I, too, have a question for the Minister of Renewable Resources.

On July 23rd you delivered a letter to the member for Whitehorse North Centre and informed her that registered trapline 293, held by a status Indian, was not to be renewed to the holder of that trapline because it was in conflict with government policy. Would the minister inform this House as to the substance of this policy mentioned in his letter of July 23rd?

**Hon. Mr. Tracey:** The policy goes back to the Indian land claims. We have an agreement on the Indian land claims that we will maintain the traplines at the existing level they are today, which means that the Indian traplines will stay Indian and White traplines will stay White. This trapline falls in that category. It is not the only trapline that we have not allowed to be turned over to the opposite side. There was one, for example, that was offered for over \$100,000 that we also refused.

We are trying to maintain the agreement that we had with the Native people under the CYI agreement and that is the reason that we are not transferring them. As soon as the land claims are over and we can get this whole situation straightened out, we will look at all of those.

**Mr. Porter:** Perhaps the minister could explain why, when we look outside, we see all the traplines covered in White at this time of the year.

If trapline 293 was in conflict with the government policy, why was trapline 100, which was a trapline previously held by a status Indian, turned over to a non-Indian person?

**Hon. Mr. Tracey:** I am not aware of trapline 100 that the member has alluded to. I would have to go back to my department and find out what happened there. I am sure that there is a very reasonable answer for it. We are trying to maintain this agreement and it is an unwritten agreement with the Indian people to try to protect the Indian people.

**Mr. Porter:** My apologies. Trapline 100 is located in the constituency of the minister's area, the Pelly area. Can the minister confirm that the real reason for the turning over of trapline 293 was because of the fact that it infringed on the area that is currently held by the Government of Yukon, the outfitting area that was purchased by the Government of Yukon that is also commonly known as Camp Danny?

**Hon. Mr. Tracey:** No, it certainly is not. I do not think that the member is doing this House, or any member of it, any good by making those accusations or allegations.

**Question re: Women's Bureau**

**Mrs. Joe:** I have a question for the minister responsible for the Women's Bureau.

In the spring session of this year, the minister responsible for the Women's Bureau announced that it was the government's policy to appoint women in equal numbers with men wherever possible to territorial boards and commissions. Can the minister tell us if this policy is still the same?

**Hon. Mr. Ashley:** In answer to the member's question, yes that is being reviewed.

**Mrs. Joe:** This will probably be directed to the Government Leader. Can he tell us if the new round of appointments to boards and commissions, since the June 7th election, were equal appointments?

**Hon. Mr. Pearson:** I cannot say that they were equal, nor can I say that they were unequal. We have not had a "round of appointments" since the June 7th election. We have made some board appointments, not, I believe, an excessive number. We do try to make sure that when we are seeking appointments to these boards, that we are cognizant of what the board members are going to be expected to do, and the people who are being put on them, in respect to race, sex, everything that is going.

**Mrs. Joe:** This question is also directed to the Government Leader. Because the Indian people of the Yukon make up no less than 25 percent of the population, and that percentage is getting higher, can the Government Leader tell us if the equality policy on boards and commissions would also include Indian appointments, wherever necessary?

**Hon. Mr. Pearson:** I think that I am going to have to say that I

cannot possibly answer that question at this point in time. The appointments to a number of very important boards and committees in this territory are something that have been a topic of discussion at land claims for a long, long time, and we are having no problem at all in coming to very quick agreement as each of these boards comes up.

We recognize the population mosaic of the territory in respect to some boards. I am aware of at least one board where we guarantee Indian participation. They have never ever taken us up on those appointments to this date.

**Question re: Schools, enrolment**

**Mr. McDonald:** I have a question for the Minister of Education.

Given the regulation pursuant to the *School Ordinance* stipulating the enrolment requirement for maintaining schools, how many operating schools in the territory, if any, do not technically qualify because of low enrolments?

**Hon. Mrs. Firth:** I believe that there is one school that does not qualify, and that is the Burwash Native Experimental School. It has been the decision of this government to maintain that school for the time being.

**Mr. McDonald:** In the government's estimation, how many students who qualified for school bus transportation are necessary for the government to provide scheduled school bus transportation?

**Hon. Mrs. Firth:** I am not sure I understand the member's question. I can answer how many children are being bused presently. The number is approximately 1,200 children.

**Mr. McDonald:** Perhaps my second supplementary will clarify the intent of the first supplementary. Considering the written requests made by my office two months ago and the written request of the mine manager of United Keno Hill Mines of approximately one month ago, could the minister now provide the threshold numbers of students for the government to retake its responsibility for operating both the Elsa school and the Elsa-Mayo bus service simultaneously?

**Hon. Mrs. Firth:** I understand now what the member for Mayo is getting at. If the member would read the *School Act*, the legislation states very emphatically, and I recall quite clearly the letters I received from the mine manager and from the member for Mayo, that there are 25 students required to establish a bus route and that is providing the costs are not more than 75 percent of providing the bus service for the eligible students.

The number required to maintain a school is 12 students. I believe, in Elsa, the number of students is seven.

**Mr. Penikett:** A school bus in my constituency travels from Hillcrest, stops at Northland Park, and then goes on by way of Takhini School to F.H. Collins, but it will not be taking children from Northland to Takhini School, as it did last year.

I would like to ask the minister if she could provide an explanation of this policy, in light of the fact that there is room on the bus for these kids and I understood, from one of her recent announcements, that where there was room, that option would be made available.

**Hon. Mrs. Firth:** On the route that the Leader of the Opposition is referring to, the busing service for the Northland trailer courts and the Takhini school, the students are still being bused, as far as I and the department are aware. This route was to be picked up by the municipal buses, as the Porter Creek children are right now and would involve the city having to purchase another bus. We felt at this time that we would facilitate the busing of children to these two areas.

**Mr. Penikett:** I would ask the minister to examine this because the practice seems to be in conflict with her stated policy. I have at least one parent at Northland with two children attending Takhini school who are not being allowed on that bus.

I would remind the minister that the street lighting on the road from Northland to Takhini school is poor and since there is no sidewalk, I would ask the minister to examine this question of allowing Takhini pupils from Northland onto the bus, at least as a safety measure.

**Mr. Speaker:** Is the hon. member making a speech or was that a question?

**Mr. Penikett:** I apologize. A point of order, but the question mark at the end of the question was inaudible.

**Question re: Porter Creek school**

**Mr. Byblow:** I will direct my question to the Minister of Educa-

tion, as well. On August 19th, one day after the Deputy Minister of Education announced that the new Porter Creek school would be opened on schedule, the minister announced that there would actually be a two-month delay and subsequently, the school did open on October 29th. The reason given for the delay was that there was the need to complete driveways, a playground and some landscaping.

Considering that this work is still not completed, can the minister explain the real reason for the delay in opening?

**Hon. Mrs. Firth:** If the member for Faro has driven to the Porter Creek school, the real reason was driveways. You practically had to have a four-wheel drive to get up the driveway to get to the school. That did take some time to fix up and grade and level so that it was passable for the buses and for the cars.

**Mr. Byblow:** I assume that the minister is confirming that driveways were the real reason and not any electrical work or otherwise.

I am curious, though, about plans to complete work at the school. Can the minister assure the House that no further interruptions to the school routine will occur in an effort to complete construction?

**Hon. Mrs. Firth:** I do not understand. Is the member asking me to give guarantees that something will not collapse in the school or that the electrical work will not fail? I certainly hope not.

I think we were very responsible in getting this school opened. The school committees of Porter Creek have been supportive of the government. We did have some delays getting in the driveway. Need I say more to this member?

**Mr. Byblow:** I think the minister indirectly actually answered the question.

I will direct my final supplementary to the government leader. Since during this time of restraint the government saw fit to charter a plane to take four Cabinet members to the Old Crow school opening earlier this fall, at a cost, I understand, of about \$2,000, can the government leader confirm whether as many Cabinet members attended the Porter Creek school opening here in Whitehorse?

**Mr. Speaker:** I would consider the question as being frivolous. However, I will permit the Government Leader to answer if he so wishes.

