



# The Yukon Legislative Assembly

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Number 25

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25th Legislature

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## **HANSARD**

Wednesday, October 19, 1983 — 1:30 p.m.

Speaker: The Honourable Donald Taylor

# Yukon Legislative Assembly

SPEAKER — Honourable Donald Taylor, MLA, Watson Lake

DEPUTY SPEAKER — Bill Brewster, MLA, Kluane

## CABINET MINISTERS

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

## GOVERNMENT MEMBERS

### (Progressive Conservative)

Al Falle	Hootalinqua
Bill Brewster	Kluane
Kathle Nukon	Old Crow

## 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 Serfeant-at-Arms  
Hansard Administrator

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

**Wednesday, October 19, 1983 — 1:30 p.m.**  
**Whitehorse, Yukon**

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

**Hon. Mr. Pearson:** I rise to inform the House, with great sadness, that our good friend and a long time Yukoner, Al Wright, passed away last night.

Al, originally from Ontario, after six years war time service in the Royal Canadian Engineers, came to Yukon in 1946 and became involved in a number of engineering projects here and across northern Canada. He returned to Yukon for the third time in 1958, met Glenna in Dawson and stayed here thereafter.

As a highway engineer with Public Works Canada, with a particular knack for design and route location, Al was personally responsible for the routing of a number of Yukon highways, most notably that of the Dempster and Campbell. He walked every part of those wilderness areas, ultimately determining the best locations.

His multitude of talents are perhaps best exemplified by his book, *Prelude to Bonanza*. The 20 years of research spent on Yukon's prehistory have provided us with a permanent charting of our heritage, as have the numerous other writings and articles he leaves us.

Al was a long time Rotarian and always active in the community. He will be sorely missed by his many friends. I know you will join me in extending our sympathy to the family.

Thank you.

**Mr. Penikett:** I, too, wish to join, on behalf of my colleagues, this expression of condolence at the time of Al Wright's passing. It is a moment of genuine sadness. Those of us who knew him in recent years recall his active interest in local government and municipal affairs in this city. As well, I suspect, most have read *Prelude to Bonanza* and enjoyed that and, as the government leader has indicated, his other writings.

I know, also, of his particular recent interest in the history and the evolution of this legislature and this body and I, for that reason and the others I have mentioned, want to join the government leader in his expression of condolence.

**Mr. Speaker:** At this time we will proceed to the order paper.

## DAILY ROUTINE

**Mr. Speaker:** Are there any returns or documents for tabling?  
 Reports of committees?  
 Petitions?  
 Introduction of bills?

## INTRODUCTION OF BILLS

### Bill Number 22: First Reading

**Hon. Mr. Tracey:** I move that an act entitled *The Business Corporations Act* be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the hon. Minister of Renewable Resources that a bill, entitled *The Business Corporations Act*, be now introduced and read a first time.

*Motion agreed to*

**Mr. Speaker:** Are there any notices of motion for the production of papers?  
 Notices of motion?  
 Are there any statements by ministers?  
 This then brings us to the Question Period.

## QUESTION PERIOD

### Question re: Alcohol consumption in Yukon

**Mr. Penikett:** The government leader gave a press conference in Toronto on August 9 in which he apparently reiterated his view that tourists are to blame for the fact that Yukon has the highest per

capita consumption of alcohol in Canada. Is this the official position of the government?

**Hon. Mr. Pearson:** No. I do not know that the Government of Yukon has an official position on what causes us to have the highest per capita liquor consumption in Canada. However, the fact does remain and I have put this forward as a theory of mine. I think it is the best one that I have ever heard.

**Mr. Penikett:** I want to expose for the government leader to the extent that his theory impacts on government policy. Given that the Yukon Liquor Corporation statistics have shown that even if the alcohol consumed by travellers in the tourist season is discounted, Yukoners still consume eight gallons per capita above the national average. What is the basis of his belief that Yukoners are not particularly heavy drinkers and has his belief, shall we say, been acted upon in any practical way?

**Hon. Mr. Pearson:** I am not going to let the leader of the opposition get away with putting words in my mouth. I did not say that Yukoners were not heavy drinkers. It is he who is saying, all the time, that Yukoners are heavy drinkers and I have been saying 'yes', but not as heavy as he thinks they are. After all, the 400,000 tourists a year that we get here drink a fair amount of booze, too.

**Mr. Penikett:** I have a heavy question for the government leader. In his comments to the Toronto media, the government leader also referred to liquor sales as a major source of revenue for the government. Has this government ever analyzed the total cost to the territorial taxpayer, or treasury, of alcohol abuse, including the police, court, hospital, medical, welfare and absenteeism costs, to see if, in fact, liquor sales produce any net profit at all to the public?

**Hon. Mr. Pearson:** No, because that is impossible to do. I will submit to the leader of the opposition, that we would still be faced with a number of these costs even if we did not sell the liquor and let somebody else sell the liquor even if we did not allow any liquor to be sold in Yukon, because it would still be sold in Yukon. The question is unanswerable because of that.

### Question re: Highway development

**Mr. Byblow:** I have a question I will direct to the minister responsible for highways. In that this government has finally committed itself to long-term planning and has stated its priority to be given to highways development, I want to know its plans in this regard. Is it the intention of this government to develop highway planning policy beyond the current five-year projection?

**Hon. Mr. Tracey:** Certainly, we would relish the thought of being able to provide for planning for a period beyond the five years. However, it must be recognized in this territory that for future road planning, a lot of it depends on where, for example, another Cyprus Anvil mine is going to be located, if it were to come about.

There has been some long-term planning done. Certainly, the North Canal, for example, is something that has been planned for a good many years, recognizing the mineral potential of that area. There have been other areas that have been identified that the government is aware that we may need to put roads into in the future. They are all in our plan.

As for road maintenance, yes, we fully intend to try to plan further ahead than five years, if possible. It is very hard, in that regard, to plan more than five years in advance.

**Mr. Byblow:** The minister might not want to be reminded that he does not have a good road to the old Cyprus Anvil Mine yet.

The minister has indicated his commitment to long-term planning and the evolution of policy on it. I want to ask him what public input process he will incorporate into the development of the policy?

**Hon. Mr. Tracey:** I do not know what the member across the floor is really trying to say. Should we go, every time we are talking about developing a road, and have a public inquiry on it? If that is what he is suggesting, that is not what will be happening.

Highways are planned with regard to developments that take place or future access to areas where you do want development to take place. Certainly, the people who are expert in it are fully involved. To suggest that public hearings, for example, be held to

talk about whether a road should be planned for 10 years from now in any given area, I think, is totally unreasonable.

**Mr. Byblow:** The minister has suggested public hearings. I suggested public input as a process.

On a specific question, then, relating to a highway, namely the infamous Faro Access Road, when does this government intend to complete the upgrading of that particular road — still, the minister will remember, the old Cyprus Anvil Mine?

**Hon. Mr. Tracey:** We all knew that, ultimately, this question had to come out — that was the reason for him standing up in the first place.

Contrary to the remarks made by the member across the floor, it is a very good road. The only reason why we are upgrading the road is because of the size of the trucks that have to go over that road. Right now, as the trucks are not travelling the road, we do not see the necessity, nor whether we would be even wise to finish that road considering the position Cyprus Anvil is in right now. We do not know whether the Cyprus Anvil Mine will go back into production. For us to invest hundreds of thousands, or millions, of dollars into a road when we do not know that it is going to be necessary would also be an unwise expenditure of taxpayers' dollars.

#### Question re: Social assistance

**Mr. Kimmerly:** About the social assistance: yesterday, I asked about the work requirement for social assistance. Does the minister recognize that persons who qualify under his policy in fact would be eligible for unemployment insurance, and therefore would not need social assistance?

**Hon. Mr. Philipsen:** We would be much happier to have people on unemployment insurance than on social assistance, if it was possible.

**Mr. Kimmerly:** I am sure the minister is well briefed on this issue. How many people are being rejected because of this policy?

**Hon. Mr. Philipsen:** I am not entirely sure how to answer this question but I will try in this way: we follow the *Canada Assistance Plan Act*, Section 6, subsection 3(b) of the *Canada Constitution Act, 1982*, on mobility rights, which enable provinces to establish reasonable residency requirements as qualifications for the receipt of publicly provided social services. I hope that this is the answer to what I think you are driving at.

**Mr. Kimmerly:** I am not talking about a residency requirement. I am talking about a work requirement. How many people who are residents are being denied social assistance because they cannot get work?

**Hon. Mr. Philipsen:** No-one in the Yukon Territory is being denied social assistance because he cannot get work. Social assistance is given to adult Yukon people, on the basis of residency, on the basis of need. That is how social assistance is handed out in the Yukon Territory.

#### Question re: Closure of cow moose season

**Mr. Porter:** My question today is directed to the Minister of Renewable Resources. Why has his department decided to close the cow moose season in Game Zone Seven after they had opened the season?

**Hon. Mr. Tracey:** We decided to close the season because we had representations made to us from the general public and from the Wildlife Advisory Committee. If you will recall, earlier, when we were dealing with the wolf and moose problem, I made a commitment to the people of this territory that we would not reduce the season this year. I was living up to that promise that I made to the public, but when the public asked me to reduce the season, we took it into full consideration and reduced it.

**Mr. Porter:** Is the minister's department considering closing all moose hunting in Game Zone Seven and Nine in the 1984 hunting season?

**Hon. Mr. Tracey:** That is something that we will have to deal with between now and the time we decide what we will do next year. We will only do it after consultation with the Wildlife Advisory Committee. It may be a necessity, but I doubt that it will become a necessity.

**Mr. Porter:** I am aware that the minister has received suggestions that entail hunting grizzlies in Game Zone Seven and Nine by a system of a lottery. Has his department considered this and what is the position of the department?

**Hon. Mr. Tracey:** No, I have not heard of it. If my department has heard of it, I have not been made aware of it. However, that is not being considered.

#### Question re: Victims of crime

**Mrs. Joe:** The McLaughlin Report of March 21 of this year on victims of crime clearly indicates the need for further work in this area. Could the minister tell this House why he does not support the proposal from the *ad hoc* committee on victims of crime to provide greater awareness and education to both the criminal justice system and victims of crime?

**Hon. Mr. Ashley:** This committee report, this *ad hoc* committee proposal that was put to me, is not acceptable to me for the main reasons that, number one, it asks for dollars in mid-term budget and, number two, I feel that a lot of this can be done in-house. That is just about exactly what I told Miss McLaughlin when she came to see me about it. I do not discard the report out of hand. I think it is rather a fairly good report, as a matter of fact. So we are studying that in-house to see what we can actually do to implement a lot of that.

**Mrs. Joe:** Since the government committee has been established to study the proposal, or possibly do a similar study, could the minister tell us why his department is duplicating something that has already been done?

**Hon. Mr. Ashley:** My in-house committee is not duplicating something that has been already done. The proposal that I received was to set up a totally different two-person body trying to do something that the department is actually already doing in-house in a number of different departments. It is an inter-departmental committee that I have set up to pull all this together and then, once we have it together, we may very well be needing the services of outside groups to help implement it all.

**Mrs. Joe:** The federal government has indicated that it would fund a proposal by the *ad hoc* committee for victims of crime. Since this government has refused similar support at this time, could the minister tell us if his department will provide that funding at a later date?

**Hon. Mr. Ashley:** I do not believe that funding is going to be necessary once the department has looked at it and drawn itself all together. That is what I am trying to tell the member opposite.

#### Question re: Conference on economic issues

**Mr. McDonald:** I have a question for the government leader that he dared me to ask only yesterday and I generously invite him to answer today. As the government leader is aware, a broad-based group of Yukon workers from around the territory have organized a meeting to discuss the economic issues facing working people in the territory. While this group has openly solicited a broad spectrum of political viewpoints, can the government leader explain the reason for refusing their invitation to speak to the conference?

**Hon. Mr. Pearson:** The member opposite seemed to be reluctant to use the name that this organization is going under, and it is, in fact, Solidarity, and it is my understanding that Solidarity has been organized for the express purpose of dealing with what is happening in British Columbia. Now, although I, like everyone else, am concerned with what is happening in British Columbia, I do not think that it is this government's place to be expressing opinions as to whether it is good or bad from a government point of view. I also feel that my concerns are primarily Yukon-oriented, not B.C.-oriented; therefore, I do not have the proper knowledge to be speaking about B.C. concerns.

There was a suggestion from the member opposite yesterday, when we spoke of this, that I was not taking advantage of the opportunity to speak to the labour federation. I want to assure you that that is not so. We have a set procedure in place; the Yukon Federation of Labour knows exactly how they can get to me and my cabinet colleagues at any time they wish. They have used that procedure in the past. I am most happy to meet with them at any

time. I am not particularly enamoured with the idea of meeting in a public forum where, I believe, the major issues to be debated are going to be political issues. I am very anxious to meet with the Yukon Federation of Labour whenever they wish, whenever they have labour issues to raise with me.

**Mr. McDonald:** I will try to ask a question and not enter debate. As there is a solidarity organization in Poland to deal with Polish problems, as there is a solidarity organization in British Columbia to deal with British Columbian problems, and as this grouping does not strictly limit itself to federation of labour members, but is a cross-section of a whole range of Yukon workers, will the government leader not reconsider his position and decide to send either a replacement or attend the meeting himself?

**Hon. Mr. Pearson:** Once again, the name of the organization is Solidarity. Solidarity, to my knowledge, and I may be wrong, but it was my understanding that solidarity was organized specifically to deal with the problems that are arising in British Columbia. Surely, the member is not going to say to me now that I have to appear before such a group to assure them that what is happening in British Columbia is not going to happen in Yukon. If that is the case, then he has not been listening to the news or he has not heard what is being said, nor is he aware of the actions that this government has taken in the past to avoid having to take the measures that had to be taken in British Columbia.

**Mr. McDonald:** I do not want to ask a question that sounds condescending but I am going to do it anyway.

Obviously the government leader has a problem with the name Solidarity, and should this group decide to rename itself "A Big Group of People Dealing in Yukon Economic Problems", will the government leader then reconsider to speak to this group of people.

