



The Yukon Legislative Assembly

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2nd Session

25th Legislature

HANSARD

Wednesday, December 8, 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	Hootalinqua
Kathie Nukon	Old Crow
Andy Phillipsen	Whitehorse Porter Creek West

OPPOSITION MEMBERS

(New Democratic Party)

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

(Independent)

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

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

Whitehorse, Yukon
Wednesday, December 8, 1982

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

Prayers

DAILY ROUTINE

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

TABLING OF RETURNS OR DOCUMENTS

Hon. Mr. Lang: I have for tabling a number of legislative returns to oral questions that were asked over the course of the past two weeks.

Mr. Speaker: Are there any reports of committees?

Petitions?

Reading or receiving of petitions?

Introduction of bills?

Are there any notices of motion for the production of papers?

Notices of motion?

MOTION UNDER PROVISIONS OF STANDING ORDER 31

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

Whereas the Cyprus mine in Faro is a corner-stone of the Yukon economy, and whereas the owners of the Cyprus Anvil mine, namely Dome Petroleum, have given no definite indication of plans to reopen the mine, despite co-operation from labour; and whereas the fate of the federal aid package for Cyprus Anvil has not yet been decided by the federal Cabinet: I would like to move, seconded by the leader of the opposition, that this House calls upon the Government of Yukon to make representations urging the federal Cabinet to make an immediate decision on the Cyprus Anvil aid package and to take whatever other steps are necessary to have the mine reopen without further unnecessary delays.

Mr. Speaker: Such a motion, under Standing Order 31, would require unanimous consent of the House. Does the hon. member have unanimous consent?

Some Members: Agreed.

Mr. Speaker: It has been moved by the hon. member for Faro, seconded by the hon. leader of the official opposition, that this House calls upon the Government of Yukon to make representations urging the federal Cabinet to make an immediate decision on the Cyprus Anvil aid package and to take whatever other steps are necessary to have the mine opened without further unnecessary delays.

Amendment proposed

Mr. Philipson: The intent of the motion is sensible, but I feel there are other factors involved that should be qualified at this time.

I would therefore move, seconded by the hon. member for Klunene, that the motion be amended by inserting the words "Dome Petroleum, Cyprus Anvil Mines, the labour unions involved and the Government of Canada", instead of the words "the Government of Yukon to make representation urging the federal Cabinet to make an immediate decision on the Cyprus Anvil aid package, and".

Mr. Byblow: Very briefly, in response to the amendment, I see very little difference from the original motion in intent and this side would be endorsing support to that amendment.

Further to that, I believe that, as the amendment and the first motion indicate, we are facing a very serious matter in the economic survival of the territory, whereas we have had every conceivable encouragement from all sides to reopen the Faro mine.

As indicated in the amendment, we have had already a co-operative effort by the labour unions. We have had — as yet unknown as to specifics — a federal aid commitment and we have had some measure of support from this government.

It is clear that Dome is stalling for whatever reason, and I call on

the consensus of this House that there be a firm and decisive direction to the reopening of that mine. The urgency is very apparent. The community of Faro and the entire territory is in some jeopardy for the past six months with respect to the oscillation surrounding that mine. And certainly a number of people are facing individual hardship because of that.

The direction from the House today should provide a some impetus for a positive and forceful direction.

Hon. Mr. Pearson: We on this side are most pleased to support the intent of the motion and one of the reasons for the amendment was in fact to make it a motion that would express the desire of this House, hopefully in a unanimous manner, to the actors that are involved.

I recognize that the member for Faro has said that it is up to Dome Petroleum. At this point, we on this side agree with him. I do not think anybody could help but draw the conclusion that it is Dome Petroleum and Cyprus Anvil who are the reluctant brides in this business of getting the Cyprus Anvil Mines back into operation.

There has been a tremendous amount of co-operation exhibited by the unions. The Government of Canada has indicated that it is prepared to go ahead with its aid package once it knows there is an agreement between management and labour. We were told two weeks ago that labour and management could not come to agreement because of the uncertainty and respect to the taxation of northern benefits. The Minister of Indian Affairs and Northern Development has removed that uncertainty. It is my information that the union is prepared to sign an agreement, given that now the uncertainty has been removed. It was certainly my understanding that if that uncertainty was removed then Cyprus Anvil was also prepared to sign the agreement. It seems now that there are other road-blocks in the way. This territory cannot afford any other road-blocks. I think that a motion unanimously passed by this House, to all of the actors, telling them that we think that it is now a critical situation should be well received.

Mr. Speaker: Before putting the question, I would just draw the attention of the House to a change in line five, which was an omission. Line five of the motion should read: "on the Cyprus Anvil aid package and".

Amendment agreed to

Motion as amended agreed to

or

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

QUESTION PERIOD

Question re: Cyprus Anvil Mine

Mr. Byblow: I would like to direct my first question to the government leader on the subject of Dome Petroleum's seriousness about reopening the Faro mine. Certainly, as we have had indicated, the federal minister has agreed with that concern and so has the government leader, in earlier remarks.

Will the government leader present a resolution at the provincial mine minister's conference next week on the subject calling on the federal government to demand a reopening of the Faro mine by Dome?

Speaker's Ruling

Mr. Speaker: As the question is making a representation it is contrary to the rules of this House; however, if the hon. government leader wishes to answer, he can. This is clearly against the rules of the House.

Hon. Mr. Pearson: I would like to say to the hon. member that it is a deliberate decision by me to go to this conference because I think it is very important. The federal Minister of Mines, Mrs. Erola, will be at the conference. I will certainly be making every representation that I possibly can to her and to other mines ministers. In respect to a resolution, I think we had better realize that there are mines closed down now in virtually every province in Canada. Unless it was a general type of resolution to open all mines, I really do not know that it would have very much chance.

I want to assure the hon. member that the Minister of Mines,

Mrs. Erola, does recognize the uniqueness of the Cyprus Anvil mine operation to the people of this territory. She does recognize how important it is and I would guess that, if we can continue to get that kind of a sympathetic hearing from her, that is going to be our best bet.

Mr. Byblow: I am sure the government leader would agree to the special circumstances we face in Yukon with respect to the mine in comparison to other mines in the country. In light of the considerable co-operation from this government to Dome's northern ventures, is the government leader prepared to use his government's influence in persuading Dome to reopen Cyprus Anvil?

Hon. Mr. Pearson: If the member is asking me whether I am prepared to close down the Dempster highway because Dome will not open up the Cyprus Anvil mine, the answer has to be no. The Dempster highway is there for everyone's use, for the public's use; it is not a road for Dome.

Mr. Byblow: Having already committed himself to make a presentation at the Mine Ministers Conference next week, will the government leader also be making a clear and forceful representation to the federal Cabinet that the mine must be reopened and that all the federal financial leverage that the federal government has over Dome ought to be used, in this instance?

Speaker's Ruling

Mr. Speaker: Order, please. The hon. member is again making representations. These are things that are done by substantive motion in this House. I would draw the attention of the hon. member to Annotation 359(3), of *Beauchesne*, which states quite clearly that a question must not make representation.

Because of the importance of the matter, and I am sure that both sides of the House would wish to deal with this matter, I will permit an answer from the minister involved; however, I would ask for the courtesy of the House to respect the rule that says that if representations are to be made they are to be made by substantive motion rather than in the question period.

Mr. Byblow: On a point of order, it would appear to me that my question clearly asked the government leader if he intended to do something. I was not making a representation, so, in that respect, I would like to respond to your ruling.

Speaker's Ruling

Mr. Speaker: I will permit the minister to answer.

Hon. Mr. Pearson: It is my intention to be in Ottawa next week and I am sure that the hon. member knows that the economic well-being of this territory has been uppermost on my mind for a number of months and has been the reason for a number of trips that I have taken in the past.

I will be continuing those representations, but not to the federal Cabinet, because I do not get to meet with the federal Cabinet; that just does not happen.

Question re: Child care subsidies

Mr. Kimmerly: I have a question about child care subsidies. The subsidies are presently reduced on a *pro rata* basis for the days that a child is away from day care ill, even though the child care centre continues to charge. Will the minister undertake to investigate this problem and investigate policy changes so that parents with an ill child will not be financially prejudiced?

Hon. Mr. Tracey: I believe the member is mixing apples and oranges. We give a day care subsidy to people whose level of income is not enough for them to utilize the day care centre. When they show the government that they need this assistance, we provide it to them.

However, the agreement between that person and the day care centre is a contractual arrangement between themselves and the territorial government is not involved in it. We are dealing with two different things here.

Mr. Kimmerly: I understand the minister's answer. It is my information that the federal funding rules changed with respect to children's illnesses, and YTG rules...

Mr. Speaker: Order please. I believe the hon. member is now making a speech. Would you kindly state your question.

Mr. Kimmerly: Will the minister investigate the federal-territorial agreement with respect to this?

Hon. Mr. Tracey: We have investigated it. However I will have my department have another look at it.

Mr. Kimmerly: The child care subsidy has not increased this year even though the fees of the centres have. Will the minister look into this inequity as well?

Hon. Mr. Tracey: This is not an inequity. I think the member has a different concept of day care than day care actually is, as provided by this government.

Question re: Wolf poisoning program

Mr. Porter: I have a question for the same minister in respect to responsibilities for wolf care. It seems that the wolf poisoning program is destined not to succeed and I say this because of reasons regarding the overwhelming negative attitude of the public toward the idea and the whole issue of petitions being circulated on the part of the Department of Agriculture. Would it be correct to surmise that as minister responsible it is your position that you really do not want wolf poisoning?

Speaker's Ruling

Mr. Speaker: Order please. I will not allow that question unless it is directed through the Chair and I think you are asking an opinion of the minister which is completely contrary to the rules of the question period.

Mr. Porter: Let me put it this way. At the present time, is there consideration within your department to reconsider the wolf poisoning program?

Hon. Mr. Tracey: No.

Mr. Porter: Tough man, that guy. One of the things that you have stated is that you are willing to look at poisoning in the Finlayson area in respect to the Finlayson caribou herd. Rather than using a poison program to combat what you see as a wolf problem in that area, would you consider to undertake as a pilot project the intensive trapping of the wolves by the hiring of Ross River local trappers?

Mr. Speaker: It has not been the policy of the Chair to hire Ross River local trappers, as the record will show. I am wondering if the hon. member can address his remarks to the Chair. The record will show that the question is being asked of Mr. Speaker rather than the minister involved. But I am sure that the record will now be clear and the minister will now answer the question.

Hon. Mr. Tracey: No, the area in question has already been given out as a trapline. If those trappers are interested in trapping that area — and as I suggested in this House on previous occasions, I believe it is their responsibility to trap that area — it is not the intention of my department to further enhance that trapping by paying them to do so.

Question re: Indian Act

Mrs. Joe: I have a question for the government leader. On November 17th, the government leader stated that his government supported the abolition of Section 12V1 of the *Indian Act*. Will he make a commitment to make known to the Government of Canada its position in respect to this section of the *Indian Act* by way of a letter?

Hon. Mr. Pearson: Yes, I believe that we have already done that. If it has not been done, then certainly we shall.

Mrs. Joe: Will the government leader send a copy of that letter to myself, to the Yukon Indian Women's Association and to other women's groups in the Yukon?

Hon. Mr. Pearson: As I said, I hope the hon. member is asking this question because she has been petitioned by these groups to do so, because I believe they already have a copy. I believe the hon. member would not have had a copy because I could not foresee at that time that she was going to be a member of this legislature.

Question re: Casual employees, YTG

Mr. McDonald: I have a question for the government leader as well. My colleague for Faro asked the government leader yesterday

if he would compensate people who lost retroactive pay because of one day lay-offs they were required to take as casual employees of the Yukon government. As I did not gleam from his answer a clear statement of policy, will the government leader now say if the government is prepared to pay the retroactive pay to these workers?

Hon. Mr. Pearson: What I said yesterday was that we had a policy, and that policy is clear. If these employees were unfortunate enough to have been caught by that one-day lay-off, then they would not be eligible for retroactive pay.

I do not believe that we will change this policy. It is fair and equitable because if they were not laid off for just the one day, they would have been laid off forever, and they still would not have been eligible for that retroactive pay.

Mr. McDonald: Again, to the government leader. I know of at least one employee who has worked for the Yukon government for 12 months a year for the last two years but is still considered as a casual employee because she is required to take one day lay-offs every six months. Can the full-time casual employee expect to receive the retroactive pay, which is, in all fairness, due to her, and if not, will the government leader at least undertake to review the policy?

Hon. Mr. Pearson: There is no such thing as a full-time casual employee.

Question re: Job creation applicants

Mr. Penikett: I have a question for the Minister of Education. On November 9th in this House, the minister stated that in evaluating applicants for some job creation programs, "the first people we will be looking at are unemployment insurance exhaustees". However, the YTG Public Service Commission has told me that no such criteria was part of their evaluation of applicants for the recent highway slashing jobs. I wonder, in light of this situation, could the minister or the government leader explain the government's policy?

Hon. Mrs. Firth: I think the member has two things confused; maybe if he could be more specific I could answer his question.

Mr. Penikett: I cannot say who is confused; but the minister has announced job creation programs in this House, some of which, by policy statement, were designed to give priority to UIC exhaustees. One such program, under the administration of this government, does not give credit for that situation.

A constituent of mine has been out of work for some time. He does not draw unemployment benefits and is not collecting welfare...

Speaker's Ruling

Mr. Speaker: Order, please. I do believe the hon. member is now making a speech. Will he get to his question.

Mr. Penikett: I will try and get to my question unless I have more interruptions. He was told that his application for work, under the Yukon employment development programs, has the same priority as an application from someone who is receiving unemployment benefits. I want to ask the minister if that is the government's policy in respect to these programs?

Hon. Mrs. Firth: The program that the member is asking about, which for UIC exhaustees, is a program that is separate from a man applying for a job to the Public Service Commission. These are two separate programs and there are two separate sets of criteria.

Mr. Penikett: In the quote, "some of the federal programs are under the joint administration of this government", the minister indicated UIC exhaustees might have priority. Let me put this question as notice: could the minister find out how many of the 130 successful applicants, or the people who applied for the two jobs recently, were, in fact, UIC exhaustees?

Hon. Mrs. Firth: I understand what the member is getting at now. The unemployment insurance exhaustees are not hired by the Public Service Commission. It is a separate program that is done through the advanced education and Manpower department.

Question re: Yukon Hydro

Mr. Byblow: I have a question for the government leader on a

nearly-forgotten subject. Since the government leader said, on November 3, that he may well be in a position, by month-end, to report to me on the cost to this government of its acquisition interest in Yukon Hydro, can he do so today?

Hon. Mr. Pearson: No. If I would have been able to do that, it would have been reflected in the budget that was tabled in the House yesterday.

Mr. Byblow: I shall not respond to that. Could I then ask the government leader if its 50 percent equity interest in Yukon Hydro will also make it responsible for 50 percent of the necessary costs related to the construction of McIntyre 3?

Hon. Mr. Pearson: We will be shareholders and partners in Yukon Hydro. Of course, a shareholder, if they want to maintain their equity position, automatically, as equity increases, pay their share of the costs.

Mr. Byblow: The government leader is, therefore, saying that they will have a 50 percent share of the cost of McIntyre 3. In light of the Aishihik overrun, I would like to ask him: will there be a ceiling put on that amount?

Hon. Mr. Pearson: It is a hypothetical question which I just cannot possibly answer.

Question re: Yukon Housing Corporation

Mr. Kimmerly: I have a question for the minister responsible for Yukon Housing. In view of the government's "six and five" policy, is it the policy of the government and will it be, in the next two years, that utility costs for staff housing will be kept to the "six and five" guidelines?

Hon. Mr. Lang: It is my understanding that, in most cases, utilities are paid by the renter, similar to the way I pay my bills at 39 Cedar Crescent, and I would like to think that the member opposite does the same. Subsequently, I would say that the "six and five" percent would not apply because utilities are not controllable by any stretch of the imagination.

Mr. Kimmerly: Will the "six and five" policy apply to the rents?

Hon. Mr. Lang: They are presently on economic rents; if there are any major changes, I am sure I would be bringing them forward to the House.

Mr. Kimmerly: I have a supplementary question to the minister responsible for Government Services. Will the "six and five" policy apply to licence plate fees and other licence fees?

Hon. Mr. Tracey: I think the question is addressed to the wrong minister: it should be addressed to the Minister of Consumer and Corporate Affairs.

Question re: Constitutional negotiations

Mr. Porter: I would like to direct my question to the government leader. Is it this government's position that constitutional issues are to be negotiated between this government and the federal government in a process parallel to the land claims negotiations?

Hon. Mr. Pearson: It is a very difficult question to answer. As the member well knows, there are constitutional issues being negotiated at the land claims table and, yes, we, I believe, are in constant negotiation in respect to constitutional development in this territory, parallel with land claims negotiations. We have taken constitutional steps while land claims have been negotiated. I anticipate, while land claims negotiations continue, our negotiations with the Government of Canada, in respect to constitutional developments, will continue to be parallel.

Mr. Porter: Now that the constitutional committee set up by this legislature no longer exists, what processes does the government leader plan to set up to provide for public debate on the important issue of constitutional growth in this territory?

Hon. Mr. Pearson: This legislature has not set up a constitutional committee. There was a constitutional committee set up in the last legislature to deal with a specific item and that was dealt with.

Mr. Porter: What is this government's position on Indian self-government?

Speaker's Ruling

Mr. Speaker: I do not think I will permit that question as it would require a very lengthy reply I am sure.

Question re: Yukon Court Worker Program

Mrs. Joe: I have a question for the Minister of Justice. On November 22nd, I asked the minister for information on the evaluation that was done on the Yukon Court Worker Program by the Secretary of State. Does the minister now have that information?

Hon. Mr. Ashley: It was a cross-Canada program that was done. I personally do not have the information. I have not seen the report yet, but it was not done just for Yukon court workers. It was done through DIAND for all the programs we have across Canada in that field.

Mrs. Joe: I would like to ask the minister, then: if the report is available to the Yukon, would I be able to get a copy of it?

