

# The Pukon Legislative Assembly

Number 11

2nd Session

25th Legislature

## **HANSARD**

Thursday, November 18, 1982 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

## **Yukon Legislative Assembly**

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake
DEPUTY SPEAKER — Andy Philipsen, 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 Kathle Nukon Hootalingua Old Crow

Andy Philipsen

Whitehorse Porter Creek West

### **OPPOSITION MEMBERS**

#### (New Democratic Party)

**Tony Penikett** 

Whitehorse West

Leader of the Official Opposition

Maurice Byblow

Faro

Margaret Joe Roger Kimmerly Whitehorse North Centre Whitehorse South Centre

Piers McDonald Mayo
Dave Porter Campbell

## (Independent)

**Don Taylor** 

Watson Lake

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 o Whitehorse, Yukon Thursday, November 18, 1982

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

Prayers

#### DAILY ROUTINE

Mr. Speaker: Are there any documents or returns for tabling?

## TABLING OF RETURNS OR DOCUMENTS

Hon. Mr. Lang: I have, for tabling, the Yukon Housing Corporation 1980-81 Annual Report.

Mr. Speaker: Are there any reports of committees?

Reading or receiving of petitions? Are there any introduction of bills?

#### INTRODUCTION OF BILLS

Hon. Mr. Lang: I move, seconded by the hon, member for Porter Creek West, that Bill No. 8, An Act to Amend the Liquor Act, be now introduced and read a first time.

Mr. Speaker: It has been moved by the hon. Minister of Municipal and Community Affairs, seconded by the hon, member for Whitehorse Porter Creek West, that a bill entitled An Act to Amend the Liquor Act, be now introduced and read a first time. Motion agreed to

Mr. Speaker: Are there any further bills for introduction? Are there any notices of motion for the production of papers? Notices of motion? Statements by ministers? This then brings us to the question period.

#### **OUESTION PERIOD**

## 02 Question re: General Equivalency Diploma program

Mr. Byblow: In the absence of the government leader, to whom I had intended to direct my first question, I will defer to a question I have for the Minister of Education, on the subject of the GED program for high school equivalency. This is a very popular program, lately, as people upgrade their skills to compete for the scarce jobs. The vocational school recently filled two GED classes and had to turn away applicants due to lack of space. Could I ask the minister if she is aware of this situation and will she increase the number of GED spaces available in order to meet the demand?

Hon. Mrs. Firth: Yes, I am aware of it. We have not been turning away applicants, so to speak. We have been keeping these applications on file and when we have enough to form another class, we will start another class.

Mr. Byblow: I thank the minister for that assurance and note that the popularity of the GED program, in part, relates to the performance of our high school system. Today's GED students, in most instances, are yesterday's high school drop-outs.

Has the minister's department made any study of the reasons that GED students and other upgrading students originally dropped out of school? Has there been any study done to determine why there seems to be such a high school system failure rate to keep these students in school until graduation?

103 Hon. Mrs. Firth: I do not know if the member opposite is being entirely accurate in saying that these classes are made up mostly of high school drop-out students. I have not had any indication of that. However, it could be correct, if the member has done some research on it. The department is researching that. We are doing some statistics as to who is enrolling in these upgrading classes.

As far as our drop-out statistics, I have had the department do an update on them because I was unclear as to how we were comparing with the other provinces, and particularly B.C., which is the curriculum we follow here in Yukon. And in fact, our graduation percentage is increasing and has increased over the last year. In 1981, we had 72.5 percent of the total enrolment for grade 12 graduate, and in 1982, we had 77.25 percent graduate, so, in fact, the graduation level is going up, which indicates that the drop-out rate is decreasing.

Mr. Byblow: It may have tremendous bearing on those statistics when one compares them against the enrolment as opposed to the ones who are not in school because they have dropped out.

I would like to raise the point with the minister of the different basic goals between vocational schools and high schools.

Mr. Speaker: Order please, is the hon. member now entering into a debate, or does the hon, member have a question? Will he please get to his final supplementary question.

Mr. Byblow: Certainly, Mr. Speaker. I understand that the vocational school often has to supply upgrading to the graduates or to the students that come to the high school. I would ask the minister if she is aware of this situation and could she indicate what steps her department is taking or is planning to take to co-ordinate the education system more completely so that the elementary and the high school students are prepared for the training programs and upgrading that is put on in the vocational school?

Hon. Mrs. Firth: This is part of the evaluation and assessment we are doing of the students who are taking the upgrading courses. Again the member is not making an accurate statement when he says that the majority of the students taking the course are from Yukon schools. A lot of these students are from schools from other parts of Canada and they are individuals who have moved to Yukon and have to upgrade their education, perhaps when they cannot find a job. I want to reassure the member that we are studying it and when we have some concrete information he will be the first to know.

## Question re: Yukon Housing Corporation

Mr. Kimmerly: I have a question for the minister responsible for the Yukon Housing Corporation. As the minister is aware, the federal program for installing insulation and wood stoves applies to community and public housing. Is there a Yukon program underway to take advantage of this program?

Hon. Mr. Lang: I will have to take notice of the preamble that the member gave prior to his question. The insulation program, CHIP program, applies to the housing corporation as well as the insulation for the purpose of alternate energy sources, such as wood stoves. I am not sure whether or not they apply to our units. I know we have a number of programs, but I do not believe they are cost-shared or totally funded by the federal government. I will have to take notice.

Mr. Kimmerly: I thank the minister for looking into it and I would also advise that the previous minister looked into it. In fact it is found on page 271 of the 1981 Hansard.

os The previous minister spoke of a policy of allowing individuals to take advantage of the program. Will the minister also look into the possibility of a general program for the advantage of the Yukon taxpayer?

Hon. Mr. Lang: I do know that both the insulation program and the alternate energy program, by the Government of Canada, is available to private owners.

Mr. Kimmerly: A fuel quota system was previously talked about. Is there a plan for a fuel quota system in the minister's department for this winter?

Hon. Mr. Lang: I do know that, wherever possible, it is the policy of the housing corporation to get those people who are utilizing housing paid by the taxpayer of the territory, where possible, responsible for the consumption of fuel and lights. Wherever possible, we will be moving in that direction because it promotes one of our aims, which I am sure the member shares, and that is conservation of energy.

## Question re: Department of Renewable Resources

Mr. Porter: My question is for the Minister of Renewable Resources. Last week, and earlier this week, the minister was asked questions about vacancies within his department. I would like to know if the minister can answer those question now? Can he tell us exactly how many vacancies exist and where do they exist?

Hon. Mr. Tracey: We have three vacancies that we are attempting to fill: one in Dawson City, one in Ross River and one in Mayo.

Mr. Porter: The idea of a public inquiry into his department has recently been put forth by private citizens. Can the minister tell us when that inquiry will commence?

Hon. Mr. Tracey: There will be no public inquiry. I do not believe that there is a necessity for a public inquiry. Any complaints that anyone has about my department, can be brought to me and they will be investigated.

Mr. Porter: It has been reported that there continues to exist within his department a great deal of dissatisfaction. Can the minister inform the House as to how he is dealing with the morale problem in his department?

Mr. Tracey: No, that is only conjecture on the member's part.

#### Speaker's Ruling

Mr. Speaker: I would caution members. There has been, in the last number of days, the problem arising on both sides of the House, first on the length of replies being given by the government benches and to the nature of questions being raised by the opposition benches. It would appear to the Chair that if the questions could be phrased very briefly, concisely and not demand an answer of any great length, it would be better and would encourage the question period to go on in the way it is designed to operate. If lengthy answers are required, perhaps written questions may be the answer, or if debate is required, substantive motions could be raised under the order paper.

## Question re: Video display terminals

Mrs. Joe: I have a question for the Minister of Consumer and Corporate Affairs. Recent scientific studies on video display terminals have shown potentially harmful effects on users. Considering the growing use of word processors and mini-computers in the work place, is the government prepared to adopt standards to protect workers operating VDTs?

Hon. Mr. Ashley: We are keeping an eye on, and researching, that.

Mrs. Joe: Is the minister aware that radiation from VDT may be particularly dangerous to pregnant women, and that it may cause birth defects?

Hon. Mr. Ashley: I, personally, have no proof of that yet, but, like I said, the departments are monitoring it.

Mrs. Joe: Since the department is monitoring the situation, will they then assure that there will be standards set governing their use?

Hon. Mr. Ashley: If it is required, yes, there will be.

#### Question re: Industrial relations

Mr. McDonald: I have a question which is quite short and should warm the cockles of everybody's heart. Could the minister tell the House whether his department has investigated the possibility of introducing an industrial relations act for Yukon?

Hon. Mr. Ashley: I guess that question is directed at me. It is a possibility, but we will not get it at this session, that is for sure.

Mr. McDonald: To the Minister of Consumer and Corporate Affairs, again. If the minister wishes to be a little more expansive I, for one, would not object. Can the minister tell us whether the government believes that a labour code is feasible and will recommend it for Yukon?

Mr. Speaker: If the honourable member is asking an opinion of the minister, that would be quite out of order. Would the honourable member care to rephrase his question?

Mr. McDonald: I did ask whether or not the government's policy is that a labour code is feasible and recommended for Yukon.

Hon. Mr. Ashley: A labour code in industrial relations? I am not totally sure what the member wants.

Mr. Speaker: I am afraid the Chair cannot understand the question, as well.

Mr. Penikett: Mr. Speaker, I can understand the question. It is the simpliest question that could...

Mr. Speaker: Order, please.

mr. McDonald: Given the current situation at Cyprus Anvil and their dependence on the efforts of the federal conciliation services, is the minister prepared to introduce legislation providing for local conciliation to expedite the resolution of industrial disputes?

Hon. Mr. Ashley: No, it is not feasible.

#### Question re: White Pass and Yukon Railroad

Mr. Penikett: I have a question for the government leader. In 1981 the Government of Yukon agreed to lend \$1,000,000 to White Pass and Yukon Railroad yet I note in that company's 1981 annual report it shows only as a \$500,000 long term debt. Could I ask the government leader, what is the status of this loan?

Hon. Mr. Pearson: If my recollection is correct at the end of 1981 we had only forwarded to them \$500,000. Since that time, we have, needless to say, loaned them the remainder of the money. I will bring to the House an opinion by our finance department on the status of that loan as early as I have it. I have requested such an opinion from the department.

Mr. Penikett: I thank the government leader. The winter shutdown of the railroad may have raised some questions about the line's future and the security of our loan. Since the annual report of White Pass refers to these specific securities, but does not specify what the security is, exactly in what form is the security held by this government and in the worst possible case what we get if there was a default?

Hon. Mr. Pearson: That is the very kind of information that I will be tabling in the House.