**Hon. Mr. Pearson:** It is a rather interesting question. The fact of the matter is that they named themselves, I did not. They did. I did not name them Solidarity. They named themselves Solidarity. I do not know what problems they would want to talk to me about. They seem to be well represented in this House and if they want to talk to me about Yukon problems, by all means, I will talk to them. As I said before, all it takes is a telephone call to my office to set a time. We have made ourselves available to the Yukon Federation of Labour on past occasions and will again.

#### Question re: National Training Program

**Mr. Penikett:** I wish this were debate. I have to question the government leader on a matter which may be of interest to working people in the employ of this government, and it is to him in his capacity as the minister responsible for the Public Service Commission.

I understand the commission has withdrawn permission for departments to hire casuals without consent of the Public Service Commission. I would like to ask the government leader if that is an accurate statement.

**Hon. Mr. Pearson:** It is accurate to a degree. I think I am going to have to go back a little in history and remind the leader of the opposition of a situation that arose here a couple of years ago with respect to casuals and how long they work for the territorial government.

As the member opposite is well aware, there is a provision in the *Public Service Commission Act* which states that a casual cannot be retained for more than six months. If they are on staff in excess of six months, we have to take them on to permanent staff.

For a number of years, the policy was that the control of the hiring dates of casual employees was done by the Public Service Commission. When it was coming to the end of a six-month period, the Public Service Commission would say to the department, now, you have to make a decision with respect to that person. If you want him to continue working after a given date, you have to give us a job description, we have to go to the cabinet and we have to get a permanent position put in place for it. In other words, an increase in our permanent man-years.

I believe, if my memory serves me correctly, the leader of the opposition was the one who brought it to my attention by way of a question one day in this House; that as a result of a change in policy whereby we transferred the responsibility for making sure that these

casuals did not work for more than six months from the Public Service Commission to the departments, we discovered, all of a sudden, much to our regret, that this provision was being misused, in some cases abused, and we felt that we had to change it again. What we have done is to revert to the old policy that said that when the department hires casual employees, it must do so through the Public Service Commission.

**Mr. Penikett:** The Public Service Commission does not do the hiring, nor does the Public Service Commission give them permission to do the hiring. It is a departmental responsibility, but they must notify the Public Service Commission that they are going to do it. The files and the records of that are kept in the Public Service Commission and are updated on a basis that, hopefully, will not allow us to get into the situation once again of the misuse and abuse of that particular section of the *Public Service Commission Act*.

**Mr. Penikett:** I do understand that the *Public Service Staff Relations Act* says that casual positions are to be used for jobs of no more than six month's duration. However, is the government leader now confident that, by returning the authority to hire casuals to the Public Service Commission, this will keep the government in absolute compliance of the law?

**Hon. Mr. Pearson:** I do not think it will keep us in absolute compliance because, as per most laws dealing with humans in this type of a situation, it is impractical in one sense. We have an awful lot of casuals who work for us for six months and three weeks or six months and two weeks. Number one, because that is the length of time they can be in the territory — they are students or whatever; number two, the weather stays good and we have work that we want to finish off and it is only going to take another two weeks to do it.

I cannot deny, nor will I deny, that in instances like that we do abuse that particular piece of legislation, but they are now identified by an organization that is not doing the work. In other words, it is somebody one step removed from the actual work. It is no longer done for the convenience of the department. I guess that is the point I am trying to make; the decision is not one of convenience any longer.

**Mr. Penikett:** Is it the case, as a result of this recent decision, that 35 positions that were long-term casuals have now been made permanent?

**Hon. Mr. Pearson:** Yes.

#### Question re: National Training Program

**Mr. Byblow:** I have a question I will direct to the government leader; however, he may wish to defer to another minister.

In his address last Monday, he drew reference to \$725,000 that Yukon would be able to draw on from the National Training Program, however, it was unclear, somewhat, as to the intended use of that money. How is this money to be spent?

**Hon. Mrs. Firth:** I will answer that question as it comes under Advanced Education and Manpower.

That money was given to us through the Skills Growth Fund of the federal government and it will be used in upgrading at the Yukon College.

**Mr. Byblow:** Not intending to ask the Minister of Education a question through the government leader, I will ask her directly: what proportion of the \$750,000 will be used for capital facilities or facilities upgrading and what proportion will be used for programs?

**Hon. Mrs. Firth:** I appreciate that the member did not want to ask the Minister of Education a question, period, and he has been put in a bit of a tight spot now. I hope the leader of the opposition, also, is recovering from his orthodontopedial surgery. He seems to be flapping his gums very well today.

To answer the question, of the amount of money, capital is approximately \$700,000 and the rest has gone towards course development.

**Mr. Byblow:** The minister's oral ability seems quite good today, too. Is the intended expenditure of this money part and parcel, at all, of the \$10,000,000 that we heard and read about being distributed this past summer? Was any of that money part of what was announced in funding programs?

**Hon. Mrs. Firth:** No, I would never do a thing like that without consulting the legislative assembly and our hon. colleagues

in the opposition.

**Question re: Social assistance appeal system**

**Mr. Kimmerly:** Yesterday, I asked about the multi-stage appeal procedure for social assistance. What is the policy behind these many stages, if it is not to wear down the applicant with delay and red tape?

**Hon. Mr. Philipsen:** On the contrary, the system is set up to protect both the person applying for social assistance and the people who pay the taxes and pay for the social assistance. The social worker, who first talks with the person applying for social assistance, follows specific guidelines. If, indeed, the need is beyond what the social worker can handle, a supervisor is brought into the discussion.

If it needs to go beyond that, it follows two courses. One is the social assistance committee and one is the social assistance board. Both the board and the committee are people from the public, not people who are employed in government. Both those processes are there to protect both the person applying and the person paying. It is not there to be a hindrance to anyone.

**Mr. Kimmerly:** Recently, destitute people have started to come to opposition members literally in tears. Will the minister agree now to shorten the appeal procedure for people actually cold and hungry?

**Hon. Mr. Philipsen:** I will not do anything at this time to change the set-up nor the way it is structured at the present time. The members on the opposition side realize and know that if anyone comes to them in trouble, or in need, they have to do no more than to send them either to the deputy minister or myself and their case is taken back to the social worker. They are fully aware of that.

**Mr. Kimmerly:** You can expect a lot of traffic in your office. How many people have appealed due to the work requirement?

**Hon. Mr. Philipsen:** I must once again reiterate that the work requirement is legal under the Canada Assistance Plan. We are not in contravention of anything that the CAP Agreement says and we do not deny assistance to any Yukon residents. It is established on the basis of need.

**Question re: Identification of moose predators**

**Mr. Porter:** On June 30, 1983, a press release was made public by the minister responsible for renewable resources. The press release talked about identifying moose predators as mainly bears and not wolves. In view of this fact, is the minister, or anyone in his department, planning on a poison program aimed at the bear population?

**Hon. Mr. Tracey:** I would like to correct the member across the floor. The study that we did on spring calving showed mostly bear. It did not change the position of the government, or of the department, that wolves are also a problem. As far as whether we are going to poison wolves this year, that is a decision that has not been made. I would suspect that we probably will not be poisoning any wolves.

**Mr. Porter:** The question was with respect to bears. In view of the fact that the bears were identified as the main predators that were responsible for the killing of calves in the spring-time, is the minister willing to compensate those families of wolves that were poisoned as a result of his activities and, if not, would he be turning the matter over to his colleague in Consumer and Corporate Affairs to be dealt with under "victims of crime"?

**Question re: Incarceration rate**

**Mrs. Joe:** I have a question for the Minister of Justice.

Yesterday, the minister stated in response to my question on the high rate of incarceration, "We are always monitoring statistics and keeping track of them so that if there is a trend like that developing we are right on top of it". Could I ask the minister once again what his department is doing with regard to improving the problem of the high incarceration rate of inmates in Yukon jails?

**Hon. Mr. Ashley:** As I said, I have a justice steering committee that looks at these problems as they come up and that is exactly what we are doing.

**Mrs. Joe:** It appears that this committee is a very busy

committee.

The minister has stated that he has an in-house committee that looks at all of the problems within this department. Could he tell us if the high incarceration rate is on the agenda?

**Hon. Mr. Ashley:** I am not sure if it is on their agenda right at this moment but, as I said, they look at all items throughout justice, deal with them and recommend back to me.

**Mrs. Joe:** Could the minister make available to us any statistics that he has on the incarceration rate in Yukon compared to other parts of Canada?

**Hon. Mr. Ashley:** I believe those figures are available through Statistics Canada and so the member opposite can very easily get them from there.

**Question re: Employment standards legislation**

**Mr. McDonald:** I have a question for the minister responsible for labour services.

As the minister is aware, his predecessor said last Session that the development of employment standards legislation would be his project for the summer. Will the new minister tell the House whether he, too, has made employment standards a summer project and whether or not we will see legislation this session?

**Hon. Mr. Tracey:** Yes, labour employment standards has been a project over the course of the summer and the fall. As to whether it will be tabled in the House, the member will have to wait to find out whether that will happen or not.

**Mr. McDonald:** I see that we are going to be dealing with another rush job on legislation.

The previous minister also suggested that, time permitting, an overhaul of occupational health and safety legislation might be forthcoming. When will we see initiatives in that area and will the minister be making a public policy paper to solicit public reaction?

**Hon. Mr. Tracey:** There was a green paper put out on occupational health and safety. We dealt with it quite a bit a year or two ago. There has been a great deal of consultation with business and labour with regard to occupational health and safety. It is a priority with me and this department; however, it is time-consuming and it is a very complicated piece of legislation. I hope that I will be able to introduce it some time next year.

**Mr. McDonald:** The minister has an interesting interpretation of having worked on it quite a bit, having received only two submissions.

I realize this question is tantamount to whistling in the wind, however, will there be a select committee established to review public submissions — more than just the two that we have already received — and make a report to this House regarding occupational health and safety?

**Hon. Mr. Tracey:** I will deal with the remark that he made first. I do not consider it my responsibility to involve him in the drafting of the legislation in my department. And secondly, no, a select committee will not be used. It has already been made public. There has been a lot of public input into it, as I stated earlier, and we will be drafting legislation and the legislation will be tabled in the House.

**Mr. Speaker:** There being no further questions, we will proceed to orders of the day, under motions other than government motions.

**MOTIONS OTHER THAN GOVERNMENT MOTIONS**

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

**Mr. Speaker:** Is the honourable member prepared to deal with item 1?

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

**Mr. Speaker:** So ordered.

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

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

**Mr. McDonald:** Next sitting day please, Mr. Speaker.

**Mr. Speaker:** So ordered.

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

**Mr. Speaker:** Is the honourable member prepared to deal with

item 3?

**Mr. Penikett:** Yes.

**Motion No. 23**

**Mr. Speaker:** It has been moved by the hon. leader of the opposition that this House does not wish the premier, the legislature, or the people of British Columbia, to hold the belief that the Yukon Legislative Assembly supports the government leader in his reported praise of the Government of British Columbia and its program of cutting back and eliminating essential government programs and services; that this House does not support the philosophy of cutting back and eliminating essential government programs and services and, in particular, does not support the actions of the Government of British Columbia in (1) eliminating the Human Rights Branch and Commission; (2) closing the rentalsmen's office; (3) closing consumer services offices; (4) eliminating a wide range of human resource programs; (5) cutting student aid; (6) cutting special education programs; (7) cutting agricultural land protection; (8) reducing funds to compensate victims of crime; (9) cutting services for seniors; (10) cutting spending for transit; (11) cutting women's programs; (12) cutting safety services in the labour industry; (13) cutting employment training programs; (14) cutting funds to the ombudsman's office; (15) eliminating safety tests for cars; (16) cutting legal aid; (17) cutting revenue sharing with municipalities and (18) cutting the provincial share in municipal water and sewer programs; and, that this House directs the government leader to communicate the contents of this motion to the premier of British Columbia.

**Mr. Penikett:** I am sure, having heard the government leader speak in the last couple of days, this will be deemed to be a fairly non-controversial proposition. However, I must tell you that I was moved to introduce this resolution in response to a news item that I saw in the local liberal newspaper on September 28th, following the government leader's meeting with his counterparts from British Columbia and Alaska in British Columbia.

This was a *Canadian Press* story, which means that it was transmitted from coast to coast and the headline carried in the local liberal newspaper was: "Pearson Supports B.C. Restraints". The first paragraph of the article is, "B.C. Premier Bill Bennett found support for his restraint program at a meeting Tuesday with Alaska Governor Bill Sheffield and Yukon Government Leader Chris Pearson."

I did read the entire article several times, so astounded was I at the subject matter. Now, it is true that occasionally — in fact, not that occasionally, now that I think about it — headlines in that particular newspaper tend to have scant relationship to the content of the story. I can recall one recently announcing an opposition initiative on the subject of education which was entitled, "NDP ignores hundreds". Not only was that sort of editorializing but I would think it was probably, since it was not even in quotes, a somewhat low-grade journalism. Anyway, I do not want to discuss the *Yukon News* today.

What I want to discuss is this very short and serious impression it may have created that the members of this legislature, or the government of this territory, are expressing, or feel, enthusiasm for what is happening in British Columbia.

A few moments ago, the government leader said in this House that he felt it was not his place to express concern about what the government of British Columbia was doing. However, he seems to have been reported nationally as having expressed support. Now I do not know if, qualitatively, it makes much difference whether you express support for something or opposition for something, if you have been clearly quoted one way or another on the subject. Already, clearly, the impression has been created in some minds that the people of Yukon are enthusiastic about what is happening south of our border.

There is a second reason for me moving this motion, and that is perhaps, in a sense, the more serious one. I have a genuine fear that what is happening in British Columbia may become, or may be seen by some people, as a model for what should happen elsewhere, not only in Yukon but in the country as a whole. This is a very serious concern for me because I believe that cutbacks and the elimination

of dozens of programs and services by the Social Credit government of British Columbia will inevitably clog that province's courts and cost citizens of that place far more in the long run than the savings currently claimed by the premier of that province.