Hon. Mr. Ashley: I believe it is available through DIAND, through that program.

Question re: Highway sign policy

Mr. McDonald: I have a question for the minister responsible for Tourism, Heritage and Cultural Resources. Last week the minister said that the Cabinet would be reviewing the highway sign policy and would be introducing it this week. It has not been introduced today; will it be introduced tomorrow?

Hon. Mrs. Firth: I guess if it is going to be introduced this week, and it has not been introduced today, it will be introduced tomorrow.

Mr. McDonald: That is very reassuring. Will there be a procedure whereby rural residents will receive funding for, and the opportunity to erect, signs that they feel will advertise and promote interest in historical sites in their area?

Hon. Mrs. Firth: I will keep the member for Mayo in suspense until tomorrow.

Mr. McDonald: Well, perhaps the minister could keep in suspense about this question as well: will the new policy affect the current highway guidance sign policy in the territory?

Hon. Mrs. Firth: No, it will not.

Question re: Annie Lake Road

Mr. Penikett: I have a non-controversial question for the Minister of Municipal Affairs or the Minister of Highways, whoever wishes to answer it. Some residents of the Annie lake road have expressed concerns to me about the 100 foot easement being cut along portions of the road and they are curious about the need for clearing the entire width of the easement. Could one of the ministers indicate the government's intentions or plans in respect to this road?

Hon. Mr. Lang: Since I am the Minister of Highways and the Minister of Municipal Affairs, I think I will take the liberty of answering the question from two different points of view.

It is my understanding, and I am going on memory now, that there was a request a year ago, if not longer, to upgrade that particular road. Subsequently, the slashing was done and, depending on how things developed in the future, it was our intention to upgrade the road to ensure that it is not going to be a question of safety of the travelling public. I recognize that there could well be some inconvenience but it would seem to me that a 100 foot right-of-way would be appropriate. Perhaps the member opposite could speak to that.

Mr. Penikett: I just wanted to find out if the policy of both departments was consistent. Since some believe that the clearing of such a wide strip on this particular road is changing the character of the road and the area very substantially, was there any consultation with the people residing along the Annie lake road before the easement clearing project began?

Hon. Mr. Lang: I will have to take notice on that question.

Mr. Penikett: I wonder if the minister, while he is taking notice on the question, would also, since we are close to the end of the session, give an undertaking to approach and discuss with the residents in the area who are concerned, their apprehension about

the project?

Hon. Mr. Lang: I would deem it most appropriate to work through the elected member for the area and, rest assured, it is in good hands with the member for Hootalinqua.

Question re: Vocational Technical and Training Centre

Mr. Byblow: I have a question for the Minister of Education. According to government studies done, a lack of space in the Vocational and Technical Training Centre and a lack of suitable rental facilities make it difficult to offer additional courses that are being requested by business and labour, could I ask the minister what steps she is taking to rectify the space problem for vocational and trades training?

Hon. Mrs. Firth: If the member for Faro had looked at his capital budget he would have seen that we have identified some monies, in the capital budget, for renovations at the vocational school. Hopefully, through those renovations, we will be able to make some more space available.

Mr. Byblow: From the performance of capital budgets during this past year, we know what can happen to line items in budgets. On the same subject, since much of the equipment for trades training in the vocational school is also very obsolete, does the minister have any plans to accelerate the replacement of such equipment in order to keep pace with the technological and high technological developments?

Hon. Mrs. Firth: Again, we have identified monies in the capital budget for equipment at the Vocational and Technical Training Centre. I have also been in consultation with the hon. Lloyd Axworthy, federal Minister of Manpower, and we are exploring avenues through some possible federal funding, to expand the courses taught at the vocational school.

Mr. Byblow: I would then like to ask the minister if she has any plans to reinstate the Yukon Labour Force Development Council, or a similar force, that has historically provided input from business and labour into trades training in Yukon?

Hon. Mrs. Firth: I have not thought of the particular board the member has mentioned. However, we do have the trades advisory committee, from which I believe we get input regarding trades in the territory.

Question re: Licence plate fees

Mr. Kimmerly: A surprise question for the Minister of Consumer and Corporate Affairs. Will the "six and five" policy guideline limit apply to licence plate fees in the next two years?

Hon. Mr. Ashley: We are not intending to raise those limits, so I believe it will be.

Mr. Kimmerly: I thank the minister for information about the price increases. Are the price increases going to be kept within the "six and five" guidelines as the federal government is doing?

Mr. Speaker: Are there any further questions?

Mr. Kimmerly: Are the price increases for licence plate fees going to be kept to the "six and five" guidelines? Question mark!

Hon. Mr. Ashley: At the moment, we do not know what those costs are going to be. We have not made that decision yet.

Question re: Grizzly bear complaint

Mr. Porter: I guarantee my question will not be as difficult. It is directed to the Minister of Renewable Resources. About one week ago, an individual reported an incident of a grizzly bear being sighted on numerous occasions near the community of Pelly Crossing. Why did the department not respond to the complaint?

Hon. Mr. Tracey: I was not aware of the complaint. However, you know that my department authorized the shooting of that bear and that has subsequently happened.

Question re: Indian self-government

Mr. Porter: In the past, this next question has often caused a reaction from the government that would normally be associated with grizzly bears. My question is to the government leader: considering the fact that the federal government has mandated a parliamentary subcommittee to review the question of Indian self-government, is this government planning on making a presentation to that committee?

Mr. Speaker: I will allow the question, but it is certainly not

supplementary to the first basic question.

Hon. Mr. Pearson: I am finding it most interesting that the Council for Yukon Indians has not asked me whether this government is intending to make a presentation. It must be because they are well aware that Indian self-government, in this territory, is a topic of conversation at the land claims table.

Mr. Speaker: There being no further questions, we will proceed to orders of the day.

ORDERS OF THE DAY

MOTIONS OTHER THAN GOVERNMENT MOTIONS

Motion Number 16

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

Mr. Speaker: Is the hon. member prepared to deal with Item 1?

Mr. Brewster: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the hon. member for Kluane, seconded by the hon. member for Hootalinqua, that it is the opinion of this House that the Department of Indian Affairs and Northern Development, in consultation with the Yukon government's Department of Finance, should correct an inequity that now exists in the Government of Canada Power Rate Relief Program to small non-governmental commercial enterprises, by designating small businesses which service Yukon highways and produce their own electricity to be eligible for the benefits of the program.

Mr. Brewster: I have introduced this motion in an effort to correct an inequity which exists in the Government of Canada Power Rate Relief Program for small non-governmental commercial enterprises. The funding for this program is provided by the Department of Indian Affairs and Northern Development; the Yukon government's Department of Finance administers it.

I am happy to see that such a program exists. It serves well a deserved group of small businesses that are located outside of the Whitehorse area and gross less than two million dollars a year. These businesses are the backbone of the business community throughout Yukon and I am happy to see that the program recognizes their importance and the extra costs they have to absorb. The benefits of these programs are by no means a windfall, and I do not believe that they should be, but these benefits do provide a significant relief to the struggling small business.

There is one inequity that I wish to point out. There are a number of very important businesses throughout Yukon that are outside of Whitehorse and gross less than two million dollars but which are not eligible simply because they are not located in areas serviced by the Electrical Public Utilities. They must provide their own electricity if they are to have any electricity at all.

The highway lodges and businesses I referred to must carry a double burden. Not only must they pay the capital cost of purchasing an electrical generating system, but they at a less competitive advantage than other businesses on the power grid simply because they do not receive the benefit of this program.

The businesses must buy at least one light plant and, in most cases, a back-up system is a must. They have to operate and maintain these power plants 24 hours a day. Most plants run on expensive diesel fuel and because of this their costs for electricity is well above the cost to other Yukoners.

These highway businesses pay taxes, just as any other taxpayer in Yukon, but often receive less in the area of service and benefits. They provide what I consider to be an essential service to the travelling public throughout Yukon.

Travellers stop and use their facilities, some of which are used as public services such as washrooms. They are called out at any time of day or night to help people who are in distress along the highways. Believe me when I say that being stranded on a Yukon highway during winter, or summer for that matter, can cause a great deal of stress to the traveller. Given that these highway businesses and lodges provide a very important service to all travelling public and the fact that they are not recognized on a equal footing as other businesses eligible for the power relief programs, I would ask for the full support of this assembly to correct this.

It would be very simple to do under the existing terms of the program. Presently, businesses are allowed power rate relief fund electricity up to 1,000 kilowatts per month. My research has shown me that these highway lodges would consume more than that. Therefore, it would be feasible to make the lodges eligible for 1,000 kilowatts per month under the program.

This motion intends to provide assistance to those deserving small businesses that service our Yukon highways. I ask for the unanimous approval of this House on this motion.

Motion agreed to

Motion Number 10

Mr. Clerk: Item number 2, standing in the name of Mr. Penikett.

Mr. Speaker: Is the hon. member prepared to deal with item 2?

Mr. Penikett: Next sitting day, please.

Motion Number 12

Mr. Clerk: Item number 3, standing in the name of Mr. Penikett.

Mr. Speaker: Is the hon. member prepared to deal with item number 3?

Mr. Penikett: Yes, Mr. Speaker.

Mr. Speaker: It has been moved by the hon. leader of the opposition, seconded by the hon. member for Faro, that this House is opposed to the imposition of a territorial retail sales tax.

Mr. Penikett: I will be brief, as I have been. This motion is precipitated by an observation, or an offer, made by a certain gentleman from the mysterious east who appeared in this place a couple of Saturdays ago and suggested that the Government of Yukon could keep all the money it cared to collect by the means of sales taxes.

Notwithstanding the fact that we do have some sales taxes in effect already, we do not have retail taxes. On a number of occasions in this House there have been assertions and allegations fly across the floor of this House in respect to the supposed different positions of the different parties on this question. I thought it would be useful, in the context of the federal minister's remarks and in anticipation of future budgets, that this House make itself perfectly clear on the question and perhaps it could do this by unanimous adoption of this simple proposition.

Hon. Mr. Pearson: We, on this side, intend to support the motion because it just reaffirms what has been our philosophy ever since being elected. If we were in favour of a retail sales tax, we have had numerous opportunities afforded to us to impose such a tax. We have not done that because we are opposed to it. However, in being opposed to it, as the government leader and as the Minister of Finance, I have to tell the hon. leader of the opposition, and the members opposite, that it is one of the few options that we have left to us to increase our revenues.

If that is necessary for the implementation of programs that are constantly asked for by the opposition, we may well find ourselves in a position where, not wanting to do it, we have to do it. Given that there is no commitment here, we can definitely support the motion that we are opposed to retail sales tax.

Motion agreed to

Motion Number 14

Mr. Clerk: Item No. 4 standing in the name of Mr. McDonald.

Mr. Speaker: Is the hon. member prepared to deal with item no. 4?

Mr. McDonald: Yes.

Mr. Speaker: It has been moved by the hon. member for Mayo, seconded by the hon. member for Faro, that it is the opinion of this House that the government should introduce, with all due haste, legislation pertaining to employment standards and occupational health and safety.

Mr. McDonald: I believe that this legislature must do something by way of labour legislation for working people in Yukon. The legislature has matured and the government administration has matured to the point where it should be capable of resolving serious long-term complaints expeditiously and competently. There are no

good excuses to prolong deliberations into the development of legislation for employment standards and occupational health and safety for another long interminable period. The fact that the government had in the past showed enough concern that it had introduced discussion papers and convened select committee hearings is testimony to the need for such legislation.

What essentially worries me now is that there is no short-range or long-range commitment to upgrade outdated legislation. What we have seen however is a strong and forceful commitment to control wages and to ignore various recommendations emanating from the report on food prices in the territory. What we have heard are platitudes about "Lunchbucket Joe" about how great a guy he is, about how much we admire his patience, admire his ability to maintain dignity while being chopped off at the knees. His business, that of running his household, is not allowed to increase its price to cover increased expenses, household expenses. As a result the guy who packs a lunch, has real problems and among them is the right to have time to eat his lunch.

This brings us to labour standards and some recent statements made by the minister responsible for labour standards and occupational health and safety. The first, in his opinion, "We already have pretty fair legislation". The second is that it would be "ludicrous to open up legislation for every little point".

The reason for this motion today is that I feel as a member of the House that I have a responsibility to try to convince the minister that we do not have pretty fair legislation and also that there are enough little points — and big points, for that matter — to warrant a reopening of legislation.

¹⁷ The minister also suggested that if I had some concerns, I should bring them to his attention, to which I replied that he already had thirty-five documented submissions regarding employment standards alone in his possession.

I will not provide a precis of those: in many cases, well researched documents, as the minister is capable of reading them himself. However, I will try as briefly as possible to convince the legislature that existing legislation has sufficient shortcomings to warrant new legislation as soon as possible.

There are areas of employment standards legislation where Yukon jurisdiction has been surpassed for a long time. One such area is equal pay for work of equal value, which was endorsed by this legislature on April 21st of this year in principle, whose wording is well established and accepted across Canada. Jobs that are dominated by women and jobs which are primarily dominated by men, but which bear equal value to the employer and to society should be paid equally.

Another area of concern is maternity leave, for which there is no provision in the existing ordinance. It is listed as a recommendation on page 14 of the report by the select committee on employment standards. It notes that 68 percent of Yukon women work and that maternity leave is necessary to ensure that women can continue to fully participate in the work-force. It is especially important in times of high unemployment, and that while women will continue to perpetuate future generations of Yukoners, they can maintain their earning power to maintain the family's income. They must be permitted to return to their jobs following pregnancy and the birth of the child.

In Canada, maternity leave provisions stack up in the following way: there are six jurisdictions which have a 17-week provision for basic leave and four which have 18 weeks. There are also provisions for special extensions. Perhaps a short paternity leave could also be considered as well.

Notice of termination is a provision which quite incredibly, in my opinion, not contained in the existing ordinance; which is understandably of immediate concern today. The notice of termination across the country adds up in the following way: the minimum notice of entitlement averages one week across the country, and averages to a maximum of about four to five weeks for a qualifying period for maximum notice.

Another issue is regarding wage collection procedures and the need to ensure, through some method of wage bonding or wage insurance, that workers who have fulfilled an agreement to work should be paid. This has been a problem in the placer fields, as I am

sure the minister is aware, and is not unknown to other ventures in the territory.

One example, just recently, is that of a day worker who, along with about a dozen others, cleared a right-of-way on a section of the Alaska highway. When the time came to collect his wages, he found that the company had gone bankrupt. All the people were out one day's pay; a day that they had worked. They were advised to consider civil action through small debts court, and the labour services officer said that there was nothing she could do. She could do nothing because she was not empowered to do anything.

¹⁸ This brings us to minimum wage. Tied as it is to the federal rate, it is barely three percent over that which is the standard set in the south, while we know, at the same time, that the cost of living is better than 21 percent greater in Whitehorse than in Edmonton and the cost of food in Whitehorse is 30 percent higher than in southern cities.

There is room for improvement concerning the maximum hours of work provision, the right to refuse overtime, reasonable amount of time between shifts for sleep, guarantee of transportation from an isolated work area upon job termination — a special Yukon problem — and the leave for Joe Lunchbucket to eat his lunch.

Regarding occupational health and safety, the desire to amalgamate various pieces of legislation into one unified, comprehensive piece has been suggested in the past and has been revoked in the government's green paper issued only last spring. A special study was contracted, written and a report submitted. The minister has stated as far back as July that his department has been working on these problems and the most significant high profile issue, the right to refuse work that the worker reasonably believes is unsafe, is one which has been presented by the previous government's green paper and has recently been endorsed publicly by the minister himself. It is a common law right for every person to exercise without fear of reprisal.

Proposed changes to occupational health and safety legislation, especially labour standards, has been before this House for a long time. We, as a legislature, should not be accused of being long on promises and short on performance. I urge all members to support this motion to demonstrate our concerns for all working people in the territory and our awareness of the significant issues which have to be addressed.

I have not delved deeply into the many specific areas which count as important issues for many people in the territory; what has been attempted, however, is to show that there is room for some significant changes which ought to carry a higher priority in this legislature.

Hon. Mr. Ashley: In reply to the motion, it sounds like a rehash of a lot of the things I have been reading on this — not the motion, but what the member has been speaking to the motion about.

The reasons that we have not brought legislation into the House to date is that it is extremely critical legislation and it is going to take more time to develop. I fully intend to bring legislation in and, hopefully, I will be able to do it in the next fall sitting.

We have also found it necessary to second our resident expert in this field to the Department of Education to look after an even more immediate problem in Yukon, and that is to be the co-ordinator for the Employment Development Program.

Therefore, yes, I can agree with this motion because we fully intend to move ahead with legislation in this area as soon as we possibly can.

¹⁹ Motion agreed to

Mr. Clerk: Item no. 5 standing in the name of Mr. Kimmerly.

Mr. Speaker: Is the hon. member prepared to deal with item no. 5?

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

Mr. Speaker: So ordered.

Motion Number 17

Mr. Clerk: Item no. 6 standing in the name of Mr. Kimmerly.

Mr. Speaker: Is the hon. member prepared to deal with item no. 6?

Mr. Kimmerly: Yes.

Mr. Speaker: It has been moved by the hon. member for Whitehorse South Centre, seconded by the hon. member for Faro, that the hon. Donald Taylor, member for the electoral district of Watson Lake, no longer holds the confidence of this House as Speaker and should resign his position in the Chair of this House.

Mr. Kimmerly: I would like to begin by saying that I fully realize the importance of the motion and the quality of the debate on the motion. It will be perhaps one of the most important speeches in my career, however long it may be.

Not to betray any confidences, but with conversations among members of the assembly, I have been told that it is "playing with fire" and I agree with that. And, that is a fairly apt colloquially expressed statement of the importance of the motion, in my opinion. I have also been told that if the gloves come off on one side of the assembly they will come off on the other. I wish to say that in my opinion, and it is a very strongly held opinion, that it is important that, especially on a motion like this, that members punch as hard as they feel they should punch, but that the gloves clearly stay on.