Mr. Penikett: Since the House voted a couple of years ago for full disclosure in return for financial assistance to the railroad, I would ask the government leader what reports will be tabled in this House by, or on behalf of, the Yukon government's director on the board of the railroad?

Hon. Mr. Pearson: I will take notice of that.

## Question re: Yukon Hydro

Mr. Byblow: I have a very precise question for the government leader with a short preamble. In 1981 Yukon Hydro showed the full tax earnings of \$266,000 on a gross revenue of just under \$400,000, permitting a \$125,000 dividend to shareholders. Can the government leader tell the House how the Electrical Public Utilities Board and Cabinet protect the interests of consumers when it allows this unusually high margin of profit in a regulated utility?

<sup>108</sup> Hon. Mr. Pearson: By legislation, the Electrical Public Utility Board reports to this House once a year, and all of its decisions and actions in respect to Yukon Hydro are listed in that report.

Mr. Byblow: But the government leader has not answered why regulated utilities still is permitted that high margin of profit. Is the government leader perhaps not concerned also with the unusual situation of two utility companies with similar boards of directors, one company profiting highly from the sales of its electricity to another?

Hon. Mr. Pearson: No, frankly, I do not have any concern that Yukon Hydro and Yukon Electric have boards that consist of the same people. In respect to the Yukon Electrical and Public Utilities Board, the information that the member requests is public information. It is published in a report that has been tabled in this House. And that is about all I can tell him about that.

Mr. Byblow: The government leader assured me that the interests of Yukon consumers would be protected by the utilities board when I raised the question in the past. Could the government leader, if he can, state categorically that his government's interest in Yukon Hydro is not to protect the market position of Yukon Electric?

Hon. Mr. Pearson: I think that he was asking me to state that our interest in Yukon Hydro is not to protect Yukon Electric? Their market position? I can state that, categorically, without any question, that our interest in Yukon Hydro is exactly as I stated previously in this House. It is on behalf of the taxpayers and the

users of electricity in the territory.

#### Question re: Legal aid

Mr. Kimmerly: A question for the Minister of Justice about the legal aid plan. In view of the ten percent cut lawyers have now taken, will the minister assure the House that there is not and there will not be in the immediate future any cut in the scope of the legal aid plan?

Hon. Mr. Ashley: No, I will not confirm that. Most likely there will be.

Mr. Kimmerly: Will the minister assure us that the policy of assisting qualified applicants in the criminal area who, if convicted, could go to jail, will continue?

Hon. Mr. Ashley: I would have to change legislation to change that

Mr. Kimmerly: Can the minister say whether or not the role of the native court workers involvement in the legal aid plan is changed in any way?

Mr. Ashley: No, not to my knowledge.

#### Question re: North coast

Mr. Porter: Once again, a question for the Minister of Renewable Resources. Yesterday, during debate concerning the development of the Yukon's north coast, the minister stated that his government favoured a decision of an area of the north coast to be designated as a national park in which no hunting or trapping was to occur. Does this mean native hunting and trapping?

Hon. Mr. Tracey: Yes, it means native hunting and trapping. After the land claims are settled, as all members of this legislature are aware, the Indian people have agreed to come under the general laws of application. If that means no trapping in a national park, that is exactly what it means. It affects everybody.

Mr. Porter: Were there any consultations with the people of Old Crow on this decision?

Hon. Mr. Tracey: No. There is no decision.

Mr. Porter: Can the minister tell the House that the position taken by him just now is the same position taken by this government at the land claims negotiations?

Hon. Mr. Tracey: I am not a party to the land claims negotiations so I could not assure the member of that.

#### Question re: Women's Bureau

Mrs. Joe: I have a question for the minister responsible for the Women's Bureau. I understand that a research project was under way last year on the participation of women on the Yukon labour market. Can the minister tell us if that project was completed?

Hon. Mr. Ashley: That was not to do with the government, it was to do with the total Yukon labour market.

Mrs. Joe: Last year there was an announcement, by the government, that there was a research project on the participation of women in the Yukon labour market and I wanted to know whether or not that project was completed.

Hon. Mr. Ashley: I will have to get back to the member on that.

Mrs. Joe: I would give notice of other questions. If the project is still under way, I would like to know at what stage it is and also who is doing it.

#### Question re: Agriculture

Mr. McDonald: I have a question for the minister responsible for the agricultural policy.

On November 15th, the government leader said that he did not know, and was not really interested in, whether Yukon's agricultural policy would be sufficient for the federal government to hand over land suitable for agriculture. Has the government requested that federal officials declare whether this policy will be a sufficient requisite for the handing over of agricultural land?

in Hon. Mr. Lang: Applications on federal lands are under review and we will find out, at a given point in time, when we give our approval, to see whether the Government of Canada is going to approve, as well.

Mr. McDonald: Is the Government of Yukon asking federal

officials to develop an inventory of agricultural land in the territory?

Hon. Mr. Lang: There has been some inventory done. It is hoped that the land use planning capabilities that we would like to have within government — and I understand the legislation will be coming forward over the course of this session — would provide some method of identification. At the present time, the policy is for the individual to identify the land, justify to the Agriculture Development Council that it can and will be agriculturally feasible, and then the application is reviewed.

Mr. McDonald: I was speaking specifically of lands currently under federal jurisdiction.

Has the government studied specific land use conflicts, such as agriculture and wildlife and, if so, will the minister agree to table these studies in the House?

Hon. Mr. Lang: I will provide the member with a copy of the Peake Report, which was done a number of years ago in conjunction, I believe, with the Government of Canada. It is available for public consumption.

Respecting further identification by this government, I think I outlined what this policy is at the present time.

## Question re: House business

Mr. Penikett: I have a routine question for the government house leader concerning the other side's intentions for House business next week.

Hon. Mr. Lang: We intend to continue on with the budget and, hopefully, with the concurrence of the other side, perhaps the financial aspect of the budget could be finished by Monday. We would intend some time next week to go to second reading on the various bills that are at the first reading stage and continue with those in committee.

Mr. Penikett: I might be prepared to promise the minister Monday, but I cannot say which Monday.

I would like to ask if he could just indicate if it is the government's intention at this point to give second reading to any bills other than he named and if he can anticipate further whether any of the other items standing ready for committee will be referred next week to interrupt the budget estimates debate?

Hon. Mr. Lang: It is not our intention to interrupt the budget debate in committee. I indicated to the member opposite that we would be proceeding with second reading of the various bills that are on the order paper, along with the one that was introduced today.

Mr. Penikett: I wonder if the government house leader could indicate to us what his plans are at this point, in respect to the introduction of the capital budget?

Hon. Mr. Lang: It is presently under review and, once it is prepared, a decision will be made when it should be tabled.

#### Question re: Cyprus Anvil Mine

Mr. Byblow: I have a question for the government leader. In this government's monitoring of the Cyprus Anvil situation, particularly in respect to any aid consideration for the company, has this government had, or did it ask for, access to the company's books?

Hon. Mr. Pearson: I do not believe we have had access to their books, nor do I think we asked for access to their books. The Government of Canada may well have done so, but I do not know.

Mr. Byblow: The government leader said yesterday that a federal decision was made preventing the filtering down of any of the Dome aid package by the feds to Cyprus Anvil. What reasons was the government leader given for this decision?

Hon. Mr. Pearson: At the time, it was suggested that this wrinkle — and that is what it was referred to as — could cause some further delay in a decision being taken in respect to Dome. That was the major reason that Cyprus Anvil was not rolled into the Dome benefit package.

Mr. Byblow: Given the reported improved financial picture of Dome in its third quarter — that is, this year — is the government leader going to now make any further personal representation to Dome in an effort to persuade it to do the responsible thing for

Yukon, and that is, namely, get that mine back in operation? Hon. Mr. Pearson: I am able to contact Dome's officials at a moment's notice. Certainly, I am quite prepared to call once again and talk to their officials. However, it would seem at the present time they have applied for conciliation and that is the route they are bound on.

## Question re: Police Services Agreement

Mr. Kimmerly: I have a question for the Minister of Justice about the police services agreement. In the course of negotiation on the agreement, did the subject of foot patrols in downtown Whitehorse come up and did the government express a position on the topic?

Hon. Mr. Ashley: That sort of thing is not actually part of the police services agreement. The agreement is between Ottawa and ourselves. It has been discussed between me and Harry Nixon and the department. Yes, they know my concerns on that.

Mr. Kimmerly: What is the government's position on foot patrols in downtown Whitehorse?

12 Hon. Mr. Ashley: The RCMP, if they can do it, will do it. They are short staffed, in actual fact, for their case-loads, and they know my concerns on it.

Mr. Kimmerly: Would the minister clearly state if it is the government's position that foot patrols in downtown Whitehorse ought to be established, cost permitting?

Hon. Mr. Ashley: Yes, as long as the dollars are there to pay for them.

## Question re: Native hunting and fishing rights

Mr. Porter: This is for the Minister of Renewable Resources regarding the minister's response to my previous question. I would like to say that if the minister had Pinnochio's nose, it would be so long that 500 Yukon ravens could roost on it.

I would like to ask the minister, again, to inform this House as to whether or not his government's position on native hunting and trapping rights in the proposed national park in the north coast is any different than those taken at the land claims negotiating table?

Hon. Mr. Tracey: The member across the floor knows perfectly well that it is an obligation of this government not to speak about what is taking place in the land claims negotiations. There will never be, from this side of the floor, any mention of what is taking place during the negotiations. If the member across the floor wants to stand up and say what is going on, that is perfectly within his right.

## Question re: Venus Mines

Mr. Penikett: A simple, quick easy question for the government leader. On November 8th, I questioned him about the basis for his assumption of an economic recovery in the spring of 1983. The minister stated at that time that he expected the Venus Mines to start operations this spring. Could the government leader share with us the source of his information?

Hon. Mr. Pearson: I am surprised that the leader of the opposition is not aware of the fact that United Keno Hill Mines spent some \$7,000,000 last year developing and putting into place a new mill process for Venus Mines and then decided, in the fall, that because of the price of gold at that point in time, it was not feasible for them to open. Since then, the price has gone up dramatically, as I am sure the leader of the opposition is aware, and I would anticipate that the price is at a level now that the operators of Venus will find it advantageous to open that property.

Mr. Penikett: On November 15th, Chris Cowan, speaking as president of United Keno Hill Mines, stated, "we certainly have no plans related to Venus Mines". I would ask the government leader again, what other information, other than the price of gold, is he basing his prediction about the reopening of that mine?

Hon. Mr. Pearson: I just told the hon. member what my information was. He is insisting now that I have to have other information? I disagree with him.

### Question re: Police Services

Mr. Kimmerly: A question to the Minister of Justice again

about police services. A very simple question, probably requiring a yes or no answer. Is there a government position on the need for an independent police commission?