Programs, which were designed to ensure stability and growth of British Columbia's economy — and, I might say, the regional economy — are also being cut. On the list of programs being cut are the elimination of the Human Rights Commission, and that is the significant one here. I must say that I was very pleased that only two days before human rights were essentially abolished in British Columbia, that the minister in this House, in this government, announced that we for the first time were to have twentieth century human rights legislation here. We still look forward to seeing that.

Only a few short months after the creation of a rentalsman function in this government, for all its inadequacies, that operation in British Columbia has been closed. An area of critical concern for us — wildlife management and fishery — we notice British Columbia is now cutting back on fisheries management, marine resources, pesticide control, water management, wildlife management surveys and resource mapping, and they are cutting the forestry ministry programs such as silva culture research, forest protection and range and recreation programs.

Consumer services offices have been closed, and this is an area which I think this government has begun to do useful work in some of its information programs, but for a long time, as we know, we had here a policy of not enforcing consumer protection legislation. Here in British Columbia, they have gone even further back in history than that by in fact shutting down many of those services.

In a time of great need, great suffering in that province, there has been the elimination of a wide range of human resources programs. There have been cuts in student aid, cuts in special education programs, cuts in agricultural land protection, and the reduction of funds to compensate victims of crime.

There have been, as well, cuts in services to senior citizens, cuts in the spending for transit, and we all know how useful a contribution transit spending is towards achieving the goal, which is being observed in most places, of energy conservation.

Women's programs in British Columbia have been cut. The safety services of the labour ministry have been cut and I leave it to members of the House to imagine the consequences of that. There have been cuts in employment training programs. Incredibly, at a time of high unemployment and restructuring of the economy, when there is a desperate need for people who are out of work to at least have the prospect of work, one of the best ways of improving their hope of achieving that prospect is to be trained in new skills.

**Hon. Mr. Lang:** (Inaudible)

**Mr. Penikett:** The hon. member for Porter Creek East would like me to inject a little more emotion into this speech. Unlike his speech yesterday, my speech will be largely devoted to content, rather than emotion, and you may notice a very sharp difference between the two speeches in that respect.

As I mentioned, as well, there have been cuts in the ombudsman office, despite, I would point out, a 66 percent in complaints last year. There has been the elimination of safety tests for cars and cuts in legal aid — and I think many of you have seen newscasts about the kind of problem and chaos that has been created in the court system in British Columbia.

There have also been cuts in revenue sharing with the municipalities, which is having serious implications for many local governments. There has been a cut in the provincial share of municipal water and sewer programs from 75 percent to 25 percent.

This is a short list, it is not a complete list, but I think it is a list which is sufficient to show that what is happening in British Columbia is that civilization's clock has been rolled back about 100 years in that province. The premier and his political colleagues are calling it "restraint" and they have been sufficiently successful in their public relations to have had that word adopted as the label for what is going on.

I believe, in all sincerity, that a much more accurate description of the deluge of legislation that is happening there is the word "repression". I believe that what is happening right now in British Columbia has radically changed the course of not only that

province, but could, if it is not opposed by all fair-minded people, change the future of this country.

I believe that there has never been a more reactionary program of legislation in any jurisdiction anywhere in the history of this country. One bill alone, Bill 2, amends labour relations practically out of existence. Another bill, Bill 3, allows the government to fire public employees for almost any reason, including political reasons. Bill 11 extends the wage control program in that province indefinitely. Bill 24 provides for doctors to opt out of medicare, creating not a two-tier system of health care in that province, but a three-tier system.

That province has planned to reduce the public service by 25 per cent. With that plan, 7,000 British Columbians will lose their jobs in this budget year. In addition, 200,000 public sector employees who do not work for the provincial government will be affected. These people work in areas slated for cutbacks of services in the legislation.

We must not forget that the people fired by this inhuman government have families who will also share the suffering. I had in mind the wise words of — I believe it was — the Minister of Education, not so long ago, when I read her passionate oration to the effect that Yukon could not afford to lose a single job. My heart was touched by that sentiment because I am sure the minister meant it sincerely. I think that if that is true for Yukon, I am sure it is especially true for British Columbia. It is also true that many of the worst hit by the cutbacks are the least advantaged in B.C. society, the children and the disadvantaged.

The government of that province is eliminating programs and services which will drastically affect the gains women have made in the last few years. The member for Tatchun suggests that I might be speaking for the leader of the opposition in British Columbia because he is not in the House. Let me suggest that, should the day come whenever the government majority decides to do to me what they did to him, I shall be a much larger burden to remove from this place.

The legislation in British Columbia is clearly a deliberate and malicious attack on its political enemies by those in power in British Columbia. It is a retaliation by that government, which is intended to cripple contemporary thinking and anything resembling progressive thought in that province for a long time to come. The majority of people in that province, the majority of the men, women and children, I believe, in that province will come to suffer a great deal as a result of these measures, in large part because the government there wants to settle old political scores.

Further, and this is a very important point, recent news reports, including a number of stories I have seen in the Toronto media, suggest that if British Columbia gets away with this, there are quite a few people in Canada, including some Conservative provincial governments, just waiting to launch some more programs.

What is being done here, is being done in a very cavalier fashion without regard, I believe, to even some of the constitutional rights of some of the people effected. It is true that labour contracts, fairly negotiated and honourably signed, have been scrapped arbitrarily. Rights fought for and won over scores of years have been abolished with a flick of a wrist. More importantly, some of these things have been done without even a proper appreciation of their constitutional legal context.

Recently, the BC Attorney-General was asked if his ministry was reviewing the actions of his government in summarily discharging the Human Rights Branch and Commission, to determine if the *Charter of Rights and Freedoms* had been contravened. The minister apparently said, "not only were they not looking at that, they did not plan to".

The BC government's legislative and budgetary assault on democratic rights and freedoms have sent shock waves of outrage and fear across the country. There are many of the least fortunate people in this country, from coast to coast, who have been stung by the savagery of the right wing attack on our basic social fabric. While some of these extreme Conservative measures, the abolition of human rights, service cuts to child abuse victims, elimination of rent controls and cuts in services to seniors, for example, have been widely reported in the media, comparatively little attention has been

paid to their undermining of public education at all levels.

I want to speak for a moment about the impact on the education system, because there are a great many students in this jurisdiction who have experienced higher education in the province of British Columbia and, in fact, this government is in a way involved with the University of British Columbia in the delivery of programs in this area. Whether you look at the public school systems or the colleges and the institutions and the universities, there are three major themes which accompany the present rightist attack. There are cuts in services, in opportunities for students of all ages; there is increased political control by the Cabinet at the expense of locally-accountable boards and there is cuts in provincial funding for education.

By 1986, services to children in BC schools will be cut by more than 20 percent from today's levels. And yet, the provincial budget has increased 12 percent in a single year. I leave you to dwell on what that means in terms of equality of sacrifice or to sharing the costs of restraint.

Classes will be much larger. Teachers will have less time for each child. Children with problems will tend to drop out because the support they need to cope will be cut. Even if communities wanted to elect school boards committed to providing educational offerings beyond the Victoria-approved minimums, the BC government has taken local rights away. The Minister of Education in that province has taken power to issue secret directives to boards to cap funding for each section of the budget.

More alarming to me, is that BC universities are being downgraded.

British Columbia is now the only place in the western world where the faculty has to be politically acceptable in order to continue teaching. Similar policy, of course, prevails in Russia and other Soviet satellites as well as a number of right wing dictatorships, but nowhere else in the free world does the Cabinet of a province have the right to deny or to fire an academic for political reasons. First-rate academics will now leave British Columbia and I believe the education, the quality of education, and the students of that province will suffer. Colleges and universities will now offer courses only if the education minister approves them. And, as if all this were not enough, it will be harder for students to enter courses. British Columbia now has the worst student assistance program in Canada and it is conceivable, according to some estimate I read in the press, that students starting this fall could owe as much as \$30,000 by the time they graduate.

The B.C. government is the only province, I understand, in this country that is committed to spending less on education in 1985 than it did in 1982. Worst of all, worst of all, the government has no mandate, I believe, for their attack on the young people in the education system, for they did not campaign in the May election on a platform of "education is expensive, let's try ignorance".

For these reasons, and for many other important ones, my party's MLAs and many other people in the community are fighting what is happening in British Columbia. They are fighting the government, their budget and their repressive legislation at every turn.

Let me, for the edification of all members, read into the record some comments from the British Columbia opposition leader, Dave Barrett, on the subject of government service cutbacks. I would not have done this, Mr. Speaker, but I am only doing it to meet the request of the member for Tatchun. He said, "the authoritative and bi-partisan U.S. Congressional Budget Office has delivered a stinging analysis of the results of Reaganomics based on (inaudible). The study shows that the U.S. program of restraint and cutbacks on social programs which were planned for the three fiscal years beginning in 1982 have hardly dented the deficit, but have reaped a terrible cost on those least able to afford them. The study found that the \$110,000,000,000 total savings over three years in cutbacks of planned increases for 26 or 27 social programs represents only seven percent of the US budgets for these years. Yet, almost 70 percent of the impact of those cuts fall on people in the low income bracket, and the budget deficit, with almost ten percent unemployment in the US, will reach \$209,000,000,000 this year alone, almost double the 1982 level. Similar monetarist and cutback policies in British Columbia are causing enormous social



damage to those least able to afford the costs while arbitrary layoffs and deficits continue to rise.'

I could, at this point, get into a lengthy dissertation about the effect of the arms race on the budget deficit in the United States, but I fear you might consider that a diversion so I will not.

Given the savagery of Premier Bennett's attack on the poor and working people, it is no wonder that British Columbia's clergy have joined the protest. Consider the following statement, "As members of many religious communities in British Columbia, we are deeply concerned that the provincial government has introduced legislation which threatens to de-stabilize our society, giving rise to a climate of unrest, fear and distrust." I could not have put it better myself than the churchmen did. This legislation threatens to de-stabilize our society, giving rise to a climate of unrest, fear and distrust.

This statement was endorsed by the Pacific Interface Citizenship Council, the Canadian Jewish Congress and the official organs of the B.C. conference of the United Church of Canada, the Roman Catholic Diocese of Victoria and the Anglican Diocese of British Columbia.

<sup>17</sup> I want to say that, while I appreciate what the churchmen have said, it is not only the social climate which has deteriorated in British Columbia as a result of these measures.

A new study on employment during the recent recession has been prepared by Midland Doherty Limited. The study shows that the greatest job losses by any province during the recession were suffered by BC. The BC economy lost 99,000 jobs during the 17 months from June, 1981 to November, 1982. Only 20,000 of these jobs were regained during the following seven months. As I am sure the government leader knows, this is the worse performance by any province in Canada, by far.

BC obviously cannot afford this rate of job loss and I doubt if the country can. That is doubly damning in view of the fact that a further 37,000 jobs have been lost in BC since the Midland Doherty study. As one former BC minister of finance said, we can only hope that the current BC minister of finance will begin to realize that performance, not rhetoric, is what matters in the BC economy.

A government, as the member for Porter Creek East knows, can promise all the popular phrases that money can buy, but people need jobs. They need them now. This is very basic. This is as true, as he knows, in Yukon as it is in BC. That is why the BC opposition is calling on the Government of British Columbia to reconsider the July 7th budget package, because of its failure to relieve economic hardship.

It is why thousands of people from all walks of life in British Columbia, thousands of people who have never been involved politically before, and I suspect thousands of people from one end of this country to the other, are hoping and praying the BC government would do the same thing.

The fact of the matter is that the high rate of bankruptcy and foreclosures in BC underscores the continuing employment crisis in that province.

What the government has done, however, in response to this crisis, is to provoke the workforce and foster a situation of labour unrest and great uncertainty, which I believe, and I think many fair-minded people will believe, will further dampen the economy.

The two operating assumptions, the two big lies if you like, about the program that is happening there is that restraint necessarily leads to recovery. The restraint obviously is being a very effective device for punishing the enemies but there is no evidence it will help the economy at all. The budget that was passed there will tax more money out of the economy. It will not create jobs; it will abolish jobs. It will cause increased unemployment, and as one Vancouver political columnist has said, when 40 percent of the workforce is either unemployed or afraid of imminent firing by the government, they will not spend money in the economy.

A consumer-stimulated recovery will not happen if the consumers — that is, those people who are still working — are afraid for their jobs.

The second big lie, if you like, is that the government of British Columbia had no choice. Now there is no question but the BC government had serious financial problems, and they had seriously depleted the cash reserves over the past four years. In that period

they had gone from a surplus position to a projected net indebtedness of more than \$16,000,000,000. However, they are not alone in having a tough financial situation. There are other provinces, most notably the Province of Manitoba, that have shown that there is another way. Manitoba has been consistent in providing economic stimulus without victimizing the unemployed, government employees and the sick.

I do want the minister from Porter Creek East to listen carefully here, as he may learn something. I know he is sneering now but perhaps if he could open his ears, he might learn something.

The Government of Manitoba has shown that you can avoid the reactionary politics, the policies of the BC social credit government, while keeping unemployment down and promoting economic growth. Manitoba is not, as BC used to be, a have province. However, in 1982 I note with pleasure that it outperformed any other province in terms of economic growth with the exception of Prince Edward Island.

<sup>18</sup> Now, the unemployment increase in Manitoba in 1982 was less than every other province in Canada. BC's increase, meanwhile, was the highest in the country.

Many people have wondered, and I am sure a lot of the members on the other side of the hall have wondered, how it is possible for the government budget to increase by 12.3 percent in the wake of all the firings and cutbacks which are taking place by the government. I am sure that is one of the first questions that was on your mind. The answer is that the firings and cutbacks have nothing to do with restraint and everything to do with attacking certain basic institutions in society. The Human Rights Commission and the rentalsman, for example, which I mentioned before, dispense justice to ordinary people. They, along with the ombudsman, help people who cannot hire investigators and lawyers, at high prices, to sue their adversaries. The abolition of those institutions takes away that protection from those people and, in fact, leaves them at the mercy of those with money and power in the system.