In preparing for this motion, and in conceiving of it, which I did this Monday, I must say that I personally have acquired a new respect for the procedure of the order paper, and I can also say that as I get older I appreciate the importance of the skills of diplomacy. If I had spoken to this motion on Monday, I would have probably been ruled out of order and probably named, properly so, by yourself, because I was extremely upset. I am less emotional, but I remain upset.

I would like to refer to some precedents. I believe there is no Yukon precedent for this kind of motion. There are some Commonwealth precedents. In the federal Commons on June 4th, 1956, there was a similar motion — it was in the context of the pipeline debate in 1956 — which came to a vote that proceeded along party lines and on the next sitting day, July 2nd, Mr. Speaker offered his resignation, which the government refused to accept at the time. It was a tragic personal situation for Mr. Speaker, also, I believe.

²⁰ On the 29th of April, 1980, in the legislature of Saskatchewan a similar motion was moved by the opposition and there was a vote along party lines, and it is interesting that the major rationale for the motion was inconsistent rulings by Mr. Speaker. It is my opinion that it was quite proper to defeat that motion in that case. The evidence for the motion was not clear enough and I will speak further about that.

Also, in Ontario, on the 16th of November, 1981, there was a similar motion and it arose very briefly when both of the leaders of the opposition, the Liberals and New Democrats, were incensed because both of their leaders were named by Mr. Speaker on the same day and they were named because of objections that the leaders of the opposition rose to on points of order, and Mr. Speaker ruled the points of order out of order without listening to the points of order. The opposition parties were incensed and, in fact, a grave disorder arose in the Ontario Legislature and there was an adjournment for 23 minutes.

The motion was moved by a distinguished parliamentarian, in excess of 20 years of service. It was defeated along a party line vote. The Liberals voting against the motion, the NDP in favour of the motion and the governing Tories against the motion.

It is interesting that in all of the Canadian precedents, that I am aware of, the premier or government leader has spoken and, I say, has spoken extremely well in all of those cases, and has generally made a statement about the importance of the office of Mr. Speaker and has stated various general principles and has come to the defense of Mr. Speaker, and individual speakers, and I am extremely pleased that I understand the government leader is going to speak to this motion. I would also like to say that, in my opinion, the government leader is by a long way the fairest parliamentarian on the other side.

I wish to raise some general propositions, or general statements. Firstly, in Beauchesne, page 38, I would quote two lines, "The chief characteristics attached to the office of Speaker in the Commons are authority and impartiality. Also, "Confidence in the

impartiality of the Speaker is an indispensable condition of the successful working of procedure and many conventions exist which have as their object not only to ensure the impartiality of the Speaker, but also to ensure that his impartiality is generally recognized".

I would also like to quote from Mr. Laundy, who wrote several articles. He is the current Chief Librarian of the federal Library of Parliament. He says, in an article, entitled "The Speaker and the Speaker's Office in the 20th Century", "The rules are not intended to be enforced with indiscriminating rigidity in ever conceivable circumstance". He goes on, "Members of Parliament are immune from action in law in respect of anything they might say in the course of debate in the House. The Speaker is the traditional guardian of their right of freedom of speech, which is, today, the most important aspect of parliamentary privilege".

Also, from the same article, "It is important to emphasize that the Commons was never intended to be run like a military establishment. It is a place where emotions sometimes run high, where anger is frequently and legitimately expressed, where members are entitled to give vent to strong feelings. The Speaker must judge the mood of the House and decide when greater than normal latitude and tolerance are called for."

In another article by the same gentleman, entitled "The Speakership in Canada", there is a description about the 1956 debate in the federal Commons and I quote from the debate: "A partisan vote on the motion now before us will not relieve the unhappy situation in which we now find ourselves."

Especially, I would like to quote two things from the Saskatchewan debate, page 2147, April 29th, 1980, of the Saskatchewan *Hansard*, the government leader, or the premier, is speaking and I quote, "The Speaker is the protector of the rights of all the member of the assembly. Majority, yes, minority, yes. By years of tradition and precedent, two factors are kept in his mind. The rights of the majority to govern, and the rights of the minority to be heard adequately".

²² That is our tradition. Mr. Speaker, I wish to emphasize that, because I wish to adopt it. The fundamental job of Mr. Speaker is to protect the majority who legitimately won the last election and to protect their right to govern in the face of obstruction, if it occurs; and to protect the opposition's right of speech. Those are the two fundamental issues that Mr. Speaker is entrusted with.

Also, on the same page, I quote, "The point I make is that motions of this kind are few and far between and are made only when the evidence is clear, unequivocal and decisive". I wish to adopt that as well. If I am wrong, it is a frivolous motion, if it is deemed to be a frivolous motion, my personal reputation will suffer immeasurably, and it should. The burden of proof ought to be that the case ought to be clear, unequivocal and decisive. I clearly accept that.

I wish also to refer to an ancient tradition and it is basically the Speaker's oath of office. It is not exactly an oath, but all Speakers in this legislature and the commons and in Westminster repeat a little speech on their election. It is on page 1 of *Hansard* and I wish to quote it to refresh the memory of members. "May it please your excellency, the Legislative Assembly has elected me as their Speaker though I am but little able to fulfill the important duties thus assigned to me. If, in the performance of those duties I should at any time fall into error, I pray that the fault may be imputed to me and not to the assembly whose servant I am, and who, through me, the better to enable them to discharge their duty to their Queen and country. I humbly claim all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, access to your excellency's person at all seasonable times and that their proceedings may receive from your excellency a most favourable construction." I wish to emphasize the phrase "especially that they may have freedom of speech in their debates".
²³ I wish to now, after the introductory statements, make a case. I wish to say why I feel that my right of free speech was not recognized and I wish to do it in two ways.

I wish to describe in detail, for the record, the incident on Monday last and to describe, after that, the background of the last year or so and point out where I believe the Speaker has erred and

erred to such an extent that, objectively, unfortunately a conclusion of bias can be reached.

First of all, on Monday, on page 378 of *Hansard* it shows several things, although the other aspects I wish to emphasize are not clearly in the record. There was a debate on third reading of the *Land Planning Act*, an extremely important act, and I had intended, and it was planned, that the member for Campbell was going to move an amendment to the third reading motion and I was going to speak, both on the amendment and on the substantive motion. The member for Campbell moved the amendment and question was called and I was not afforded an opportunity to speak. I say that I know in my heart that I was on my feet before you, Mr. Speaker, called the question. I know that the member for Tatchun was about to rise and the question was being called by the government front-benchers and I was about to rise and I hesitated, and then the member for Tatchun also sat back, and I stood up extremely quickly and I was not recognized before the question was called.

Immediately after that, I stood up as fast as I possibly could. Also, the member for Tatchun stood up. I believe, and I have independent advice from other persons who are here, that probably we stood up at about the same time. I was not recognized and the member for Tatchun was. He gave his speech. Subsequently, I was recognized; I was beginning to speak and a note was passed to Mr. Speaker. You read the note and you subsequently interrupted me and refused to allow me to continue on the basis that the member for Tatchun had twice spoken and I was out of order. I asked for permission to speak and I was denied it.

I cannot now give the speech that I intended to give on Monday, but let me say that land in Yukon is an extremely important issue and also the land bill operates, notwithstanding the Canada *Charter of Rights and Freedoms*. I spoke about that in Committee, and I said I was relying on the minister's information that the bill was consistent with the land claims agreements so far. I wished to make extremely important statements for my constituents and also concerning my personal conscience on that extremely fundamental issue and I was not afforded an opportunity to have free speech on the issue; a matter which I consider to be irreparable. I will come back to that.

I wish to go through — and I will try to not do it in painstaking detail, but I wish to emphasize certain cases over the last year — 39 instances that I wish to call attention to, in 26 of which, in my opinion, Mr. Speaker was clearly wrong, and the cumulative effect is a demonstration of bias, and 13 of which were close calls, and I recognize that Mr. Speaker is, in some respect, like an umpire, and the participants in the game frequently have coloured views, and it is entirely possible that our view, on this side, could be coloured. So, on some of them, I simply say that the rulings were close and, on 26, I say that they were wrong.

Firstly, on November 16th, 1981, at page 260, I would point out that you ruled me out of order for a frivolous and argumentative question about a minister's fishing trip. There you were right, that is not one of the 39.

I simply wish to point that out for the benefit of other people analyzing my analysis so that they can be given an opportunity to judge the way that I am analyzing these things.

On November 18th, at page 307, there was a question by Mr. Veale, who was a member at the time, and he asked about the cost of a two-day program on public speaking given to Cabinet members and other people. You ruled that the matter was not urgent. I call that a close call. There was a debate about the ruling at the time.

On November 30th, at page 441, the record indicates that question period ended early and at that time I rose from my seat. However I did rise a little late and you ruled that I had not stood up fast enough and closed the question period. Mr. Speaker, that one is a close call. It is not on the list. However, I do say that you spoke to me privately afterwards and chuckled, and in your Chair you chuckled and smiled and thought it was a joke. Mr. Speaker, I did not.

On December 15th, at page 461, there was a ruling on a question I asked about practices in the Public Service Commission about essentially a muzzling order or non-publication of civil servants' views and you ruled and I quote, "I must advise the hon. member

that the question is probably out of order", and I was seeking an opinion and you later said, "I will rule the question out of order", and the government leader indicated that it was too bad, he would have enjoyed answering. That was wrong. I was not asking for an opinion. I was asking for information.

On December 16th, at page 473, the leader of the official opposition asked about intention of the government in a general sense about the call of an election. You ruled that the question was out of order as it was frivolous. The question, in fact, was answered, as the leader of the official opposition persisted in the question at the time. Your comment that it was a frivolous question was wrong and it tends to show, in an objective sense, bias.

On page 495, on December 17, you gave two rulings, both of which I would call questionable, and not clearly and decisively wrong. They were about the generality or specificity of the question. I will not actually read it. Also, there was a comment about the extremely lengthy replies being given by the member for Porter Creek East at the time, which was a particular problem in those days. I see he has reformed.

On the 29th of March, page 15, I asked a question about the issue of the day, about a legal opinion concerning the change of the name of Yukon laws from ordinances to acts. You ruled the question out of order but, subsequently allowed it after a short debate. Your interpretation of the possibility of asking questions about legal opinions was wrong and my question was entirely in order, and it was an unwarranted interruption serving to decrease the effect and the importance of the question.

On page 35, on the 30th of March, Mr. Veale asked a specific question and you interrupted asking him to get to the question after he was into his preamble, the preamble being an entirely satisfactory preamble of under one sentence; very few words.

On the 30th of March, page 37, there is a questionable ruling. I asked a question about improper use of taxis by government officials and you ruled the question was hypothetical, where it was an entirely proper question and your ruling tended to show a protection of the minister from answering the question, in my opinion.

On April 1st, page 78, Mr. Veale asked a question and it was ruled out of order as argumentative and it was a clear question. Your ruling was wrong.

I realize that I am running out of time, so, for the record, basically, in case I do not finish, I am going to identify the particular problems. They are, April 8th of page 156...

Mr. Speaker: Just to advise the honourable member —ot by means of an improper interruption —hat the rules of the House do provide for him to speak as long as he wants up to 4:30 p.m. today, as the mover of a substantive motion. Proceed.

Mr. Kimmerly: Thank you. April 1st, page 78, I mentioned. On April 8th, at page 156, on a question from Mr. Veale, I wish to describe this: he asked a question of a minister and the minister did not hear or was not paying attention, and the leader of the liberal party asked the question again and also made a comment on the minister's attention. You ruled that the repeat of the question was a supplementary and at the time Mr. Veale looked at the T.V camera and the audience and said, "I cannot believe it". I believe Mr. Veale was wrong to do this as he showed disrespect for the Chair, and he should not have. However, the ruling in fact was wrong and it serves as an example of the kind of situations that we get ourselves into in the face of ultra-legalistic, technical and wrong rulings.

On April 15th, page 215, I asked two questions which were ruled out of order and I wish to explain them in some depth. I referred to a report, and a page of a report, and I asked the question, "Does the government now have a policy on this specific issue?" I was ruled out of order and the rationale was that I was asking a question about an opinion about government policy. It appears on page 214 actually. I was ruled out of order twice.

On the next sitting day, April 19th, at page 228, you, Mr. Speaker, made remarks to the assembly, which I appreciated, and you explained that there was a gray area and it was difficult from the Chair at times to rule extremely quickly. The remarks appear on the record. I wish to say that I appreciated that. The Chair, of

course, is an extremely difficult position, and I sympathize with the problems of the Chair.

It is interesting and I wish to put on the record that, at that time and over the weekend, a substantive motion similar to the present one was, in fact, drafted and signed but never filed. It was not filed because of the remarks that Mr. Speaker made on the 19th of April.

On the 20th of April, at page 252 and 253, there was a ruling about a question from the member for Faro and Mr. Speaker ruled that it asked an opinion. The exact question was "Would the minister offer an explanation" of a certain, specific thing, and the ruling, in my opinion, was wrong.

Also, on page 255, on April 20th, there is an interesting ruling. I was asking questions about the workers' compensation legislation, a subject of the previous debated motion, in fact, I asked two questions and the minister was essentially saying "I will not answer them" or "I will answer them at the time the bill is introduced". I asked a second supplementary and Mr. Speaker said, "That question I would presume to be out of order, inasmuch as the minister has refused to answer any further questions in respect to that matter". I submit that the real rule, or the proper principle, is that an opposition member can ask the question as often as he likes and it would serve to emphasize to the public that the minister is refusing to answer the question. In fact, the ruling was wrong and, unfortunately, in an objective sense, tended to show bias.

After the election, on November 4th, 1982, at page 47, there is a ruling by yourself. I was speaking on second reading to the wildlife bill and I invited the minister who moved the bill to answer questions in closing debate during his rebuttal. I put the questions in terms of the general principle of the bill and you ruled, "If the hon. member is referring to specific sections of the bill" — which I was not — "that would not be in order because we are discussing the principle of the bill". The minister did not answer the questions, of course.

On page 56, on the 8th of November, the member for Whitehorse North Centre asked a question about legal assistance, or the legal aid plan, and the specific question is, "Can the minister tell me if, in fact, this information is correct?" You ruled that the question sought an opinion, which was wrong. On page 59, on the same day, about the same member, the member asked about the waiting list for Macaulay Lodge. You ruled the question was of an administrative nature and out of order. That also was wrong and tended, objectively, to show bias.

On page 81, on November 9th, the leader of the opposition asked if the Cabinet discussed a certain issue. You ruled that the question was out of order in that it was confidential, although the government leader answered anyway.

On page 97, November 10th, there was a question about the statements, or more properly, the giggling of the government member in response to a question about the Women's Bureau and you stated, "I am not sure I heard that question correctly, but I really do not feel that the question would be in order. Could it be restated?" That is an indication that you did not hear and ruled that what you did not hear, in fact, was out of order, which is a statement tending to show bias. You also stated that comments about matters raised in the press are out of order, which is only a partially correct statement.

On page 121, November 15th, you ruled a question out of order as being frivolous. The question was about the YRAC board members and their political affiliations. I say that is not a frivolous issue at all. The wording of the question was slightly verbose; however, it was a serious question about a serious issue and the ruling objectively tended to show bias.

On page 159, November 17th, there is a questionable ruling I will not refer to. Also on that day in the question period, a minister of the government introduced at great length a visitor in the gallery, which was done at an inappropriate time. This is not an error by my calculations. A proper course of action would be to allow additional time for question period to make up for it, or something of that nature.

Also on page 161 of the same day there are two questionable rulings. On page 162, there was an interruption of a question by the

member for Campbell, which interruption was uncalled for. It was about the length of the preamble. He was speaking only a single sentence about an extremely important issue.

On November 18th, at page 189, Mr. Speaker made a comment about the member for Mayo's question about a labour code. The question was fairly simple. It was basically "Is the government planning to introduce a labour code?" Mr. Speaker said that he cannot understand the question. Well, Mr. Speaker it is a very simple question, and the admission of lack of understanding in my opinion served to diminish the office.

On page 203, on November 22nd, on a question from the leader of the opposition about the supply of lists of students to the Yukon's federal member of Parliament, Mr. Speaker interrupted and said the question should be more properly be addressed to the member of Parliament. Well Mr. Speaker, unfortunately, and perhaps unintentionally, the public, objectively, can take that ruling as essentially being a protection of the government. The question was entirely in order and absolutely clear about the supply of the lists, and I am sure that the government itself did not welcome any suggestion it was being protected because the government's attitude is that no protection was necessary and, unfortunately, it served to demonstrate an objective bias.

On page 226, on November 23th, a questionable interruption that I will not describe.

On page 274, November 25th, I was asking about social assistance and the minister did not know the answer and he told me that he would take it under advisement. I asked supplementaries as notice, and I prefaced them as notice, and Mr. Speaker said and I quote, "Order please. I believe the member is now entering into a debate. Could you finally get to the question", after a question with absolutely no preamble.

On page 286, on November 29th, a questionable ruling that I will not describe. Also, on page 310 and 311, on November 30th, a questionable ruling that I will not describe.

On page 312, the member for Campbell asked a very simple question about dead animals and the question was, "Was poison found to be the cause of death?" Mr. Speaker commented, and I quote, "Again I will ask the minister to be brief. This is the type of question that could require a lengthy reply." Mr. Speaker, it was a very simple question, a specific question, and the answer was extremely brief.

On page 322, on December 1st, I was asking questions about social assistance and, on my second supplementary, I said exactly this: "Tomorrow, I will also ask about the food basket social assistance budget allowance. I would give the minister notice of the question. That is all I said. Mr. Speaker said, and I quote, "Order please. I believe the hon. member is now making a speech. Does the hon. member have a question?" Mr. Speaker, the ruling was blatantly wrong and tended to show a clear and decisive bias.

On page 351, December 2nd, an interesting incident: the leader of the opposition asked an extremely important question of the government leader and he stood up a second time. Mr. Speaker had obviously made a mistake and insisted that the leader of the opposition had already asked two supplementaries. He did allow a third supplementary. However, if the record is examined, it is quite clear that Mr. Speaker erred and it was a second supplementary and not a third.