Hon. Mr. Ashley: It will take a lot more than a yes or no for that. I have written a letter, actually, to the Solicitor-General, and certainly we are in favour of having a police commission. But it is not a fact, as the member should know. It has been ruled out in both Ontario and Alberta in the Supreme Court. The battle has been fought and lost.

Mr. Kimmerly: I take the answer to my question to be yes, there is a position and it is favourable. Did the question of an independent police commission come up at the recent negotiations of the police services agreement?

Hon. Mr. Ashley: The police services agreement has not been signed yet. So the negotiations are still going on, but that is not part of them, no.

Mr. Kimmerly: Is it the minister's intention to bring up the topic at the negotiations that are ongoing?

Hon. Mr. Ashley: There is federal legislation now that if there is a federal police commission, and if it is held in the Yukon, then we will have somebody appointed to that.

## Question re: Agricultural land

Mr. McDonald: A question for the government leader. Can the government leader tell us if he has requested the block transfer of agricultural land from the federal government, or if the transfer should occur in small sections as requested by individuals?

Hon. Mr. Lang: That question is better addressed to myself. We have not applied for large blocks of land. It is basically going to be on an area-by-area basis, as individuals identify the areas that they feel are capable of agricultural endeavors. If we concur, subsequently we would apply for the block land transfer.

Mr. Speaker: If there be no further questions we will now proceed to orders of the day.

Hon. Mr. Pearson: I am sorry, but before we leave daily routine, could I request the unanimous consent of the House to revert to the tabling of returns and documents. I do have rather important documents that I would like to table today if I possibly can.

14 Mr. Speaker: Is the House agreed?

Some Members: Agreed. Mr. Speaker: Proceed.

## TABLING OF DOCUMENTS

Hon. Mr. Pearson: I have for tabling the Territorial Accounts for 1981-82. I wish to point out that, included in this document, are the Auditor-General's reports for the Government of Yukon, Yukon Housing Corporation, Yukon Liquor Corporation, and the Yukon Workers' Compensation Fund.

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

## ORDERS OF THE DAY

Mr. Speaker: May I have your further pleasure?

Hon. Mr. Lang: I would move, seconded by the member for Whitehorse Porter Creek West, that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole.

Mr. Speaker: It has been moved by the honourable Minister of Municipal and Community Affairs, seconded by the honourable member for Whitehorse Porter Creek West, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

Mr. Speaker leaves the Chair

#### COMMITTEE OF THE WHOLE

Mr. Chairman: I will call Committee of the Whole to order. We will now have a short break.

Recess

s Mr. Chairman: I will now call Committee of the Whole to order. We will continue with the Department of Economic Development and Intergovernmental Relations.

Administration — continued

Mr. Byblow: I have just a couple of little questions left. Can the government leader tell me if there is any current activity in the Kotaneelee fields with respect to exploration work?

Hon. Mr. Pearson: I am not aware of any exploration work that is going on there now. Of course, the honourable member is aware that gas is being exported from that field to British Columbia at this point.

Mr. Byblow: Is it being piped out to the coast through a pipeline or is there some shipping taking place?

Hon. Mr. Pearson: No, it is being piped to Fort Nelson. Mr. Byblow: I realize it is just an insignificant amount, but why do we have a transfer payment in this particular branch?

Hon. Mr. Pearson: The funding identified in the \$3,000 was for a grant to the Highland Games for this fiscal year and, in order to accommodate this grant, research funding was reduced. Next year, the money will be allocated, once again, for the research budget.

Administration in the amount of \$430,000 agreed to

On Special Programs

Hon. Mr. Pearson: The special programs branch is responsible for the development and implementation of energy policy, planning and programs and the implementation of the Canada-Yukon Special ARDA Program.

In the field of energy, the staff of this branch is involved in the development of an energy policy for Yukon, as well as implementing two existing energy programs that are funded through Canada-Yukon cost-shared agreements. Two cost-shared programs are the Conservation and Renewable Energy Demonstration Agreement and the Energy Conservation Incentive Agreement.

This branch also acts as the co-ordinating agency for energy programs within this government.

The Canada-Yukon Special ARDA Agreement is aimed at enhancing the economic opportunities of Yukon's native people. The operation and maintenance costs and the grant components of the three cost-shared agreements appear in the capital estimates and, consequently, do not appear in the budget we are discussing today.

16 Mr. Byblow: That last piece of information accounts for the absence of a lot of money that would normally be applied here.

I recall there being some debate surrounding the special ARDA agreement earlier in the year. It seems to me that there was some delay in process, regardless of the reasons for it. Has there been a change in the policy or in the criteria or in the guidelines relative to the distribution of funding under that program?

Hon. Mr. Pearson: No, in fact there was absolutely no change in anything at all. The delay was one in respect to signing authorities. It was, to all intents and purposes, although politicians were involved, a bureaucratic type of delay. It had nothing to do with the policy of the programs at all.

Mr. Byblow: I recall some previous debates, perhaps with the previous minister for economic development, that there was some intention to explore changing the guidelines for the eligibility for projects under this program. Has that been pursued and is it still being pursued and does the government leader anticipate that this program may change in that respect?

Hon. Mr. Pearson: Yes, it was pursued, and I do not anticipate that this program is going to be changed. I would respectfully suggest that what we have to look at is our new economic development agreement that we are presently negotiating with the Government of Canada.

Special Programs in the amount of \$81,000 agreed to

On Economic Research and Planning

Hon. Mr. Pearson: The economic research and planning branch undertakes research, planning and policy formulation on all matters pertaining to the economic development of Yukon. In addition, the branch provides a statistical information service and a research library for the government, the private sector and the public.

Overall, the gross budget for the branch is reduced by 17 percent, from \$380,000 in 1981-82 to \$328,000 in 1982-83. The large reduction over previous years reflects the Government of Yukon's policy of restraint where this branch had its staff reduced by one vacant person-year in April of this year, and the transfer of the research budget from this branch to the administrative branch.

Mr. Byblow: Just a general question to begin with. In a sense it picks up from some of the discussion yesterday, and I certainly do not want to pursue the kind of detail that was pursued yesterday. I will be looking forward to the information that I understand is forthcoming.

Relative to the usefulness of the information compiled by the branch in terms of how soon it is available to the government or to the public or to the firms seeking the information. Now, I know for a fact that I just received my economic review for the second quarter, which is now three or four months since the closing of that period. Can the government leader indicate firstly how expeditious the ERPU preparation is to this government and, secondly, is there an ability to improve the speed at which this information is available to the public, which would include us.

Hon. Mr. Pearson: I would like to respectfully suggest that there is a direct correlation between the amount of money that we, as a government, are prepared to spend getting the information available for the public and for our own use, to the amount of time that it is going to take to get it there. As I explained when we last sat, restraint and our restraint program, has caused delays. We are cognizant of those delays and we are hopeful that we can overcome them in the very near future. But there is absolutely no doubt about it, all that is required to speed up the process is money.

<sup>17</sup> Mr. Byblow: I can appreciate that. I do not think I picked anything up during the government leader's opening remarks on this portion of the vote. Could he explain the \$17,000 relative to the small business loans?

Hon. Mr. Pearson: That money was provided for the two positions that were approved, but were not filled, pending a decision by the Government of Canada and ourselves on an agreement that small business loans would be transferred to the territory. As I have explained in the House, small business loans are not going to transfer to the territory. The emphasis has now been put on the negotiation of the new development agreement. That is the reason the Government of Canada has given us for not transferring the small business loans to Yukon. We provided two man-years, initially, in the estimates for small business loans on the assumption that it was going to transfer, because we had every indication that it was. We have not filled those positions.

Mr. Byblow: I guess I am little confused in trying to relate the amount to what the government leader was talking about. Under the expenditure portion there is a \$17,000 item. The government leader indicates that is some advance, I would assume, because it could not pay the positions of two people. I guess because I do not understand how \$17,000 may relate to two positions is the reason I am in something of a quandary.

I would like to pursue another matter a little further. As I recollect, there was a loans program operated by this government at one time a number of years ago. Because loans being what they are, borrowings over time, the administration of those loans carries on into the years forward. I also note that there is in the telephone directory a small business loans number. When you call, they advise you that they no longer handle it. Is there still some connection from the old days in the loans program that at one time was delivered and is no longer? And if the government leader has the information on what that \$17,000 really means perhaps he could answer that too.

18 Hon. Mr. Pearson: The small business loan fund that existed originally in this territory for some length of time, was stopped about 1977. There have not been any loans made since that time. It was a decision of the government of the day, after some urging from the board that was in place at the time, that no more loans be made, primarily because of the limits that had been put on the loans

by the federal government. Negotiations started at that time about changing the limits. There have been no other loans made since that time.

This government is still involved, though, in collecting, on behalf of the Government of Canada, for those loans that were made. You will see an item in our budget, periodically, when bad ones have to be written off. On the whole, all of those loans are being repaid now. The collection agency is the Department of Finance.

I am told that this \$17,000 was identified for meetings that were held. Money has been spent. Trips that have been taken to Ottawa to negotiate the transfer of the small business loan fund to Yukon which, as I said before, has not happened as a result of the new economic development agreement. The \$17,000 was actually spent in the process of trying to get small business loans transferred back to Yukon.

Mr. Byblow: I just want one bit of clarification relative to the negotiations taking place on this economic development agreement. Is that the child, or the follow-up, to the former tourism agreement? In previous debates we talked about the \$6,000,000 expiring March 31, 1982, carried over for one additional year to finish up the projects. In previous debates we talked about extending that particular funding. We have now introduced this \$4,000,000 that we know sits in Indian Affairs from a previously intended small business loans program. We are now talking about a \$2,000,000 economic development program. I just want a connection between all of this.

Hon. Mr. Pearson: It is highly likely, and may be, that that approximate \$4,000,000 which is now sitting to our credit for small business loans in Ottawa might be rolled into an economic development agreement for Yukon. I would strongly suspect that that may well happen and may be the nucleus of an economic development agreement for Yukon. We anticipate that such an agreement will be in the magnitude of \$25,000,000.

The Tourism Subsidiary Agreement is something entirely different, and you will be hearing about that, I am confident, from the Minister of Tourism when we come to her budget. That particular agreement is a different one.

Economic Research and Planning, in the amount of \$311,000, agreed to

On Small Business Loans

Small Business Loans, in the amount of \$17,000, agreed to On Sub-total

Department of Economic Development and Intergovernmental Relations in the amount of \$328,000 agreed to

#### On Land Claims

Mr. Kimmerly: Before the government leader introduces the topic, if he is intending to, perhaps I can state some general questions. The statement was previously made that it is expected or hoped that the negotiation process will be over at the end of the calendar year. I would like to ask about the budgetary projections after that period, if any.