What the Government of British Columbia has done is reverse decades of social consensus in that province without any democratic mandate. None of the measures in the July 7th legislative package were put before the voters in the May 5th election; none of them. They did not say they were going to go around firing thousands of civil servants; they did not say there were going to abolish human rights; they did not say they were going to abolish the rentalsman; they did not say they were going to abolish the ombudsman; they did not say they were going to do away with all sorts of other services to the community. The program has been done without respect for the individual or the community.

Financial restraint may be necessary and, when it is necessary, it should be achieved by the fair and equitable sharing of reduced economic resources. The BC government's brand of restraint is to be accomplished on the backs of those least able to pay, at the same time ensuring no restraint whatsoever to the government itself. It is clear that, south of the border, the ordinary people there no longer matter.

I think it is appropriate, therefore, for this legislature to respectfully show its non-support for this vindictive regime. We should state very clearly today that whatever the problems in British Columbia are that this is not the Canadian way, this is not the fair way, this is not the just way. You know, prior to the last election, the government party there diverted \$1,000,000 of tax money into partisan political advertising on television and other media advertisements, some of which were so blatantly false they had to be withdrawn. After the election, the Auditor-General of that province revealed more than \$5,000,000 of tax money had been spent in a single fiscal year, without proper authorization, through Socred advertising agencies, and there had been a laundering of tax money through secret, unauthorized bank accounts, as well as double-billing.

The fact of the matter is that what we have in British Columbia is not restraint, it is repression for the ordinary citizen. The extreme Conservative regime in British Columbia, in spite of its restraint program, in spite of its talk about saving money, still continues to stonewall demands for an investigation into what happened to that \$5,000,000 of the taxpayers' money identified by the Auditor-

General; money which was paid without proper authorization to advertising firms that also happened to do election work for the Socred party.

Another example in the recent general election campaign — just to give you one example — where the Socred party hotly denied — they were on record — that they were bringing in user fees. Yet, immediately after the election, they promptly upped hospital emergency fees from \$4.00 to \$10.00 as soon as they were re-elected.

What is happening there is very serious. I do not want it to happen here. I think it would be reassuring for the public of Yukon and for the entire legislature to, by expressing support in this motion, indicate that we are unanimous in that view. I think it would be useful, too, for the government leader to have corrected on the record the impression created by the *Canadian Press* story that he was all for what was going on down there.

In closing, I just want to read briefly from an editorial that was published in the *Toronto Star*, Canada's largest daily, on July 9th. "I know the member for Porter Creek East enjoys the *Toronto Star* because I recall once him circulating an article — I think it was favourable to him, or the Tories, or something — to members of the legislature.

"All Canada is diminished when the level of compassion and caring falls below acceptable levels in any of its parts. That is why the brutal measures in the B.C. budget, even though they fall entirely within the areas of provincial jurisdiction, are cause for chagrin for all Canadians. Different provinces will naturally have different programs and policies, but there are certain thresholds of civility, decency and compassion for the most vulnerable below which none of our governments should fall. The newly re-elected social credit government of Premier Bill Bennett is busily smashing through these thresholds with a package of harshly retrograde measures that will cause real human hardship. In moving to abolish rent controls and the provincial rentalsman's office, the human rights branch of the labour ministry, and to cut the budget of the provincial ombudsman, Bennett is striking directly at the protection of low and middle income British Columbians. It is the relatively weak in society, those lacking in wealth and personal influence, who must rely on the assistance of such institutions. Bennett proposes to leave them more vulnerable. It is also the weakest who will suffer most from Bennett's increases in already deplorable hospital user fees and from his curbs on welfare, legal aid and student loans.

"A similar edge of brutality characterizes his approach to reducing the size of the provincial civil service. It is highly desirable for any government to trim out any fat it finds in its bureaucracy, but Bennett intends instead to hack away at it with a chainsaw. Instead of identifying unnecessary positions and gradually eliminating them through attrition and transfers, he has set the arbitrary goal of reducing the size of the 44,000 member public service by 25 percent in barely more than a year. To achieve this, he has abruptly stripped all public servants of their job security and given his government the right to fire its employees without cause. It is hard to see how Bennett can attain those reductions without cutting back sharply on government services and, given the overall tilt his government is demonstrating, there is every reason to fear that the hardest hit services will be those that benefit the neediest.

"Moreover, at a time when some 185,000 British Columbians are already unemployed, to contemplate adding thousands of government workers to the ranks of the jobless is, in itself, an act of social cruelty. It is a nasty business, made all the worse by the fact that in his recent election campaign Bennett gave the voters little inkling of the extreme to which he has now gone. In any event, with only 50.1 percent of the popular vote, he can hardly claim overwhelming public support for a right wing rampage that affronts Canadian traditions of social compassion, and embarrasses us all."

I close, and urge all members of this House to express their solidarity with the suffering people in British Columbia.

**Hon. Mr. Lang:** I listened with a great deal of interest to the leader of the opposition speak for approximately 40 minutes, taking up the time of 16 members in this House, taking up the time of all the media people who are here either by choice or forced to be here

because of their job, and the time of the *Hansard* and, in turn, the people running *Hansard*. In turn, it is going to cause the people who we pay, through the taxpayers of this territory for the purpose of printing *Hansard*, some time to reprint the statement given by the leader of the official opposition.

I am not sure who it was written by. One could suspect that, perhaps, it was Mr. Barrett, since he is no longer, as the member for Tatchun indicated, allowed into the legislature. Perhaps that is why the leader of the official opposition, in his capacity as the President of the National Party, is using this as a platform on behalf of his befallen colleague in British Columbia.

It would seem to me that one has to raise the question: why would the leader of the official opposition spend so much time to bring the concerns of British Columbia, or what he deems to be the concerns of British Columbia, to this legislature, as opposed to the concerns that the people of the Yukon have? For an example, a thought comes to mind that if the opposition wanted work and wanted the employment that we in Yukon would like to see for the people of Yukon, perhaps they could have put a motion, on the Order Paper, for some development to take place in the North Slope. But, no, we have a motion on British Columbia.

I ask this in all sincerity to the leader of the official opposition, and I ask it in the context of his position as the President of the New Democratic Party: is this type of motion not only going to appear here but throughout the country to try to drum up the fear that he talked about in his speech, as a political federal strategy? All I do is ask the question, but it does come to mind.

I recognize the times the previous speaker has what I deem to be, from my point of view, a question of interest as far as Yukon is concerned, versus the concerns of the country in his capacity as the national leader of the New Democratic Party.

It would seem to me that, in his capacity in this House, the major and chief concern that he should have as the leader of the official opposition would be that of Yukon concerns. What addresses he wants to practice giving to his national party should either be done in front of the mirror at home or, perhaps, on his frequent junkets to Ottawa, as opposed to taking up the time that we as individuals have to put up with in this House and what the taxpayers are paying for. What further comes to one's mind, with respect to the motion that is before us, and the various areas that he says are being cut, or examined by the British Columbia government, he forgets to say to the general public in Yukon that the people of the Yukon Territory have been very fortunate with respect to the fact that we have never, ever experienced an NDP government and a Conservative or Social Credit government, or whatever, having to take over and, perhaps, remedy a lot of the problems created through such an administration. I say that in all sincerity from a non-partisan point of view.

<sup>21</sup> I do not feel that I can stand here and say to the government of British Columbia — whether it be NDP, whether it be social credit — that what they are doing is right or wrong. I do not have the figures before me. I do not have their budget to discuss before members of this House, to examine clause-by-clause with respect to their financial situation. We do know that they have an astronomical deficit and one can blame one side or the other for causing it. I have my own point of view of why the deficit began in the first place and, of course, the president of the national party is not going to state that in this House. But it would seem to me, from where I stand as a member of this House, that I think we are actually going beyond the mandates that we were given to discuss Yukon issues in this House.

We put a restraint program into effect over the course of this year. I think all members are aware of that. We had to. But we were fortunate enough that the size of our government was such that it was essentially all non-essential services. We got through the winter.

It bothers me a great deal, and I want to go back to something that just took place outside the House. I am referring to the leader of the official opposition, in his capacity as president of the national party that he is so proud of. I was on an open-line show and I got a call from Ottawa to dear old CBC — of course, CBC was paying for it, or perhaps for part of it — from one MP, Mr. Fulton, who I

think the leader of the official opposition probably knows quite well. It would appear that maybe they are in daily contact with each other. He called and is going to decree in Yukon that there should be no development on the North Slope. At the same time, we have across the floor the member for Campbell, who stands up and says, "we are not anti-development", but, we have the leader of the official opposition standing up and saying, "I am not sure. Jim has not phoned me lately". Well, I am here to tell you Jim did phone me and the people of the territory on CBC and he decreed from his plush offices in Ottawa, in that fish bowl, saying that no development should go ahead, "because I know best".

Now, I am saying to you, not only as a member, but as a taxpayer of this territory, I resent that. I resent that a member of parliament who does not represent this area, comes forward and says to me, as a member of the public as well as an MLA, that no development should take place in the North because I know best. Now, he will stand up tomorrow in the House of Commons and accuse the employment minister because there is no work for Canadians.

**Mr. Speaker:** Order, please. There is a point of order.

**Mr. Kimmery:** The member for Porter Creek East is wasting all of our time by being right off the topic completely.

**Mr. Speaker:** The hon. member, as he knows, has no point of order.

**Hon. Mr. Lang:** The member I speak of comes from British Columbia. We are talking about a British Columbia motion. Perhaps you thought we were talking about social assistance to somebody from Quebec.

**Mr. Speaker:** Order, please, would the hon. member please address the chair.

**Hon. Mr. Lang:** It would seem to me, getting back to the call that I had from Mr. Fulton, the response that I had was, who does he think he is?

<sup>22</sup> I think a lot of the general public felt the same way. Here was a guy, 3,000 miles away, who has made maybe three or four trips up to meet Mr. Penikett, saying to us in Yukon and the general electorate of Yukon, "No, you cannot have any development". The reason I am raising this aspect of it is, and I want to refer directly to the motion, is that we are saying to the BC government, "Here is how to run your business".

It would seem to me, for me to be consistent, I have to say, "Look, I will mind my business, you mind yours. You have certain taxing authorities, we have certain taxing authorities. How we put our programs into effect really is our business".

**Some Hon. Member:** ....Bill C-48.

**Hon. Mr. Lang:** The member raises the question of Bill C-48. I spoke to Bill C-48. I do not know where the member opposite was. I think he was standing there with Mr. Fulton, asking for more environmental control as opposed to speaking up directly on behalf of the majority of the people in the Yukon Territory.

I should also point out, in the telephone call I referred to, from the member of parliament of British Columbia that this motion has probably emanated from, that he also spoke about Bill C-48 and I had to correct him for the record. I did and this government spoke on Bill C-48 and I want it on the record again.

It would seem to me, when I take a look at the motion and the way it has been presented, that one has to ask oneself — and I want to go back to a point that I was making earlier — is this part of the federal strategy of the NDP, to raise this issue across Canada on any platform they can and any form that they can, in order to try to rally support? I recognize that the leader of the official opposition, in his capacity, God bless him, as president of the national party, has taken that Party from 21 percent to 14 percent in the polls. I hate to say it. I just want to say that we thank him very much and we just want to say, "Keep up the good work, Tony", because from our perspective we do believe, at the national level, that there should be a major change of government. It will happen and we just want to encourage the member opposite on his good work.

In closing, with respect to the motion, I think the strong principle we should be adhering to is that I do not think it is our place to take a motion of this kind and rail at another provincial government, whether it be Prince Edward Island or British Columbia. I recognize

that there are motions here dealing with the Government of Canada, in most part because of our peculiar relationship, as far as Canada is concerned, a territory with the national government. We have to. We have no choice. It is kind of like talking about the North Slope. The ultimate decision is going to be made by the Government of Canada, as opposed to, by the people who live here. Hopefully, that will end some day.

In conclusion, I am saying is that we cannot support the motion, basically on the principle that, where we stand, how British Columbia conducts their business, that is their business: how Yukon conducts our business, that is our business.

Thank you very much.

<sup>23</sup> **Mr. McDonald:** I will say that, in my time in this House, I have seldom heard such ridiculous arguments as put forward by the member for Porter Creek East. Absolutely ridiculous. The man, who is escaping from the House right now, is a master at throwing up strawman arguments, setting up false targets, not answering the question, not answering the issues, not speaking to the issues. So what do we have. Instead of talking about attacks on basic human worker rights in BC, we talk about perhaps an underhanded plot by NDP federal circles to have this motion discussed in every legislature in the country. With absolutely no justification for that at all. It is utterly ridiculous. He makes statements about a federal MP nosing into our business when, in fact, the federal MP is commenting on something which is partly a federal policy which is his duty as a critic in the federal parliament. And he is told that he had no business speaking about a federal issue. That is ridiculous. Ridiculous.

For example, in my own riding, should a government member speak on what is happening in my riding, do I say listen, leave your noses out of my riding; my riding decides what is good for my riding; then you take their decision and implement their decision. You do not do that. You make policy on my riding daily; you express your interest on my riding.

**Mr. Speaker:** Order please. Again, we must ask that members address the Chair, because I really do not express policies on anybody's riding, and I think for the record that should be made clear.

**Mr. McDonald:** I will not mention, of course, that the previous speaker was addressing the hon. members across the floor directly, but I guess there is a double standard here perhaps.

**Mr. Speaker:** Order please. I believe the hon. member is reflecting on the impartiality of the Chair. I think if all members will recall, when members do go astray, I have brought them back to ask them to address the Chair and remarks made accordingly are reviewed by the Chair and if they are felt to be in error the Chair has pointed this out on both sides of the House.

**Mr. McDonald:** This member from Porter Creek East has called this motion a waste of time. The government leader, in the member's own words, travelled down to BC at the taxpayers' expense, withdrawing his services from Yukon, and expressed an opinion on activities of another government, at the taxpayers' expense, on taxpayers' money. He expressed his support, he made an expression of solidarity with the government in BC. And the ultimate concern that we have is that this may reflect on what may happen in the future in Yukon.