**Hon. Mr. Pearson:** I am sure my answer might be frivolous, as well.

I am quite prepared to stand up and be counted at any time in respect to this government spending money to go to the opening of the school in Old Crow. I would respectfully suggest that any question from the other side is strictly sour grapes.

#### Question re: Medicare

**Mr. Kimmerly:** I have a question for the minister responsible for the Medicare program.

I note that my compatriots in the world of professional thievery, namely lawyers, have volunteered a ten percent decrease in legal aid fees. Is the government negotiating with the territory's doctors for a similar decrease?

**Hon. Mr. Tracey:** Thank you for the question.

We are beginning negotiations with the doctors. We are certainly requesting that we would like to see them take a reduction in the amount that they get under the medicare program. We would hope, at the very least, that they would hold the line at what they are getting today and not ask for an increase.

I think they recognize the problem that we have in the territory, just as well as the lawyers do, and I am sure that we will be able to make some agreement with the doctors that will be beneficial for everybody in the territory.

#### Question re: West Coast Salmon Fishery Agreement

**Mr. Porter:** I have a question for the Government Leader. At the present time, the Government of Canada is attempting to negotiate a treaty concerning the west coast salmon fishery with the Government of the United States. Has the Government Leader or any member of the government's Cabinet made representation to the Government of Canada as to the inclusion of the Yukon fishery at those talks?

**Hon. Mr. Pearson:** Yes, we have. I hope that we are going to be able to have representation from Yukon at those talks.

**Mr. Porter:** I would like to direct my second supplementary to the Minister of Municipal Affairs. I have never seen a flying fish in

Yukon, but this is remotely connected, as it deals with airports.

It has been the stated intention of this government to turn over the operation of maintenance of airports in Yukon to the local communities, where possible. In the community of Teslin, that had taken place and the process it has taken place under was the tender process. In the community of Ross River, could the minister tell me if that same process was used?

**Hon. Mr. Lang:** Prior to answering that question, I would just like to assure the member opposite that I would not like to have him take credit for the area that I represent being called Porter Creek. Taking that aside, no, the same process was not taken into account. I am going on memory, but my understanding was that there was a number of private as well as community organizations approached and subsequently one was decided upon.

#### Question re: Justice of the Peace appointments

**Mrs. Joe:** I have a question for the minister responsible for justice.

I have information that three women within Whitehorse, and two from outlying communities, I will name them if I have to get an answer back, have been approved by the Justice of the Peace Council for appointment as Justices of the Peace. Can the minister tell us if those appointments have been made?

**Hon. Mr. Ashley:** I am not sure who the member is referring to. There have been a number of JP appointments made. They are made on the basis of need to the community, and they certainly are public announcements when they are made.

**Mrs. Joes:** The communities involved are Mayo and Haines Junction. Have you made any appointments for JP's in those areas who were women?

**Hon. Mr. Ashley:** Yes.

#### Question re: Labour standards

**Mr. McDonald:** I, too, have a question for the Minister of Consumer and Corporate Affairs.

Considering the amount of work done by various committees involved with the labour standards in the past six years, and considering public input at various stages of policy development, is the minister prepared to re-commit the report of the green paper on the *Employment Standards Ordinance* back to the select committee in order to demonstrate to the working people our commitment to basic liveable employment standards?

**Hon. Mr. Ashley:** I am not prepared to commit those papers back to the committee at this time.

**Mr. McDonald:** Another question for the Minister of Consumer and Corporate Affairs.

The government, last spring, prior to the general election, indicated that it was interested in developing a new overall policy for occupational health and safety. Considering that the initiative has already been taken, will the minister commit to the House the continuation of the work of the select committee in this area for the well-being of the Yukon public?

**Hon. Mr. Ashley:** My department is working on it.

**Mr. McDonald:** Considering the increase last spring of one position in the Department of Consumer and Corporate Affairs Occupational Health and Safety to a total of two positions, has the department been conducting any in-house policy development in this area and, if so, when could it be made public?

**Hon. Mr. Ashley:** The department is working on things on an ongoing basis. In the future, when things are completed, and at the right point, they certainly be made public, but not at this point.

#### Question re: Foothills Pipeline

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

Yesterday there was an expression of some surprise and optimism in the Throne Speech regarding the future of the Alaska Gas Pipeline. Since the Government Leader, on March 25th of this year, told the House that the government was very close to reaching an agreement with Foothills "in respect to our costs for the work we have done planning the pipeline and its impact on the territory", can he now report the conclusions of that agreement?

**Hon. Mr. Pearson:** No, regrettably I cannot. I would have been most happy to. What happened was the order by the National Energy Board to pay these monies that was issued to Foothills was rescinded at a subsequent meeting of the National Energy Board, and that order is now being heard again. Again, I want to emphasize that we are confident that we are going to get the money. Foothills is prepared to pay it to us, however, they cannot without that order from the National Energy Board.

The whole thing, I anticipate, will be cleared up within the month.

**Mr. Penikett:** I continue to be fascinated by the National Energy Board procedures.

Could the Government Leader give us now, in advance of the conclusion of the question, some information about the difference between our costs to date on this project and the amount that Foothills may have agreed to pay? What approximate dollar figure is at issue?

**Hon. Mr. Pearson:** There is no money at issue at all. What happened was that we initially put a proposition to Foothills that we had been incurring costs over the long course of this pipeline being built and that really we were a party under the Canada/U.S. agreement that should be allowed to collect back those costs from the proponent. Then those costs automatically get rolled back into what the U.S. user of the pipeline would eventually pay.

These costs only get rolled in if the National Energy Board approves their payment. There has never been any question in respect to dollars. It is the principle that we have been talking about and also the years involved. We have made claim for three years so far. Those are the three years that are being considered at this time. There is not an argument of the number of dollars. I do not know that there ever was an argument in respect to how much money was involved. We have to substantiate our costs, by the Department of Finance, for each of the claims that we have made.

**Mr. Penikett:** There is also the small matter of a \$35 million tax bill, which some had hoped, optimistically, to collect some day from Foothills. Since the Government Leader has previously told us the law will not help us collect this sum, can he now indicate if we stand to receive any money at all from this source, covering the period to the current year.

**Hon. Mr. Pearson:** Mr. Speaker, we are in negotiations with Foothills and the federal government, I might add, at this point, because there are easements that we have given, that they have asked for. And those easements become alienated land, and we feel that we have the right to collect at least some sort of an easement fee.

We have, I think, accepted the fact that we cannot collect taxes on the land until, in fact, it is being used. Until there are taxable improvements to the property, we cannot collect taxes. We have been told that and told that. I think it was a good try and we scared a few people along the way, but I think we have accepted the fact that we are not going to get any taxes until there are improvements.

But in respect to easement fees, that is another question. That is one that was not foreseen when the original agreement was entered into, and we have suggested to the proponents and to the National Energy Board and to the federal government, that it is something that should be considered at this point.

#### Question re: Yukon Housing Corporation

**Mr. Byblow:** This question I will direct to the minister responsible for Yukon Housing Corporation. Very simply, can the minister confirm whether the maintenance budget for government staff housing has been expended, and that no routine maintenance is being done in a number of staff units in outlying communities.

**Hon. Mr. Lang:** Mr. Speaker, in respect to the amount of money allocated to the housing corporation, money is tight. I do not know exactly how much is left. I understand that in the case of the area that the member opposite represents, that we do have, by contract, an individual who does certain maintenance.

There is one area that we are looking at — more preventative maintenance, as opposed to going in when there is an actual problem — and it is one that is under discussion. Hopefully, we can get access to the various monies available both federally and territorially to do further work of a preventative maintenance nature from these make-work programs, which would aid and abet everybody.

**Mr. Byblow:** I cannot disagree with the minister for the need to

institute preventative maintenance programs. But I understand that school staff in my community have been advised by this government that only crisis and emergency maintenance will be done in their units for the rest of this year. So, I suppose it would be logical to ask if it is government policy now to abrogate landlord responsibilities in housing maintenance and thereby precipitate this type of unsatisfactory employee working conditions.