I am interested in the change of the status of the person-years, or the functions of the two person-years, with the reorganization, or the movement of Mr. Steele elsewhere. I am interested in the contract or payment of the negotiator and funds allocated, if any, for research papers or studies or anything of that nature.

I would also ask a general question or two about the research function in coming to a position as it relates to other departments. For example, education is being talked about at the negotiations. Is, in fact, the Department of Education expending funds on the process, and what is the relation there? In order to understand the other departments and this, I would ask a clarification question or two. I am also interested if the potential caribou agreement is included in this area or not. That is the series of general questions, just to start.

<sup>20</sup> Hon. Mr. Pearson: The land claims branch is responsible for the preparing of research, developing position papers and participating in negotiations involving the Yukon Indian land claim, the COPE claim and areas of constitutional development. During the year, intensive negotiations on Yukon Indian land claims continued with more than 29 sub-agreements being reached — there are more

than 30 now — leading towards an agreement-in-principle. Recently this branch has been involved in co-ordinating Yukon Government departments' involvement in the land selection process and is continuing work on other elements of the claim.

Of the \$366,000 that is allocated here, \$190,800 is under the heading of professional and special services that we pay for our chief land claims negotiator for the Yukon claim as a professional. We also pay for our negotiator for the COPE claim who is on a retainer, and we have two other consultants who work for us, doing research, preparing papers, preparing positions that we feel we must have. In addition, of course, there are, as is shown in the estimates, two person-years. Mr. Steele was replaced because it is absolutely necessary. These estimates are predicated on the basis that we will be spending money, virtually, to just about the same degree after the agreement-in-principle is in place as before the agreement-inprinciple is signed, simply because it will be that, an agreement-inprinciple and it will require, after the agreement-in-principle, the end objective is, of course, a final agreement, and that is going to require a tremendous amount of work. It certainly is not going to be over with, like some magical thing, on that day. It is going to require a tremendous amount of work after the agreement-inprinciple is signed, to put into place the final objectives of everyone, a land claims settlement agreement in whatever form that might take.

Mr. Kimmerly: 1 will ask about the personnel first, \$86,000. What are the titles of the two person-years and what are they doing now, in a very general sense?

Hon. Mr. Pearson: One of them is called the Land Claims Administrator and the other is called the Research Assistant.

They do the work on behalf of this government. They do a lot of research, particularly on behalf of the Government of Yukon. They are co-ordinators primarily for the other departments. The one question that I did not answer is that this \$366,000 is not the total cost of this government's land claims negotiations. If we require, and we do often, the Deputy Minister of Education or Deputy Minister of Renewable Resources to attend land claims negotiations then they do so at the department's expense, not at land claims' expense. That is an internal bookkeeping matter that we just felt we should not bother with. It does have a tendency to hide the true cost of land claims negotiations. These costs are the ones that are wholly identifiable and attributable to the land claims process.

Mr. Kimmerly: In relation to other departments, aside from the salaried staff's time, are there consultants or studies paid for out of other departments, specifically for land claims?

Hon. Mr. Pearson: I cannot say specifically, but I am quite confident that the Department of Education has done a considerable amount of background work in respect to its role at land claims negotiations.

Mr. Kimmerly: In relation to the non-personnel expenditures, the number in the budget is \$280,000. Would the minister give a breakdown, at least in the following general categories, if possible, the amounts attributable to COPE, the Yukon claim, the chief negotiator and the research papers or consultants or anything like that?

Hon. Mr. Pearson: We do not have a breakdown on how much is spent on COPE as opposed to how much is spent on the Yukon claim, as opposed to how much is spent on other claims or other issues that are raised at the table. It would be impossible for us to do because, literally, we are hopeful that these people are gaining some degree of familiarity and expertise in this area. We like to be able to use it wherever it is necessary. What I can tell the hon. member though is that the \$280,000 is made up of \$10,200 for telephone services and long distance calls; \$74,700 for travel; \$190,800 for professional and special services and \$306,000 for other expenditures: freight, express, subscriptions and that type of thing.

22 Mr. Kimmerly: Of the professional and special services, are any funds spent or projected to be spent for research papers or projects, or is it simply the per diem expenses of the negotiators.

Hon. Mr. Pearson: Any research that we have to have is paid for out of this appropriation, out of the \$190,000.

Mr. Kimmerly: What amount of it is, research aside, for

payment to the negotiators?

Hon. Mr. Pearson: I think the hon. member would really like to know how much money our negotiators got paid over the course of the last year. We entered into a contract with the negotiator. He is a professional person. I am confident that if the member really wants to see his contract, if he comes to my office, he will see his contract. I do not have a breakdown of how much we pay to the Yukon claims negotiator as opposed to how much we have paid to COPE claim negotiator, as opposed to what we have paid other professionals working on land claims, as opposed to how much we have paid for research. The total amount is appropriated as professional and special services, and it comes to \$190,800. It is not broken down.

Mr. Kimmerly: What is the per diem fee paid to Mr. Phelps?

Hon. Mr. Pearson: As I said, if the hon. member would like to come to my office, I will show him Mr. Phelps' contract.

Mr. Kimmerly: Is the per diem fee in the contract?

Hon. Mr. Pearson: Yes.

Mr. Kimmerly: Is the negotiation of the caribou agreement in this department at all?

Hon. Mr. Pearson: No, the negotiation of the Porcupine caribou agreement is a responsibility of the Department of Renewable Resources.

Land claims in the amount of \$366,000 agreed to

On Intergovernmental Affairs

Hon. Mr. Pearson: This branch or the department is responsible for the co-ordination and monitoring of all intergovernmental activities of Yukon government, and the provision of policy analysis and co-ordination within the government for those issues of interest to more than one department. The successful visit to the Yukon of her Royal Highness Princess Anne can be attributed to the efforts and work of this branch.

23 Mr. Kimmerly: What was the cost of the Royal Visit?

Hon. Mr. Pearson: I have no idea what the actual cost was. Our costs, the Government of Yukon's cost, was between, I believe, \$9,000 and \$12,000. Our costs were very minimal.

Mr. Byblow: I have a couple more general questions.

As the leader of the opposition indicated in previous commentary and in the government leader's brief statement, indications are that, to a large extent, this branch is responsible more for protocol affairs than, in fact, policy dissemination. I just want to pursue that just a bit, because the government leader has talked about policy co-ordination between branches of his government.

I guess what I am curious about is that we have six people in this department. Not so much what do they do, but more, again, on the process of the second objective as the budget outlines, the policy analysis and the co-ordination that phases through the entire government.

Hon. Mr. Pearson: I am sorry if I misled the honourable member by highlighting Princess Anne's visit. I thought it was quite a momentous occasion for this territory.

The protocol functions of this department, although they are important, are not by any means the major portion of the work. In fact, policy analysis and co-ordination is the major work of the branch, particularly, those policies that have a tendency in government to transcend more than one department. We are also involved in a number of policies that transcend more than one government. It can be a municipal government, it can be a provincial government, it can be the Government of the Northwest Territories and, of course, without question, the Government of Canada.

So, this involvement, this co-ordination, this analysis goes on all of the time and it is very, very important.

Mr. Byblow: In previous discussion, the government leader gave indications that he had a co-ordinating body, almost like an advisory body, consisting of various department people to advise him in this whole area of economic planning and policy formation. Am I to assume that this branch, as it stands, does not directly connect with the other group the government leader has made reference to? If it does, perhaps he could differentiate the responsibilities each group has.

<sup>24</sup> Hon. Mr. Pearson: It does more than directly connect, this branch is the group that I look to to put that task force together. They have people from the branch who are on the task force, primarily as a co-ordinating function for the program departments that actually have to do the work. That is the kind of thing that they do.

Intergovernmental Affairs in the amount of \$293,000 agreed to

On Ottawa Office

Hon. Mr. Pearson: The Government of Yukon opened the Ottawa office in August of 1980. It has been the subject of a considerable amount of debate in this House. Its primary responsibilities are to act as the special representatives of this government, and of the people of the territory, in Ottawa. As I said, in my opening remarks, it is fortuitous for us that we have the office in Ottawa established now, that we were able to get it established when times were a bit better, because it is now paying us dividends to have that personal representation in the national capital.

Mr. Kimmerly: The allocations are essentially the same as last year, a reduction, in fact, except for the personnel costs, and the person-years are exactly the same. The increase is 86 percent over last year. I would ask for a word of explanation about that?

Hon. Mr. Pearson: In comparing the 1982-83 estimates to those of 1981-82, the factor of 86 percent is evident. The estimates identified are for only a portion of the year 1981-82 as opposed to the full year of 1982-83. We just did not get the office in place. Although we passed it in the budget, we did not get Mr. Murphy moved until late in the year and the office was not established until late in the year.

25 Mr. Byblow: On the subject of the justification for the office and the criticism that the government leader has alluded to, I wonder if by way of defense he could tell me how the office is assisting in the present crisis facing the territory, that of the Cyprus Anvil situation? Is there a benefit of that office being?

Hon. Mr. Pearson: Yes, in that there has not been a meeting held in Ottawa in respect to Cyprus Anvil by the Department of Indian Affairs and Northern Development, or anyone else, where we have not been involved as a government. It has made it very easy for us and easy for the federal government to involve us in those areas that we really should be involved in. They have been able to attend numerous types of meetings going on in Ottawa that Yukon should be represented at. We should hold a watching brief at. If we would have had somebody there before we would have held a watching brief at. It becomes mandatory at this time of restraint. Every time that someone has to go to Ottawa now it is looked at whether or not they really have to go or whether we can send Mr. Murphy as the representative of this government to that meeting and then have him get back to the department. He is a long-time employee of this government. He has a lot of experience and is capable of grasping situations very quickly, being able to sit in these meetings and properly represent the territory.

Ottawa Office in the amount of \$139,000 agreed to

On Revenues and Recoveries

Revenues and Recoveries in the amount of a recovery of \$117,000 agreed to

Department of Economic Development and Intergovernmental Relations in the amount of \$1,637,000 agreed to

On Department of Justice

Hon. Mr. Ashley: Justice is, by nature of its operation, a service department. It has to respond to demands, but unfortunately it exerts little, if any, influence on the volume of the demands. It is a fact of life that in times of recession these demands do tend to increase. The budget for the department has been designed so that all the basic and essential services will be met.

There has been a net increase overall of some \$387,000, or four percent. However, this is somewhat misleading. Members will note that police services, the RCMP agreement, has increased by \$824,000, an amount which we have very little, to no, say in. Various programs and activities within the department are well

established and have not changed to any degree. The main restraint measure, the nine-day fortnight, has had a limited effect in reducing departmental costs. Programs such as police services, where no YTG man-years were involved, were not affected at all. In the Whitehorse Correctional Center, where the bulk of our man-years are located, the effect was negligable, as we were forced to operate the center twenty-four hours a day, every day, without exception.