In the past, as we recall, the government leader, on the question of wage restraint, said that that would be his last, his very last, recourse when dealing with public servants; that it would be abhorrent to him to break the contracts. That is what he said then. He has since done that. And so, generously put, I think we have reason to worry here.

So, I am rising in this debate to briefly address one of the most important issues facing every political jurisdiction in this country, and that is the attack from the right on unions in the name of restraint. The social credit actions in BC are a classic example of the shallow, groundless attack on organized working people and it is extremely important that we do lend our voices to oppose their actions.

<sup>24</sup> I would respectfully suggest that they are attacking their enemies and they are not attempting to promote the well-being of the economy.

Two acts in this so-called "restraint package", in particular, betray their true intentions. The first is the *Employment Standards Amendment Act*. This bill abolishes the Employment Standards Board and invests the board's authority in the courts. The bill allows collective agreements to undermine minimum labour standards. The bill deletes the provision which requires an employer to make a deduction for payment called for in a collective agreement. Directors and officers or corporations are no longer liable for workers' wages when a company goes into bankruptcy or receivership. A claim under the act for unpaid wages will be limited to the last six-month period of employment with the employer.

I fail to see where any of this denial of working peoples' basic rights, denial of due process, has the first thing to do with restraint. It may, however, be consistent with attacking working people, in general, and scapegoating the weak, the defenseless and the average working person.

But, it does not stop there. The scapegoating is infectious and disturbingly popular in the short-term. The Socreds slowly and deliberately turned their sights on the Public Service, turned their sights on civil servants, those people who are paid to carry out the general will of the public, the people who are paid by the public, told what to do by the public and, therefore, are the easiest scapegoats of all. They are captives to the traditional jabs about the so-called "bloody bureaucracy". It is an easy target.

The British Columbia government introduced to their Legislature the *Public Service Labour Relations Amendment Act*. The main purpose of this act is to legislate major portions of the government union master agreement out of existence. Most of these have to do with appointments, promotions, reclassification and relocation. These now will be determined solely at the discretion of the government. A key political concern is an amendment to the act which frees the government from any procedural constraint in appointing government employees. It is a clear attack on the merit principle of government appointments and a move to restore a patronage system throughout government, not just at senior levels.

So, you see, they are not only eliminating essential government service programs, they are attacking rights and privileges which have been gained from years of work, blood and sweat. The Socreds seem perfectly willing to violate the concept of due process, break collective agreements — which, incidentally, is not alien to this government — and even blithely breach international conventions on the rights of workers.

Whoever heard of arbitrary dismissal being compatible with a sense of justice in the western democratic tradition? What it does do is eliminate guarantees that workers will not be fired for political reasons or even for reasons of race, sex or religion, and it goes a long way to restoring patronage in the public service. Supposedly, cooperation and consultation are things of the past and confrontation is the way of the future in BC. We should not support that, either explicitly in public statements or implicitly by our silence. We cannot support this classic example by the British Columbia government of club-footing their way through a system of industrial relations they neither appreciate nor understand.

<sup>25</sup> Cooperation, collective bargaining, discussion, the sanctity of the contract signed, are, in our opinion, the cornerstones of good and just relations between employers and employees. That we here have broken collective agreements ourselves, and I use the collective "we" loosely, is no reason to find security in the company of others who do likewise. A political leader in this country, with probably unreal aspirations, has said that a contract signed is a contract honored. If he could only get his conservative colleagues to agree to that much.

It is not for stability in the workplace alone that we support this basic tenet of good industrial relations practice, and express our displeasure with the social credit government's actions. The working people in the western world have organized and have fought for basic fundamental rights for all people. It was, after all, the working people banning together who fought for the right of the universal vote, basic social legislation, pensions and much more. The organized working people — unions — have established in their championing of causes, the limits of rights and freedoms which we all enjoy today. They have led, and governments have

followed.

This restraint war against the poor is also against working people's rights and freedoms. The Social Credits essentially promote confrontation and do damage to the social progressive leaders in our society. Working people really want respect for the workplace, for the working person, and not an erosion of rights and privileges that people have fought for over a hundred years. They do not want dismissal without cause. They do not want collective agreements broken. They further do not want expressions of support for the BC government's virulent attack on minimum basic rights from anyone.

**Hon. Mr. Tracey:** I was not going to rise until the last member stood up and made accusations about us attacking our enemies and raising straw men, but certainly it is fairly obvious to me and anyone else in this House that the reason for this motion put here was to attack an enemy of the party from across the floor in British Columbia. He is using the opportunity to introduce a motion in this House to attack the Social Credit government of British Columbia. And talk about raise a straw man, I would like to know what that is. He has also raised the fact that Mr. Fulton could comment on what is going on in the Yukon Territory as a representative of the federal government. He certainly can, but Mr. Fulton made remarks like the vote was four to three against, so how can they go ahead. Why do they not just give up. The Yukon territorial government should start looking for somewhere else to raise their money. All I can say to Mr. Fulton, as I will say to the members across the floor, is that this government is not going to give up. We want development in this territory. We do not want a budget deficit, for example, in comparison to British Columbia, where even after making significant budget cuts, they are still well over \$1 billion in the red.

I know that the members across the floor would like to see us spend all the money in social programs and bring all of these wild and wonderful things in, but someone has to pay for them, and they forget that. They forget that Mr. Bennett is trying to balance a budget in British Columbia; at least try to get it down to a manageable level, which, incidentally, the government leader was only commenting on when he did make his comment down there; it was with regard to Mr. Bennett trying to do something to get the deficit in hand. As for the government leader travelling down there at public expense, to make this comment, that is totally untrue as the members across the floor well know. He was down there to meet with the premier of British Columbia and the Governor of Alaska, in order to bring in more beneficial things for this government.

I resent very much the implications that the members across the floor are trying to put on this government with regards to the Social Credit programs in British Columbia. As far as I am concerned, I agree with the remarks of the member for Porter Creek East: their business is their business; our business is ours. We will mind ours, and I would hope that the members across the floor would allow British Columbia to mind their own.

<sup>26</sup> **Mr. Kimmerly:** In answer to the two speeches by members of the regressive conservative party, what they are missing is that it is for all of us as human beings, especially for those of us who are in positions of privilege and some of us in positions of wealth, to care a little bit about those who are less fortunate. The two speakers both say it is not us, it is not here. I will have more to say about that but let me respond firstly by raising the old story of the person in Germany in 1936 who said, "first of all they came to get the Jews and I did not care because I was not a Jew...", and it goes on, of course. These kinds of issues are important for all of us, and it affects Yukon, and I will have much more to say about that.

The motion is relevant because the government leader, who can be presumed to be speaking for the government — I mean, who else speaks for the government if it is not the government leader — has been widely reported to make clear statements and the newspaper reports are specific. It is for this government leader to clarify what he meant. We are told by two other members, especially the member for Tatchun, that he was commenting on the deficit. The report did not say that. It is the responsibility of this government leader to tell us; does he or does he not support the repressive measures being enacted in British Columbia presently?

And that affects Yukon directly, because although here is no public restraint program here, there is a continuing development of a regression, or an eroding, of some essential services to citizens of Yukon. It is a pervasive kind of attitude. The government leader asked me to be specific and that is exactly what I intend now.

Speaking about the items in the motion in reverse order, I would ask about legal aid. Now, the legal aid budget is being used now — a budgetary argument is being used to cutback services which were previously given — and the officials in the department, the administrators of the program, are pressured to reduce services which were given in the past in order to stay within the budget.

<sup>27</sup> I am not advocating that civil servants and managers of programs be allowed to go over budget willy-nilly. I am not advocating that. However, there are today, in Yukon, pressures and a reduction of services in that area and I defy the Minister of Justice to tell us differently.

Speaking about women's programs: there is a Women's Bureau here which consists of one person. That person has been working on the general question of civil rights and that person has commenced many women's programs, surveys of legislation, et cetera, and they have come to no practical result because of a juggling of her priorities due to a changes in her —

**Hon. Mr. Tracey:** On a point of order.

**Mr. Speaker:** Order, please. On the point of order.

**Hon. Mr. Tracey:** I respectfully suggest that the member is talking about what is going on in the territory — or what he is suggesting is going on in the territory — and we are dealing with a motion that deals with the subject matter of British Columbia.

#### Speaker's ruling

**Mr. Speaker:** Yes. The Chair was just noting that and would ask the hon. member if he is debating Motion Number 23 or, perhaps, in error, debating some other motion?

**Mr. Kimmerly:** I am referring to Item Number 11, cutting women's programs, and I am saying that the same thing is going on in Yukon, quietly, as occurs in BC publicly. It is very much on point. The other side has argued that this motion is all about BC and I am demonstrating a relevance of the motion to the practical situation in Yukon. It is clearly on topic.

**Hon. Mr. Pearson:** Point of order.

**Mr. Speaker:** Order, please. On the point of order.

**Hon. Mr. Pearson:** If that is the case, I am going to challenge that as being an excuse or an explanation of why he is on the topic, because it is very clear that this motion deals with the cuts in British Columbia, not with the cuts in Yukon.

#### Speaker's ruling

**Mr. Speaker:** Just on the point of order, it had appeared to the Chair, prior to the point of order being raised, that the hon. member may unwittingly have drifted from the subject and perhaps did not intend to drift off the real intent of Motion Number 23.

Perhaps the hon. member would now continue. I would ask the hon. member if he would make his further comments relevant to the motion, as I am sure he would wish to do.

<sup>28</sup> **Mr. Kimmerly:** I refuse to be disrespectful and I will abide by your ruling. However, if the members opposite are afraid of that topic, let me assure them an order as a motion will appear on the Order Paper on exactly that topic tomorrow.

The situation in BC is creating an atmosphere elsewhere, all over the country, where it is somehow more acceptable to reduce social programs than it otherwise was. The government leader's statements in support of that program were widely reported in the media. The exact topic of this motion makes the situation very much worse nation-wide, including Yukon.

The defenseless people, the people who are the least able to defend themselves in BC, everywhere in Canada and here in Yukon are suffering today because of cutbacks in things like social assistance, things like seniors' housing and it is here in Yukon.

**Mr. Speaker:** Is there any further debate on the motion?

The hon. leader of the opposition now speaking will close the debate.

**Mr. Penikett:** Thank you, I think that is perhaps appropriate.

I listened to the intervention of the member for Porter Creek East in the hope that he would have something of some substance to say, but he did not break his customary pattern. He suggests that members may be wasting the time of the House by raising issues like this. I suppose if all the hours were computed that he has wasted in the House in sort of mindless rifling rhetoric, the taxpayers would be the richer in the millions.

The question has been raised about why we should be debating this and I think, perhaps, I will set that aside for a second and respond to the odious notion that somehow I was substituting for the former premier of British Columbia because he could not speak. It is noticeable that the member opposite could barely conceal his glee at the prospect that a former premier, a veteran of 23 years in that legislature, was summarily and crudely booted out of the House by a rookie MLA who did not have a clue what he was talking about, much less the rules of procedure. When that kind of thing goes on and members express pleasure about that kind of development in a parliamentary democracy, it is a very, very sad day. The eloquent gentleman who still leads my Party in British Columbia certainly does not need me to speak for him. In fact, he is far more adequate to the task than I am.

The question has been raised about why we should comment on this in BC. There is an obvious reason because, as my colleague from Whitehorse South Centre has said, this is coming a model and, if it succeeds in BC, it will become a model from elsewhere. Many of the fashions that operate in this country originate on the west coast, much of the style of doing things originates there. I notice that the Minister of Economic Development was down in BC recently being introduced in that House by Socreds, indicating his own "solidarity" with what was going on there — as is the government leader. They obviously have an interest in what is going on in BC. They seem to think it has something to do with what we do here. They seem to think what goes on in BC has some relevance and there is no reason, therefore, why the rest of the House should not as well.

He also, in his typical, punk manner, if I may say, once again attacked my interest as a Yukoner in my national Party and my participation in the national role. It really is a great pity that he cannot conceal his jealousy and envy on this score. Some Yukoner other than himself would be taken seriously outside the territory who has something to say. Whereas he, himself, I suppose, in his heart of heart knows that nobody in their right mind, south of Watson Lake, would listen for more than a couple of minutes to anything he had to say.

The Minister of Economic Development did not say so, but he clearly is viscerally greatly approving of what is going on in BC. In fact, it would not surprise me at all if he thought that Bennett was a bit of a "pinko" for not going far enough. We are well acquainted with his views, his low opinion of women's rights, native rights and worker's rights, but I had hoped to see some expression from the other side of the more important concerns.

<sup>29</sup> I cannot quote it accurately, but, the member has raised a question as to why we are even debating this. It is none of our business, none of our business. And my colleague from South Centre started to quote the famous statement by Pastor Niemoller. But, before I get to Pastor Niemoller's statement, let me respond to this allegation that somehow there are going to be motions popping up across the country about this subject. There probably are not, but if there are it would be a very good thing. However, it would not be because I have to do it but because there would be a spontaneous eruption of feeling.

Let me say that we, on this side, care very deeply about what happens in our country — whether it is in Yukon or B.C. or in Canada. My friend from South Centre started to quote Pastor Niemoller and this is a very serious quotation. It comes out of the context of Germany, prior to the last world war when there was a rise of the Reich, a rise of the Reich which ended up seeing the creation of fascist states. And that happened because people in my movement partly, social democrats, did not speak out and did not fight Hitler and other people effectively enough at the time. Pastor Niemoller words, and I cannot quote them but I will paraphrase them — when he said that I did not speak up when they came for

the Jews because I was not a Jew; I did not speak up for the communists when they came for the communists because I was not a communist; I did not speak up for the socialists when they came for the socialists because I was not a socialist; and when they came for me, there was no-one left to speak for me.

I know the member opposite does not care about human suffering and human misery. I know he does not believe in the kind of compassion and the kind of compassionate action that we do. But I appeal to members opposite: what we are making here today is a statement about whether we approve or not about what is happening in that province. It is not only pertinent, it is not only relevant, it is fitting and timely that we should do so.