**Hon. Mr. Lang:** I think it is safe to say that I was up in the community of Faro and I did go and see a number of the units that are our responsibility. We have done certain work to some of the units; perhaps more can be done. As I indicated in my earlier answer to the previous question, if we can find more financing, it is our intention to go ahead and do further work, not only there but throughout the territory.

**Mr. Byblow:** I would then like to ask the minister to what extent, if at all, his government has investigated the proposal that has been put forth over the past couple of years to locate qualified residents in communities to look after the maintenance needs of government facilities in total in the outlying communities. I believe it has been proven that this proposal would save substantial amounts of money when you compare it to the present —

**Mr. Speaker:** Order, please. I think the hon. member is now making a speech. Perhaps he could let the question be answered.

**Mr. Byblow:** Certainly, Mr. Speaker.

**Hon. Mr. Lang:** There is no question that, where possible, we try to contract with capable, competent individuals in the various communities and in most cases we have done that. At the same time, we are looking at more coordination between public works and the housing corporation to utilize our man-years from that area, as well.

All I can assure the member opposite is that we are doing the best within the financial capabilities that we are presently faced with.

**Mr. Speaker:** We will now proceed to orders of the day.

#### ORDERS OF THE DAY

**Hon. Mr. Lang:** I am rising in my capacity as House Leader. For members' information, I have had a meeting with the Leader of the Opposition, Mr. Penikett, and have outlined the procedures for this week. It will be my intention to let the members opposite know what the proceedings are going to be a week in advance, at least tentatively, so that we have an idea of what business will take place.

Today, it is our intention to begin with replies to the Speech from the Throne. If, by any chance, there is still time left today, then we would continue with second reading of *An Act to Amend the Partnership Act* and if necessary, go into Committee of the Whole for clause by clause examination.

On Wednesday, we intend to go with further replies to the Speech from the Throne. I will inform the Leader of the Opposition tomorrow morning, but at the present time, it is our intention to go with second reading of the two bills that were tabled earlier today. As well, the Minister of Finance will be delivering the Budget Speech at 7:30 tomorrow evening.

On Thursday, it will be our intention to continue with debate on the budget motion.

**Mr. Speaker:** We will now proceed to address in reply to Speech from the Throne.

#### ADDRESS IN REPLY TO SPEECH FROM THE THRONE

**Mr. Brewster:** I move, seconded by the member for Whitehorse Porter Creek West, that the following address be presented to the Commissioner of Yukon: may it please the Commissioner, we, the Members of the Yukon Legislative Assembly beg leave to offer our humble thanks for the gracious speech which you have addressed to the House.

**Mr. Speaker:** It has been moved by the hon. member for Kluane, seconded by the hon. member for Whitehorse Porter Creek West, that the following address be presented to the Commissioner of Yukon: may it please the Commissioner, we, the Members of the Yukon Legislative Assembly, beg leave to offer our humble thanks for the gracious speech which you have address to the House.

**Mr. Brewster:** Mr. Speaker, fellow members and visitors in the Gallery, I welcome this, my first opportunity to be able to speak to the

members of the Legislative Assembly. First, let me thank the many people of the Kluane riding for choosing me to be the elected representative of one of the most beautiful areas in Canada. The people of Kluane are hard-working individuals and I am proud to be one of them.

As I am a member of the governing party and the customs of this House do not make it easy for a governing MLA to speak, as is in the case of the members of the official opposition, I would like to thank you, Mr. Speaker, for the opportunity to express my views at this time.

I have been entrusted with the confidence of the people of Kluane and it would be an injustice if I did not speak up on their behalf. Believe me when I say that the concerns of the people of Kluane will be known by the Government of Yukon.

Since June, I have entered the world of politics, a world which I have kept at an arm's length all my life and one which I have fought at with all my heart many times. I have learned about the other side of the picture, a view which very few taxpayers and individuals get to see or understand. I hope that during my term of office I can help the citizens, bureaucrats and politicians to understand each other's world and work closer together with one another.

Kluane is a bright spot in the economy of Yukon. Even with the disastrous economic obstacles that face us, especially with the sad state of the mining industry, our area has managed relatively well. With our incredible lakes, fantastic mountain scenery and hospitality, Kluane has the potential to contribute more to the long-term stability of the Yukon economy.

It is my foremost concern to establish this fact as the recognized position of the Government of Yukon. It is a commonly held view in Kluane that ours has been a neglected area of Yukon. I intend to change this view. As tourism is the mainstay of the Kluane economy, the actions of the government in regards to promoting this industry affect us profoundly. The tourism promotion of the Yukon government has been primarily directed to one local theme, that being the Klondike Gold Rush of the Dawson City area. They have done this, I might add, with great success, and I commend them for it.

The Kluane area has one of the greatest natural and historical heritages in the world. I would urge the Government of Canada and Yukon to expand the gold rush promotion to reflect to a greater degree the way it really was. The Kluane region has a rich history of its own that adds to and is part of our gold rush legacy. As early 1892, Jack Dalton travelled to the Indian village of Nisikit and in 1894, he established Dalton Post about one mile from the village.

The Dalton Trail represented the first penetration of White man to the southwestern Yukon. Even though the Chilkoot was the most heavily used route in the Klondike, many fortune seekers preferred the Dalton Trail. Not only was the Kluane area a popular overland route to the Klondike, it was a popular gold area in its own right. Gold work camps were established on Shorty Creek in the early summer of 1898. A trading post was built at Champagne in 1902. By 1903 there were discovery claims on the Fourth of July Creek, Ruby Creek, Kimberly Creek and many other creeks and tributaries.

By September, 1903, there were over 2,000 claims in the Kluane area. In 1905, the Kluane mining district was established in recognition of the scope of the placer mining activity in this region. Silver City had become a thriving community with the Northwest Mounted Police Station, a post office and the other private establishments that were established at this time, the remains of which are a heritage to all Yukoners. Also, in 1905, a road was completed from Silver City to Whitehorse. The Alaska Highway now follows a major portion of this old road.

Kluane prospectors did find gold. In 1910, Louis Jackel arrived in Whitehorse with 220 ounces of gold from Burwash Creek. His daughter and son remain in the district even today. Had it not been for the miles of Yukon wilderness and waterways travelled by the gold seekers of '98, the Klondike gold rush would somehow have lacked its adventurous and romantic spirit.

If asked what the most memorable part of the gold rush experience was, I am certain that most sourdoughs would single out the journey to the gold fields, the journey that took him through the Chilkoot-Carcross area, or the Dalton Trail of my own Kluane region.

Many gold seekers never saw the Klondike, but left a lasting presence throughout the Yukon's other areas. Therefore, I urge the Yukon Government and the Government of Canada to develop a more com-

prehensive tourism strategy, one that includes the whole story, especially the Carcross and Kluane areas.

Kluane was part of the gold rush in its own rights. In addition, the area boasts a rugged beauty surpassed by no other area in Canada. Mount Logan stands as our country's highest mountain. The United Nations has designated our park as a world heritage site. The potential of the area is just coming to light. When I speak of the Kluane area, I mean the whole area, including Beaver Creek, which is often neglected. Kluane is beginning to be known. Tourist registration in Haines Junction increased from 39,928 in 1981 to 49,540 in 1982. I believe the 100,000 mark is well within reach in the next few years. We have yet to attack the tourist potential of this area.

We need to encourage the development of the tourist industry in Yukon. We need to place more emphasis on this subject and as our recent economic woes show us, we need to diversify our economy. This we must do with the utmost enthusiasm. The Yukon needs government policy to encourage its private enterprises to get more involved with tourism. There has to be an effort to show the people of Yukon that we all have an interest in the healthy, thriving tourist industry. Attitudes towards tourism have changed in my area over the past decade but there is still room for improvement throughout the Yukon.

I am not advocating that we abandon the mining industry. Rather, I believe that a diversified economy is an achievable goal and tourism is the most appropriate means to arrive at that goal.

The tourism industry has cushioned the severe blow of the effects that Yukoners have suffered. It appears that the health of the mining industry is still in question and no one really knows when it will completely recover. As a consequence, we must rely on our other economic sectors. We cannot afford to discourage these other sectors at this time, the most important being tourism.