The volunteer cut in legal aid fees will not by itself produce a total decrease in legal aid costs. Last year, for example, we had two cases which combined for a cost in excess of \$65,000. We do not expect that these extremes will be repeated. We are working closely with the legal aid profession, and receiving their close co-operation in improving the efficiency of the operation and delivery of services.

All areas of the budget that are completely out of the control of the department have been subject to exhaustive examination and the zero-base budget process. Every effort has been made to meet the expected demands from within the limited funding available to us.

Mrs. Joe: I have some brief comments and some questions, and I am sure that some of the other people from this side will have some questions as well. I am a little bit concerned about the manpower at present in the justice system, and one of the reasons for that is because of the unfortunate medical problems of the Deputy Minister. I just wondered whether or not there is anybody who was retained to do any of his work, or whether or not somebody else was working a little bit harder. I will make comments and ask questions as I go along, and hopefully the minister will answer my questions.

I have received information regarding some of the questions that I was asking in regards to maintenance costs, and legal aid has been worked upon. The women are getting that legal aid now.

In regard to the Women's Bureau, I am a little bit disturbed at the amount that has been allotted for the Women's Bureau. In contact and consultation with women in the Yukon, I think that we are a little bit concerned that the Women's Bureau does not seem to have a high priority under this department. I hope that that is not really the case. The answers that I have been getting back in question period, I was not able to feel sure in my mind that there was a lot of things that were being accomplished in that bureau, and I would hope that the minister could elaborate a little more on the intentions and the future of the program. I would hope that there are a lot of things that are being done in it. And, in regard to the court services, I understand that the study done by the two people that were retained from out of the territory is completed, and I would certainly like to know at this time, as the minister had promised me that he would give me the figures in regards to that study, that he would let me know the total cost of the study, and not just an estimate, the amount of consultant fees that were paid to the two men and also the travel and accommodation costs.

27 I would like to make some comments on the court in general in regard to plans that we heard about in the last year and also were mentioned last year during the budget debate on justice about the court-house. I understand that there have been discussions regarding a court-house. There probably is even a place that has been picked out. I know that there are no funds available, at this time, but I would like to hear from the minister whether or not there are plans that something like this will take place in the future. I think that I have spent a great deal more time in the courts than the minister has, and I can speak about the deplorable conditions that the judges have to work under and, not only the judges, but the people who are working in that department. I hope that those kinds of things will be looked into.

Each and every minister here has a secretary who is available to him, right outside his door, and the judge's secretary is halfway down the hall. That is only one thing that I can mention at this time. There are many more, and I think that, because there is a great deal of distance between the government and the court-houses they probably are not aware of those deplorable conditions that all the people in the court have to work under.

I hope that the minister is taking some of my questions and comments seriously because I do not know whether or not I am going to be getting any answers or will I have to wait until

tomorrow.

With regard to the court backlog, I understand that some of those problems have been eliminated and that, as a matter of fact, plans were already being made before I even left the courts to reorganize and re-schedule a lot of the different days in court and that those plans were being made long before the two men were brought from outside, but no one thought to ask them about it.

Some Member: (Inaudible)

Mrs. Joe: I beg your pardon. I am just wondering whether or not the minister is prepared to respond to any of my questions. I am hoping that he is because I am very serious about some of the questions I want answered.

With regard to the JP program, there is information in this budget that we have 37 JPs and that is probably the case. What a lot of people may not be aware of is the fact that not 37 JPs are sitting JPs. A lot of them are JP-Is and are there for signing purposes only. In the case of JP-2s, we do have some but not as many as we would like.

<sup>28</sup> I think that each year that the justices of the peace have their conference, it is also a training period. It is not just a conference where they come to get together each year. It is a very, very high training education where there is a lot of good work done in co-operation with the members of the Bar.

I do not know whether money is available to have a conference this fall and I would like to know that because I think that those conferences are very beneficial simply because it allows the justice of the peace to gain the experience to sit and do summary matters in the communities. I think that the cost of justice of the peace conference would probably be less than it would cost a court circuit to go out into the communities.

Some of the justices of the peace that we have right now are very good. As a matter of a fact, when I worked at that job, I had noted that there were a lot of summary matters on the court dockets in the communities that could very well have been dealt with by a justice of the peace if that justice of the peace had the experience to do it. It think that is something that we have to look at.

One of the other questions that I have, and hope I will get an answer to, is the position of the executive secretary to the Justice of the Peace Council. When I left it was a part-time position and I would want to know whether or not there are plans for that one to be made permanent. I think that it is a very necessary position and I think it is something that cannot be dropped in these hard, economic times, because crime is going to increase.

I think that when the minister talks about legal aid and hopes that the crime rate will go down and that, in fact, we will not have to spend \$65,000 for two, or so, cases, that his hopes come true, but I doubt it. When we are talking about legal aid, we do not know ahead of time how many crimes are going to be committed and, at this time of recession, when people do not have money, they are going to get into trouble, they are going to commit crimes, they are going to need legal aid lawyers. I think it is absolutely ridiculous to have to cut back on legal aid. As a matter of fact, it could be a violation against the new *Charter of Rights*.

The other comment I would like to make, and it is in regards to a question that I asked yesterday, was the question regarding the non-resident lawyers. I think that it should be checked into a lot more thoroughly than it has been. As a matter of fact, I think that the cost of \$41,000 for one case last year that was mentioned went to a non-resident lawyer when, in fact, I think that lawyers right here are quite qualified to do that kind of a case. There was another one that was quite high, as well. Who is to say that something like that will not happen again this year. It could very well do that.

I think we have to check into the matter of hiring non-resident lawyers when we do have qualified lawyers here and I think we are probably going to find out that they are going to be more available because even their jobs are getting smaller.

I do not really have anything with regard to the police service. I think that my colleague, Mr. Kimmerly, will have something more to say on that. With regard to the court workers, the court worker program has been very beneficial to the courts. I think that a lot of us underestimate it, and that it has to be continued. One of the suggestions, over the years, was that they should have a part-time

court worker in a lot of the communities, because they are needed there. There are a lot of cases where people would need one in order to go in front of a JP.

I would like to ask the minister, with regard to an evaluation which, I understand, is done every year — I have never seen an evaluation and I do not know where it goes. I know it is done by the federal government and that they come into the Yukon and they do an evaluation. They talk to different people who are involved with the court worker program. If there is some way that that evaluation could be made available, I would certainly like to see it.

Regarding the native constables, I understand that the program itself is a good program. The people that do have them in their communities, find that they can relate better to the native constables than they can to the other ones who are brought in from outside. I also understand that there is research under way right now to try to find out what problems there may be in regards to the justice system and Indian people. I am not sure what is going to come out of that. I think that there will be recommendations made to this government, and possibly the federal government as well.

I cannot really say too much about the change that I have seen in corrections. I think that it was something that, many years ago, a lot of us were very concerned about. A lot of people did not really care what happened to the inmates when they went into the jails. They tended to forget them and were glad that they were out of trouble, or out of the mainstream of society. I think that the improvements that have been made are probably one of the better things that have happened to the Justice Department. I think that there are still a lot of things that have to be worked at. We cannot say that the things in the corrections have not improved, they have, but we also have to start thinking very seriously about dealing with a lot of the things that are happening with the younger kids to ensure that those kids do not end up in that jail. That is a very big concern of the people of Whitehorse, to the parents and to the people in the courts.

30 One of the other cuts that I had observed going through the budget was probation, and I think that is a ridiculous cut. I do not think that you will be able to live within that unless you start ignoring people who are on probation. I do not think that would be a good thing because they are also going to get into trouble again. One of the things that we have to do in community work is to make people aware that there is a program called community work under probation. It is something that probation, as I understand it, is always looking for. If the public were made aware that the program was there I think that they could also benefit from it.

Mr. Kimmerly: Obviously the minister is not going to respond to the previous questions in a general sense. I am sure he will in a specific sense. I am not going to make a speech. I am going to make several comments as we go through the various pages and various lines because there are several comments that I am eager to place on the record and to put before the minister. I do have at this time a series of questions in a very general sense about the department and I would like to enter into something of a dialogue with the minister about the questions and I would like to ask the questions one at a time, or at least one area at a time.

The first one, in a very general sense, is in the departments that I have primary interest in. I previously asked the ministers if they had a goal during their tenure as minister, and Mr. Tracey has clearly got a goal. He would like to establish a geriatric care facility in Yukon and Mrs. Firth would like to attend to and improve the communication with students in the Department of Education. I ask the minister, first of all, is there a goal for the department. Is he able to state a goal in the general sense like that during his tenure?

Hon. Mr. Ashley: On the capital side, a goal would certainly be a new institute, a judicial centre.

M On the other side of things, there are problems in the justice system and I intend to get them straightened out. It is one of my goals, to have the smoothest running justice system in Canada.

Mr. Kimmerly: I would like to follow that with a series of still general questions, first of all about the problems in the system.

I realize, in many legislatures in the Commonwealth, the department is divided into a Solicitor-General's department and an Attorney-General's department. Is there any plan or any contempla-

tion of dividing the solicitor functions from the judicial functions during the minister's tenure?

Hon. Mr. Ashley: I believe you are asking me if we are going to separate corrections from the rest of the system? No, the intention is not that.

Mr. Kimmerly: I would make a comment that Yukon is probably too small to establish separate departments. My comment is that some considerable thought ought to go into the division of the functions within the department in Yukon, because I will say, under the present deputy minister in the past years, the functions are considerably confused.

The second goal that the minister raised is what he called an institute, or a judicial centre, on the capital side. There are considerable issues around that, of course. It is obvious that a court house or a new capital project would be welcomed by the unemployed people in Yukon now.

I know that in 1977 and 1978 plans were drawn up and, in fact, approved by the judiciary, I believe, in a very general sense. The plans involved a judicial centre, one building encompassing the various functions in the department: the solicitor functions and the judicial functions.

This, of course, is a controversial area in the country in general. Is it the minister's inclination or present policy that, if and when a new court house is built, the judicial function of the court house be a separate building from the offices of other public officials in order to express the traditional Canadian attitude that the judiciary is a separate arm of government.

This is an issue in other provinces, especially in rural areas where court houses used on circuit are generally in a government complex as in Watson Lake, generally above the liquor store incidentally, which is almost a characteristic of Canadian court houses. Very, very unfortunate in my view.

Is the government's policy that a new court house ought to be a separate building for courts, or a unified center for all of the functions in the department?

Hon. Mr. Ashley: I am responsible for the taxpayers' money, and we must do that which would be the most just to their pocket-book. So, whichever is the best way is the way we have to do it. It may mean that we cannot have a separate building. It would be nice to have one with everything separated, but it is very difficult to run a department that way, so we may have it combined.