**Mr. Speaker:** Are you prepared for the question?

**Some hon. Members:** Agreed.

**Mr. Penikett:** Division.

**Mr. Speaker:** Division has been called.

**Hon. Mr. Pearson:** Disagree.

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

**Hon. Mrs. Firth :** Disagree.

**Hon. Mr. Ashley :** Disagree.

**Hon. Mr. Philipsen:** Disagree.

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

**Mr. Falle :** Disagree.

**Mrs. Nukon :** Disagree.

**Mr. Brewster :** Disagree.

**Mr. Penikett:** Agree.

**Mr. Byblow:** Agree.

**Mr. Kimmerly:** Agree.

**Mr. Porter :** Agree.

**Mrs. Joe :** Agree.

**Mr. McDonald :** Agree.

**Mr. Clerk:** Mr. Speaker, the results are six yea, nine nay.

**Mr. Speaker:** It would appear as the nays have it and the motion is therefore defeated.

*Motion No. 23 defeated*

**Mr. Clerk:** Item number 4, standing in the name of Mr. Kimmerly.

**Mr. Speaker:** Is the hon. member prepared to deal with item 4?

**Mr. Kimmerly:** Yes.

**Mr. Speaker:** It has been moved by the hon. member for Whitehorse South Centre that this House urges the Yukon Housing Corporation to change its present means test requirements for senior citizens to fully respect the privacy and dignity of Yukon senior citizens.

**Mr. Kimmerly:** I am sure that this will be an uncontroversial and easy motion for members opposite to accept, because the minister responsible has already made the ministerial statement. This occurred on Monday and he says in the statement that he wishes to promote the security and dignity of senior citizens, as all members do, I am sure. He says that he has asked the housing corporation to consider the issue and to look at alternate methods. That is, he has asked the Board of Directors to look at a policy that they imposed and, of course, his interest, I am sure he will publicly state, is that they change that policy.

This motion will give the minister even more ammunition for his particular goal, because it will not only be the minister speaking, it will be the whole House. I am sure for that reason he welcomes the motion.

I want to outline very briefly what has occurred in recent months. In the late spring most residents of Yukon Housing units received notification of a new rental policy and a new procedure whereby the assisted rents would be calculated. This was met with a little uncertainty. However, it was explained by officials in the corporation to tenants, and let me say that the policy in itself is not a bad policy. We are not arguing with the method of calculation for rents. It is a reasonably humane policy.

I would point out though, after saying that, that in some cases, where the rents increase, and in some cases the rents did increase, that is in clear violation of a "six-and-five" policy. Seniors who are on old age pensions, of course, are subject to increases in their pensions established by federal "six-and-five" guidelines. The

rents that they pay, of course, were not.

I hope that, in the cases of individual hardship, those increases could be phased in over a series of years in order to comply with "six-and-five" policy guidelines, if it is to exist at all.

In the early fall and late summer, new means tests were administered to senior citizens and these means tests were administered to all residents in social housing where the new policy applied and I point out that there was no separation of seniors from any other category of person, and I wish to speak about that later on. They were given forms — I have copies of the forms here — and they talk about description of assets and bank accounts. They were also asked about the assets of other family members who may not be living in the residence. And on the description of assets it says a 'professional appraisal' may be required and it also speaks to the issue of bank accounts and other monetary assets. I am informed by two people in my riding that they were asked to sign authorizations concerning a government official snooping into their bank account. I have not actually seen those forms.

The senior citizens who were moved into these units, moved in under a different set of rules. The rules have now been changed, and some of them have become extremely agitated, nervous and upset, and they have brought that concern to me and, I am told, also to various other members of the cabinet. Yukon's senior citizens, or almost all long-time residents of the Yukon, are here because they made their home here. They wish to stay here even though it is a harsh climate especially for elderly people, and the major point of this motion is that there should be a comprehensive seniors' policy to encourage our senior citizens to stay. Now, the government has already stated that this is a goal of the government and I am not critical of the government for that. It is, obviously, a clear goal and we agree with that goal. However, we say it ought to go somewhat further. There should actually be a policy in writing, and I will suggest later what the major points of it should be.

In the ministerial statement delivered Monday, first of all, the minister makes a political statement that a variety of housing and homecare options have been, in the past, initiated and brought in by this government. Well, in fact, they were brought in by previous governments as well as this government. He neglects to say that this new means test was brought in under this government by the Yukon Housing Corporation whose members were appointed by this government. They must take responsibility for that, as well as the good points, and I am the first person to say that, in the past, there have been good programs for senior citizens and we have supported them. I remember the MINCOM program, or what is colloquially called MINCOM, brought in just before the last election which, of course, was a good program.

The minister responsible has suggested to the board that they reconsider. He now has the opportunity to state publicly what government policy is in this regard and I am eager to listen to it. This House has the opportunity to express our political will and I would hope that we can do it in a non-partisan way and support our senior citizens who are, as some members call, pioneers although not all of them are pioneers. Some of them were here longer than the pioneers.

It is not enough to just fix this particular problem of the means test. There should be, as I stated earlier, a comprehensive seniors policy and the housing policy for seniors should be that there is a universally-available program to assist seniors to stay in their own homes. I will speak about that in a subsequent motion which is already on the Order Paper. And, speaking to this issue directly, there should be a policy for senior citizens involving Yukon Housing units and the dignity of seniors and the privacy of seniors ought to be considered on the means test. Further, in the nursing home care, the quality of life should be substantially improved through programming and I will speak about that in a subsequent motion.

Most of the senior citizens who I have talked with wish the independence and dignity of their own home. Some people, due to advanced age, are no longer able to maintain their own home, and for those people Yukon Housing units ought to be made available and made available on a universal basis among Yukon residents. We ought to pay particular importance to the pride and dignity of



those people because they deserve it and we deserve to show those particular senior citizens a maximum of respect for altruistic reasons as well as the more selfish reason that the very presence of the senior citizens in our society enriches our society immeasurably and we all benefit; the young and old alike.

**Hon. Mr. Ashley:** We, on this side of the House, do accept, somewhat, what the motion says, but not all of it and without an amendment we cannot support it.

*Amendment proposed*

I therefore move that Motion Number 24 be amended by deleting the words "urges the Yukon Housing Corporation to change" and substituting for them the words "supports and commends the minister responsible for the Yukon Housing Corporation in his request to the Board of Directors of the Yukon Housing Corporation to consider changing".

**Mr. Speaker:** It has been moved by the hon. Minister of Justice that Motion Number 24 be amended by deleting the words "urges the Yukon Housing Corporation to change" and substituting for them the words "supports and commends the minister responsible for the Yukon Housing Corporation in his request to the Board of Directors of the Yukon Housing Corporation to consider changing".

**Hon. Mr. Ashley:** We have made this amendment mainly because I made a ministerial statement advising the House that I have done just this very thing. I remember the member for Whitehorse South Centre congratulating us for doing it, as he did today. It is only fitting that the motion be amended to let the Board of Directors of the Yukon Housing Corporation know that the House fully supports me on my request to the Board, as the member opposite suggested. That is the main reason for the amendment.

I would like to just make one comment. That is, the Yukon Housing has for years, if not from day one, had the policy and rental form which enabled the Corporation to look into bank accounts, although it may not always have been enforced, but it was always there. It was found necessary to start enforcing this policy because of abuses to the system and our agreements for financing with CMHC were being jeopardized because of this, and that is the reason. I do not particularly like the policy, as I have stated before in a ministerial statement, and, thus, this is the recommendation I have given.

**Mr. Kimmerly:** I recall a motion last year which was substantially changed because of an amendment on a similar topic.

I have problems with the amendment for these reasons: it was under this minister that the members who imposed the program that he objects to were appointed; it is under this minister that the new means test came into being and he has stated earlier that he, the minister, has a political responsibility for these boards. He cannot hide behind the policy of the board when he appoints the members and appoints them for the purpose of expressing the government's political will and political priorities, which has been clearly stated by this government in the past.

What the minister is doing is playing with what is a non-partisan motion. I mean, literally and objectively, it is a non-partisan motion.

The government leader disagrees, so I will argue the point. The motion which the amendment speaks to is that this House urges the Yukon Housing Corporation to change its present means test requirements for senior citizens to fully respect the privacy and dignity of Yukons senior citizens. Where is there a partisan implication in that wording?

What the amendment is doing is to ignore the responsibility of the minister implicit in the previous actions and it is commending the minister for solving a problem or directing that a problem be solved that he created, initially, by the appointments and the policy directives.

He refuses and neglects to speak to the issue of the lack of a seniors' policy in the Yukon housing policy. The amendment to the motion cheapens and politicizes the motion. It is a change in the motion that essentially denies the principle of ministerial accountability and it cheapens the entire debate, and I do not support it.

**Mr. McDonald:** I had not planned to speak at all to this motion but the amendment really moves me to speak and I am sort of in

awe of what a government majority can get away with.

When this issue came to the Cabinet's attention, it came to their attention in a community in my riding, at a public meeting, expressed by some people who live in the corporation's units in my riding. I know the situation. I know that they screwed up their courage for weeks in advance to come and speak to the minister, and they spoke to the minister as well on a very passionate matter, and to the government leader. The impression that I was left with was that either the minister did not have a handle on the corporation, did not know what was happening with the corporation, or that he did not particularly care at that particular time. He did say that he knew of the policy — a policy which had been in effect for months and months. It had been made known to Yukon housing residents for months in advance, and when it came to public debate on the floor of the community hall in Mayo the government leader expressed his disdain at such a policy. Certainly, he expressed it in such a manner that the media picked it up and broadcast it around the territory. It left a lot of people in Mayo wondering whether or not the minister knew of this policy because, if he had known about this policy, surely he would have communicated such an important policy to his government leader? In fact, this policy had been in effect and had been announced to the clients of Yukon Housing Corporation months in advance.

The people in my riding certainly are still puzzled and when we see an amendment such as this supporting and commending the minister responsible for his good works, I mean, it is absolutely ridiculous. The minister had not, in fact, communicated to the government leader what was, in the government leader's own words, an important policy, and yet the policy had been in effect for months.

So, we simply cannot support this, in all due conscience. I mean, I would love to be able to give the minister all the kudos that he deserves but this is too much.

*Amendment agreed to*

**Hon. Mr. Pearson:** I, like the member for Mayo, had no intention of rising and speaking on this motion as amended. However, the member from Mayo has moved me to get up and speak.

I do not believe anyone in Mayo finds it necessary, ever, to screw up their courage to come to speak to me, particularly the people who raised that question that night, because they have known me for an awful long time and if they have problems they are going to come and they are going to tell me about them.

The fact of the matter is that policy, and this particular policy, is in fact set by an independent corporation board. That is why it is there and that is why it is called the Yukon Housing Corporation. That board, through the legislation passed by this legislature, is independent with respect to policies that they make.

It is true that this government makes appointments to this board. It is not true, however, that we fire people or take them off of the board simply because they have not agreed with, a suggestion that we have made. That is called political partisanship. The other side knows about that. We do not operate like that.

The minister responsible deserves our support in this House because I believe it is important. I appreciate the other side raising the issue. I believe it is important that the Yukon Housing Corporation knows that the minister has the support of everyone in this House with respect to the representations that he has made to them on behalf of the senior citizens and the request that we get that policy changed in some way, so that their private matters are, in fact, kept private.

If the members on the other side cannot support the motion, I really do regret it, because I think it is important that the Yukon Housing Corporation know that every member of this legislature wants that policy changed.

**Mr. Kimmerly:** In answer to the government leader's last statement about whether we can support the motion, I would remind him that we brought the motion forward. Although we regret the amendment that has now already been acted on, we still support the motion, although it is not improved in the course of debate.

I believe that if anyone reads over the first speeches before the amendment was produced that partisan politics was not brought into

it. There were statements about the principal of ministerial accountability, and on that issue, on that principal, there is obviously an intensely partisan debate. I am forced to respond to it in the sense of the general motion as it now stands, as amended.

This minister is responsible for three crown corporations and a department which runs itself. This minister screwed up and this minister is getting congratulations and support from the government side for doing so. That is totally incredible. It could not happen in any other place, except possibly BC.

The principle of ministerial accountability is clear for crown corporations. The minister is responsible for what they do. The minister could change that policy right away. I say that he could and I say that some ministers would.

Enough of the partisanship, which has occurred on both sides with regard to the amendments. This is a very serious issue and the motion as it now reads — supported unanimously by the House. I am sure — will serve, I am sure, to fix a particular problem. There is a more general problem and that is the overall seniors' housing policy, which is lacking, which will be, I hope, fixed in the future.

*Motion No. 24 agreed to as amended*

### <sup>36</sup> Motion No. 25

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

**Mr. Speaker:** Is the hon. member prepared to deal with Item 5?

**Mr. Kimmerly:** Yes, Mr. Speaker.

**Mr. Speaker:** It has been moved by the hon. member for Whitehorse South Centre that this House urges the government to make eligibility requirements for social assistance universal for adult Yukon residents.

**Mr. Kimmerly:** This is another issue which I feel passionately about, to displace a preposition.

The present social assistance policy has been stated by the previous minister. Although he stated it, it was not in writing, and it has been reaffirmed and restated by this minister and, I may say, it is in writing. If the minister picks up an information sheet on the front desk of the department where social assistance applicants go to make an application, it is there in black and white in writing. I have a copy of it and it is in writing.

The policy is that in order to be eligible for social assistance, a criteria has been established along with the means tests. I am not going to get into the means test in this motion. The criteria is that the person must have lived in Yukon for the past 12 months and have worked in Yukon for three months of those past 12 months. It is in writing and it can be picked up at the front desk.

The living in the Yukon is a residency requirement. The working in the Yukon is a work requirement, irrelevant to the residency requirement. What of a married woman who is not working and, unfortunately, finds herself in marital difficulty and breaks up and is left alone with children after several years of being a homemaker? Being a Yukoner, that person has lived in Yukon for the previous 12 months and she may comply with the means test but she has not worked for three months of the last 12. What of a person who has genuinely looked for work in all of the past 12 months and has not been able to find work totalling three months? What of a graduating student, born and bred and educated in Yukon who is looking for work, who is not supported by parental assistance or family assistance, who has not worked for three months? What of those people?