In 1974 and 1975, the Yukon government and the tourist industry learned a valuable lesson. The budget for tourism promotion was cut at that time. Partially, as a result of this, tourism suffered dramatically in Yukon. It was not until 1978, a full three years after the budget cut, that the number of tourists visiting the Yukon surpassed the 1975 level. Tourism is a very competitive industry and the prospect of these revenues has stirred all the provinces and other countries to work hard to win over tourism dollars. For us to cut tourism during these difficult economic times would be cutting off the hand that feeds us.

In light of the fact that the budget cuts in this area can have disastrous effects for many years after, I can only urge our government to give special consideration in this area.

To summarize my feelings on the tourism industry, I believe that there should be a strong emphasis in the form of government policy for the promotion of tourism. This would help diversify our economy and reduce our dependence on the mining sector. I would also work to see a more comprehensive tour promotion strategy, one that builds on the excellent work already done to promote the Klondike gold rush and carries on to communicate even more of the natural splendor and historic significance of all the Yukon.

In addition, I do not believe that it is wise to reduce our tourism promotion program during these times of budget restraints, in light of our past experience in this matter. Tourism seems to be our saving grace.

There are a number of other matters that concern me greatly. I hope to bring a motion regarding federal power subsidies for the highway lodges outside of organized communities to the assembly. I believe that there is an unfairness here and I trust that the official opposition will support this motion. In addition I will be working with my government to have a nurse stationed at Beaver Creek. At present, the nearest nurse in the area is located in Haines Junction, 200 miles away from Beaver Creek. I will be working to achieve a definite commitment in this regard in the near future.

I must speak on one other issue that affects all Yukoners. I am referring to the unacceptable situation at Haines, Alaska. It seems incredible to me that a few people from Skagway can create a situation that causes a three percent increase in the price of food for all Yukoners. It is a peculiar irony when one considers that these people have lived off the Yukon resources and the Yukon people since the days when the railroad was first built. This is a burden that will not be quickly forgotten. If there is no action forthcoming, I must call on my



government to immediately contact the governments of Canada, United States and Alaska, to work together with haste to put an end to this sad situation.

By working towards these goals, I will be acting on behalf of the people of the Yukon. It is the people of Kluane who believed in me and it is these people that I must serve. By serving my constituents well, I feel I will be acting for the well-being of all Yukoners, for the health and prosperity of the economy of the Kluane area will have positive effects that will be felt throughout the Yukon.

I thank you, Mr. Speaker.

**Mr. Byblow:** I rise in debate to this government's Throne Speech with mixed feelings. I firstly would like to say that I agree with much of what the previous speaker had to say about his thoughts on a diversified economy, economic planning and the need for government policy.

However, I had some mixed feelings on the Throne Speech because, while it quite fairly summarizes our territorial economic and social performance this past year, it offers very little in the way of convincing government initiative in commanding leadership of the economy in this time of crisis, and particularly into the long term.

On the one hand, I find reasonable posturing and assessment by this government on some of the economic ills that we are facing. But, at the same time, I am infuriated by the questionable behaviour and actual performance by this government on several aspects of their responsibility. I believe it would be fair to say that the Throne Speech is an age-old Tory line that we are very accustomed to hear. "We favour development. We want investment. And we are going to settle land claims. But those are federal responsibilities."

In fact, like their federal counterparts, this government is more enveloped in blaming and penalizing workers for the economic misfortune of our times, rather than laying the blame squarely where it belongs and doing something about it.

I want to raise a number of concerns to illustrate this. The entire Yukon and probably a good part of the nation, was witness to the elementary exchange between this government and the Minister of Indian and Northern Affairs recently. This is at a time when the Yukon economy is staggering, at a time when federal assistance is absolutely necessary, at a time when Cyprus Anvil, the Yukon's economic corner-stone, needed top-level negotiation to restore its production. And I think it should be said for the record, that it was little effort on the part of this government that brought about the cooperative agreement reached three weeks ago on October 6th between the federal government, the steelworkers, Cyprus Anvil and this government. In fact, it was the initiative of the steelworkers, the Federation of Labour, my party, the federal government, and a few other serious-minded and realistic people, that brought it about. This government was not the catalyst that the government leader would lead us to believe. This government appears to have resigned itself, by that time, to make work projects for the next little while.

While the Speech from the Throne did say that it would not rule out that Cyprus Anvil may reopen before next spring, and I agree with that optimism, I want to bring home another point. The government leader and I began some exchange on this during question period. I believe that this government's suggested offering of \$1,600,000 towards assistance in order to help the mine reopen is nothing short of a token gesture. In fact, it's less than two years' property taxation that this government collects on Cyprus Anvil property. This government even spent half of that amount, three-quarters of a million dollars, on that wonderful, impressive community necessity, the infamous liquor store.

In other words, I am saying that that \$1,600,000 is this government's contribution to restoration of Yukon's economic base. The government leader may not agree, but it has only been recently that this government has been convinced to adopt a position of assistance to the mine in return for a guarantee of reopening. On top of which, in the same breath, this government will issue private vehicles for its ministers, hire outside Tory consultants, continue vast expenditures in relatively unproductive facets of the economy, such as the Dempster highway maintenance for Dome.

I think the problem goes much deeper. This government has a philosophical problem. It is not sure if it believes in wide open private

enterprise, in marketplace control, in a mixed economy, or socialism. So, it chooses a half socialist notion, like taking a 50 percent interest in Yukon Hydro. The irony of the latter is that this investment is one of the most unproductive returns on investment that a government could possibly conceive, especially during a depression that we are now facing.

In the case of Cyprus Anvil, this government had and still has, the opportunity to advance a case for equity participation. As much as the government leader may think that they do not have the money to do that, the factors are in place for the rudiments of a resource corporation, whereby the people of the territory can more directly benefit from resource development and the stage can be set for the long-term planning that we have not seen to date.

In my opinion, it is conclusive that there is no question that this government's handling of the Cyprus situation and scenario was very poor. I believe it would be fair to extend from that and say that if Cyprus Anvil were back in production, much of the economic programming now sought would be unnecessary. But the fact does remain that Yukon has spent its fortunes in good times, has nothing left to influence the hard times and has not planned past the day of spending. We have the factors in place to start doing this planning for the long term and take some charge.

Economic planning in the short term and the long term is more important than ever now. This was a position that I advanced on behalf of my party at each of the economic and tourism conferences held this past summer, initiatives for which I would commend the government as being useful exercises in collectively assembling some of the points of view of the territory, of direction for the future. I am glad also and would commend the government, for some of the initiatives proposed at the economic conference being advanced to the federal level as programs and as policy. My party has always advocated the principal planning and diversification of our economy is in the best interest of Yukon.

The last speaker emphasized that point. This approach has its many benefits, as we lessen our reliance on a single industry operation, as we improve investor climate and as we build a healthier cross-section of community fibre and stability in the areas that the Throne Speech touches on: of transportation, of energy, of tourism, of mining, of forestry, of fishing and particularly the manufacturing sector. Government can and should play a more participatory role and a more leadership role in influencing these facets.

Our party would like to see this encouragement of local markets and a Yukon development corporation could provide the instrument to stimulate that kind of control over harvesting and marketing of our resources that we need. There should be full pursuit of the CYI resource corporation model. There should be immediate stepped-up negotiation on the long-term Cyprus Anvil scenario. In spite of the very negative economic picture presently, we should be striving to that ultimate goal of having some semblance of influence and control over our own regional economy.

Without question, we do need an economic development strategy. Not any type of *ad hocery*, but a long-term planning mechanism involving industry, labour, the consumer and involving all levels of government. Our position is quite clear. We have adopted a Yukon development corporation policy, which provides for the federal, the territorial and community participation with private developers in resource projects. This policy recognizes the constitutional *status quo* and as well, it encourages the Indian involvement in resource properties following a land claims settlement.

The Throne Speech emphasized the various appeals being made by this government to the federal government in the areas of finance, land, tourism and various infrastructure elements, such as transportation and energy. I think why it is imperative that we need federal assistance and we need make-work projects to get us through this winter, I want to emphasize that make-work projects, alone, contribute to a further decline and our efforts must be directed to the long term and not in a stop-gap sense.