On page 352, Mr. Speaker made a comment about my question, which was an extremely simple question to a minister who is known for his brief answers. Mr. Speaker commented that he would ask the minister to be brief. Also, on the next question by the member for Campbell, he attempted a little bit of humour. I do not count this as an error, but as a questionable ruling — he attempted an entirely appropriate, light-hearted comment and he was ruled out of order, fairly forcefully.

On Monday, December 6th, at page 367, the member for Mayo asked a question about of double standards regarding government back-benchers going on government planes and opposition back-benchers not being afforded the privilege. You ruled the question as argumentative: that ruling tended, in an objective sense, to show bias.

Yesterday, in the debate on the wage controls, you ruled the member for Campbell out of order because — and if you look at the record, he was, in fact, speaking about the land policy; however, he was responding — and he said he was responding, and it was in the first paragraph of his address — to previous statements made by the member for Tatchun, which are found on the previous page. The member for Tatchun was clearly out of order in that he waived from the topic in a very serious way and he was not ruled out of order; the responder was ruled out of order. That tended to show an objective bias, in the public's mind.

The most important issue, in my mind, was on Monday when, on a matter which I consider to be of the utmost importance to both my personal conscience and to my constituents, I was not afforded free speech. I claim the right of free speech: it is not a privilege, it is a right. I do not claim it for me; I claim it for my constituents.

I refer you to the standing orders of the assembly and, at section 26(2), it says: "In all cases, Mr. Speaker shall inform the assembly that the reply of the mover of the original motion closes the debate." That was not done and I state, as firmly and as forcefully as I am able to state, that an error was made in not recognizing me twice, and it was a gross error, and an error of fundamental principle that now no longer can be corrected. The traditions and precedence about the Speaker recognizing various members of the assembly and selecting amendments in the larger legislatures are well documented.

"In this assembly we have 15 members aside from Mr. Speaker. It is a clear right of the members and of the minority to be heard. In the particular case there was absolutely no suggestion of any obstruction or any filibuster. Indeed, in this session there has never been anything like a filibuster. I was not recognized. It was a clear violation of a fundamental right which I claim. It is an unforgivable violation. I refer, again, to the duty of Mr. Speaker; it is to claim all the rights and privileges of all the members, especially that they may have freedom of speech in their debates.

I wish to quote another quotation from a Conservative gentleman who rose to be Prime Minister of England for a very long time. He said, in his maiden speech in Parliament in Westminster, "Though I sit down now, the time will come when you will hear me."

Hon. Mr. Pearson: The mover of the motion has said that this is an unhappy situation. I agree with him 100 percent. This is a very, very unhappy situation. One, certainly, that I hoped that I would never face in my parliamentary career. I like to think that I am becoming, slowly, a parliamentarian. I have been associated, as you all know, with this particular legislature for quite a number of years. I have always felt that the institution of Speaker is one of the very, very strong corner-stones of the whole parliamentary procedure.

"A motion like this, because I feel the Speaker must be held in the highest esteem, is very, very serious. The member for Whitehorse South Centre quoted Mr. Laundy, and he also quoted the hon. Mr. Blakeney, in respect to a statement made by him in the Saskatchewan Legislature on April 29th. I would like to quote Mr. Blakeney quoting Mr. Loundy, at this time: "The speakership is an ancient and honourable office, an essential feature of the parliamentary system. So great is the prestige attached to the office that an affront to the Speaker is an affront to the House as a whole." I truly believe that; I hope that all members of this legislature truly believe that because if we do not then we are not legislators and we are not fulfilling our duty to our constituents.

The member also quoted from *Beauchesne*. I would like to get into *Beauchesne* just a little bit earlier than he did. This is on page six, and it is under the contents and sources of parliamentary procedure. It is headed up, "Speaker's Rulings": "Interpretation of both the written rules and tradition is in the hands of the Speaker and his deputies with their rulings forming a fundamental part of procedure. Some problems attach to these rulings. When the standing orders change, for example, rulings based on the old rules must obviously become obsolete. More important, many rulings must be made with little opportunity for reflection or consultation. When possible, the Speaker may defer the decision to give time for research and full consideration. Time, however, is not always available and unsatisfactory rulings may result. Finally, it must be

noted that rarely are two points of order precisely the same. While previous rulings may be useful guidelines, they may well lack the precision and certainty which might be desired."

I recognize the professional training of the member for Whitehorse South Centre and I respect that professional training. But, Mr. Speaker, you do not sit as a judge. This is not a court of law. I do not think that your rulings past, present or future can be interpreted as though they were made by a court of law, because that is not what happens.

"I think it would be interesting if we all reflected back on your career as a parliamentarian. You are the oldest sitting member of this House, in terms of years in the House, 21 years. I would like to advise the member for Whitehorse South Centre that our present Speaker was elected Deputy-Speaker and Chairman of Committee of the Whole in 1964, and has either been the Deputy-Speaker and Chairman of Committee of the Whole or the Speaker of this legislation ever since.

Now, he has been re-elected time after time because he has been deemed to be impartial. Some of those legislatures were not established on party lines. They were a situation where you had as many as 12 members, all independents. And if you do not think that that creates tensions in respect to impartiality, I, of course, think it becomes very very difficult.

Mr. Speaker was re-elected time after time, by legislature after legislature, in spite of rulings — good, bad or indifferent — because he was always deemed to be the best equipped to do that job.

Mr. Speaker, I would like you to know that I personally support you as the Speaker of this legislature. I am confident there are many members of this House that do. The rulings that you have to make, we recognize, are difficult sometimes.

In respect to the member for Whitehorse South Centre's ascertainment of bias, he listed off, I think, what he called "39 close calls". Each one of them was, in fact, your ruling out of order a member from the other side; in virtually all cases, save and except for two or three, in question period. It would be very difficult for you to show bias against this side of the House in question period. After all, they ask the questions. I do not think that it would be considered bias if you ruled either me or any one of my colleagues out of order when we were busy answering a question.

"I do not know that we would object to you saying that we should not answer these questions, or that we must answer them in five words or less. I do not think that that would be considered to be biased against us. I just do not know how you can exhibit your fairness any more than by following the rules that are laid down, particularly for question period.

I have to go back to *Beauchesne* one more time, because the member said that, in his opinion, your rulings were wrong respecting a number of questions that were asked and you ruled out of order. I just wonder whether the hon. member has ever really looked at *Beauchesne*, and particularly at Annotation 357, which lists from (a) to (nn) the reasons for which a Speaker may rule a question out of order.

I have no intention of reading these all into the record; they are all there for everybody to see. There is one instance, however, where the member said, in his opinion, that you had been wrong in ruling him out of order, and that was when a minister refused to answer a question, and one of the members persisted in asking the question. Annotation 357(d) states: "repeat in substance a question already answered or to which an answer has been refused, the question is clearly out of order".

Mr. Speaker, I have great confidence in your knowledge of *Beauchesne* and of our rules, and I am quite confident that, in most all cases — and there may well be exceptions because you are not perfect, as I am not perfect, like the member for Whitehorse South Centre is not perfect; none of us are and we cannot expect anybody to be, not ever — ...

I say this is an unhappy situation, because I really feel that the member is sincere in making his motion. I am confident that he feels seriously aggrieved, but I feel, too, that I regret that he did not avail himself of other means of making his discontent known to you. In the heat of debate it is inevitable that you may make wrong

rulings or you are going to make rulings that are deemed to be unfair.

The Speaker gave an oath, when he became Speaker, and he said that he would afford access at all seasonal times to all members of this legislature.

³⁷ The Speaker, I know, is available. If you do have a problem — especially if you have a problem with him — he is available to sit down and talk to. I do not know that that was done in this instance. There is also another method, one that I do not think is as severe as the motion that is before us today, and that is to refer the question to the Committee on Rules, Elections and Privileges. That procedure is there. It is in our rules at the present time. The ruling of the Speaker could have been referred, by substantive motion by the hon. member, to the Committee on Rules, Elections and Privileges, where it could have been considered, I think, in a calm, cool and rational manner.

We have had the Committee on Rules, Elections and Privileges sitting for some time now. I am aware that they are considering, very seriously, the rules that apply to our question period. I think we have to realize that we have inherited a lot of our rules of procedure in this legislature from a different kind of legislature: from a legislature that was created with a number of independents rather than on party lines. We have a long way to go to get our rules into what can be considered smooth running order. There are going to be changes and we are going to find them as we go along. I think that is part of the evolution.

All members are aware that the rules for question period are being discussed in the committee now. Because that committee is meeting in the very near future — I believe next Monday — I would move, seconded by the hon. leader of the opposition, that debate on Motion 17 be now adjourned.

Mr. Speaker: It has been moved by the hon. government leader, seconded by the hon. leader of the opposition, that debate do now adjourn.

Motion agreed to

Mr. Speaker: May I have your further pleasure? I am informed that we will go to public bills and orders other than government bills and orders.

GOVERNMENT BILLS AND ORDERS OTHER THAN GOVERNMENT BILLS AND ORDERS

Bill Number 102: Second Reading

Mr. Clerk: Second reading, Bill Number 102, Mr. Penikett.

Mr. Penikett: Next sitting day.

Hon. Mr. Lang: I move, seconded by the Minister of Education, 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 hon. Minister of Municipal and Community Affairs, seconded by the hon. Minister of Education, that Mr. Speaker do now leave the Chair and that the House resolve into Committee of the Whole.

Motion agreed to

COMMITTEE OF THE WHOLE

Mr. Chairman: I will call Committee of the Whole to order. We will take a recess.

Recess

³⁸ **Mr. Chairman:** I will call Committee of the Whole to order. We will continue with Bill Number 9, on page 12.

Bill Number 9

On Clause 17

Clause 17 agreed to

On Clause 18

Clause 18 agreed to

On Clause 19

Clause 19 agreed to

On Clause 20

Clause 20 agreed to

On Clause 21

Clause 21 agreed to

On Clause 22

Clause 22 agreed to

On Clause 23

Mr. McDonald: On 56(1), I would like the minister to briefly explain why they feel the need to change the actuarial evaluations from every year to every three years?

Hon. Mr. Ashley: The reserves in the pension fund are now in a sound financial position, after seven years. There is more historical data available on which the board can determine the accuracy of the reserves more readily. In all other jurisdictions, it is done every three years, so we are coming in line with that. To have an actuarial evaluation performed each year is expensive and is felt unnecessary at the time right now.

Clause 23 agreed to

On Clause 24

Clause 24 agreed to

On Clause 25

Clause 25 agreed to

On Clause 26

Clause 26 agreed to

On Clause 27

Clause 27 agreed to

On Clause 28

³⁹ *Clause 28 agreed to*

On Clause 29

Clause 29 agreed to

On Clause 30

Clause 30 agreed to

On Clause 31

Mr. McDonald: I have a brief question on, really, all of the subsections in clause 31. I note they are, in actuality, a doubling of penalties and I am wondering why these penalties were doubled? What formula was determined the need to double, as opposed to increasing them in any other fashion?

Hon. Mr. Ashley: The reason is to bring it up to date, into more present day dollar figures, from \$500 up to \$1,000. It is just a more standard form.

Mr. McDonald: Just for clarification purposes, is the minister saying that the dollar figure that was in the old ordinance is now, in real dollars, not really increased at all?

Hon. Mr. Lang: It is similar to any other legislation we have had before. For example, in the *Insurance Act*, I think that we went from \$100,000 to \$200,000, to reflect 1982 dollars and looking towards the future, in respect to what the dollar is worth today as opposed to what it was when this legislation was last amended, in 1977, I believe.

Hon. Mr. Ashley: I have also been informed that another reason why it had to be done is that there was a court ruling on it.

Clause 31 agreed to

On Clause 32

⁴⁰ *Clause 32 agreed to*

On Clause 33

Mr. McDonald: On clause 33(2), I have a question. I was wondering if the minister could tell me whether or not the board has calculated whether or not this change in the CPI base is going to have any effect on the amounts of pension benefits payable?

Hon. Mr. Ashley: These are strictly changing numbers and changing the word "Commissioner...". No, that was the one just before that. You have asked about (2) in particular? It is to allow them to establish an increase in the amounts of compensation to previous years' claims in proportion to the percentage change and the level of the average annual consumer price index. It is established each year by Statistics Canada.

Mr. McDonald: The consumer price index base: will that affect in any way the amount of pension benefits affected?

Hon. Mr. Ashley: It is tied to the consumer price index so if that is up, then it goes up. If it is down, it comes down.

Clause 33 agreed to

On Clause 34

Clause 34 agreed to

On Clause 35

Clause 35 agreed to

On Clause 36

Clause 36 agreed to

On Clause 37

Clause 37 agreed to

On Clause 38

Clause 38 agreed to

On Clause 39

Clause 39 agreed to

On Clause 40

Clause 40 agreed to

On Clause 41

Clause 41 agreed to

On Clause 42

Clause 42 agreed to

On Clause 43

Clause 43 agreed to

On Title

Title agreed to

Hon. Mr. Ashley: I move that we report Bill Number 9.

Mr. Chairman: You have heard the question. Are you agreed?

Motion agreed to

Bill Number 5

Mr. Chairman: We will now go to Bill Number 5. We are on clause 9, discussing 75.2(1).

We have an amendment on the floor. I will read the amendment: that *An Act to Amend the Landlord and Tenant Act* be amended in clause 9(1) at page 6 by deleting subsection 75.2(2) entirely, and substituting therefor the following: "(2) after the tenancy agreement is made, the landlord shall not increase any fees or charges disclosed under subsection (1) unless:

(a) the landlord is specifically entitled to do so pursuant the provisions of the tenancy agreement;

(b) the landlord has experienced additional expenses in relation to the purpose for which the fees or charges were payable and the increase is no more than that necessary to compensate the landlord for the additional expenses; and,

(c) written notice of the increase has been given to the tenant at least three months before the date the increase is to be effective."

Is there any debate?

Hon. Mr. Pearson: It will be recalled that we asked that this could be held over specifically so that we could look at the amendments proposed for 75.2(2) and then 75.2(2)(1). It is our advice that we should not amend the legislation pursuant to that section; that the method that is prescribed for in the present legislation is the method that is considered to be consistent with the tone of the legislation in its rewriting at this stage.

If this amendment was adopted then we would have, with respect to fees and charges, a different set of rules than exist for all of the other rent that is involved.

Mr. Kimmerly: I put my comment on the record. I previously made it. If the amendment is defeated and no further amendment is

made to fill the loophole, it is a substantial loophole, and tenants are generally well advised to never enter into a tenancy agreement in excess of three months.

Amendment defeated

Amendment proposed

Hon. Mr. Ashley: I also have an amendment at this session. I move that Bill Number 5, *An Act to Amend the Landlord and Tenant Act*, be amended in clause 9, pages 5 and 6, by substituting the following for the proposed subsection 3 and the proposed section 75(2):

"(3) The landlord shall not increase any fees or charges disclosed under subsection (1), or impose any additional fees or charges during the first year of the tenancy.

(4) an increase or addition contrary to subsections (1), (2) or (3) is void and unenforceable."

Amendment agreed to

Mr. Chairman: I would like to point out that Mr. Kimmerly gave notice of amendments the other day. Would you like to proceed with those amendments?

Amendment proposed

Mr. Kimmerly: Yes. The first one is a similar amendment to 75.2(2). I would move the amendment and call question, if there is no further debate.

Amendment defeated

Mr. Kimmerly: The next amendment is about the word "occupant". I move that amendment at this time. I have already explained it.

Mr. Chairman: I think we will wait until we get to that point in the bill.

Amendment proposed

Mr. Kimmerly: In regards 75.3(4) of clause 9(1), the amendment about the word "occupant" has, I believe, previously been explained. I would move the amendment at this time.

Hon. Mr. Ashley: The change of "tenant" to "occupant" could be helpful; however, I feel that there may be an infringement of a person's rights if the rentalsman enters a rental unit with only the occupant's permission. It would be best to keep the relationship solely between the tenant and the rentalsman, rather than with any occupant.

Hon. Mr. Pearson: I think we should point out, too, that if a tenant is not available, then the 24-hour notice clause comes into effect. The rentalsman, or whomever, can gain access, in spite of the tenant, given the 24-hour notice.

Mr. Kimmerly: I am not going to make a long speech. I would ask if the rentalsman is alerted to the problem and if he would keep a record of problems in the first year or two? It may be a problem.

Hon. Mr. Ashley: Yes, we will be documenting everything in relation to this.

Amendment defeated

Clause 9 as amended agreed to

On Title

Title agreed to

Hon. Mr. Ashley: I move we report Bill No. 5 as amended.
Motion agreed to

Bill Number 20

Mr. Chairman: We will now go on to Bill No. 20, *An Act to Amend the Companies Act*.

On Clause 1

Clause 1 agreed to

*On Clause 2**Clause 2 agreed to**On Title**Title agreed to*

Hon. Mr. Ashley: I move we report Bill No. 20 without amendment.

Motion agreed to

Hon. Mr. Lang: I just want to let members know that I understand the members opposite would prefer to begin with the *Third Appropriation Act* as opposed to going into Bill No. 17. This side of the House is agreeable to it.

Bill Number 18

Mr. Chairman: We will go to Bill No. 18, *Third Appropriation Act 1982-83*.

On Clause 1

Hon. Mr. Pearson: These are supplementary estimates; the first supplementary estimates for 1982-83. In respect to our capital expenditures during the current fiscal year, members will recall that the original estimates were passed last fall and these supplementaries are a reflection of our experience to date.

Mr. Byblow: By way of general debate, in order to procure or extract some information surrounding the changes, I would draw the attention of the government leader to a couple of points I raised at second reading. On a matter of principle, what process did this government use in rearranging its priorities? I realize, in the process, the government leader will have to explain why the originally-estimated \$37,000,000 of the capital budget projected for this year was reduced to a grant of \$24,000,000 and a total, we see, after recoveries, of \$33,000,000. I would like an explanation of that \$5,000,000 difference and why that projection did not materialize.