I am fairly confident that the responsible minister is going to say that those people would get it or something to that effect, or there are not very many of them, or something like that. Well, I have spoken to some of those people and I have assisted them through various levels of the appeal procedure.

I want to talk about the appeal procedure. Those people are denied assistance at the beginning and I have cases to prove it. I am not going to mention the exact names, but if the minister speaks to me privately, I will tell him.

**Some hon. Member:** (Inaudible)

**Mr. Kimmerly:** I said, if the minister speaks to me privately, I will tell him.

<sup>37</sup> Eventually it goes to a review panel. I attended one of those panels as an agent, as an MLA, to assist a person who was

appealing. I have never gone back and I do not intend to in the immediate future. That panel had no appearance of independence, and I want to explain why. First of all, it was way in the back of the departmental offices. There was a closed door discussion with the social workers or the supervisors with the panel before the applicant came in, and they told the applicant that they already knew the facts from the social workers. That is not natural justice. On that panel was a senior government employee, an acting deputy minister. This minister said today, in this House, that the panel was public people, not government people. I attended. The acting deputy minister of justice was there as a panel member. And, to make it worse, his son was also a panel member; a matter which I raised and asked them to take note of. I am not making a charge of bias. I am forcefully making a charge of the lack of appearance of justice, the lack of appearance of independence. It appeared to be a kangaroo court and though he was not technically a constituent, the person who I appeared as an agent for, told me it was a kangaroo court.

There was another member on the panel, a very distinguished elderly lady who, it pains me to say, from the beginning to the end was asleep and was loudly snoring. It was extremely undignified.

That person, whose appeal was denied, left the room and vented his spleen with me and clearly said there was no appearance of independence. And I agreed with him, because there was not.

In this case, there is a policy established by the minister, imposed by the unfortunate social workers and the appeal procedure goes on and on through four or five stages, taking several weeks, and it has no appearance of justice. They are imposing a work requirement for social assistance and it is contrary to the concept of social assistance and it is contrary to the spirit and the letter of the Canada Assistance Plan and the agreement that the federal government and the Yukon government have signed. I am not going to get into a section-by-section legal analysis of the legislation in this forum but I clearly make that statement and will follow it up, or cause it to be followed up, in other forums, legal and political.

**Hon. Mr. Philipson:** At the onset, I would like to state again, as has been stated before in this House today, that the Canada Assistance Plan, section 6, sub 3(b) of Canada's *Constitution Act, 1982*, Mobility of Rights, enables provinces to establish reasonable residency requirements as qualifications for the receipt of publicly provided social service.

<sup>38</sup> That, I believe, would answer the charge that we are not legally within our bounds on how we administer social assistance in Yukon. Our department has provided the Canada Assistance Plan representatives with a copy of our work requirement policy. They have not indicated that it contravenes our agreement. The Canada Assistance Plan auditors were here in September and found no fault with this policy.

It is necessary to maintain some sort of policy which limits the level of social assistance to which non-residents of the territory are eligible. As many as 30 to 40 transients per month apply for social assistance from the department. If full social assistance were provided to these individuals, it would represent a substantial drain on the department's budget. Provisions of social assistance to long-term Yukoners who have not worked in the last twelve months is provided on the basis of demonstrated need and on the basis of the applicant having made a serious effort to obtain employment during that period.

This decision is made by the social worker or the social worker's supervisor. If the decision is not satisfactory to the applicant, the appeal route is available. The Canada Assistance Plan auditors found no fault with this policy during their visit here in September. I therefore say, due to the fact that social assistance is given to adult Yukon residents on the basis of need, this motion is therefore inappropriate and as such, we do not support it.

*Motion No. 25 defeated*

**Mr. Speaker:** We will now proceed on the order paper to bills other than government bills.

### BILLS OTHER THAN GOVERNMENT BILLS

**Mr. Clerk:** Bill No. 102, standing in the name of Mr. Kimmerly.



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

**Mr. Kimmerly:** Next sitting day.

**Mr. Speaker:** So ordered.

**Mr. Clerk:** Second reading, Bill No. 103, standing in the name of Mr. Kimmerly.

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

**Mr. Kimmerly:** Yes.

**Mr. Speaker:** Proceed.

#### **Bill No. 103: Second reading**

**Mr. Kimmerly:** I move that Bill No. 103, *An Act to Amend the Summary Convictions Act*, be now read a second time.

**Mr. Speaker:** It has been moved by the hon. member for Whitehorse South Centre that Bill No. 103, *An Act to Amend the Summary Convictions Act*, be now read a second time.

**Mr. Kimmerly:** I will be relatively brief on this particular bill — I think I will be a little bit longer. I will explain the reason for introducing the bill.

The *Summary Convictions Act*, as everyone knows, was introduced in order to provide for an efficient, just, fair way of dealing with, essentially, traffic tickets and other minor offences punishable, basically, by fines. The introduction of the bill was primarily, at the first initiative, by officials in the Justice Department and the Judiciary. Before the bill was passed by this legislature only a short while ago, the procedures on traffic tickets were very cumbersome. There were some individuals who neglected their traffic tickets and when the matter eventually came to court, a bench warrant was issued. A particular member over on the other side is laughing. I remember the case myself.

It was thought fair by all concerned that the police resources and the judicial official resources be not used up for such relatively minor things and an act was passed to establish an efficient procedure to deal with them.

<sup>30</sup> In order to be fairly brief, the procedure is that where a person neglects to pay attention to his judicial problems or his legal problems, instead of issuing a bench warrant a judge may simply, in the absence of the negligent person, impose a fine. The fine can be double the normal fine or the fine that would be imposed if the particular person were not negligent.

The fairminded JP's in this jurisdiction, because it is almost exclusively done in the JP court, have established a kind of guideline which, if the fine is very large, they do not impose double the fine because, in their discretion, they feel that that is unjust. To explain that argument: the argument basically is that if a person with a \$20 fine is negligent and a person with a \$100 fine is negligent in exactly the same way, one person is penalized \$20 and the other person is penalized \$100. That is perceived to be unfair. I hope some members agree with that.

So, in order to avoid that unfairness, in order to avoid that problem, the principle of this bill is a very, very simple principle. It is that, in that situation, instead of doubling the fine, the JP would impose a fine that the person would normally get, plus \$25. It is still a situation where the same discretion that now exists exists after the amendment.

I say it is not a subject that I feel passionately about, in response to the Minister of Education's previous off the record comment. However, it is a subject of some importance to some people. That is, those people who are negligent about their traffic tickets. I have never found myself in that unfortunate position but some of us, one day, might. Indeed, many Yukoners in the course of a year do and, in order to be fair to those people, I have proposed this very modest little amendment which fixes a small problem.

I hope all members will support the principle and debate it in committee with us.

**Hon. Mr. Ashley:** There have been some concerns raised or expressed by some JP's that failure to appear for an offence with a fine of \$30 is no less heinous than failure to appear for an offence with a fine of \$200. It now appears that common practice amongst JP's is to impose a \$20 fine, plus the amount of the specified fine. We have accepted this approach as a legitimate use of judiciary discretion in that fines have been levied for both the non-appearance and the original offence.

It is inconceivable that an accused person is likely to appeal a verdict which imposes a fine of, say, \$100, which is \$25 plus a \$75 specified fine, rather than the \$150 possible, twice the specified fine of \$75. Certainly, we would not permit the Crown to appeal it.

The proposed amendment does not change the intent of the act, it reflects the current practice of the day. If enacted, it would restrict the bench by specifying the non-appearance penalty at \$25. When the legislation was written, it was a conscious choice to give the bench leeway in the application of 19.1(b) and we believe this still should be the case. Surely we do not wish to have to amend the legislation each time there is a change in thinking over what constitutes the appropriate fine for the failure to appear.

Therefore, we on this side of the House will be voting against Bill Number 103, *An Act to Amend the Summary Convictions Act*.

<sup>40</sup> **Mrs. Joe:** It is unfortunate that the minister has chosen not to support this amendment to the *Summary Convictions Act*. As a former justice of the peace, and a trained one, I might add, there were many circumstances in the courtroom by JPs where, because of the problems that they had with non-appearances, there were people who would come in to the courts very often to appear before a JP on a charge but, more often, the people did not show up. And it got to be a big joke: Well, if we don't show up we are just going to get fined anyhow. There was a time when we felt that they had no respect for the courts so we decided to issue bench warrants. So these things change from time to time, and I think that if there were a change in the legislation right now to allow for one specific fine of \$25 over and above the fine, that there would be no problem. However, like I said, the policies in the courtroom change from time-to-time and you, or the minister or anybody else could end up in court or not end up in court on a driving without insurance charge and be fined \$800 as a double fine. It just depends on the JP, because JPs act differently and policies change from time-in-the courtrooms. I really think that there has to be some definite legislation that has to be in this act to warrant that.

**Mr. Kimmerly:** I said I did not feel passionately about this issue, and that was true. But my passion has been aroused by the statements made by the minister — not by the ministers themselves but by the statements made to them. He said two things which are incredible for a minister of justice to state. He said that the courts had established a procedure whereby a fine of \$20 is added, but did not specifically say that, technically, that was contrary to the law. That, of course, is implied. It is a practice, and "agreed upon". Then he said it is inconceivable that a person would appeal. That is intolerable. We have a minister of justice who is essentially a party to an illegal act and he has the gall to say here, in this House, publicly, on the record, "it's okay, because no one is going to appeal". Then he makes another statement; he says we would not permit the Crown to appeal it. He has no business saying that. It is not within his jurisdiction. The Crown is controlled by the federal attorney-general. What about the fine option program which the minister states was an illegal or a non-legal program, which the Crown has appealed. If the Crown appealed, and I say it is the duty of a law-abiding Crown to appeal an illegal sentence — in my past I have been a Crown attorney in the Northwest Territories and I considered it my duty to appeal an illegal sentence even if it was in the police or the state's interest; it is illegal. If it is illegal, it is illegal. And the minister of justice saying here that it is inconceivable a person would appeal, therefore it is okay, we will not permit an appeal, is absolutely outrageous.

<sup>41</sup> **Mr. Speaker:** Division has been called.

Debate on this matter is closed.

Mr. Clerk, will you poll the house?

**Hon. Mr. Pearson:** Disagree.

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

**Hon. Mrs. Firth:** Disagree.

**Hon. Mr. Ashley:** Disagree.

**Hon. Mr. Phillipsen:** Disagree.

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

**Mr. Falle:** Disagree.

**Mrs. Nukon:** Disagree.

**Mr. Brewster:** Disagree.

**Mr. Penikett:** Agree.

**Mr. Byblow:** Agree.

**Mr. Kimmerly:** Agree.

**Mrs. Joe:** Agree.

**Mr. McDonald:** Agree.

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

**Mr. Speaker:** It would appear as the nays have it and the motion is therefore defeated.

*Motion defeated*

**Mr. Speaker:** We will go to government bills at this time.

## GOVERNMENT BILLS

### Bill No. 16: Second reading

**Mr. Clerk:** Second reading, Bill No. 16, standing in the name of the hon. Mr. Tracey.

**Hon. Mr. Tracey:** I move that Bill No. 16, *An Act to Amend the Society of Management Accountants Act*, be now read a second time.

**Mr. Speaker:** It has been moved by the hon. Minister of Renewable Resources that Bill No. 16 be now read a second time.

**Hon. Mr. Tracey:** These amendments to the *Society of Management Accountants Act* are being introduced at the request of the local Society of Management Accountants. This is affiliated with the national association to allow registered members of the society the right to use the designation Certified Management Accountant, or CMA, in addition to, or instead of, the designation Registered Industrial Accountant, or RIA.

The recognized designation for management or industrial accountants across Canada is Registered Industrial Accountant, or RIA. However, in face of the fact that industrial and cost accounting has evolved and has been broadened to the point where it encompasses, and is often referred to as, management accounting, the designation change Certified Management Accountant is being made to reflect this evolution process.

In recognition of their Quebec counterparts, the national society, as well as regional associations, also consider it desirable to provide for the use of the french language version of its name — I cannot pronounce the french, I am sorry. This uses the designation of CMA as well. It is equal all across Canada.

The amendments also provide for changing the objectives of the society to reflect the expanded accounting roles that this profession now provides. All provincial jurisdictions are being requested to amend their acts to reflect this designation change. Ontario and New Brunswick have already adopted the change. The local chartered accountants and the certified general accountants have been consulted and support this designation change.

**Mr. Kimmerly:** This is an non-controversial bill. We are not aware of any problems with it.

*Motion agreed to*

### Bill Number 18: Second Reading

**Mr. Clerk:** Second reading, Bill Number 18, standing in the name of the hon. Mr. Tracey.

**Hon. Mr. Tracey:** I move that Bill Number 18 be now read a second time.

**Mr. Speaker:** It has been moved by the hon. Minister of Renewable Resources that Bill Number 18 be now read a second time.

**Hon. Mr. Tracey:** At this time, I would like to present to this House Bill Number 18, entitled *Yukon River Basin Study Agreement Act*. As members probably know, we entered into a three-year agreement with the Province of British Columbia and the federal Department of Environment for the purpose of studying and collecting information respecting various resources in the Yukon River basin. Under that \$2,200,000 project, BC contributes five percent, Yukon five percent, and the federal government 90 percent.

At the time the *Yukon River Basin Study Act* was passed, it contemplated a study completion date of December 31, 1983. I must report that some delays in final completion of the study can be anticipated and, therefore, a change to the provisions of the original act is required. It is now anticipated that the work will be completed

by September 30th, 1984.

I should also add that additional funding is not requested or anticipated. Rather, we are simply seeking a time extension.

In closing, I should point out that the two other governments party to this agreement concur with the need for the extension and are in the process of making necessary amendments. Before I sit down, I should also comment on the introductory notes that are attached to the bill. You will see that it says "Yukon River Basin Agreement" and then it deals with the chairman of the Workers' Compensation Board. Somehow there was a foul-up in the word processor.