Nevertheless, I do want to conclude on an encouraging note. I am glad to see this government proposing a number of ideas that we have previously proposed and encouraged in the past year. The labour intensive capital and public works projects, the small business assistance, the training, the job creation programs and certainly the landlord

tenant legislative improvements. But this government has not mentioned any priority incentives to local manufactures and remains a question to be answered. Certainly, little is offered in the line of offsetting the cost of goods and services in the territory, another area of concern. I think it remains only to be repeated that all effort must be extended to restoring production at the Cyprus Anvil Mine.

Through such an arrangement, we ought to be working towards securing and building on Yukon's long-term future.

**Mr. Phillipsen:** I would like to take this opportunity to address this House today on a number of matters.

The Throne Speech clearly reflects the difficult economic circumstances that we now find ourselves in. At the same time, it makes quite clear the fact that we must go on with the business of governing. We must make every effort to overcome our present dilemma. I am resolved, as was the Speech from the Throne, that we will overcome our current problems and be stronger in the future because of them.

I will be directing much of my effort, in the near future, to act on a number of issues that affect my constituency in particular and the Yukon generally. There are several matters that are of particular significance to my riding and they have general application throughout the Yukon communities. The safety of our school children as they journey to and from school each day is one of my many concerns. An ounce of prevention is worth a pound of cure and there is no better application of this age-old saying than in the case of the safety of our children.

In my constituency, Porter Creek West, there are a number of ways that this safety factor can be upgraded. Given the time and finding the will to accomplish them, there are several pedestrian crossings over the Alaska highway that can be improved. Adults, as well as children, face another hazard as the winter snowfall accumulates on the roadsides. The only practical walkway on some roads is on the road itself, a prospect that increases the potential for accidents as driving conditions are impaired by winter snowfall. There has to be an effort to clear and maintain a pathway in the off-road area for pedestrians, at least along the well-travelled areas. If this is not done, it is only a matter of time before someone is injured.

In addition, I have been working closely with a number of active and community-oriented constituents whose aim is to improve their community and thereby have a healthier living environment. One of the projects that we are now working on is the construction of a bike track for the hundreds of BMX pedal bikers in the Whitehorse area. I am sure that everyone here has seen the need for such a track as they drive through Whitehorse in the summertime and witness our young people racing and jumping their bikes in parking lots, driveways and on the streets. The children have shown us that there is a need for this type of track and the residents of my constituency are willing to provide whatever labour is required. What we need is an area in which to build the track. I will be working to acquire the necessary lands. We plan on turning this area into a community facility that can be enjoyed by all children and parents in the Whitehorse area.

Another matter that has recently come to my attention in my riding, is that I was proud to be able to work on the construction and participate in the opening ceremony of the new Porter Creek Junior Secondary School.

This is a facility that will undoubtedly have benefits to the Yukon, lasting well into the next century. During the opening ceremony, the Minister for Education announced that it was her intention to have the new school used as a community facility, as well as a learning centre. I commend her for that and intend to see that the school is used to its maximum potential by the residents of Porter Creek.

Since the Porter Creek-Crestview area was first opened up to residential housing, there has been an ongoing concern about road conditions in the area without pavement. I have been and will be continuing to work to improve the roads in the area. I have made my thoughts known to all parties involved with the upgrading of these roads and I do believe that my efforts and the efforts of many other concerned government officials, political people and private citizens, will pay off.

I hope to see, in the near future, a test program in the Porter Creek-Crestview area for the application of the bituminous surface treatment. Every report from other areas using this surface treatment indicates that it can be an effective and economical method of impro-

ving road conditions. I believe there is an application in my riding and I feel my constituents welcome any progress in this regard.

I am proud of the general attitude of my constituents. They seem to have a genuine appreciation for the predicament of the government and the economy in general. And they have shown a lot of individual initiative to help us through this winter. I am proud to represent such conscientious constituents.

I am also very concerned and committed to finding a resolution to a number of matters that concern all Yukoners. One of my major concerns and one that is recognized as a priority in the Throne Speech, is the progress that is being made to make land available to all Yukoners. This is a common concern that I hear from Yukoners, no matter what part of the territory I am in.

I am also hearing much about the possibilities for increasing our agricultural production. Farmers need land and I am very pleased the government is going to present a bill regarding the Agricultural Development Council. This action brings us one step closer to a viable agricultural presence in the Yukon. The need for development in this area has been made ever so clear by the recent labour problems in Haines, Alaska. A stronger agricultural base could cushion the negative impact to northern consumers occurrences that are out of our realm of control as a government, such as the labour dispute in Haines, where American unions are able to control the shipment of goods into the Yukon, which I am sure will ultimately cause prices in the Yukon to increase at a time when we can little afford it.

As basic as the question of land is to Yukoners, there is the matter of energy. Since the major oil embargo of 1973, consumers have become more sophisticated in their understanding of energy as a commodity and the many different methods of using and abusing it. What we all agree on is that we must conserve oil. We are told that oil is in short supply. And we must seek alternate means of producing energy. We in Yukon, are made even more conscious of this fact with our harsh northern temperatures, long distances between communities and high-energy costs.

We must examine all the alternate sources of energy. There is little doubt that we have the resources and technology at hand and all that is impeding our progress is NCPC's altering monopoly on electrical production and the objectives of the federal bureaucracy.

MacIntyre 3 is another example of how the maze of bureaucracy can shake the world of private entrepreneurs. Even when a project has been given approval by the Water Board and DIAN, the fisheries department is intervening and I might add, on questionable grounds. We must be aware and guard against severe environmental impact due to ill-conceived energy projects but, at the same time, we must encourage those private developers and government agencies that have sound energy proposals.

I believe private enterprise can produce energy more efficiently than government agencies. Private enterprise is the corner-stone of our democracy and we must allow it to work. We, as Yukoners, do not have to be reminded of the incredible cost overrun of the Aishihik power project that has been proved to be a result of questionable decisions by NCPC, our federally-owned and controlled power broker. Somehow, I feel confident in thinking that the problem of our high-energy cost in Yukon would somehow be resolved if we could get a few of the high-placed Ottawa bureaucrats to pay our monthly power bills for the winter out of their own pockets.

I intend to make a number of proposals in the near future, which I hope will bring some positive changes to our existing system of producing energy. I am certain that the members of the House will be very supportive.

I have long had the realization that Yukon will, at some time, acquire a special geriatric-care home for those seniors who need special attention. That time is quickly approaching. I believe that we should be thinking very seriously about this. I feel that this type of facility will be welcomed by all and will enable Yukoners who wish to stay in Yukon and who would otherwise have required to be cared for elsewhere a chance to remain in Yukon. I will be working for the construction of such a facility, as will a number of other concerned citizens.

On the national front we must press for an amendment to the Canadian Charter of Rights and Freedom to enshrine the right to own property. Without this most basic of human rights our freedom as

individuals is second rate, especially when we compare them with the fundamental rights of our American counterparts. Over the course of the past 14 years, our rights have continually been eroded in a piecemeal fashion. The pendulum has now gone its limits and it is time to direct our attention to basic rights for Canadian citizens. I intend to introduce a motion for debate in this assembly regarding the enshrinement of property rights in the new Canadian Charter of Rights and Freedom. I trust that this will be a welcome endeavour.

In conclusion, I believe that the economic situation that we now find ourselves in will be overcome. As indicated in the Throne Speech, the government is very concerned over the economy. It is also clear that they have not lost their perspective of the other duties of government. There are a number of ongoing challenges that we must address, as well as the present economic situation. I believe that it is my duty to help to maintain the delicate balance between the ongoing and special circumstances. In this pursuit I will be working on the many matters I have mentioned today as well as the economic challenge that now faces us.

Mr. Speaker, I thank you once again for this opportunity to address this honoured assembly.

**Mr. McDonald:** I would like to thank the hon. member, initially, for Porter Creek West for his optimism, as I think it is worthy of praise and an example to be followed. The problems that he outlines, the surfacing of roads, the safety of school children, agricultural policy, energy conservation and geriatric care are concerns, I am sure that we both share. How we achieve more than window dressing in these areas is, I am sure, a concern we both share as well.