In the process, what constitutes the process by which government rearranges its priorities? For example, I do note that there is over \$1,000,000 removed in school renovations, \$1,000,000 removed from the vocational training centre; however, the Porter Creek school went ahead by \$1,200,000. What analysis took place to make those priority rearrangements; and, into consideration, the \$5,000,000 less that we are working with as well as the advance from this coming year's capital budget that was taken into account? By the same token, I notice the capital assistance program was reduced by \$2,000,000, however, the Mayo administration building gets pushed ahead for an expenditure of over \$1,000,000. I do not raise that in a critical sense. I just want to know how the government achieved priority rearrangement. Would the government leader address that as a general question, because there are two parts in it: that of priorities and that of the \$5,000,000 difference.

The other aspect that I would like the government leader to address is the relationship of the economic recovery package that this government submitted in Edmonton. To what extent do the projects, contained therein, as a request for funding, have an effect on the capital budget? I realize that there is probably a funding process that I do not understand, but I certainly know, by looking through the projects submitted in the economic recovery package, in many cases, are synonymous with capital projects planned in the normal course of government capital expenditures. Could the government leader explain that to me and, at the same time, tell me just where that economic recovery package is, since he tabled it in Edmonton some two months ago?

Hon. Mr. Pearson: I do not know if I will take as long to answer the question as the member took to ask it. I am sure if the member for Faro would cast his mind back to the discussions last fall of the capital estimates, we made the point, and I think we made it very clearly, that there were some \$4,500,000-worth of projects reflected in that capital budget that had not had Treasury Board approval. And, we were putting them in our capital estimates and we were voting the money on the basis that we thought that we might get Treasury Board approval for those projects.

I am sure if the hon. member will cast his mind back, there were four or five specific projects which amount to about between \$4,500,000 and \$4,700,000. That is difference, the \$5,000,000, in

a nutshell. We did not get any Treasury Board approvals; not even on those we were positively sure we would get approval on because when the economic recession hit, it hit Ottawa very severely as well, and they just did not approve any more money.

That, then, became one of the criteria for setting our priorities. Now, we realized that what we were going to have to do if the worst came to worst; we were going to have to try and get, into the system in the territory, some job-creation programs. We went through our budget.

The criteria that was primarily used was: where have we not spent any money yet. The two projects that the member asked about — the Mayo administration building and the Porter Creek school — were both re-votes. Those were ongoing projects. We were committed to spend that money. We looked at where we had not made a commitment to spend money. We had voted the money, but had not yet made a commitment. And we set an objective of between \$1,500,000 and \$2,000,000 that we were going to try and get out of the budget, out of our voted money, that we could dedicate to make-work projects in the territory this fall.

That meant that we could not do some of the work. We were told in no uncertain terms that we were only going to get this much money in respect to capital from the federal government; they were not going to give any more Treasury Board approvals, but they would let us change our priorities if we wished to do that, and we did come up with \$1,643,000 worth of projects that is actually money reflected in this budget. Such things as the hand clearing of the Haines Junction sewage lagoon, the hand clearing at Watson Lake, there is some money for the Watson Lake arena, and on and on. That list has been given in the House once, I believe, by the Minister of Education.

In addition to that, we said to the federal government, "We still need a whole bunch more money because it is going to be a very bad year in Yukon".

⁴⁷ We suggested to them that they advance to us capital for next year. We suggested that if we could get another \$2,000,000 or \$3,000,000 or \$4,000,000, from them we would have a lot of work that we could identify and it would be capital works that we would be doing next year.

We have a number of projects that are reflected in the other capital estimates, in the capital estimates that we are going to be discussing later on today or tomorrow. There, we are using 1983-84 money in 1982-83. We have not got the transfer yet; we are hoping to get it, we anticipate that we are going to get it and we are going ahead with our capital works program, based on the fact that we are going to get it.

The economic recovery package that we tabled in Edmonton actually transcended two years of capital funding: \$1,600,000 is reflected in these supplementary estimates and the remainder will be in the estimates that are going to be discussed for next year.

The first criterion we used in deciding which jobs we could do and which jobs we could not do, had to be: do we have the money, do we have the flexibility to stop that job or to not do that job and take that money and put it to something else? The second criterion was: is this labour intensive? If we do this, are we actually creating jobs now or should we be taking that money from that job and do something different with it to try to create jobs over the course of the winter? Those were the priorities that were used.

Mr. Byblow: I appreciate the government leader's explanation. One thing confuses me. I am talking on a new topic, that of funding sources and project activities, with respect to those very projects that the government leader made reference to being done through the employment programs now. In the funding programs, he made reference to the \$1,600,000; I believe we are talking about the availability of \$1,000,000 to encourage and stimulate these various programs.

With respect to those projects, do they reflect projects that normally were in this year's capital budget or will be in next year's capital budget? What is the overlapping of the funding arrangement?

Hon. Mr. Pearson: All of the projects will show, either in these supplementaries or in next year's capital budget; they all have to be in one or the other.

In order for us to spend the money, we are going to have to vote it and we have to vote it specifically for what we are going to do. That is why the supplementaries are here, because we did do an uncommon amount of changing this year, as it was, of course, an uncommon year. Normally, we do not deviate from the capital budget in respect to projects. It is extraordinary to deviate. Once you have voted the money for a project, normally that project proceeds on that basis.

« Sups are usually because we have not voted enough money. These sups reflect an actual change or a shift after the money had been voted in the House.

Mr. Byblow: I return to my question surrounding the relationship between the capital funding in either of the two years as it relates to the Edmonton economic recovery. Should some special funding have come through in that exercise, that would have supplemented or complemented capital monies that the government seeks in the normal course of funding procedure. Is that correct?

Hon. Mr. Pearson: Absolutely correct. We went to Edmonton seeking additional funds. We told them that we were going to do this; we told them that we had held back on our capital expenditures over the course of the summer to put make-work projects into place with our money. This can be referred to and thought of as "our" money because it has been given to us by the federal government. Now that economic recovery package takes into account "our" money but it also of course sought a considerable amount more federal money because of the economic situation here. The member is correct in stating that there is a mix of "our" money and new federal money in that economic development package.

Mr. Byblow: I would hate to be in charge of the Finance department somewhere in the last couple of months. One more question to perhaps clear up something from what the government leader said earlier that I am not too clear: we were talking about the last year situation whereby there was a shortfall of \$4,000,000 or \$5,000,000 in anticipated monies from Treasury. Using that as a jumping off point, I want to ask the government leader about his procedure in seeking federal financing for capital projects. I want to know roughly when they assemble their package, when it is presented to Treasury. I guess I want to know a little bit about the process. At the same time, I would appreciate it if the government leader would address something Mr. Munro touched on in his infamous constitutional speech and that is a new financing arrangement coming up for the territory — special considerations with fixed financing.

Hon. Mr. Pearson: The special arrangement is called formula financing and it is the system that is used by the provinces rather than deficit financing that is used at the present time for the two territories. We have been negotiating since 1980 with the Government of Canada with respect to formula financing. It will make quite a difference to this government, and to this legislature, because we would be able to do some long-term planning. We will be able to tell and know, given a certain set of circumstances and certain statistics, how much money we get the next year and the year after. At the same time in respect to capital, we are putting together now a ten-year capital forecast.

« A ten-year capital planning forecast it is a major undertaking, a tremendous amount of work and very, very important. Capital grants, and that is what these are; all of our capital money is given to us by the Government of Canada but, if we can get a ten-year plan in place, then the federal government has said to us that they would be prepared to undertake to finance a capital plan that was put together in this manner. We would know, then, for two years from now how much capital money we have. We would know for five years from now how much capital money we would have; quite a bit different than in September of 1982, when we did not know how much capital money we would be able to vote today in our 1983 capital estimates. That is right. We have just gotten the guidelines for next year from Ottawa in the past month. That is why that capital budget is here now and that is why, frankly, it was not here a month ago, because we did not have the guidelines so we could not put together our budget.

The system is not satisfactory. It is one that we have never been happy with because so much of it depends on the whim of people

who live in Ottawa and never, ever see the territory. They have to start taking our word, or somebody else's word that, yes, we really need this.

The only exceptions to the rule of negotiating the capital grants is, of course, when something like this building happened. That was a decision of the federal government and they did that with their own money. In other words, they did not give us the money, but they did it themselves. This building was outside of our normal capital grants because the federal government felt that they had a responsibility to build this building.

Mr. Byblow: What factors are taken into account in the formula financing that, I assume, YTG is now seeking? The government leader has said that they have just received the guidelines for next year's capital budget, which we had tabled yesterday which, I assume, would have governed the nature of priorities and amount of money to be spent. What is the government leader talking about when he is talking about formula financing? How does that create a fixed picture from which he can do the kind of planning he refers to?

Hon. Mr. Pearson: It is basically the formula that is used by the provinces. It is the same formula that is used by the "have not" provinces and it is the same formula that determines whether a province is a "have" or "have not" province.

« It takes into account so many statistics, but primary ones are income tax and things like this. Notwithstanding capital money — forget about capital — what formula financing does is separate the revenue that we raise in this territory on our own as our own money. In other words, that revenue does not have a reflection on what our deficit grant may be.

At the present time, of course, when the Government of Canada is deciding what our deficit grant is going to be for a given year, they look at what our revenue picture is, and they actually look at what our deficit is going to be and they say, "look, we will give you that". So the more money we raise here, the less money they have to give us.

Under a formula, they would be giving us a certain amount of money, irrespective of how much money we raised here.

Clause 1 agreed to

Mr. Chairman: We will go to Schedule A; page 4 of the estimates, supplementary number 1.

On the Executive Council Office

Executive Council Office, in the amount of a reduction of \$4,000, agreed to

On the Department of Education

Mr. Byblow: I guess this goes back to my earlier inquiries with the government leader about priorities and this item demonstrates where things like school renovations were eliminated. The Yukon Vocational Training Centre facility was not begun, as I recollect, at the original vote; and a couple of other things relating to Faro.

A specific question regarding the Old Crow school replacement. The recoveries show \$2,400,000 and the actual supplementary calls for \$2,001,000. Why the variance?

Hon. Mrs. Firth: Some of that will be reflected in this year's budget. Actually, the total cost for the Old Crow school that has been spent so far is \$3,830,000.

« **Hon. Mrs. Firth:** It is spread over a three-year phase. That is why it is done in three phases; it is spread over three years of budgeting.

Mr. Byblow: On the subject of the Old Crow school, the minister says that \$3,083,000 was expended on the replacement of that school. Is all of that insurance-recoverable?

Hon. Mrs. Firth: No, the recovery is indicated here. I believe the Old Crow school insurance was \$2,400,000.

Mr. Byblow: So, the difference is the cost picked up by this government in an effort to do the installation, and that would have to do with the trucking; the road. I am a little unclear of where the \$3,000,000 relates to the insurance recovery.

Hon. Mrs. Firth: I believe there were some additional things installed. There was a sprinkler system in the school and a well and some new classrooms.

Mr. Byblow: I am still a bit unclear. The \$3,083,000 is the replacement cost of the school. What figure is the \$3,083,000, as related to the total cost, including the road, the transportation of the facilities, the extra contracts, the surveying, the total participation?

Hon. Mrs. Firth: The replacement cost of the school was as it was insured, \$2,400,000; road construction, \$414,000; additional school buildings, \$668,000.

Mr. Byblow: I appreciate those figures because that should now clear up the actual cost.

I want to ask a couple of questions relating to Faro. As the minister may recall, there was some objection relating to the creation of a dormitory in Faro when it was originally suggested. Is that now an idea that has been shelved indefinitely?

Hon. Mrs. Firth: Yes, for the time being, it has.

Mr. Byblow: Insofar as the original intent of the dormitory, that of students located in Faro to school there, from the community of Ross River, what now is the arrangement to accommodate that need, because, obviously, someone made a decision?

Hon. Mrs. Firth: The Ross River students who require that kind of facility are coming to Whitehorse.

Mr. Byblow: They are also attending the Faro school and staying in private residences.

Could the minister clarify for me the creation of a school addition line item, as opposed to the Faro elementary school existing item that was voted out? Perhaps I could suggest the answer, and the minister may correct me. Has that anything to do with the improvements to the facility, in its construction, regarding the foundation? Or does that relate to the grounds improvements relating to the job creation project?

Hon. Mrs. Firth: That school addition relates to the landscaping, grounds work, playground portion.

Mr. Byblow: Is the grant to the Whitehorse Transit System the amount that this government paid for the bus that came from Yellowknife?

Hon. Mrs. Firth: Yes, that is correct. This government paid \$28,000 and the urban transportation assistance program picked up the other \$80,000 for the cost of the bus.

Mr. Byblow: Who is paying for the ongoing cost of that bus, vis-a-vis the drivers and maintenance and operation?

Hon. Mrs. Firth: The municipality pays for that.

Mr. Byblow: I do not understand the figure for the Yukon Vocational and Technical Training Centre house project. I am now aware that there was any carpentry class to construct a house.

Hon. Mrs. Firth: The additional funds obtained by an appropriation adjustment, 82-48, involved a re-voting of lapsed funds from 1981-82. The funds were required in order to pay for completion of the project which was landscaping, some ground work, exterior finishing and alterations to the building's heating system.

Mr. Byblow: That is a lot of money.

Hon. Mrs. Firth: It is an old building.

Mr. Byblow: I apologize for being late on my feet. I have one last question. What is the final cost of the Danny Lang Memorial — the Porter Creek school?

Hon. Mrs. Firth: I cannot give you an accurate figure, but it is within the range of \$5,000,000 that we have spent so far. That does not include the finishing of the ground work.

On Miscellaneous Items

Miscellaneous Items in the amount of a recovery of \$27,000 agreed to

On Miscellaneous School Equipment

Miscellaneous School Equipment in the amount of \$136,000 agreed to

On School Renovations

School Renovations in the amount of a recovery of \$1,150,000

On Whitehorse Junior Secondary

Whitehorse Junior Secondary in the amount of \$1,276,000 agreed to

On Old Crow School

Old Crow School in the amount of a recovery of \$70,000

On Carmacks School

Carmacks School in the amount of \$130,000 agreed to

On Yukon Vocational and Technical Training Centre

Yukon Vocational and Technical Training Centre in the amount of a recovery of \$1,000,000 agreed to

On Yukon Vocational and Technical Training Centre School

Yukon Vocational and Technical Training School in the amount of a recovery of \$16,000 agreed to

On School Ground Improvements

School Ground Improvements in the amount of a recovery of \$50,000 agreed to

On Faro Dormitory

Faro Dormitory in the amount of a recovery of \$100,000 reduction agreed to

On Faro Elementary School

Faro Elementary School in the amount of a recovery of \$100,000 reduction agreed to

On Faro School Addition

Faro School Addition in the amount of \$143,000 agreed to

On Haines Junction School

Haines Junction School in the amount of \$4,000 agreed to

Grant - Whitehorse Transit

Grant - Whitehorse Transit in the amount of \$28,000 agreed to

On YVTTC Renovations

YVTTC Renovations in the amount of \$28,000 agreed to

On YVTTC House Projects

YVTTC House Projects in the amount of \$27,000 agreed to

On Old Crow School Replacement

Old Crow School Replacement in the amount of \$2,001,000 agreed to

Department of Education in the amount of \$1,124,000 agreed to

On Health and Human Resources

Mr. Chairman: In Health and Human Resources, there is a cash reduction of \$42,000. Is there any general debate?

On Furniture and Equipment

Furniture and Equipment in the amount of a recovery of \$17,000 agreed to

On Northern Health Services - Equipment

Northern Health Services - Equipment in the amount of a recovery of \$25,000 agreed to

On Northern Health Service - Construction

Northern Health Service - Construction in the amount of a recovery of \$15,000 agreed to

On Renovations

Mr. Kimmerly: I would ask for a word of explanation. What is the \$23,000 for?

Hon. Mr. Tracey: It was for some carry-over renovations from 1981-82 to meet the building and fire codes in a couple of our buildings. I am not sure which buildings.

Renovations in the amount of \$23,000 agreed to

On Computer Terminals

Computer Terminals in the amount of a recovery of \$8,000 agreed to

Department of Health and Human Resources in the amount of a recovery of \$42,000 agreed to

On Municipal and Community Affairs

Mr. Chairman: We will go to Municipal and Community Affairs. The amount is \$5,595,000 cash reduction. Is there any general debate?

Mr. Byblow: I have just a general question, and probably it applies to all of these votes. For the most part, are all of the monies already spent or are we still on the tail-end of expenditure before the fiscal year is out next March?

Hon. Mr. Lang: There would be a number I guess that would be carrying through and you will be asked to vote money in the main capital budget for 1983-84. One is the Porter Creek alternate access road which I am sure the member opposite will have no problem supporting. There are also some monies for Dawson City water and sewer which seems will be with us for some time. There will also be, I believe, some money voted for the Mayo admin. There is also the Watson Lake sewage lagoon and, of course, we are just starting on a chip-seal program. So, a number of them are carry-overs but I think that it is safe to say that most of them at this time are completed for the phase of the project that we have projected dollars for, except for the sewage lagoons, for which we have just let contracts or are in the process of letting contracts.

On Fire Equipment

Fire Equipment in the amount of a recovery of \$36,000 agreed to

On Roads, Streets and Sidewalks

Roads, Streets and Sidewalks in the amount of \$69,000 agreed to

On Local Services

Local Services in the amount of a recovery of \$9,000 agreed to

On Land Development

Mr. Byblow: I would be curious as to why we have such a large reduction in land development. I realize the land situation being what it is, can the minister indicate why a projection of \$3,500,000 is so far out in terms of the actual need and accomplishment this year?

Hon. Mr. Lang: It was determined in mid-year that the monies that were allocated here were not necessary to fulfill what we deemed to be having to be completed over the course of this year. Primarily the monies that were spent were to accommodate some areas which required completion, such as Pilot Mountain, and also to bring projects into a certain phase, for example, the Golden Horn sub-division.

But the point is that, in most cases, we have a fairly adequate land bank and, if you notice, in the proposed budget for 1983-84, I think it is roughly something like \$750,000 that is being asked for. So, we have substantially gone down in our request to the legislature for more monies for the purposes of land development.