Mr. Kimmerly: I take the answer to be that the minister would like a separate building for courts, but the decision is going to be based on the economics of the matter. Is that an accurate statement?

Hon. Mr. Ashley: Yes, that is correct.

Mr. Kimmerly: There is also considerable discussion in the country about the advent of family courts, and in most jurisdictions in the country, the family and juvenile courts are separate from the criminal courts. Is it the minister's position that these two functions ought to be in separate buildings?

33 Hon. Mr. Ashley: I do not think that would be possible or feasible. It is the whole problem of expenses again.

Mr. Kimmerly: Is it the position of the government that it is desirable, but probably not feasible? Is that an accurate statement? Hon. Mr. Ashley: Yes, that is correct.

Mr. Kimmerly: The next line of questioning is about the format in the estimates. I should say that I will probably wish to comment later on the question of the buildings, but I will not at this time. In the format of the budget, on page 139, the departmental objective reads as follows: "To develop the systems and programs required to administer justice in Yukon".

I take that as being absolutely meaningless. It is simply another name for the department. In all of the other departments there is an objective stated according to the principles of the budgetary exercise and the general goals are fairly well stated for the most part. It is interesting that the specific departments, as one goes through the budget, the program objectives are, for the most part, generally reasonably stated. However, I say that the statement of the departmental objective is obviously a significant problem and I say this for the following reasons: the confusion between the Solicitor-General's functions and the Attorney-General's functions, and the overall department of justice is, in the Yukon, a very real

constitutional problem and it has practical results affecting every Yukoner.

The minister, a few moments ago, said that the department has "little influence" on the volume of demands on the department.

That statement would not be made if the objectives were properly stated and the objectives ought to be to protect Yukoners, to provide law and order on the streets and elsewhere, to provide a forum for the resolution of disputes private and criminal, to provide services in the judicial areas to people and, overall, to reduce crime and reduce conflicts between private citizens. If the goal were properly stated, the confusions in the department would become extremely apparent and could be dealt with in a much more economic, mature and humane way. I would recommend to the minister that next year the departmental objective be written properly, in line with all of the other departments. I would ask the minister if he agrees there is a problem in this area?

Hon. Mr. Ashley: In actual fact, I do agree there is a problem with this. It is being looked at. The objectives should be stated much more clearly, as far as I am concerned, as well.

Mr. Kimmerly: In a general sense I would like to ask about the legal aid program and the native court workers and the make-up of that program. I wish to ask questions involving several of the line items at the same time. That is why I do it now. The legal aid program is obviously expensive to the taxpayer and I am sure the minister would probably agree it is a source of some tension occasionally concerning the level of service that the taxpayers ought to pay, and the problem of which individuals ought to be covered and which individuals ought to be left to fend for themselves.

My question is about the overall planning this year, and in future years about the general topic. The questions I would like to ask are: does the minister see the native court workers as an intregal or co-ordinated part of the legal aid scheme, or assistance, to offenders, and what is the planning about the relationship between the native court worker board and the legal aid committee?

Mr. Chairman: Before we have an answer from Mr. Ashley, perhaps we could entertain a short break.

Recess

#### 36 Mr. Chairman: I will call Committee of the Whole to order.

Mrs. Joe: I asked the minister a lot of questions and I want to know whether or not I am going to get the answers to them now or whether I will get them again as we go through the items piece by piece because I will be asking them again?

Hon. Mr. Ashley: That is the way I prefer to do it, in a more logical manner. Just follow through the budget and then I will answer the questions as we go along.

Mr. Kimmerly: Before the adjournment, I had asked a question about the co-ordination of the legal aid committee and the native court worker board, those two programs. I wonder if the minister will answer that?

Hon. Mr. Ashley: Yes, as far as I am aware, the legal aid and the court workers work together in that program.

Mr. Kimmerly: I am aware that the court workers work in conjunction with the legal aid cases and it is functioning fairly well, although the level of service, I believe, is fairly minimal although in time of restraint I am not asking for a lot of money, this year anyway.

The co-ordination of the programs, at the organizational level, appears to me to be absolutely nil. There is a legal aid committee established by a statute and a board of directors of the Native Court Worker Association. Is the minister aware of any co-ordination of the two boards? Is he interested in seeing any improved co-ordination, or what is the policy on that question?

Hon. Mr. Ashley: I am only aware of one board. The other must be one that is done by another native group or something. I will look into it.

Mr. Kimmerly: For the minister's information, the native court workers is a society registered under the Societies Ordinance and there is a board of directors that is funded 50/50 with the federal government and the territorial government. There is a board of directors which functions. The other body I am referring to is the

legal aid committee which passes on applications for legal aid and administers legal aid program in a professional sense as opposed to an administrative sense.

The staff person is, of course, a person in the department under the deputy minister, but there is a committee which, in my view, ought to co-ordinate its activities with the native court worker board. I will have more to say about that in relation to the possibility of what are commonly called public defenders, or, government salaried lawyers actually doing defense work in criminal court. I am going to be asking questions about that under the legal aid line.

I also want to ask about the co-ordination of the territorial court and two other departments, education and the child welfare branch especially. At one time, there were regular meetings between the departments. I believe that they no longer occur. I am interested in the minister's comments about the co-ordination, or lack of it, firstly in the juvenile court area with the child welfare branch and the juvenile probation officers. Is the minister planning any evaluation or initiative in that area?

Hon. Mr. Ashley: We are evaluating at all times as to cases and case-loads and that sort of thing as it is going on. The probation, as far as I know, does work together, when necessary, with that other department.

Mr. Kimmerly: I will be commenting again about the coordination as we go through the budget, unless Mrs. Joe does.

With regard to the co-ordination with the Department of Education and specifically about juvenile delinquents and drop-outs and the special services available for problem children, is there any evaluation, or initiative planned in that area?

38 Hon. Mr. Ashley: As I said, we do evaluate in all areas.

Mr. Kimmerly: Just a question about the evaluation in a general sense: who is doing the evaluation and under which line of the budget is it?

Hon. Mr. Ashley: It should be under the administration line. Mr. Kimmerly: Going on to another area, the Women's Bureau, I note that it is in on page 142, under Legal Services. The Women's Bureau is not on the organizational chart on page 141 and the question is: the staff in the Women's Bureau obviously report to someone, who is it?

Hon. Mr. Ashley: This is an older chart here; there should be a line off the deputy minister.

Mr. Kimmerly: That clarification is very useful. I take it that the co-ordinator of the Women's Bureau reports to the deputy minister directly. Is that correct?

Hon. Mr. Ashley: Yes, that is correct.

Mr. Kimmerly: The next question is referring to the Economic Research and Planning Unit's reports and the situation summary prepared in August and September of this year, on page 20. There is a projection of increased crime in the territory, and also family break-up, child neglect, alcoholism and personal bankruptcies.

Mall of these are obviously factors which affect the judicial system in a very serious way. Is there a projection of an increase in the crime rate or child neglect to back up the statement made and if so, what is the source of the projection? Or is it simply an offhand comment?

Hon. Mr. Ashley: The comment is made by another department. They are based on stats of people leaving and that sort of thing.

Mr. Kimmerly: Was that projection taken into account in preparation of the estimates for legal aid and court services?

Hon. Mr. Ashley: The estimates are the tools that are used for drawing it up, yes. I think that is the question you are asking. I am not sure if those are the ones, but the department itself also has — I am not sure exactly what we have there.

Mr. Kimmerly: The next line of questions in the general sense is the difference in service in the rural areas of Yukon and Whitehorse. I would like to state an example and ask a general question about the general problem. In the probation department in the fall, the travel budget was cut, I am told, and the probation officers who normally went with the court circuits in the rural Yukon now do not go. They do not make supervisory trips because of the budget cut. Is there a contingency plan or some other

program or plan for service in the rural Yukon to make up for these kinds of things? I am referring to the judicial system as a whole, the court circuits, the police and probation officers. The rural people, it appears to me, are suffering more than Whitehorse people. Is there a plan to alleviate that?

40 Hon. Mr. Ashley: The service to the outlying communities is on an as-needed basis right now, rather than on scheduled trips the way it used to be. There certainly has been a decrease but we can only do so much. As far as probations go and the reporting system, we are using members within the system, the RCMP, for instance, that sort of thing if necessary, if the probation officers cannot go out. We do have probation officers in other communities, like one who looks after Dawson, Mayo and Pelly and that area, and one who looks after the Watson Lake area, and five or six right in the Whitehorse area.

Mrs. Joe: I think that the probation officers were not giving adequate service before and I do not understand how the minister can say that they are not needed as much. While I am standing up, I have a couple of other things that I would like to make comments on and that is the JP honorariums that have been cut back. I understand that they had been cut in half for JP-2s. If that is the case, then I wondered what the reason for that was. The honorarium was very small, and their services are very great and I think that a cutback in their honorariums of \$400 a year should not have been done.

With regard to the JPs being appointed as family court judges, I understand that nothing has happened in that area. It is a very important area, especially in the communities where they are needed and should not have to wait until the court circuit goes into the communities. Two years ago, I know there was a request to Cabinet asking for appointments of family court judges — these are JPs who would be appointed as family court judges — and there was a list broken down to six people. It was well discussed; it was a good plan and I have not heard anything more about it. The service was needed then and I believe that it is probably needed just as much now as it was then.

The other area that I did not speak on, when I was on my feet before, was something that, probably because of the poor economic situation, cannot be dealt with right now but should be considered in the future. In a lot of cases a person is accused of a crime and does not meet the criteria of legal aid, so has to pay for their own legal fees and then they are acquitted after spending thousands of dollars for legal fees. The concern to a lot of those people is compensation for having to spend all that money, and then in the end, being acquitted of the crime. I think it is something that the department should think seriously about in the future because, in a lot of cases, some of these people do go broke.

41 Hon. Mr. Ashley: The honorariums for the JP-2s was done prior to my coming to office. There was a mix-up there, but it has been straightened out. The JP-2s are receiving \$400, so I agree with you, yes, they should and it is a very needed service.

The JP-3s is something that happened in the past and I cannot comment on that; I really do not know. We are looking at it, though, as to implementing those JP-1, JP-2, and JP-3 programs.

Mrs. Joe: The JP-3s, as I understand it, are the people who have been appointees as family court judges and I understand that we do have one person. As a matter of fact, we do have one person who has been appointed a JP-3, which, in fact, is a family court judge. I just wondered whether or not the government had considered more appointments?

Hon. Mr. Ashley: Yes, in Watson Lake, as I recall it, there is a JP-3. It is the Justice of the Peace Council who actually recommends JPs to the government. We are looking at all appointments right now. In actual fact, I am having a meeting with the Justice of the Peace Council tomorrow morning. Yes, we are working on a number of different areas.