I am grateful for this opportunity to speak to fellow legislators after the long and I think, very frustrating sojourn between the sessions. The impotence one feels at not being given the opportunity to act in the face of such a severe economic crisis is at times unbearable. I am determined to ignore the vagaries of the past and I would like to anticipate a more buoyant future.

The people of my riding have been at the forefront of the economic collapse and have demonstrated strength and resilience, qualities which they have always possessed but which were often taken for granted or ignored in better times. Many people from Elsa, for example, have reacted to the economic conditions forced on them and have moved elsewhere in the territory or country looking for work. Those who have demonstrated a special commitment to the Keno-Mayo area have left fully-serviced homes in Elsa and have moved into shacks and cabins in the area, without utilities and many of the basic amenities of life and without, obviously, the comforts and conveniences of city living.

Unemployment throughout the riding is critically high, yet the people stay and dig in for the winter, thereby demonstrating their commitment to the Yukon. Appeals to Yukon to pull together have already met with a positive, somewhat stoical, response by its citizens. They are, however, not afraid nor timid in expressing good, positive criticism of their government's efforts to extricate us all from this economic mess and neither am I afraid nor timid.

You may remember, last session, that I was mildly chastised, perhaps in a friendly manner, by a member opposite for anticipating a bleak, immediate future for my constituency and while I admit the criticism was a bit flat, it did clearly define the dangers inherent in refusing to face reality. For legislators, ignorance is not blissful, it is positively dangerous and irresponsible. I was determined at that point not to join the ranks of what might be considered a burgeoning Yukon ostrich club, but to take a heads-up approach to problem solving. I am happy to see that the government, in its Throne Speech, is gradually coming around to that point of view.

When the layoffs hit the Elsa-Keno-Mayo area, the reaction by the bureaucrats was swift if not that well coordinated. They attempted, as best they could, to engage in crisis management, but soon found, as we all did, that the parameters of existing policy just could not handle the magnitude of the problem. There are simply not enough low-cost housing units in locations where vocational training existed. There were few programs in force that would attract employers to take in extra employees.

Everybody was struggling to survive, and yet the inadequacy of policies were only just being discovered. The residents of the company town, already extremely suspicious of Whitehorse government, disco-

vered that the minimum services provided by government were now threatened. No one expected that company-town status and the lack of government attention over the years, representing, to my mind, one of the most embarrassing injustices in this territory, would be reversed overnight. But equally, they did not expect that the minimal underpinning of government support would be jeopardized.

The government, through the Department of Education, presented a choice for the parents. Either take the school bus service, or take the primary school. Both which recently had been, quite properly, I think, in anyone's view, government responsibilities.

For the parents, the choice was unbearable and unacceptable. They could not allow primary school children, six years and up, to endure the sixty to eighty mile, two and a half hour return ride daily. The Keno-Mayo road is a desolate strip of road, especially since there is now only sparse traffic on it. And any mishap at fifty degrees below zero could quite conceivably be tragic. Neither could they allow the high school students to fend for themselves, should the primary school in Elsa open, thereby closing the bus service from Keno to Mayo. The subsidy, I think a maximum of nine dollars per family, simply would not have been enough to provide reliable transportation. It would have condemned these students to a hardship that would have undoubtedly hurt their academic studies.

The company and I speak of United Keno Mines Limited, already financially crippled, analysed the general priorities and stepped in to provide the government service. And then yesterday, the Throne Speech positively bragged about educational services, and I quote, "Despite the current strained economic circumstances, my government's plans for continuing expansion and upgrading of Yukon's educational facilities are being held well to schedule". And I can assure you that the people of my riding appreciate what is being said here, for when all the rhetorical smoke is cleared, the mining company ends up assuming more responsibility for government services.

Now it is painful to have to admit that it is too late for us to do anything for many of the residents that have left the riding and the territory, yet I do see the opportunity in the weeks ahead to advance the well-being of all Yukoners. There are a number of valuable initiatives, as already stated by the member from Porter Creek West, including agricultural policy, which promotes self-sufficiency and better vocational training, et cetera, and I remain hopeful that we can develop something of substance in these areas and others, and I trust that we can convince the government to deal with areas not yet mentioned.

In summing up, I must say that during my short tenure in this House, I have not only learned to live within the confines of this highly-organized, heavily-regimented legislative forum, but I have also learned to expect little in the way of expeditious and competent problem solving. Now, I am sure the members opposite may immediately count these words as being unnecessarily inflammatory, but they must forgive me, as I have only my experience from which to draw conclusions.

The pressure to lower one's expectations is great. Though, with the prospect of a lengthy session ahead, optimists such as myself can only anticipate great productivity. Because we have more time to deal with issues and to conduct healthy, productive debates on government initiatives, I will keep my reply to the Speech from the Throne as brief as possible. Thank you.

**Mrs. Joe:** Thank you Mr. Speaker for this opportunity to reply to the Speech from the Throne. I would like to make a comment on the speech from the member across the House from Porter Creek. I would commend him on the many things that he has done and is planning on doing in his constituency, and I assure him that I would support him in any of those endeavors in the Yukon.

Since my successful election in June, I have had the chance to deal with some of the problems that my constituents are having during these hard economic times. In some cases the problem can be solved by directing people to the proper channels. In other cases the problems are much more serious and can never be solved until this government accepts the fact that social problems are just as serious as economic ones. I agree with everyone in this House that something has to be done about the economic situation, but I also agree with one of my constituents from the Kwanlin-Dun Band when she said words to this effect, "Now that the middle-class people are having hard times, everyone gets excited and tries to do something about it. We have had hard times

all our lives, and what have they done about us. We have been ignored." I would like to state that we should not ignore the serious social problems that these people have had to live with for many years.

Everyone here is aware of the problem that the people in the shipyard are having with the blockade on their road. To a lot of people here it may not be serious, but to the people who live there, it is a very serious thing. And I think that it is only a matter of time before a life is lost because an ambulance or a fire truck has had to take a long way around. The government has said that they have studied the problem very carefully and under the circumstances, there is nothing they can do. I was not surprised to get that kind of a response. They suggested that the people of the shipyard area hire a lawyer, knowing very well that they cannot afford to pay one. If the situation were reversed and the problem affected people in the middle-class neighbourhood, I can assure this House that the problem would not be ignored.

If the Minister for Municipal Affairs were to study the highways and municipal acts very carefully, I think that he would find that there was a violation of those acts, and I suggest that they be enforced.

Although we are losing a large number of our population because of the work shortage and the high cost of living, we do have a large number of people who are going to stay. They are the people who have settled here and plan to make the Yukon their home. This government should not be offering emergency-type employment to get us through these hard economic times, but should be considering more permanent employment opportunities that will benefit those Yukoners who have no intention of leaving the territory.

Many of you are aware of my concerns about the criminal justice system. I have always believed and still do, that the justice system can be improved. I have seen many people in Yukon's Department of Justice come and go. Some were let go because they tried to change the system and some left in frustration because the bureaucracy did not allow them to make those changes.

Although we still have a long way to go and there are still a great deal of problems, we do have many dedicated people in the department. There is a group of people right now in the court system who have been working very hard to improve the juvenile problem and I commend them for that.

Only yesterday I was up at the jail and was astonished at the changes. I had not heard anything about the improvements that had been made up there and I suspect that it is not a very popular thing to announce to the general public that inmates were being looked after very well. Not only are there structural changes, but there are opportunities for inmates to assist them in their rehabilitation. There are things such as upgrading, arts and crafts on a full-time basis, there are self-help groups and also improved recreation. The changes that I saw are tremendous.

I do not know who was responsible for these things and I do not know where the money came from, but I do believe that a lot of the credit should go to the men who have worked there, namely Phil Durant and Dwayne Nethery, for their imagination and concern for the inmates.

There are still a lot of problems that we do have and I think that we have to consider that we have to have a lot of preventative-type programs to deal with a lot of these problems, but there are some changes that are being made and changes for the better and I am glad to see that those changes are taking place.

Thank you, Mr. Speaker.

**Mr. Kimmerly:** I welcome this opportunity to speak in this Throne Speech debate. I agree with some of the points in the Throne Speech and I disagree with some others. Perhaps, most importantly, I disagree with the overall setting of priorities, with the various points raised, and I am going to speak, probably at some length, about the setting of priorities.