Mr. Byblow: What is the present status of the Hillcrest sub-division?

Hon. Mr. Lang: It is still there and, to my knowledge, it has not moved.

Mr. Byblow: Is the minister engaged in any discussions for any particular use of that sub-division by any particular group?

Hon. Mr. Lang: I believe the question was broached with the Whitehorse Indian Band about whether or not they would be interested in purchasing a fairly large block of the area up there and that is as far as it has come to date. If the member is indicating that perhaps he and his family would prefer to buy a large block, we would certainly consider that as well.

Mr. Byblow: If the minister is quite prepared to buy a hotel, I may consider it. The question I would like to conclude with on that subject is: what is the present status of the services to that sub-division? Are all the services installed and ready to turn on?

Hon. Mr. Lang: Yes, my understanding is that they are.

Land Development in the amount of a recovery of \$2,694,000 agreed to

On Community Assistance Program

Mr. Byblow: I am completely puzzled as to why we have a reduction in the capital program when, in fact, the municipalities are soliciting, at every turn, further assistance? Is this specifically money they do not want, or is this money the government chose not

to give out in the program?

Hon. Mr. Lang: There were a number of projects, such as the Mayo water supply, that were projected. It was deemed that it was not necessary to go ahead at this time and, subsequently, it cut down the number of dollars allocated to that particular program to \$2,211,000.

At the same time, you have to understand that we did move some money around, for example, with the Cassiar Building, which could not come under the auspices of capital, but we had made an agreement with the City to go ahead with the purchase of that building and to start renovations. There was some moving within line items to try to accommodate the various communities when it did not come under the general principles of the present legislation in force, which is the Capital Assistance Program.

Community Assistance Program in the amount of a reduction of \$2,376,000, agreed to

On Public Works Compound

Public Works Compound in the amount of \$75,000 agreed to

On Porter Creek Alternate Access

Mr. Byblow: On the subject of the line item we are now dealing with, could I ask the minister whether or not he has had any opportunity to pursue a question raised from this side, earlier, relating to the escarpment and the possible effect of the road on that?

Hon. Mr. Lang: I am advised by some of my other colleagues that they feel the road will hold it up and that there should be no adverse effects. I have not had any response from the department. If I do, I will definitely convey it to the member for Whitehorse West.

Mr. Byblow: I am sure the hon. member for Whitehorse West would like to know whether or not the minister will insist on this project being extended into the next election?

Hon. Mr. Lang: There is no question in my mind that, with two able representatives such as the member for Porter Creek West and myself, the completion of the road, I do not think, will come into any question.

Porter Creek Alternate Access in the amount of a reduction of \$282,000 agreed to

On Whitehorse Escarpment Control

Whitehorse Escarpment Control in the amount of a reduction of \$25,000 agreed to

On Dawson Water and Sewer

Dawson Water and Sewer in the amount of 72,000 agreed to

On Dawson Water and Sewer

Mr. Byblow: I do not think that we can let this item pass because it has been a matter of debate for a number of years. What is the final status with respect to that system in terms of responsibility for its correction and remediation? I see we are voting substantial funds here to do the corrections and remediation. Has the minister, because it has been a contentious matter with respect to original installation, been able to determine whether or not we have, in the past, been given an installation that ought to have been the responsibility of design or architectural faults?

Hon. Mr. Lang: That has not been determined as of yet. It is a question that I am presently pursuing.

Mr. Byblow: Is the minister saying that the whole question of responsibility for its installation is presently before the courts?

Hon. Mr. Lang: No. I would appreciate the member opposite not putting words in my mouth.

Mr. Byblow: Well, when the minister says that matter is being reviewed, who is doing the review and what are we looking at? Could the minister be a little more co-operative?

Hon. Mr. Lang: It has not been determined as yet. I have asked for certain information, but I have not received it. When I do, it will be reviewed by myself, at least in part. We are going to have to assess it at that time.

Mr. Byblow: Is the minister optimistic that there will be some cost recovery from someone related to the installation on that system?

Hon. Mr. Lang: I am in no position to comment, one way or the other, until I have seen all the information. I am sure, at one time or another, I will be reporting to the House with respect to just exactly what the final determination is.

Dawson Water and Sewer Remedial in the amount of \$240,000 agreed to

On Ambulance Replacement

Mr. Byblow: Who did not get their ambulance?

Hon. Mr. Lang: The member took back his question. Ambulance Replacement agreed to

On Haines Junction Sewage Lagoon

Haines Junction Sewage Lagoon in the amount of a recovery of \$1,175,000 agreed to

On Mayo Administration Building

Mr. Kimmerly: What is the reason for the substantial supplemental and what is the present status of the project? Is there still a known completion date?

Hon. Mr. Lang: My understanding is that this is, in principle, a re-vote for the particular building. The reason for the substantial amount was the fact that it took much longer to get Treasury Board approval than it was first thought. Subsequently, the beginning of construction was later and it carried over into this year.

Hon. Mr. Pearson: I might say that there are a number of these projects where the revotes show up in the supplementary estimates because, of course, we have not had a chance during the current year to revote that money that was carried over from last year.

Mr. Byblow: I have one question relating to what the government leader said. Does the government have the full authority to spend beyond an appropriation from the spring and, if so, to what given point do they have that authority before they need the legislative one from here?

Hon. Mr. Pearson: We vote a line item and that gives us the authority to proceed. The actual spending of the money: if it is over \$1,000,000, we require the approbation of the federal Treasury Board. That is why we have line items of \$1,000; we do not know how much money we are going to need, at that point, but once an item is voted then, yes, we do have the authority to spend the money.

Mayo Administration Building in the amount of \$1,444,000, agreed to

On Whitehorse Swimming Pool

Mr. Kimmerly: I would like a word of explanation on what the \$27,000 actually spent was for. I realize the reason for the substantial reduction, of course.

Hon. Mr. Lang: It was to provide money to the City of Whitehorse towards the first set of plans.

Whitehorse Swimming Pool in the recovery of \$973,000 agreed to

On Miscellaneous Equipment

Miscellaneous Equipment in the amount of \$20,000 agreed to

On Watson Lake Sewage Lagoon

Watson Lake Sewage Lagoon in the recovery of \$340,000 agreed to

On CHIP Seal Program.

CHIP Seal Program in the amount of \$195,000 agreed to

On Dawson City Road Upgrading

Dawson City Road Upgrading in the amount of \$200,000 agreed to

Department of Municipal and Community Affairs in the recovery of \$5,595,000 agreed to

Mr. Chairman: We will now recess until 7:30 p.m..

Recess

Mr. Chairman: I will call Committee of the Whole to order. We will continue with the *Third Appropriation Act, 1982-83.*

On Economic Development and Intergovernmental Relations

On Special ARDA

Hon. Mr. Pearson: This \$187,000 extra was 100 percent recoverable from the federal government.

Special ARDA in the amount of \$187,000 agreed to

On Renewable Energy and Energy Conservation Agreement

Mr. Byblow: I would be curious, why?

Hon. Mr. Pearson: It was primarily that we just did not have as many applications as we anticipated. I would think that the economic climate also had something to do with it. This is a cost-shared program with users; people just did not have the money to spend.

Renewable Energy and Energy Conservation Agreement in the amount of a recovery of \$100,000 agreed to

On Business Development Program

Mr. Byblow: I believe I understand why the monies have not been spent; essentially because no program was put in place and probably extending from that, no agreement was reached with the federal government for any type of program in the long term. Would the government leader confirm whether or not the business development program that was originally intended under this line item is now being incorporated into a larger comprehensive program?

Hon. Mr. Pearson: It is our understanding that the business development program will be a part of the new comprehensive development agreement that we are negotiating with the federal government and should sign for the beginning of the new fiscal year.

Mr. Byblow: I know we have been around the mulberry bush on this one, but I really would like to know why the government stuck in a line item on a business development program that was probably never intended as a separate line item or a separate program for financial aid to small business when, in fact, it really comes under another program, and, if it was to have been under another program, it would be much larger.

Hon. Mr. Pearson: The member is under some sort of misapprehension. That is not so at all. This was a federal program. It is federally funded. It was in operation in this territory for a number of years. There was \$5,000,000 in it. Over the course of some years, loans were made. This is all federal money. The board was a territorial board set up by this government to lend out federal funds for small business loans.

A year and a half ago, the Government of Canada asked us to assume responsibility for this fund. They said at that time that they would transfer the fund to the Government of Yukon. There was something like \$4,500,000 left in the Yukon share. We said, "Very well, these are the terms and conditions we would like to take it over on".

We had a problem when we were administering it. Our problem was that the federal criteria did not allow what this government thought were large enough loans. In other words there was a maximum \$50,000 on a loan. In this day and age, I am sure everyone realizes that \$50,000 is just enough to get you into trouble sometimes. It sure will not get you out, but it can get you in. The Government of Canada was considering the change in this criteria when it was brought to their attention by someone in Ottawa that we were in the process of negotiating a new development agreement.

It was just a month ago that we were advised by the Government of Canada that they were not transferring that money to us. A decision was made just a month ago. The item was put in this budget because we were asked by the federal government to do it.

Mr. Byblow: I sincerely want to make the simple point that if the government was intending to honestly bring in a program for business assistance and did not know the dollar amount, they would have put a \$1,000 line item instead of the \$300,000, because I do not, under any circumstances, understand that amount. Subsequent-

ly, we do not ever have it materialize.

Hon. Mr. Pearson: The member is implying that we have done something dishonest and that is not so at all. I will argue with him all night long and all next week about that if he wishes. We have done nothing dishonest, nothing untoward. I am sorry that he cannot understand the process by which we were going to get this money. I have explained it to him a dozen times, I am sure, by now. He still does not understand it. That does not mean that we did something dishonest; not at all, at all, at all!

Mr. Byblow: On the subject, I have no problem understanding because we have debated this on several occasions over the last couple of years about that five million dollars, reduced to about four and a half, over which we brought legislation into this house twice; a bill to distribute that money under various programs, under various guidelines, under various restrictions; to get away from those very restrictive guidelines that were in place with the Indian Affairs program. I have no problem understanding the concept, but I only have a problem understanding why this item came in, as it did, as a \$300,000 figure, never materializing, brought out of the blue and probably as I would venture to say, no substantiation for every materializing.

Hon. Mr. Pearson: I personally resent the hon. member implying that this was done with no substantiation. I just finished telling him; he does not want to listen to me. It was the request of the federal government that we take over this. Now they changed their minds; we did not change our minds. The member knows, because he is in bed with the federal Liberals, it was they who made this decision. They changed their minds. They have done it to them as well as to us, many times over. The bureaucrats in the federal government decided that this money was not going to be transferred to this government and that is all there is to it. It is game over at that point. I do not know what he is going to say about the next item in this budget. If we were dishonest on that one, what about the next one? It is \$2,000,000. The member just will not realize that we have been fighting to get this money. If the federal government says no, that is it, it is game over. Someday he might wake up to that fact.

Mr. Byblow: I have one question for the government leader. If everything is as he outlined, why was \$4,000,000 not put in this line item, if they were going to take over the program?

Hon. Mr. Pearson: At no time was it intended that we would get \$4,500,000 at one time for this program. Actually, at no time was that intended. It was never implied.

Business Development Program in the amount of a reduction of \$300,000 agreed to

On Comprehensive Development Agreement

Mr. Byblow: My question would be of the same general sort, but not as precise. I recollect the discussions surrounding the intention behind this agreement to come into place. My understanding is that it is still taking place and the government leader has confirmed that. The simple question is: what protracted the delay in this comprehensive development agreement materializing?

Hon. Mr. Pearson: It is the availability of funds from Ottawa — money; the green stuff that we are short of in the territory this year. They are awfully short of it in Ottawa.

I have explained a couple of times that there have been no Treasury Board approvals during the course of this year. It is one of those items that was going to require it.

Mr. Byblow: I have a sincere question for the government leader. If the government has no firm indication that money is coming forth from the Treasury Board, why do these items get put in? We have already discussed the process and the guidelines by which the government knows the capital funding that it is going to have in place eventually. We talked about improvements to that system down the road in formula financing, and I have no problem there. My simple question is: why are we faced with line items that never materialize?

Hon. Mr. Pearson: Because if we did not have the line items, and we did not have something approved, as far as Ottawa is concerned, we do not have even a basis for talking to them. We do not even have any right to negotiate with them at that point.

Now, the member can like it or lump it, that is the way it is done.

We have to put in these items if we expect to get any money from the Government of Canada at all. Or else, if we do not vote it, we will be told, "You do not need it. You did not vote. Why are you here asking for it now"? Now, I respectfully suggest that that is a very good question, and it is one we cannot answer. If we have it in our budget then we might have a chance. But not this year; we did not have any chance at all.

Comprehensive Development Agreement in the amount of a recovery of \$2,000,000 agreed to.

On Miscellaneous Items

Miscellaneous Items in the amount of a recovery of \$15,000 agreed to

Department of Economic Development and Intergovernmental Relations in the amount of a recovery of \$2,228,000 agreed to

On Department of Justice

Mrs. Joe: I have a couple of questions with regard to the money that was allotted for the correctional centre. I was given some information that the renovations done were done because the centre was not an accredited institution and that the renovations were made so that they could meet the requirements so that it could be accredited. I received that information and do not know whether it is true or not. I would like to know whether or not that is correct. I would like some information as to what has happened to the money that was allotted for the centre for this fiscal year.

Hon. Mr. Ashley: This \$1,000,000 that was approved was subject to being available from Ottawa, as the government leader has explained. It was turned back. We just did not have it. It did not come.

As far as the renovations that were made, they were not for accreditation purposes. That is not the reason. They were needed and that is why it was done. Now it has made it so it is accreditable, but that was not the reason for doing it. It needed these renovations.

Mrs. Joe: I am glad to hear that. I thought that we had forgotten that there were people inside there and that we had just done it so it was a nice building to look at.

On Whitehorse Correctional Institute Addition

Mr. Byblow: I think the leader of the opposition was terribly concerned, a year ago, that that was the only capital item going into construction in his riding. He had the feeling that he was being considered, at that point, and I am sure that he would like to express his appreciation for its delay.

Whitehorse Correctional Institute Addition in the amount of a recovery of \$1,000,000 agreed to

On Miscellaneous Items

Miscellaneous Items in the amount of a recovery of \$8,000 agreed to

On Whitehorse Correctional Institute Renovations

Whitehorse Correctional Institute Renovations in the amount of \$262,000 agreed to

Department of Justice in the amount of a recovery of \$746,000 agreed to

On Department of Highways and Transportation

On Miscellaneous and Minor Projects

Miscellaneous and Minor Projects in the amount of a recovery of \$55,000 agreed to

On Pre-Engineering — Highways

Pre-Engineering — Highways in the amount of a recovery of \$35,000 agreed to

On Exhaust Systems — Maintenance Buildings and Workshops

Exhaust Systems — Maintenance Buildings and Workshops in the amount of a recovery of \$38,000 agreed to

On Maintenance Camp Facilities

Maintenance Camp Facilities in the amount of \$217,000 agreed to

to

On South Canol Road Drainage Replacement

Mr. Byblow: Can the minister explain why that program was not carried out this year, yet the money was voted?

Hon. Mr. Lang: We did purchase the culvert. You will notice in the capital estimates for this year that we will be going ahead with it. It was just a question of the monies within the budget and it was just a question where we thought we could delay it for one year.

South Canol Road Drainage Replacement in the amount of a recovery of \$300,000.

On Klondike Highway

Klondike Highway in the amount of a recovery of \$775,000 agreed to

On Other Roads — Recreation/Mineral Access

Other Roads — Recreation/Mineral Access in the amount of a recovery of \$185,000 agreed to

On Faro Access

Faro Access in the amount of a recovery of \$100,000 agreed to

On Highways Building — Whitehorse

Highways Building — Whitehorse in the amount of a recovery of \$365,000 agreed to

On Miscellaneous Items

Miscellaneous Items in the amount of a recovery of \$43,000 agreed to

On Engineering Services Agreement

Mr. Byblow: This is a substantial line item, new to the budget. We ought to have an explanation on it.

Hon. Mr. Lang: This is monies that we recover from the Government of Canada for doing various projects just like this budget that we have before us for the 1983-84 year. There will be a further supplementary, probably in the fall, because we are negotiating for various programs that could be put into place such as upgrading the Dempster Highway, maybe something in the North Canol project. If they do come to pass, we will have to come back to the House for vote authority. Basically, this money was spent: \$162,000 on the Carcross-Skagway road for guard rails, \$35,000 for materials purchased for the proposed new Highland Bridge on the road going to Cantung and also there was \$2,548,000 spent on the Dempster Highway, which included snow cut, surfacing, multi-plate culverts at the Davis and Engineer Creeks, as well as the Upper Blackstone.

Mr. Byblow: Why I am confused is, I suppose, why this type of improvement and upgrading is included in this label of a line item? Why is it an engineering services agreement?

Hon. Mr. Lang: Every one of these items here are line items. This one is under the caption of the engineering services agreement. Basically, we will be negotiating with the Government of Canada for the purposes of going ahead with various projects.

Mr. Byblow: Recoverable?

Hon. Mr. Lang: Yes, ... inaudible ...

Engineering Service Agreement in the amount of \$2,746,000 agreed to

On Mayo Airport

Mayo Airport in the amount of \$89,000 agreed to

On Teslin Airport

Teslin Airport in the amount of \$64,000 agreed to

On Old Crow Airport

Mr. Byblow: Because we have gone through three of them and they really group together, is the total combination fully recoverable?

Hon. Mr. Lang: That is correct.

Old Crow Airport in the amount of \$59,000 agreed to

Department of Highways and Transportation in the amount of \$1,279,000 agreed to

On Department of Finance

Hon. Mr. Pearson: As I indicated earlier, this is the advance on our 1983-84 capital grant, and it is the projects that we are undertaking under our recovery program.

On Advance on 1983-84 Capital Grant

Advance on 1983-84 Capital Grant in the amount of \$1,643,000 agreed to

Finance in the amount of \$1,643,000 agreed to

On Tourism, Heritage and Cultural Resources

On Library and Archives Equipment

Mr. Kimmerly: I would ask for a word of explanation as to the reduction?