Mrs. Joe: In regards to the Justice of the Peace Council meeting tomorrow, I understand that you get the kit beforehand and I just wondered if the family court judge was on the agenda?

Hon. Mr. Ashley: No, I have not received the kit beforehand, nor an agenda.

Mr. Kimmerly: I will get back to the rural urban problem in a

few specific questions, possibly, but my general area of concern is the constitutional question of the relationship between the territorial judges and the legislative and executive arms of government.

A year ago, the Deschesne Report, in five or six specific references to Yukon, criticized the relationship. It is a sensitive constitutional area. There are certainly discussions in judicial circles, I know, about independence and the foundation of the rule of law and those kinds of things. I am sure that, in executive circles, there are comments about expense and control over a court process in an administrative way. Recently, there are political questions, and an example of that is Mr. Justice Berger of B.C., who has made comments about the Canadian Constitution, which most people would call political comments and there is discussion and debate about that problem.

Specifically with regard to the Yukon, the old Magistrates Court Ordinance or the Territorial Court Act, as it is now called I believe, specifically makes judges civil servants and gives the deputy minister or the minister powers over court scheduling or rules of court and things of that nature. Now, I make the statement that any objective person would agree that it is an area of some tension. I ask the minister if he is contemplating studying or evaluating the Yukon situation specifically or if he is planning any action in the long term in this area, and if the minister agrees that there is a problem in the Yukon that needs to be clarified.

Hon. Mr. Ashley: First, dealing with Justice Berger, I think Chief Justice Bora Laskin dealt with those problems so I will not get into that debate. One thing I will have to be very careful about commenting on what may be a case in the courts now. My department and I are studying the situation.

Mr. Kimmerly: I wish to assure the minister that I am not in any way, shape or form referring to a past, present or future case in the courts. I am talking in a general sense about the Territorial Court Act, and I would ask for a clarification of the minister's comment. I am informed that evaluation is being done. Which are the parties and what is their constitutional make-up who are doing the evaluation? Is there any co-ordination with other justice councils or judicial councils? Is there an assessment of the current federal answer to this problem, for example, the B.C. answer, and can the minister give a general indication of the expected progress in the area? I am not asking for a date; I am asking for a target, but in a very general way.

33 We expect clarifications in the *Territorial Court Act* in the next three or four years, for example.

Hon. Mr. Ashley: Yes, there is an evaluation being done and other legislation is being evaluated in that evaluation at the same time. By all means, I intend to be tabling things concerning the Judicature Act.

Mr. Kimmerly: The minister mentioned the Judicature Act, I would also point out the Territorial Court Act. Both acts, of course, are crucial. The minister did not answer the constitutional make-up of the evaluator. Is it a civil servant, or a committee or by what means, in the general sense, is the evaluation taking place?

Hon. Mr. Ashley: Yes, the *Territorial Court Act* is also there. It is an in-house committee at the moment and it is a confidential ministerial committee.

Mr. Kimmerly: I am quite conscious that the minister is quite entitled to a confidential ministerial committee and, in fact, keep it confidential. I am interested in the constitutional make-up of the committee, though. I realize that it is in-house, but does that mean they are all civil servants or in the executive arm of government?

Hon. Mr. Ashley: I said "in-house" but it is actually confidential, which I said later. There are private members of the bar on the committee.

Mr. Kimmerly: I am interested only in the constitution of it, not the names of people. Perhaps I will ask the names of people and ask if the minister will answer that? I do not see any need for secrecy in any way. What are the names of the people on the committee?

44 Hon. Mr. Ashley: At this point I feel it would be wrong to divulge that information.

Mr. Kimmerly: That is a fascinating answer. Why?

Hon. Mr. Ashley: Sorry, Mr. Chairman — if he will ask me a

proper question.

Mr. Kimmerly: I take the situation as I have asked a question and the minister declines to answer it. I will pursue the matter in another forum. I am asking about the constitutional make-up of the committee. The minister has said there are private members of the bar. Are the members of the bar selected or recommended by the Law Society or not?

Hon. Mr. Ashley: I have personally selected certain members of the bar to be on this committee. I have made the committee up and I will not go any further with divulging any more information about it.

Mr. Kimmerly: I am going to ask other questions and if the minister refuses to answer them, so be it. Are there members of the public to represent the consumer interest or the public interest on the committee?

Hon. Mr. Ashley: At this stage, no.

Mr. Kimmerly: Are there civil servants in the minister's department on the committee?

Hon. Mr. Ashley: At this stage, no.

Mr. Kimmerly: Are there judicially appointed persons on the committee in the province or federally or territorially?

Hon. Mr. Ashley: I am not going to answer any more questions on that.

Mr. Kimmerly: Are non-Yukon residents on the committee? Hon. Mr. Ashley: I will answer that. The answer is no.

about the present status or the plans for the fine option plan. I will ask that under probation, just to notify the minister of that.

I would like to ask about police services and the policing agreement. I have been told by the previous minister that the negotiations under the Police Service Agreement really are not negotiations in the common meaning of the word. The budget, essentially, of the RCMP is put before the minister and he is asked to approve it. Is the negotiating position of the government, in fact, stronger than that?

Hon. Mr. Ashley: At this point, the Police Services Agreement is a ten-year agreement negotiated with Ottawa. We are living up to that agreement; we have not signed it yet, but we are living up to the percentages in that agreement.

Mr. Kimmerly: The questions are about the negotiating process. Is there a meaningful input by this government as to the level of police services and the cost of police services?

Hon. Mr. Ashley: We have, as I said, the same input as all the other provinces who have signed the agreement.

Mr. Chairman: Mr. Kimmerly, would it be more in order to ask these questions under the specific program, police services, and maybe stay to a more general debate?

Mr. Kimmerly: I will do that. I have questions about jails and corrections and I will ask that under that particular page.

The only other general area I have is the legislative drafting or the legal advice to the government aspect of the department. I realize that it is a line in the budget and I will save the specific questions for that, but, in a general sense, are there legislative drafters or people who draft legislation in this department now?

46 Hon. Mr. Ashley: Yes, there is, there is one on contract now and one in the public service.

Mr. Kimmerly: Is the one in the public service under the legal services line on page 142?

Hon. Mr. Ashley: The one in the public service is actually under, I think, administration.

Mr. Kimmerly: Under administration? What page is that? I do not see administration on any line.

Mr. Chairman: On page 156, Mr. Kimmerly.

Mr. Kimmerly: Thank you. On what line is the contract person?

Hon. Mr. Ashley: The contract person is there.

Mr. Chairman: If there is no further general debate...

Mr. Kimmerly: I believe a question is going to be answered.

Mr. Chairman: He did answer, Mr. Kimmerly, I do not think you heard his answer. Mr. Ashley, would you care to repeat your answer?

Hon. Mr. Ashley: Yes, it is there, under the administration, I

believe.

Mr. Kimmerly: Thank you. For the purposes of clarification, I take the answers to mean that the monies for the contract for legislative drafting are under administration, and also the salary for the person-year for a legislative drafting person is also under administration. Is that accurate?

Hon. Mr. Ashley: Under administration under Justice is where the draftsman is. I will answer those questions as we run through the budget and I will give a description of those positions in each area. That is probably the best way, just in case I have misled you.

<sup>17</sup> Mr. Kimmerly: I want to ask questions about the contract and the person. I simply will do it under courts and administration on page 156 as long as I do not miss it. I have no further general questions.

Hon. Mr. Ashley: In answer to where the actual Public Service Legislative Counsel is, it is under solicitors on page 142 under Legal Services. I think it is best that we go to it and go through it on an individual basis.

Mr. Chairman: If there is no further general debate, we will go to page 142 and 143 to Legal Services. Is there any general debate?

On Legal Services

Mrs. Joe: I just want some of the questions answered that I had previously. First of all I wondered whether or not the minister was going to provide us with an explanation as to each department as some of the other ministers have done? If that were done then maybe all these questions would not be necessary.

Hon. Mr. Ashley: What I could do is tell you the people who are in the department and that will probably help as far as your questions go. In the solicitors, this is not general debate, this is a line item?

Mr. Chairman: It is general debate, Mr. Ashley, but it will answer the questions that would be asked later under line debate.

Hon. Mr. Ashley: I will just give you the man-years in each one and that will help distinguish which positions are there. Under solicitors, there is a regulations clerk, a secretary, legislative counsel, one solicitor and another secretary for legislative counsel. Under public administration there is a public administrator, deputy public administrator, an accounting clerk and a secretary. Under land titles there is a registrar, deputy registrar and two clerks. Under the Women's Bureau, there is one co-ordinator.

Mrs. Joe: The question that I was asking was not answered. I suppose it should have been under general debate, but that was in terms of the deputy minister's medical problem. I feel that a department should have people who are going to do the department some good. I am wondering whether or not you have retained another person to help with the kind of work that the deputy minister does or do you have other people in that department doing the extra work for him?

<sup>48</sup> Hon. Mr. Ashley: The deputy minister is actually under justice, under administration, but, in answer to the question, we have outside firms that are doing actual legal cases for the government right now.

Mr. Kimmerly: On solicitors, the minister mentioned outside firms. Does the payment of those lawyers come under the solicitor line or some other line? I will ask the question at the appropriate time if I know where it is.

Hon. Mr. Ashley: That is where part of the cost will come out, is here and in administration.

Mr. Kimmerly: I am interested in the legislative counsel. Is there a legislative counsel now, and is that position filled and is it a full-time position?

Hon. Mr. Ashley: Yes, the legislative counsel is the legal draftsman.

Mr. Kimmerly: There is another solicitor in the department: what are the general functions of the second person in the department?

Hon. Mr. Ashley: The other function is for acting on behalf of the government in matters before the courts and some legal advice for the departments. That position is actually empty at the moment; it will be vacant for six months and that is where some of the funds are coming from for the outside firms.

Mr. Kimmerly: I take it that the salary dollars saved because of the vacancy are going to pay the legal fees of outside firms. Is that accurate?

Hon. Mr. Ashley: Yes, that is, as I said, part of where the fees are coming from. It is a vacant position because the person is on leave without pay.

On Solicitors

Solicitors in the amount of \$215,000 agreed to

On Public Administrator

Public Administrator in the amount of \$163,000 agreed to

On Land Titles

Mr. Kimmerly: A significant potential problem occurs to me because the land titles office is closed every second Friday. I do not know of any particular case, but I mention this as a potential problem. It is often, and I should say not only often but frequent, that the time of registration of a transfer or a mortgage or a mechanic's lien or something, is absolutely crucial and, normally, land titles offices are open certain hours except statutory holidays. The limitation periods were calculated on those kinds of rules. The problem of the land titles office being closed every second Friday is a similar problem to the court registries, Supreme Court and Territorial Court, being closed and it is a serious inconvenience, both in a technical and practical sense. Is the minister able to solve the problem in any way or if he is addressing the problem?