On July 12th, in the previous Throne Speech, the government promised, "a thorough assessment" of Yukon's economic position. The Throne Speech indeed reports on that and the points raised are accurate and of course, I agree with them. However, the Throne Speech, in its first words, talked about a recession, a recession in Canada, in the western world and in Yukon.

I do not agree that we are in a recession, we are in a depression. The economic indicators are clearly worse than they were in the 1930's. It is time that we faced the fact and did not talk about a slowdown. We are

in a depression and there is going to be a fundamental change in the economy of the western world, of Canada and of Yukon.

Looking at the world economic situation, there is a fundamental change in where capital is going. It is going to the third-world countries without proper labour laws and without proper environmental protections. The multi-national corporations are moving capital around, as is their right under the system and the Yukon, being a colonial economy, is suffering. We must recognize these facts and squarely face them.

The result of the thorough assessment that the Yukon government, as stated in the Throne Speech, is this, "Therefore our primary objective at this time is to keep people living and working in Yukon. That is our task and that is our resolve".

I totally agree that it is important to keep people working. I totally agree with that, but it does not go far enough. It is stated in a negative kind of way. Yukon experiences a boom and bust economy. We are now in a bust cycle and we ought to wait it out.

I do not agree that we ought to only wait it out. After the depression, after the fundamental change in the economic order, the economy of Canada and Yukon is going to be fundamentally different than it was in the 1970's.

This is obviously a time of crisis, especially economic crisis. Any time of crisis is a time of rapid change. Any time of rapid change is a time of opportunity. I do not wish to be a pessimist, to talk of doom and gloom, however, we must admit that we are in a time of fundamental change and waiting it out is not good enough.

We must take new initiatives to diversify the economy in order that in the good times in the future, we will be positioned well in the Canadian economy and the world economy, in order to make a maximum benefit.

The Speech from the Throne talks about self-government and the statement is entirely accurate in my view. The statement is, "if ever there was one permanent objective of every government since Yukon was created in 1898, it has been self-government". That is obviously right, and I agree with that as a descriptive statement. In fact, as a general goal in the long term, I would expect all members agree with that statement. However, the statement misses the point to a degree, even though it is an entirely accurate statement.

First of all, the emphasis since 1898, in my view, misses an extremely important part of our heritage. There was indeed a fur-trade economy for a long time, an extremely productive economy before the time of the gold rush and indeed before that a Native-trade economy, albeit small, but existing over centuries. The economy at that time was a Yukon-based self-sufficient economy.

Going on to the point of self-government, the emphasis is on government, or on responsible government. In these economic times, in the depression, we ought to be talking about economic self-government. The important decisions made about the Yukon economy are not made in Yukon. The White Pass railroad is owned by federal industries and the board of directors is in Winnipeg. Cyprus Anvil is owned by Dome Petroleum and the board of directors is in Calgary. The real economic power, the decision makers, are not here. They are outsiders. It ought to be our economic resolve, as well as our political resolve, to bring economic responsibility to the territory. The way to do that is to stand on our own two feet, in Tory terms, to be self-reliant. In NDP terms, we use the term "economic democracy". It is the same fundamental principle.

Our economy is a colonial economy. In economic terms, it is exactly like a third-world country asking for foreign aid. We are asking Ottawa for assistance. Both sides of the House are claiming that it is absolutely essential that federal assistance occurs. We are going to obtain an economic self-reliance, economic self-sufficiency and economic responsibility when we stand on our own two feet and we do not go to daddy for an increase in allowance. We look after it ourselves. That ought to be our long-term objective.

After stating the point very generally, I would like to raise a few specific examples. These are not novel with me. On July 13th, the member for Porter Creek West made comments about striving for economic stability and taking the initiative for economic stability.

I agree with him, I agree with those statements. He also talked about the physical beauty of the territory and tourism. I agree with those statements. The member for Old Crow, on the 13th of July, talked about a local use road in Old Crow for firewood. That is a good

example of the kind of internal planning that we ought to do and the Throne Speech ought to talk about. I agree with those statements.

Today, the member for Kluane talked about diversity in the economy. I agree with those statements. Also, on the 13th of July, the member for Campbell talked about the reliance on mining not being productive exactly at this time and although we ought not to ignore it, we ought to diversify. He talked about a Yukon tannery, in order to facilitate the long-standing, stable fur trade. I agree with those statements.

The member for Mayo talked about the capacity of governments for self-delusion and he talked about it again today. It is not being a pessimist or a doom and gloomer to talk about a depression and a fundamental reorganization of economic activities. We must position ourselves in a newly-organized world economy so that when we negotiate with Dome and the federal government we are in a self-reliant, strong position and a diversified, self-sufficient economy is the only way that we are going to achieve that.

I have questions about the Throne Speech. In July, the Throne Speech talked about the more unfortunate citizens in the territory and yesterday's Throne Speech did not emphasize those people. The minister responsible for social assistance has talked about a review of the program and the policies, or the new policies, under the social assistance program are not announced, and I am extremely interested in what they are.

There is also mention of attendance at the Aboriginal Rights Conference and an invitation by the Yukon Territorial Government to the Council for Yukon Indians to participate. I would ask about the position that the government is going to take at the conference. As it is an aboriginal rights conference, is the government going to advocate the position of the aboriginal people of Yukon, or is it going to advocate some other position. In this assembly, I claim a right to know those things.

In summary, I believe there is a Canadian dream and as a part of the mosaic of the Canadian dream, there is a Yukoner's dream. The government leader is quite right if he talks about self-reliance and independence because I believe that is a part of the Yukoner's dream. We have not been shown the economic leadership to self-reliance and independence in this Throne Speech and for that I criticize the speech.

**Hon. Mrs. Firth:** I move, seconded by the Minister of Municipal and Community Affairs, that debate be now adjourned.

**Mr. Speaker:** It has been moved by the Honourable Minister of Education, seconded by the Honourable Minister of Municipal and Community Affairs, that debate be now adjourned.

*Motion agreed to*

## GOVERNMENT BILLS AND ORDERS

### Bill No. 6: Second Reading

**Mr. Clerk:** Second reading, Bill No. 6, standing in the name of the Honourable Mr. Ashley.

**Hon. Mr. Ashley:** I move, seconded by the Honourable Minister of Health and Human Resources, that Bill No. 6 be now read a second time.

**Mr. Speaker:** It has been moved by the Honourable Minister of Justice, seconded by the Honourable Minister of Health and Human Resources, that Bill No. 6 be now read a second time.

**Hon. Mr. Ashley:** These amendments to the *Partnership Act* are being introduced to bring our legislation up-to-date with that in force in most Canadian jurisdictions. The main change will be to allow Yukon businessmen to take advantage of the tax planning benefits of limited partnerships when securing their business ventures. In turn, this will make equity or venture capital more available to Yukon businesses at a time when such funds are badly needed to stimulate the local economy.

Limited partnerships are provided for in the *Partnership Act* as it now stands but, due to the working of several sections, they are rendered unusable. This is because any change in the membership of a limited partnership under the present act triggers a deemed dissolution of the partnership which, in turn, triggers many adverse income tax consequences. A limited partnership is used, in theory, to bring together a number of equity investors. When they wish to get out of the investment at any time, it is of the utmost importance that there be a

continuity of the existence of the partnership if there is a change of membership. Since there is not now continuity of existence and since the tax consequences of a deemed dissolution are so severe, limited partnerships are not now being used as a method by which to secure business.

By providing for viable limited partnerships within Yukon, there will be available equity funds from investors who might otherwise choose not to invest for the following reasons: One, limited liability exists as with investors in a company. Additionally, two, any losses incurred can be applied proportionately against a limited partner's personal income, which cannot be done if a person invests in a company.

The ability to apply losses against personal income can be the deciding factor for investors when considering a business opportunity. Risky ventures or businesses with a long period to break even are the ones which will be helped the most.