Hon. Mrs. Firth: The amount of \$39,000 of the total reduction of \$59,000 was part of the transfer of capital to government services when the records services program was transferred. Twelve thousand was identified for ongoing automation capital based on installation last year of library information management system that was cancelled and a duplicate amount of capital funds were approved for the Mayo library, for \$8,000.

Library and Archives Equipment in the amount of a recovery of \$59,000 agreed to

Mr. Byblow: Before we get into the next item, I would like an explanation from the minister on the tourism industry development subsidiary agreement: that expenditure relates to what agreement?

Hon. Mrs. Firth: That is the Canada-Yukon Tourism Agreement, not the Yukon tourism agreement.

On Tourism Attraction Contributions

Tourism Attraction Contributions in the amount of \$5,000 agreed to

Mr. Byblow: Would that amount include this government's contribution to the infamous Faro kiosk?

Hon. Mrs. Firth: No, it does not.

Mr. Byblow: I wonder if the minister would tell me when it comes out in the budget, or, if we have already passed it.

Hon. Mrs. Firth: We have already passed it, a long time ago.

Mr. Byblow: Well, having just reached tourism, I am wondering when that may have occurred.

Hon. Mrs. Firth: I believe we discussed it in Operation and Maintenance. I believe the funds were in the Operation and Maintenance budget.

On Whitehorse Business Improvements

Mr. Kimmerly: This is a new item and I would simply ask for a word of explanation.

Hon. Mrs. Firth: My colleague was talking to me, I am sorry, could you repeat the question?

Mr. Kimmerly: I am simply asking for an explanation of what the \$13,000 is for on this new item.

Hon. Mrs. Firth: The original voted amount is in tourism and economic development, which was requested on an interim appropriation adjustment for \$100,000, and it was transferred to a new department. Then, at the cabinet's request, the second supplementary adjustment was requested to decrease the \$100,000 to \$13,000. If you want to specifically know what the program was for, I believe it was for funding three hotels that did some painting: The Capital Hotel and the Ben-Elle.

Whitehorse Business Improvements in the amount of \$13,000 agreed to

Department of Tourism, Heritage and Cultural Resources in the amount of a total recovery of \$41,000 agreed to

On Department of Renewable Resources

On Wildlife Workshops

Wildlife Workshops in the amount of \$114,000 agreed to

Department of Renewable Resources in the amount of \$114,000 agreed to

On Government Services

On Furniture and Office Equipment

Furniture and Office Equipment in the amount of a recovery of \$60,000 agreed to

Mr. Byblow: The question has often been raised about the extent to which local materials are used in any type of government acquisitions in the area of furnishings where local carpentry is utilized. Would it be out of order to ask if this has taken place at all this year in light of the current economic situation?

Hon. Mr. Tracey: This line item is for actual desk and chairs, office equipment. We did have some construction, \$400,000, for office relocation. It is all done locally, and 75 per cent of everything we buy in this department is bought locally.

Furniture and Office Equipment in the amount of a recovery of \$60,000 agreed to

On Pooled Road Equipment

Pooled Road Equipment in the amount of a recovery of \$30,000 agreed to

On Computer Equipment

Computer Equipment in the amount of a recovery of \$122,000 agreed to

On Word Processing and Printing Equipment

Word Processing and Printing Equipment in the amount of a recovery of \$255,000 agreed to

On Office Relocations and Renovations

Office Relocations and Renovations in the amount of \$400,000 agreed to

On Pre-Engineering Public Works

Pre-Engineering Public Works in the amount of a recovery of \$16,000 agreed to

On Grant — Watson Lake Elks Club

Mrs. Joe: I am curious to find out what the grant was that was given to the Watson Lake Elks Club.

Hon. Mr. Tracey: A few years ago there was an agreement made between the Watson Lake Elks Club to give them the Watson Lake Cottage Hospital. Subsequent to that the Elks Club in Watson Lake had spent a lot of money on the building and they were always under the impression that they had the right to buy it. They approached me because they thought they could buy it for a dollar. We found that in order to transfer it to them for a dollar it would have to have an upset price to cover their investment in it, or some other organization could bid on the building and maybe over-bid the Elks Club. In order to make it legal to pass it over to them and to have it cleared through the board of survey, we had to give them a grant of \$80,000; and then they bought the building and gave us the \$80,000 back.

Grant — Watson Lake Elks Club in the amount of \$80,000 agreed to

On Retrofit Program

Retrofit Program in the amount of \$326,000 agreed to

Department of Government Services in the amount of \$323,000 agreed to

On Yukon Housing Corporation

On 24 Unit Apartment - Faro

Mr. Byblow: I am glad to say that Faro is again giving this government some revenue. I want to ask the minister if this a new type of construction that was intended. Could I ask the minister whether the apartment block concept is shelved completely and is being substituted by this offer of financial aid to the mine with respect to purchasing of homes?

Hon. Mr. Lang: I would say that, at the present time, it is shelved. If Cyprus Anvil does go back to work, we have told them that we are prepared to consider purchasing a number of their units if we can get them at a satisfactory price. First of all, it is subject to them going back to work and then it is subject to negotiations. If those are not successful we would have to look at other options.

24 Unit Apartment — Faro in the amount of a recovery of \$1,400,000 agreed to

On Miscellaneous Items

Miscellaneous Items in the amount of \$22,000 agreed to

Yukon Housing Corporation in the amount of a recovery of \$1,378,000 agreed to

On Yukon Liquor Corporation

On Fork Lifts and Pallet Trucks

Fork Lifts and Pallet Trucks in the amount of a recovery of \$47,000 agreed to

On Faro Liquor Store

Mr. Byblow: It appears to me that the only revenue this government is getting from Faro is in another item. Is \$790,000 the final figure on the construction of that facility?

Hon. Mr. Lang: This is the money that was spent in the

member's community. As far as I know, that is about the end of the bottom line.

Mr. Byblow: For the minister's edification, my reference was to the revenue that now accrues from the facility.

Faro Liquor Store in the amount of \$790,000 agreed to
Yukon Liquor Corporation in the amount of \$743,000 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

On Schedule B

Mr. Chairman: ... Looking at Schedule B ... inaudible ... shall it pass?

Schedule B agreed to

Clause 3 agreed to

On Title

Title agreed to

Hon. Mr. Pearson: I move that you report Bill No. 18, *Third Appropriation Act, 1982-83.*

Motion agreed to

Bill Number 17

On Clause 1

Mr. McDonald: I just have a few comments. I do not really believe that much will be gained by repeating in full the arguments made yesterday in the House.

I would like to say though that the fact that we have not been afforded sufficient opportunity to review this legislation is somewhat regrettable. Yesterday we made our feelings known on fundamental freedoms in our society, such as the right for employees to agree with their employers on mutually satisfactory terms and conditions of employment. We made points that the standard of living of individual people in the territory and the public's collective purchasing power will be reduced. We spoke of scapegoating, trend-setting and the inequity of placing the public sector in a position that experiences ... inaudible ... they reasonably cannot be forced to take. We said that inflation is not the primary problem; unemployment and the survival of the territory is the primary problem.

The government leader spoke yesterday of planning ahead, and certainly criticized my assessment of his ability to plan on the basis of a strike at Elsa. I will admit that he probably did not make the statement maliciously but rather did so out of ignorance; the fact that the employer in Elsa has not mentioned the strike as the primary cause of the lay-off, nor did it ask for concessions from the labour force, are sufficient to cast serious doubts on the government leader's interpretation of events. No party anticipated the horrendous drop in metal prices, however when the lay-offs were occurring, the territory was treated to government projections of record spending. I would just like to say that my capacity to plan is not proven; the government's capacity or incapacity is.

In discussing the general aspects of the bill, I would like to begin by asking a question — a general question — and put it into context, and then to ask several other specific technical questions of which I believe the ramifications will affect the intent of the bill as well. Initially, I would ask outright whether or not the government would consider offering an across-the-board increase in order to assist the persons at the lower end of the payscale? I would like to illustrate that and try to put the question into context.

Under the six percent limit, if the government sticks to a percentage increase as they have for many years now, the disparity in wage rates will continue to grow. During the last several rounds of bargaining the PSAC, I understand, has come up with an across-the-board dollar demand for everyone in the bargaining unit. The employer has consistently refused to consider this, I understand, as it would distort their pay plan which is, as the government leader is aware, done essentially on a grid.

An example would be as follows; for library clerks, duplicating equipment operators and nursing home attendants, current annual pay rate in the middle of the schedule is about \$18,250. A six percent increase for these people would amount to about \$1,090 per year. However, it must be remembered that most of these people are already working a short work week. They have already lost ten

percent of this \$18,250, and will lose a corresponding amount of any increase so that their actual wage increase will be less than \$1,000 and that will be on top of about \$16,400 and not the \$18,250.

On the other hand, in the management category, for example, the director of research and economic planning is in the pay range of about \$39,840 to about \$51,700. His or her increase would range from about \$2,300 to about 3,100; two or three times the increase that the library clerk would be receiving. So we see that when the employer is just staying with a straight percentage increase, the actual dollar difference consistently increases with the signing of each collective agreement.

So, the question, I guess, simply put, is: will the government be willing to offer a dollar-per-hour increase rather than a percentage increase in future negotiations, which would amount to the same as the six percent ceiling on general expenditures?

I have some technical questions, which I would like to ask as well. And, by way of notice, these would apply to all categories of persons which are mentioned in the act. I would like to ask how benefits based on length of service would be affected; how benefits payable on anniversary dates would be affected, as, obviously, various persons have different anniversary dates, and the act determines wage increases over a certain amount of time.

This is the same problem that the Anti-inflation Board experienced with their limited mandate over a period of time. The expiry date of different contracts, in that case, cause problems of general inequity. I am wondering how this would affect inequity for specific employees?

13 Another fairly significant question that we should be asking at the outset is when does the act come into force? And, what would happen to classification adjustments where new duties are recognized by an employee or class of employees and whether these might be considered as merit increases, or for what? So, I guess to start, that is a fairly large mouthful, in itself, but perhaps we could establish some general parameters for the debate, in particular.

Hon. Mr. Pearson: The member for Mayo said that he regretted that he did not have more time to look over the legislation but, yesterday he said that it was quite simply written and quite straightforward. I do not anticipate that he should have too much trouble understanding what this legislation is.

I am in no position to negotiate in a collective agreement with the Public Service Alliance of Canada here tonight. I cannot make, nor will I make, any undertakings in respect to those negotiations with the hon. member for Mayo. It is not right or proper that I do so.

In respect to benefits for length of service or anniversary dates, they are not affected by this legislation at all. And, it comes into force on assent like all legislation, if there is no specific coming into force date. It comes into force automatically on assent. The same thing with classifications such as length of service and anniversary date. They are protected and we have a system of re-classifications in the government. At the present time, because of a shortage of staff in the Public Service Commission, we are behind a little in respect to re-classification.

But, in every case, those dates have been protected for those employees. And this type of legislation will not affect those types of re-classifications at all.

Mr. McDonald: I will ask my questions one at a time. Understandably, the government leader is reluctant to get into bargaining at this point, and I certainly sympathize with that view. I am not asking, however, to bargain. I think that point ought to be made clear. Certainly the government leader must recognize that.

I am asking about a general statement of intent about what the government leader will accept; an equitable system of payment to raise classifications of employees. Obviously, no union bargains for management classifications or the confidential classifications of employees; yet tonight we are asked to agree to allow a general six percent guideline for government spending. We would like to know how government feels about the sort of inequity that I had suggested may exist or could possibly exist.

14 **Hon. Mr. Pearson:** If the hon. member for Mayo, or anyone, is reading into this legislation that management employees or confidential employees, or anyone else for that matter, is automati-

cally going to get six percent, that is not what this legislation says. That is why collective bargaining is still alive under this legislation. There is nothing here that says that the City of Whitehorse has to automatically pay their employees six percent this year. That is not what the legislation says. What it says is that we will not participate in them paying any more than that. When it comes to our employees, we will not pay any more than that.

It sets a maximum but says nothing about anything below that number at all. It must not be read that way. The only people who are fixed are the teachers who had an 8.5 percent increase negotiated and, regrettably, we found it necessary, through this legislation, to roll them back to six percent. They are the only ones, at this point in time, who are guaranteed six percent.

Mr. McDonald: I am not sure whether I received a clear statement of policy from the government leader. They do affect all classifications: managerial and non-managerial, as the case may be. As the government leader surely knows, the amount of vacation pay, for example, entitled to a particular employee, which is based on years of service completed, might well exceed the maximum payment allowable. I am wondering if, perhaps, the government leader is not aware of that.

Can the government leader state, briefly, how they plan to handle the benefits which are payable on anniversary dates, which vary significantly across the public sector — which would vary in any group of working people, obviously — and, which may not correspond evenly with the stated specific entitlements set out in this piece of legislation?

Hon. Mr. Pearson: This piece of legislation has absolutely nothing to do with benefits with government anniversary dates. It may be that, in the process of collective bargaining, the Public Service Alliance of Canada will come to an agreement with the Government of Yukon Territory in respect to compensation for the employees who are covered by that agreement that will be our holiday pay. I do not know. They are quite free to bargain that if they wish. All we are saying is that their total compensation does not increase by more than six percent. That is all it says. In respect to when they get the pay, that just happens in the normal course of events. There is no problem with anniversary dates in respect to length of service or anything else. Nor is there with classifications. We are talking about compensation here.

15 **Mr. McDonald:** With all due respect, I would suggest that this legislation is a microcosm of the experience of the Anti-inflation Board in that anniversary dates do definitely carry some weight — or ought to carry some weight — in our deliberations. Let me provide an example. For a person whose anniversary date will fall before the expiry of the second year of this program, benefits that would accrue to him on his anniversary date will be affected by these guidelines. For a person whose anniversary date falls after the expiry date provided by this piece of legislation, if things go back to normal, his benefit level will not be affected. This is a problem that produced an inequity within the experience of the Anti-inflation Board and I am wondering if the government leader has considered whether or not that kind of inequity could exist here?

Hon. Mr. Pearson: Once again, the six percent will be for compensation that is received prior to March 31st, 1984. The five percent applies to compensation that is received prior to March 31st, 1985. It is clear in the legislation. Those are the dates.

Mr. McDonald: I will just try one more time and then leave it completely. Should a member's anniversary date come up before the end of March, 1985, his benefits which would accrue to him on his anniversary date will be affected because he falls within the period outlined in the act. For the person whose anniversary date comes up April 1st, should things go back to normal, his benefit level would, I assume, not be affected because it is not covered under the act. This, for the Anti-inflation Board, caused a problem because it did not deal effectively with the kind of inequity that that produced between various industries and I believe that there might be a danger that there might be an inequity produced between individual employees.

Hon. Mr. Pearson: The only benefit that I am aware of that accrues to an employee on his anniversary date is a merit increase or a step on the scale. And they are specifically exempted from this

legislation. It does not apply to this legislation at all. I can foresee someone with some bad luck in respect to holidays having to take them at the wrong time, and may or may not suffer as a result of the legislation. I do not think that very many people are going to get caught that way.

Clause 1 agreed to

16 On Clause 2

Mr. Kimmerly: I have a specific question. I ask it because I have been asked by a constituent and I cannot answer it. Are the cabinet ministers' cars considered compensation in the sense of being considered for income tax purposes, as would be the case in other businesses, and under the "six and five" guidelines.

Hon. Mr. Pearson: I do not believe the hon. member was asked that question by a constituent; I think that is his question. And I think it is a burning question with him, and if he can tell me how I can increase cars one percent, two percent, or six percent next year, I guess they would come under the guidelines. In respect to income tax, the answer is yes. I do not know how, in all practicality, you could say that a vehicle is going to be increased by a percentage next year.

Mr. Kimmerly: To set the record straight, I was asked the question by a constituent in Whitehorse West. The point is that the compensation of the supply of a car is in fact outside of the "six and five" guidelines.

Hon. Mr. Tracey: In any business that supplies one of its employees a car, the only part that is taxable is the part that he uses for his own personal use. The business use of the car is not taxable and that is no different in this government than it is in any private business.

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

17 On Clause 6

Mr. Byblow: I would like to hear from the government leader the full impact of this clause with respect to the contract reached this past spring. I ask that because of the five and seven month period that is applicable in the case of the teachers and how the six percent applies to that? In the post-period of the first year, what is the application of this act on that 8.5 percent reached in that portion of the agreement?

Hon. Mr. Pearson: I am absolutely devastated because I thought that the hon. member was listening to me very carefully yesterday in my second reading speech. If I could respectfully refer him to *Hansard*, I very specifically dealt with the teachers and exactly what was going to happen in each of the two succeeding years.

The "six and five" becomes effective on September 1, 1982 for the teachers for the six percent and it becomes effective on September 1, 1985 for the five percent. It was very clear that they are on a different annual schedule than we are. When I say "we" I mean the rest of the government public servants. I also explained that the dates will be different for the municipalities because theirs starts on January 1st of this year. Their fiscal year is from January 1st to December 31st. It is not like ours, from April 1st to March 31st. We are dealing with three different calendar years with respect to this legislation: the teachers, the Government of Yukon and the municipalities.

Mr. Byblow: With respect to the bringing in of this particular act, why would YTG, in negotiating with the teachers, have insisted on a two-year contract in the past period of contract talks?

Hon. Mr. Pearson: I do not know who insisted upon the two-year contract but certainly, at the time that this contract was negotiated, "six and five" was not perceived to be the fact of life that it is today. I do not know whether it was the government's stand for the two-year contract or whether it was the teachers' stand for a two-year contract.

Mr. Byblow: It is my understanding that the insistence came

from the government and it would be less than fortunate if YTG was aware of this type of legislation during this time of talks.

Hon. Mr. Pearson: I must interrupt the hon. member. "Less than fortunate" for whom? I just finished explaining that the teachers are the only ones who are guaranteed six percent; no one else is guaranteed six percent. The teachers are specifically guaranteed six percent in this legislation for next year.