Hon. Mr. Ashley: With regard to the registrar of land titles, he is on-call, on duty, basically if there is a call. I do not think that he has been called out yet since we started. There is a soft real estate market, so there is not a high demand right now.

Mr. Kimmerly: I thank the minister for the announcement that the registrar is on-call. I do not believe that that is public knowledge. In any event, if I ever need him, I will call him.

Hon. Mr. Ashley: I do not know why the member opposite does not know, but the Law Society, I am positive, has been informed of that move.

Land Titles in the amount of \$98,000 agreed to

On Women's Bureau

Mrs. Joe: I would like to know from the minister about the review that I had asked about. I would like some specific answers in relation to the review that was done on discrimination in Yukon legislation based on sex. The answers that I want are: what is happening with the review; who is doing it and when can we expect it to be finished? I was not able to get satisfactory answers during question period and I hope that I might be able to get them right now.

Hon. Mr. Ashley: This is an in-house review on our legislation. It was to ensure that there was no discrimination on the basis of sex in legislation. This review has been ongoing since the summer of 1979. Major pieces of discriminatory legislation were consequently repealed with the new matrimony and property maintenance legislation. The review of this past summer was intended to identify discriminatory clauses in all legislation, with a view to drafting an omnibus bill.

Our intention, then, is not to table the report which identifies the problems but, rather, to table a bill which will alleviate the problems.

so Mrs. Joe: I would want a little bit more information. You say that it is an ongoing review, but I think the women of Yukon would like to know how far along it has gone and what is happening in the meantime in terms of preparing legislation. It has been going on since 1979 and, as I mentioned before, it is a very small bureau with not an awful lot of money. I would want to know when we could expect it to start taking effect. If you could come up with some identified legislation, what will you be doing, or will you wait until everything has been done and everything has been identified before you start preparing legislation changes?

Hon. Mr. Ashley: As I have already stated, the major pieces that were discriminatory have already been looked after. We would rather get it all together and put one omnibus bill in to cover all of

the legislation.

Mrs. Joe: Can the minister give us any indication as to when all of that will be done? I want to know whether we might have to wait one year or five years or ten years.

Hon. Mr. Ashley: No, I cannot give a definite date right at this point, but it is ongoing. It is not dead.

Mrs. Joe: I will take that answer and I will keep on asking the question.

The other thing I would like to know regarding the Women's Bureau is the committee that was set up last spring, and I understand that there were seven or eight people on the committee. Is that committee very active? Is it meeting? And if they are meeting, what kinds of things are they meeting about?

Hon. Mr. Ashley: This committee was a new committee established in the spring without a budget. So there are no funds available for the committee. There were a few that we dragged out that we were able to pull from the department, so the committee met twice prior to the election. But since the election, and since the reduction of the \$11,000,000 in the budget, there are just no funds available at all. So the committee is on hold until hopefully the new year and the new budget.

Mr. Kimmerly: I have a general question about the Women's Bureau. I have been listening to the description of the employment survey a few years ago and a description of the discrimination in legislation survey. I agree with both of those projects. I am aware of the summer student who put out a public information document about matrimonial rights and peace bonds and change of name and those things. They are excellent. I wish to express my opinion that that was an excellent project, very well executed and the information was extremely useful to all citizens of Yukon, especially women.

si I do not really understand the job that the co-ordinator of the Women's Bureau does. I met Sheila Rae and talked to her, but I do not understand the day-to-day activities that she engages in. I wonder if the minister could very generally tell us, approximately, what she does in the course of a month, or a week, or a day, in terms of what projects is she working on and what her duties are?

Hon. Mr. Ashley: This organization actually was just transferred to justice in June or July, from education. During the summer, as you said, the pamphlets and that sort of thing were printed.

What the co-ordinator does is co-ordinate workshops and other things with women's groups in the territory and advises me on women's issues, as well.

Mr. Kimmerly: I am making a list of her functions and "co-ordinates the women's groups" is obviously on it and "advising the minister" is obviously on it. Where is the survey of the discriminatory legislation? Is that done by somebody else?

Hon. Mr. Ashley: Sorry, she actually does that, as well. She is our foremost human rights' expert in government.

Mr. Kimmerly: Is she also doing the employment survey as well?

Hon. Mr. Ashley: I believe that is the question that Mrs. Joe asked today and I will be getting back more information on that as I am not aware of it.

Mr. Kimmerly: I would ask the minister to, at a future time, send me a copy of the job description of the person, if he would. 12 Hon. Mr. Ashley: I believe you can get that from the Public Service Commission.

Mr. Kimmerly: Is it a public document?

Hon. Mr. Ashley: Yes, when a job is advertised I believe it is public. I am not in charge of that department. I am not totally sure.

On Women's Bureau

Mr. Chairman: No further debate? Women's Bureau, \$51,000. Women's Bureau in the amount of \$51,000 agreed to On Legal Services

Legal Services in the amount of \$527,000 agreed to

On Court Services

Mr. Chairman: We will go to Court Services on page 144 and 145.

Mrs. Joe: 1 just wanted to get back to the question I asked in

terms of the study that was done on the court backlog. I would like to have that information and the minister assured me that the information would be available at this time, if I could find out the results. I do not know if I want the results of the study; I would like to have a little bit of information on what came out in that study and if there are any plans to upgrade the court services or the court backlog?

Hon. Mr. Ashley: That study was under Justice so I was prepared to talk about it there.

On Supreme Court

Mr. Chairman: We will go under the program, Supreme Court, \$269,000.

Mr. Kimmerly: There is a fairly substantial decrease over last year, almost 40 percent. I would ask the minister what allows that substantial saving?

Hon. Mr. Ashley: The nine-day fortnight was a small reduction. The major savings in it is the rental of the public buildings has been transferred to Government Services. It is an in-house type thing, not a chargeback anymore. Supreme Court travel within the territory has been cancelled. It will be held right in Whitehorse to try to cut those costs.

Mr. Kimmerly: What is the amount of the rental and the amount of the travel which is now cut?

Hon. Mr. Ashley: The amount of the travel and the building rental is about \$140,000 with the remainder being the nine-day fortnight of about \$12,000 — in that neighbourhood.

ss Supreme Court in the amount of \$269,000 agreed to

On Territorial Court

Mrs. Joe: 1 am just wondering if the minister can tell me if there are any plans to make the position of executive secretary to the JP Council a permanent position or would that be included under Justice?

Hon. Mr. Ashley: This is the right place for that. It is not to be a full-time position, not this year, not with the cutbacks that we have had to meet. In actual fact, the executive secretary to the JP Council has been cut back from 150 days to 100 days. He still sits as a JP.

Mr. Kimmerly: Would the minister break down the \$638,000 into categories? I am specifically interested in the JP court and the territorial court and any similar figure about rent analogous to the Supreme Court.

Hon. Mr. Ashley: I can tell you right away what the reductions are. The nine-day fortnight accounted for about \$17,000 and the rental of the buildings is about \$87,000.

Mr. Kimmerly: If you add up those figures and add them on to the amount to be voted, it comes to a figure almost exactly the same as last year. The volume of cases, I believe, is increasing. I would ask the minister to tell me I am wrong, if I am. I suspect that I am not. Is there any plan made to deal with the increasing volume of cases with exactly the same resources?

Hon. Mr. Ashley: In actual fact, the volume of cases has dropped slightly.

Mr. Kimmerly: I would ask for a more detailed explanation of that. Where are those figures from and when did they start to drop?

Hon. Mr. Ashley: Out of our 1982 estimates, which the budget was drawn from, and which are not in the estimates before you. The case-load in adult Whitehorse territorial court was, last year, under the actuals for 1981, 6,680. This year it is 5,978; it is a slight drop. Juveniles are 240, which is a fairly respectable drop, but small claims are up to 804 and that is where a lot of our backlog is coming from.

Mr. Kimmerly: What is the source of those estimates? By what means can the figure of approximately 6,000 under adult criminal be arrived at?

Hon. Mr. Ashley: These figures are based on the calendar year, so these figures are very close to being completed for this year.

Mrs. Joe: I was concerned about the justice of the peace conference. I believe they had one in the spring, probably before the new fiscal year, I cannot remember. I wonder if there are any

plans to have one in the fall, if there is money available for the justice of the peace conference?

Hon. Mr. Ashley: There was a Justice of the Peace Council held in the spring of this year, and it is reflected in this budget, and that has eaten up all of the funds for this year. There is one scheduled for April of next year in the new budget.

Mrs. Joe: I have another question in regards to the nine-day fortnight. How do the people who work in the court registry recording office tie into this nine-day fortnight? I understand that they work every day of the week and I just wondered how that was made up?

Hon. Mr. Ashley: That is done by overtime in some cases. If the court has to sit, is that what you are referring to? If the court has to sit, then it is done on alternate Fridays. It was budgeted up until January! believe, not having to have that done, so these will be the accumulative.

Mr. Chairman: No further questions? Territorial court, \$648,000? Shall it clear?

Territorial court in the amount of \$648,000 agreed to

Mr. Chairman: Sheriff, \$134,000.

Mr. Kimmerly: Just an information question: all the other lines have gone down, this is going up. What is the reason for that?

Hon. Mr. Ashley: We have the same amount of man-years as we had before, and there were merit increases involved, so there was an actual increase of \$8,000 because of that, because of the longevity of the staff in that department. Also, because of the economy, there is an increase in travel costs for serving and processing court orders in outlying areas. And in that area, there is also the rental of the four-wheel drive vehicles for getting out to the mining claims and that sort of thing. That was another \$5,000, which makes an approximate \$13,000 increase.

Mr. Chairman: Sheriff, \$134,000. Shall it clear? Sheriff in the amount of \$134,000 agreed to

On Court Services

Court Services in the amount of \$1,051,000 agreed to

Hon. Mr. Pearson: 1 move, that you report progress on Bill No. 3.

Motion agreed to

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

Motion agreed to

Mr. Speaker: May we have a report from the Chairman of Committees?

Mr. Philipsen: The Committee of the Whole has considered Bill No. 3, *The Second Appropriation Act*, 1982/83 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.

Hon. Mrs. Firth: I move, seconded by the hon. member for Whitehorse North Centre, that the House do now adjourn.

Mr. Speaker: It has been moved by the hon. Minister of Education, seconded by the hon. member for Whitehorse North Centre, that the House do now adjourn.

Motion Agreed to

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

The House adjourned at 5:23 p.m.

The following Sessional Papers were tabled November 18, 1982

82-2-6

Yukon Housing Corporation 80-81 Annual Report (Lang)

82-2-7

Territorial Accounts 1981/82 (including report of the Auditor General) (Pearson)