Specifically, I can see tourist-oriented businesses and the mining sector benefiting from this change. In addition, there are extensive revisions and changes to other sections of the *Partnership Act*. When this legislation was originally enacted, it was based on the law as it existed in B.C. The *Yukon Act* received its last major revision in 1977 to bring it up-to-date with the *B.C. Act* which had, at that time, been last amended in 1975. Then, the *B.C. Act* was extensively revised in 1977. These revisions have not yet been incorporated into the *Yukon Act* and they, along with the new partnership provisions, account for the extensive nature of this amending bill.

It is an advantage to Yukon businessmen to have an act which is substantially similar to B.C.'s for the following reasons: One, our legislation was originally based on the *B.C. Act*. Two, many Yukon businesses raise money in B.C. and it is helpful for our businessmen to have B.C. investors comfortable with our law in this area. Three, B.C. businesses can provide services not otherwise available here and Yukon businesses can easily transfer part of their operations to B.C. without undue expense or complicated procedures. Four, forms, procedures and contracts developed in B.C. can be used in confidence in our jurisdiction. Five, principles and statements of law developed in B.C. courts can be used to interpret and apply our legislation.

In summary, these amendments are, for the most part, technical in nature, but apply to an area of law which can be used to the advantage of many Yukon businesses. Our aim, in making them, is to encourage business by creating a climate in which more investment money will be made available to local entrepreneurs.

**Mr. Kimmerly:** I can be very brief. I thank the minister for the accurate explanation of what the act is and what it does. We on this side, agree with the principle of the act. We have some minor questions which will be raised in committee. I would call question.

*Motion agreed to*

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

**Hon. Mr. Lang:** I move, seconded by the Minister of Education, that Mr. Speaker do now leave the Chair and that we resolve into Committee of the Whole.

**Mr. Speaker:** It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Minister of Education, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

*Motion agreed to*

*Mr. Speaker leaves Chair*

## COMMITTEE OF THE WHOLE

**Mr. Chairman:** I call Committee of the Whole to order. Without further ado, I think we are all entitled to a short break.  
*Recess*

**Mr. Chairman:** I call Committee of the Whole to order. We will now deal with Bill Number 6, *An Act to Amend the Partnership Act*. We will go through this bill clause by clause.

*On Clause 1*

**Mr. Kimmerly:** I would ask the minister two questions, one at a time. I note the particular timing of this bill and the coming-into-force date prior to the end of the year. Is there a particular reason that the minister knows about to pass the bill before the end of the calendar

year?

**Hon. Mr. Ashley:** Yes, the reason for putting it into force right away is to help facilitate the raising of funds for the mining companies, or any kind of business venture, so that they can get out and get funds right now.

**Mr. Kimmerly:** As a lawyer, naively, I expect, talk about lawyer's law and people's law and the law is divided into two general areas. Another way to put it is that there is a people law and there is a money law. This is obviously a money law or a lawyer's law.

I would ask the minister, because this is lawyer's law, was there a consultative process in the drafting with the Law Society and other business-oriented groups, for example, the Chamber of Commerce?

**Hon. Mr. Ashley:** Yes, lawyers were consulted in drawing up the draft.

**Mr. Kimmerly:** The answer to the question is a little unclear to me. Does the minister mean that lawyers drew up the bill, which I would expect to be the case, or does the minister mean that the Law Society, or certain lawyers, were consulted about the terms of the bill or the actual provisions of the bill in order to meet the precise need?

**Hon. Mr. Ashley:** Yes, I meant that lawyers outside of government were consulted in the drafting of the bill.

**Mr. Kimmerly:** Which lawyers?

**Some Honourable Member:** What difference does it make?

**Mr. Kimmerly:** The question is which lawyers and a second question, was the Law Society consulted?

**Hon. Mr. Ashley:** One lawyer was Mr. Walters and he is a member of the Yukon Law Society, yes.

*Clause 1 agreed to*

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Clause 8*

*Clause 8 agreed to*

*On Clause 9*

*Clause 9 agreed to*

*On Clause 10*

*Clause 10 agreed to*

*On Clause 11*

*Clause 11 agreed to*

*On Clause 12*

**Mr. Kimmerly:** In clause 12(1), I am interested in the precise change and I am wondering if the minister can give us an explanation as to the necessity of the wording change there and also indicate if the other ordinances in Yukon are going to be similarly changed when talking about incompetent people?

**Hon. Mr. Ashley:** Clause 12(1) gives a better definition, that is all.

**Mr. Kimmerly:** Why is it better?

**Hon. Mr. Ashley:** It is just expressed in more modern-day language.

**Mr. Byblow:** Perhaps I do not have the right copy of the ordinance, but in reference to Section 37.(1)(a), my copy of the ordinance already has in it "to be of permanently unsound mind".

**Hon. Mr. Tracey:** I think if the member reads what the new one says, we are changing the one for the other. We are taking "unsound mind" out and using "mental infirmity".

*Clause 12 agreed to*

*On Clause 13*

*Clause 13 agreed to*

*On Clause 14*

*Clause 14 agreed to*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

**Mr. Chairman:** Due to the length of clause 16, when I refer to debate on sub-sections, I will refer to the clause numbers as found on the pages, even though in fact, it is all part of clause 16.

"Before we clear subsection 77(2), on the last line you will read, "the authority shall be file with it". I believe that should be "filed" and that will be noted as a typographical error.

In subsection 80(2), on the second line, "When any of the members are absent from the place where they carry or intend" should read "When any of the members are absent from the place where they carry on or intend". Agreed?

**Some Members:** Agreed.

**Mr. Kimmerly:** Subsection 88. This is the one section that I have some confusion about, specifically, in the powers of the director. Would the minister inform the House as to the intention of 88(1)(c), and the necessity for subsection (c). Specifically, why is the registrar given the power to deny registration under a name "for any other reason"? That is extremely wide power and would effectively bar any action of a limited partnership to enforce a registration. Why is it made that wide?

**Hon. Mr. Ashley:** I am not really clear on the last part of the question.

**Mr. Kimmerly:** In section 88(1)(c), the registrar is given the power to not register a certificate "for any reason". Why is that power made so general and so broad? What sorts of reasons are contemplated?

**Hon. Mr. Ashley:** I will have to come back with the answer on this one.

**Mr. Kimmerly:** I have another question that, perhaps, the Minister could take notice of, and that is the use of the word "deceiving". This is not an information question, it is a substantive question, in that the law of patents and trademarks, or course, is a very extensive body of law, and the tradenames, company names and partnership names are normally very serious matters for business people to consider. The word "deceiving", especially the phrase "in the opinion of the registrar, is deceiving" is unusual to me. The normal kind of phrase, I believe, involves the similarity of the proposed new name with existing names. For example, if I want to join a partnership and call it "Dome Petroleum partnership", I would probably not be registered, as it is too similar to an existing company, and the similarity and the lack of confusion is the real issue to be gotten at in this section, I believe. The word "deceiving" is a little unusual, and I would ask for an explanation about that.

Perhaps if the Minister is going to take the two questions under advisement, we could skip Section 88 and come back to it another day.

**Mr. Chairman:** Mr. Ashley, do you wish to reply to that, or do you wish Section 88 to be stood over?

**Mr. Ashley:** No I will come back another day with the answer.

*Clause 16 stood over*

*On Clause 17*

*Clause 17 agreed to*

**Hon. Mr. Ashley:** I move progress be reported on Bill Number 6

*Motion agreed to*

**Hon. Mr. Lang:** Mr. Chairman, just as an aside, I trust that all business over the course of the session will be expedited as quickly as this particular bill was.

I would move, Mr. Chairman, that Mr. Speaker do now resume the Chair.

*Motion agreed to*

*Mr. Speaker resumes the Chair*

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

May we have a report from the chairman of committees?

**Mr. Phillipsen:** The committee considered Bill No. 6, *An Act to Amend the Partnership Act*, and directed me to report progress on same.

**Mr. Speaker:** You have heard the report of the chairman of committees. Are you agreed?

**Some members:** Agreed.

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

**Hon. Mr. Lang:** I move that we do now adjourn.

**Mr. Speaker:** It has been moved by the Honourable Minister of Municipal and Community Affairs, seconded by the Honourable Leader of the Opposition, 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 4:28 p.m.*