Mr. Byblow: I do not think I am disagreeing with that. I am simply pointing out that in fact a rollback situation has occurred as a consequence. I understand that during the negotiations and subsequent to that, there was a suggestion by government representatives in Education that should there be any wage controls coming into place, YTG would fight the feds on that kind of an imposition should the federal wage control guidelines apply to them. The government leader will recall the discussion at the time this came about. What is the response of YTG at this time in response to an earlier commitment to fight the feds should that apply?

Hon. Mr. Pearson: I am flabbergasted at the short memory of the hon. member. The teachers got ten percent last year and it was not rolled back. It was because of our intervention with the federal government that it was not rolled back. I might also point out that the teachers were the only ones who got ten percent. Everyone else has already been rolled back. The teachers are not being hard done by under this legislation.

Clause 6 agreed to

On Clause 7

Mr. McDonald: Regarding Clause 7(3) I notice that the dates listed here are meant to correspond to, I believe, contract dates for municipal employees. Given the date of assent for this bill, is it the government's intention to roll back the wages for the period between the date this act is given assent and the end of this year?

Hon. Mr. Pearson: No, not at all. It is anticipated that these contracts will be negotiated effective January 1st, 1983. In the case of municipalities that is when it would come into effect.

18 Clause 7 agreed to

On Clause 8

Clause 8 agreed to

On Clause 9

Clause 9 agreed to

On Clause 10

Mr. McDonald: What percentage increases on average does the government leader anticipate paying under the normal merit plan which will be covered by section 10?

Hon. Mr. Pearson: That is a virtually impossible question to answer because it does vary. It varies so much with respect to employees and their current salaries and then the latitude that is given to award the merit increases. I would guess, in total, that it probably amounts to an average of three or four percent throughout the government.

Clause 10 agreed to

On title

Title agreed to

Hon. Mr. Pearson: I move that you report Bill No. 17, *Public Sector Compensation Restraint (Yukon) Act*.

Motion agreed to

Mr. Chairman: We will now take a short recess.

Recess

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

Bill Number 19

On Clause 1

Hon. Mr. Pearson: These are the capital estimates for the next fiscal year. They are put to the legislature at this time so that we can get the planning work that is necessary, particularly for major construction jobs, done over the winter months and then take advantage of the construction season once it does get here. It was this government's experience, for a number of years, that the first

year of construction was just about lost, simply because by the time the budget was passed and then we could get to the planning stage, and by the time we called tenders it was pretty well time for winter to set in once again.

This system has moved our capital planning ahead considerably and I think it is a system that is well worth the effort of getting the budget ready a little bit earlier than what would be normal and, as a consequence, having to look into the future a little bit more. It does pay off in the long run, particularly when we have major projects that we would like to get started on.

Mr. Byblow: I would have hoped that the government leader would have given a little more analyses in terms of where his government's emphasis is in the plan that he talks about in choosing the capital projects for consideration that he has presented. I think that we missed any extent of debate during second reading the other day. We were not able to hear what priorities, what planning specifically, this government was engaged in when they put together this particular capital budget.

I think it is quite fair to say that this capital budget ought to have been one of the most difficult ones to assemble in light of the economic depression facing us. I think, in the past, we have probably been blessed with some measure of opportunity where we could have made quite a number of choices in assigning where we were going to be spending money for capital projects. I think, perhaps what we are facing today is something a little more critical, and I would have liked to have heard from the government leader what his government's perception was when they assembled this particular budget.

It would seem to me that, in any capital budget, one must consider the most judicious spending of capital monies in the light of an investment plan.

I have said this before and I say it again. Every time any money is spent, one must consider, as a good business would, what long-term benefit is being sought?

However, facing us at the present time, we would seem to have some priorities of short-term benefit as well. What job-creation emphasis has been placed into the projects? What social services have been considered for improvement during the budget process? These are some of the ideas I would have liked to have heard more of in terms of the planning component.

Certainly, in the course of department-by-department debate, we might have items that we will have a lot of questions about, but I would firstly like to hear the planning process and the investment process of this government when they put together the budget.

Hon. Mr. Pearson: In my second reading, I gave the specific number of jobs that were going to be created by this budget. I believe that it amounted to something in the neighborhood of 200 or 250 direct jobs, which translates, with the multiplier factors in place, to about 400 to 450 jobs in the territory. I am sorry the hon. member missed that part of the budget speech.

This was a difficult budget to put together, but we did have a few things going for us this year, in that we have completed a round of major school construction projects, save for one. Now, Pelly Crossing, I believe, is the only major construction project that we still have going. So that has allowed us to sort of sit back and look at what we are going to do in the future with schools. The emphasis this year, as was pointed out in the budget speech, was going to be renovation of existing buildings, specifically Christ the King High School and Whitehorse Elementary here in Whitehorse.

We are also going to spend some extra money this year upgrading equipment in the schools, something that we feel that we have sort of, because of the heavy construction projects in the past year, neglected to some degree. So you will find that there is extra money in respect to that.

Once again, we are restricted by Treasury Board approval for projects over \$1,000,000. As a consequence, you will not find many projects over \$1,000,000 in this budget.

I It is not deemed very likely that there are going to be Treasury Board approvals. The member for Faro will be happy to learn that we have reverted to our old system, instead of what I consider to be the honest way, of doing things and putting what we thought was our best estimate of what we might get from Ottawa in respect to

negotiated agreements. In the budget we now put in a line item with a \$1,000 number. It may make things clearer for the member for Faro, where these line items are indicated. In most cases there is a recovery for the same \$1,000; that number might change to \$5,000,000 during the course of the year — in each instance, we just do not know at this time.

The concept of putting a budget together was to try and recover our cash position in this government. This budget does reflect a surplus of \$2.7 million dollars, some of that could well get eaten up in respect to some of these line items at \$1,000 that are in the budget, and negotiated agreements with the Government of Canada.

If we are fortunate enough to get some of these cost-shared agreements in place. We will have to spend some of that \$2.7 million as our share of those agreements. In each case we will have a share — sometimes 50 percent, sometimes 10 percent — but normally there are territorial capital dollars involved, as well, in that they are part of the capital allotment to this government.

The flexibility really is in the area of education. We have tried to maintain our grants and transfer payments to the municipalities at least at the same level as last year. Hopefully, we can help them as well over the rough times that everyone is in. We also have taken a hard look at where and how we should spend capital money in respect to highways this year. You will find, when we get to the detail of the program, it is fairly realistic.

There are not too many options; probably those three departments are the major spenders of capital money, and that is really where the options lie. We have tried to make it as labour-intensive as possible, and also tried to make it so that as much as the capital money as possible this year will be staying in the territory.

Mr. Byblow: I appreciate the government leader's response to the factors considered in establishing priorities for expenditure. If I am reading what he says correctly, it would appear to me that in the education area there will be considerable upgrading. In Highways there will be ongoing programs and in the municipal departments there will be a maintenance of the status quo.

I guess that does not reflect any major thrust of any sort. It reflects an intent to maintain status quo for the most part. It is not hard to understand why it would be very difficult even to do that given the dollars that we are looking at. Perhaps, because the government leader alluded to my preference for simple line items, I want to touch on that and perhaps afford him a final opportunity to set the record straight once and for all with respect to the whole business of budgeting specific items.

If I could observe: over the past several years we have seen a pattern in capital budgets that brought forward something in the order of \$20,000,000 three years ago, \$24,000,000 the subsequent year, \$26,000,000 the year after that and then it jumped to \$37,000,000, and now it dropped back to \$26,000,000. I guess what the government leader and I were reaching the border of passion on in debate earlier in the evening was that in that \$37,000,000 budget, were a number of items that never materialized. I simply was raising the question with the government leader of why items are budgeted for if the money is not secure and the government certain of its availability. The government leader afforded me the explanation that you had to budget for these items because then you had no grounds to negotiate for the funding. I would leave the government leader — and I would almost promise not to respond — a request for an explanation, for the record, in final form, as to why, in one particular year, we saw a budget that was so substantially higher than in any year previous or the year following, and leave it to his best judgment to answer that.

Hon. Mr. Pearson: We had a big capital budget last year because, if my memory serves me correctly, we started out with something in the neighbourhood of \$8,000,000 or \$9,000,000 of revoted money. In this budget there is virtually none.

I Also, there is a substantial reduction in the amount of loan capital here for land development: \$5,000,000 less this year than last year. That reflects in the total amount of the budget. The engineering services agreement which had been part of previous capital budgets is not a part of this budget. It will come in a supplementary estimate because, at this point in time, we cannot estimate in any way, shape or form what that amount might be. Those agreements are entered

into with the Government of Canada very close to the beginning of the fiscal year. They will be entered into around March or in the month of April, actually after the capital fiscal year has started. They are not reflected here and will be reflected in sups as was today. That, in itself, can amount to as much as \$3,000,000 or \$4,000,000.

It is the reduction of the major item, land development, in the one case and the non-inclusion of some items that have been included in the past in other cases, that have to be included this year in sups because we just will not have the numbers from the Government of Canada.

Mr. Byblow: Earlier, the government leader made reference to the fact that in items where it is uncertain whether or not any money is going to be either, on the one hand, expended or, on the other hand, received from the federal treasury, a simple \$1,000 line item is used. He indicated that this is reverting to an old procedure. Could he elaborate on that?

Hon. Mr. Pearson: In order for us to negotiate these kinds of agreements with the Government of Canada, as I have said earlier, unless we can show them that it is the desire of the legislature that these programs be proceeded with, then we have lost a basic bargaining tool when we are in Ottawa and negotiating these types of agreements. They are actually free to say to us at that point, "Look, you cannot be very interested in this program this year — you have not even put it before the legislature yet". This allows us to negotiate full strength with respect to the desires of this territory to enter into these programs. That is really the major reason for it.

The other specific incidence in this capital budget is that we are in negotiations, and those negotiations have not yet been concluded. To put in any amount of money in excess of \$1,000 would be — I do not know what amount you could safely put in — either a ridiculously low number or a ridiculously high number, probably, in respect to negotiations. The concept of a \$1,000 line item is one that is accepted and can be used in instances like that. Of course, I am speaking of that item in respect to Yukon Hydro.

Mr. Byblow: I am sure we will get to Yukon Hydro later on. I note, in this capital budget, we have substantially less in recoveries listed in the budget than we have had previously.

²⁵ I am curious as to why this is occurring. I understand the effect it has on the total budget figures that the government leader earlier alluded to; that it, in part, reflected some of that increased amount we had procured in the previous year. But why do we have such a substantial lower recovery this year?

Hon. Mr. Pearson: Of the \$6,000,000 less in recoveries this year, \$3,000,000 of that is because of land. If we are going to spend less money on land development, we are bound to have less land recoveries as well.

The other \$3,000,000 is primarily made up of the termination of the two agreements: the economic development agreement and the tourism development agreement. They both terminate at the end of this fiscal year. So, in this budget, our recoveries for these two agreements are \$1,000 each because we anticipated negotiating new agreements between now and the next fiscal year, but we do not know how much we will have to spend or what the recovery will be from those items, but that is where the other \$3,000 is. Instead of some \$3,000,000 in recoveries, there is a \$2,000 recovery.

Clause 1 agreed to

Mr. Chairman: We will now go to schedule A.

On Executive Council Office

Hon. Mr. Pearson: This money is supervised for the purpose of new and replacement equipment for the Public Affairs Bureau and it is just about exclusively photography equipment for our two very excellent photographers that we have in the Public Affairs Bureau.

On Public Affairs Bureau Equipment

Public Affairs Bureau Equipment in the amount of \$8,000 agreed to

Executive Council Office in the amount of \$8,000 agreed to

On Department of Education

Hon. Mrs. Firth: Just for the member for Faro, I have a few

comments on how we set some priorities in the Department of Education for the capital budget. We did take into account projects that would be labour intensive programs for Yukoners and we did have a certain number of ongoing projects that had to be completed as well as projects that were going to derive some long-term benefit to the Yukon Territory; for example, the monies allotted in the advanced education department in the Yukon Vocational School. ²⁶ Also, we tried to look at energy conservation, I believe you will notice, with the domestic hot water supply for the Yukon School. Also we took into account safety factors. I think there are quite a few examples: the F.H. Collins school chimney, the Grey Mountain primary school roof, the F.H. Collins fire alarm system, Watson Lake high school flooring, and so on.

Mr. Byblow: I think what the minister is confirming is that the emphasis this year appears to be on the upgrading of facilities as opposed to the emphasis on construction, which was previously a thrust of the department in capital programming. I certainly would like to say that insofar as that thrust is concerned, I am glad to see, at this particular time, we are emphasizing this type of activity.

Certainly, at a time where you have an economic depression, you want to create the kind of jobs that are intensive in labour and you want to utilize the existing facilities as best as would make the most logical sense in terms of judicious use of money. In that, the department appears to have had its construction program for an immediate term looked after.

In other words, there appears to be no need to construct new facilities; there is no urgent or pressing need, save, perhaps, in my community, should everything be restored to normal, as we had thought would be the case a year or two ago. Could the minister indicate where in the future the intentions of the department will lie with respect to the construction of facilities? Are we going to be looking at construction of expansions to schools in the rural areas? Are we going to be looking at tremendous expansion in the vocational aspect? I say this, having had previous conversations with the minister, in light of the rising concern for vocational and trades facilities incorporated into the high school systems which are very expensive models to put in place. I would be curious from the minister, now having had a construction phase of the government through, and now concentrating on upgrading of facilities, where the direction is going from here?

²⁷ **Hon. Mrs. Firth:** We are looking at some expansions in the future at some of the schools. I believe Carcross School will be looking at some expansion for the next year actually. There are some possibilities that we may have an expansion to the new Porter Creek Junior Secondary School. However, we are concentrating our efforts in the vocational training aspect, looking at possibly a new training facility, or a Yukon advanced education facility of some kind, where we could combine the technical aspects as well as the academic or university aspects of adult education or advanced education. A project of that magnitude is extremely expensive and would require a three or four year commitment on our part and a large amount of funds for each of those years. So it is something that we are just looking at.

Mr. Byblow: Is the concept of a Yukon college on the shelf now?

Hon. Mrs. Firth: Yes it is, however, I have not been referring to it as Yukon college, because we are hoping to be getting some assistance federally with the funding and apparently, through the Hon. Lloyd Axworthy's program, they will only fund the training/vocational aspect of it, not the university portion. We would be in a position where we would have to call our facility a Yukon advanced education facility.

Mr. Byblow: I gather from what the minister is saying, for the immediate future there is going to be an upgrading of the existing trade facility just across the bridge. I would like to pursue another subject with the minister that I have raised in the past. It is in respect to my community and the concept of a vocational wing there. The minister has indicated some receptiveness to keep advised of the potential to create such a wing in that community. I am curious if there is any further development on the subject. I ask this with respect to what is going on in her community at this time. Should we, heaven forbid, not have a mine opening for some time

— to well into the next year, I would not even suggest it sometime even after that — we have a potential for a vocational facility there, whether or not that mine is operating. Can the minister respond to that?

Hon. Mrs. Firth: I believe that we have identified that need, not only for the member's community, but for all the communities in the territory, for some more vocational training. We have identified in the capital budget the \$200,000 for the purchase of another mobile unit because we do now recognize that the one we have now is in big demand. Hopefully, the second unit will facilitate some of that demand.

As for a technical training centre particular to mining in a community like Faro, that is a future thought. Possibly, if we did have an adult training facility in Whitehorse, perhaps we could have additional units in the communities that pertain to that community: it is an interesting concept.

Mr. Byblow: I would like to think that the minister would consider it more than an interesting concept because I have already indicated, many times, the receptiveness of the community towards it, and from the previous administration of the mine towards it. I cannot speak for the present administration, but I am sure that the concept would be well received and supported; this is in relation to the use of the actual mine site and facilities. There is potential with respect to housing students. There is potential with respect to a classroom.

Just extending from that, I would like the minister to consider that it ought to be more than just a satellite adult set of courses that is being supplied in all of the communities. I am thinking of something a little more permanent; something that would, in fact, attract industry, labour and business from a broad region of the north, perhaps, even beyond the Yukon, to that area of mining skills and trades.

Probably, it remains only to ask the minister if any study is planned on the feasibility of this. I remind the minister that an Economic Research and Planning Unit study was done back in about 1976 or 1977, and it indicated a mixed reaction to that concept at that time. I am wondering if the minister would consider taking another look at it?

Hon. Mrs. Firth: We do not have a study that is in process right now, nor had we intended one. I just want to reassure the member that I have listened to his suggestions and I think that his suggestion is a good one. The concept is interesting — to have a facility in Faro where we could give advanced education in mining technology and, perhaps, train people in that field. It is something that the department is aware of and is reviewing.

Hon. Mr. Pearson: I move that you report progress on Bill Number 19.

Motion agreed to

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

Motion agreed to

Mr. Speaker resumes the Chair

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

May we have a report from the Chairman of Committees?

Mr. Philipsen: The Committee of the Whole has considered Bill Number 9, *An Act to Amend the Workers' Compensation Act*; Bill Number 20, *An Act to Amend the Companies Act*; Bill Number 18, *The Third Appropriation Act, 1982-83*; Bill No. 17, *Public Sector Compensation Restraint (Yukon) Act*; and directed me to report the same without amendment.

Further, the Committee has considered Bill Number 5, *An Act to Amend the Landlord and Tenant Act* and directed me to report the same with amendment and, further, the Committee has considered Bill Number 19, *First Appropriation Act, 1983-84*, and directed me to report progress on same.

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

Some Members: Agreed

Mr. Speaker: May I have your further pleasure?

Hon. Mrs. Firth: I move, seconded by the hon. member for

Faro, that the House do now adjourn.

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

Motion agreed to

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

The House adjourned at 9:29 p.m.

The following Legislative Returns were tabled December 8, 1982:

82-2-11

Keno Water Works (Lang)

Oral, *Hansard* p. 179

82-2-12

Teslin Water Supply System (Lang)

Oral, *Hansard* p. 179

82-2-13

Individual land problem in McCrae (Lang)

Oral, *Hansard* p. 41