Also, in the introduction of the bill there are two "the's". It was a typographical error.

**Mr. Penikett:** I am pleased to join this debate on the second reading of Bill Number 18 on behalf of my colleague, the member for Campbell. Until the minister spoke a few minutes ago to clarify some of the mysteries associated with this measure, it had occurred to me that it was a proposal of such infinite and strange complexity as to be almost beyond my comprehension, involving, as it did, a great deal of the major natural resources in the territory and an issue of, if you like, occupational or workplace health, which is a matter of great interest to me. I imagined, for a minute, that the minister achieved synthesis there of an interest that had, perhaps, been unknown before.

But now that he has straightened it out, my learned dissertation on the complexities and the intricacies of this measure is redundant and, therefore, I will have to deny you that pleasure this day. Our colleague, the member for Campbell, though, will have one or two questions in Committee, but we will support the second reading.

*Motion agreed to*

### Bill Number 20: Second reading

**Mr. Clerk:** Second reading, Bill Number 20, standing in the name of the hon. Mr. Tracey.

**Hon. Mr. Tracey:** I move that Bill Number 20 be now read a second time.

**Mr. Speaker:** It has been moved by the hon. Minister of Renewable Resources that Bill Number 20 be now read a second time.

**Hon. Mr. Tracey:** This is a new act which will formally recognize the certified general accountant profession in Yukon. A request for legislation came from the local certified general accountants association and their request has been supported by the local chartered accountants and the Society of Management Accountants, or RIA's.

In general, the act establishes the Certified General Accountants Association of Yukon as a self-regulatory organization. Membership requirements are well-defined, thereby ensuring that recognized professional standards are maintained. The board of governors of the association shall carry out the objects and powers of the association. However the members may, at a general meeting, approve, amend or reject by-laws whether or not they have been passed by the board.

In the interest of public protection, the use of the term "certified general accountant" or the designation "CGA" shall be used only by members of the association. Persons who imply or represent themselves as CGA's in contravention with the membership provisions of the act may be subject to prosecution. Appeals from the discipline decisions of the board shall be to the Supreme Court of Yukon.

In summary, this act follows in principle other accountancy acts in Yukon and is comparable to provincial legislation.

**Mr. Kimmerly:** Let me say that, on the principle of the bill that is establishing the certified general accountants as a self-regulating and self-governing society or body, we have no objection in principle at all and it is within our knowledge also that this is not a new or a novel measure, and exists in other jurisdictions. So, in principle, we support the bill and probably have very little, all things considered, to say about it.

I would like to make just a brief comment in general in relation to this bill and this profession and the principle of regulating professional bodies such as doctors, lawyers and accountants. It

appears that, for doctors, for example, the disciplinary provisions or the public safety provisions concerning the qualification and disqualification of doctors is a major issue, and for accountants it appears to be fairly non-controversial. For lawyers, perhaps it is the most controversial because we are probably aware of at least newspaper accounts of the particular individual problems. The principle of self-government for a profession is a very interesting one. It is, of course, a time-honoured tradition and goes back into the guild halls or trades societies as well as the so-called professions as they are now known. It is of course a very interesting principle that lay people, or non-professionals in the particular profession, be appointed to the executive or the governing bodies or disciplinary bodies of these societies. That is a modern development and we wish to question in the committee stage, perhaps, the rationale for some professions being either more or less diligent about the public interest than some others. There is, of course, a consumer interest and a public interest into professional fees. Such issues as continuing education for professionals who may, over time, become out of date, and discipline and legal advertising is, of course, a substantial issue in some places from time to time. Those issues we will be exploring and comparing and asking for a justification of why some professions are treated differently from some others.

*« Motion agreed to*

**Bill No. 21: An Act to Amend the Legislative Assembly Act**  
**Mr. Clerk:** Second reading, Bill No. 21, standing in the name of the hon. Mr. Pearson.

**Hon. Mr. Pearson:** I move that Bill No. 21, *An Act to Amend the Legislative Assembly Act*, be now read a second time.

**Mr. Speaker:** It has been moved by the hon. government leader that Bill No. 21 be now read a second time.

**Hon. Mr. Pearson:** This bill fulfills a commitment I made to the House during the 1982 fall sitting. During a debate on the Public Sector Conservation Restraint Act, I stated that legislation would be introduced to bring members of this assembly, the speaker, the leader of the opposition and ministers within the parameters of our restraint program. This bill does exactly that, as increases of six percent are to be legislated for the combined indemnities and expense allowances of MLA's and for all salaries payable under this act.

Members will also note that the indexing formula in place, pursuant to section 40.6 of the Legislative Assembly Act, is to be repealed. This is being done for two reasons.

First, there is another year after this remaining in the restraint program. It will, therefore, be necessary to bring forward further amending legislation at an appropriate time to set MLA indemnities, expense allowances and salaries within the limits consistent with that program. To fulfill the spirit and intent of the restraint programming we cannot leave our own pay subject to an index.

Second is the sad fact of the matter that the indexing formula has seldom worked in any consistent fashion anyway. The index was first brought into force in November, 1974, but was not utilized for three years because of the imposition of the anti-inflation program by the federal government. That index was utilized properly only twice, that being in 1978 and 1979. In November, 1979, the 24th Legislative Assembly amended the index by inserting a seven percent ceiling on any increases which would be granted under it. Over the next two years it quickly became apparent the MLA's were falling behind other sectors of the economy.

As an example, during the same two years, the Government of Yukon public service was receiving increases of 10 and 12 percent which, in the second year, was supplemented later by a cost of living increase of 1.5 percent. On April 16th, 1981 the assembly again amended the index by removing the seven percent ceiling. One year later, the index illustrated the wild swings to which it is prone. As is well known, we did not accept the 17.75 percent increase dictated by the formula, for April 1, 1982.

Rather, this government quickly introduced a bill to reduce that figure to 10 percent, the same level subsequently agreed upon in the negotiations with the public service.

Given that history, you can well see why we have reached the

conclusion that it is best to set aside the index. Perhaps in the future we will again sit down and try to develop some sort of workable index so that we are not faced with the problem of bringing such a bill to the House every year.

For the moment, however, I am not very hopeful of developing a successful formula in the foreseeable future. I trust that all members of the House will assist in the speedy passage of this bill which has, as its goal, the further fulfillment of the restraint program agreed to by this House last year.

**Mr. McDonald:** I will be brief, and I will save most of my remarks and questions for the committee stage.

I cannot help but wonder, before taking this initiative, why it was not discussed in the Rules, Elections and Privileges Committee, which would seem to be to me, as a new parliamentarian, the proper method of discussing members pay prior to its arrival in the House. Especially when we are talking about the entire repealing of the indexing formula. I assumed that that might have been the discussion in such a committee.

If the government is saying now that there will be no prior consultation with all members of the House, in the future, regarding members' pay then I believe the consequences will be interesting, especially considering the nature of the general debate recently regarding members' pensions and severance allowance.

« The whole question of "six and five" is one of my favourite subjects, as you know. Whenever I see the federal high sign of "six and five" working together, I am moved to speak. Working together to scapegoat workers' wages, as a cause of all the economy's woes, has always been an interesting and fallacious concept to me. In terms of members' pay, what I do see is the promotion and increase in pay for at least one new member of cabinet. I understand that there are two more slots in cabinet, which must mean that there will probably only be one disappointed backbencher by the time the next election rolls around. I heard the slogan the other day from the executive council office to the effect that everyone can move over because there is plenty of room at the top, and high salaries and expense accounts. And because the executive council office itself is one of the few booming and vibrant industries in Yukon, you certainly may expect, if you become a new cabinet minister, more and more staff.

We will discuss this act during committee and I look forward to it.

**Hon. Mr. Pearson:** I think the member opposite has to be reminded that this legislation is here as a result of a statement elicited from me in this House by the official opposition. I made the undertaking at last fall's sitting to the opposition to table this legislation. Now, I am not going to take any innuendoes from the member for Mayo at this point in time about consulting with him or anyone else. Every member of the committee who looks at salaries for the legislature was well aware that this bill was coming here. It was they who asked me to table this bill in the House.

*Motion agreed to*

**Bill No. 17: Third reading**

**Mr. Mr. Clerk:** Third reading, Bill Number 17, standing in the name of the hon. Mr. Ashley.

**Hon. Mr. Ashley:** I move that Bill Number 17, *An Act to Amend the Workers' Compensation Act*, be now read a third time.

**Mr. Speaker:** It has been moved by the hon. Minister of Justice that Bill Number 17 be now read a third time.

*Motion agreed to*

*On title*

**Hon. Mr. Ashley:** I move that Bill Number 17, *An Act to Amend the Workers' Compensation Act*, be now passed and the title be as on the Order Paper.

**Mr. Speaker:** It has been moved by the hon. Minister of Justice that Bill Number 17 do now pass and that the title be as on the Order Paper.

*Motion agreed to*

**Mr. Speaker:** I will declare that the motion has carried and that Bill No. 17 has passed this House.

**Hon. Mr. Lang:** I would move that Mr. Speaker do now leave

the Chair and that the House resolve into Committee of the Whole.

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

*Motion agreed to*

*Mr. Speaker leaves the Chair*

## COMMITTEE OF THE WHOLE

**Mr. Chairman:** I call Committee of the Whole to order. We will continue with Bill No. 19.

**Hon. Mrs. Firth:** I do have some answers to the many questions that the members opposite have and perhaps we could proceed to those answers when we reach the clause in the bill. I think that may be a little easier and a little clearer if the two members opposite are in agreement.

**Mr. Penikett:** It very much depends on the answers but, to be fair, we might make it clear what we are going to propose.

To make it easier on the minister, I was talking in great generalities when we were going through. Perhaps I can be more specific and, with the help of my colleague, we may both be more specific about some of the troublesome particulars. If Mr. Chairman will allow us to do this in general debate, we can flag for the minister the problems we were having.

At this moment, we are having crafted a number of suggested amendments. We do not, of course, humbly submit that these may be the last word in terms of the problems we address but, hopefully, by getting the minister all of the amendments here as soon as we can, she will then understand much more clearly exactly what the problems are that we want to identify.

Let me start, before I do that, by giving some context to my remarks. I had occasion, in preparation for this subject, to review the *Hansard*, going back a couple of years and, in doing that, I discover two or three dozen occasions where information was denied me or one of my colleagues on — let me be fair-minded — arguable grounds where, at least, I think I could have made a convincing argument that we were entitled to that information or that there was at least a good argument for us having got it. I do not intend to review all of those specifics. That would not be constructive at this point.

However, in attempting to define what the old rules were about what we had access to and what we did not, one kept coming across references to a couple of policy directives which I think the government leader will be well-acquainted with. One was called 2/112 and another 2/2117. One went back to, I believe, Linda Adam's day as Clerk, where there was a rule in operation in the legislation in those days that all requests for information of an excluded kind or of a certain kind or, I guess, all requests for information that were not available to the general public, had to go through the Clerk, which were then transferred to the Executive Council member and then transmitted to the appropriate official.

<sup>102</sup> Subsequently, I believe there is a memo in Mr. Pearson's hand which goes back to shortly after, I think, 1978-79, which changes the directive that insists that all requests for information go through cabinet ministers. However, subsequent to that, we have had a research assistant or two who have run into something which has been described by some senior officials of this government as protocol governing access to information by our researcher. When we have written and attempted to find out exactly what that protocol was, the people to whom we wrote — the deputy minister of the Executive Council Office — in a memo on October 22 of last year said that he knew of no such protocol.

I do not want to mention officials' names in the record but I have another memo here from another deputy minister of another department who in fact makes specific reference to that protocol.

All I wish to indicate by this is that there has been, in terms of our ability to do our jobs, some confusion in dealing with the administration sometimes, and some difficulty for us in obtaining information that we felt was appropriate for us to have.

Much of the disagreement, the government leader will recall, about what information we ought to have in the last couple of years

has been on subjects like the land claims or current negotiations. Occasionally, I suspect some of the refusals I have identified may have been only that the particular minister was in a snit that day or felt that we had done something to offend their sensibilities.

However, the serious point about what we should have access to and what the public should have access to is a matter of right, and is something I will deal with more specifically when we get to clause 8.

Let me survey for the minister, in the bill, some of the problem areas as we see them.

<sup>103</sup> Hopefully, I will be able to, this evening, give the minister at least some handwritten forms on some of the amendments that we would like to suggest, some of which I am sure she will see the wisdom of right away and perhaps want to incorporate.

Others she may see the wisdom of but for some reason may prefer to draft her own. I cannot imagine any which she would want to vote against.

The first thing that I would like to call the minister's attention to is in the opening page of the bill, and it is really clause 2. It is getting into the question of definitions. This has to do with something we would call private business. One of the few things that perhaps Bill 101 has to recommend itself over Bill 19 is a section on private business. This is a fairly important provision, I submit, for the following reason.

I understand that the experience with both the federal freedom of information act and the US acts and a number of the provincial acts has been the following; that the people most eager to obtain information have often been people wanting information about themselves, or wanting to find out what the government knows about them or what records they may have had. Now, there are many jurisdictions in the world which have a right of access law of citizens to such information that may be held by private agencies, such as credit bureaus, or something. If they fear that information may be inaccurate they have a chance to correct it. What we are talking about, here, is information which may be held about an individual by the government.

There is a possibility under this bill that a person could get such information but what is quite clear is that nowhere in the definition section does it distinguish private business from public business. It is quite clear to me that, for example, if I write to the government to find out what information it may have about me — something strange, or correspondence that I may have lost about a tax matter or a land tax matter or a land dealing some years ago, I have lost my files or whatever — that is not strictly speaking public business. That is probably private business and there are, in fact, no reasonable grounds, for example, to deny me access. Except, under this bill, it is theoretically possible for a third party who may have been involved to want to deny access. I may not quibble about that but I think that is an oversight that I think we may want to address.

<sup>104</sup> The next problem is a concern, and I hope to hear the minister on this, about the use of the adjective "reasonable", in reference to provide "reasonable" access. When we are talking about that section, which is Clause 3 in the bill — and it is one of the two object clauses, I guess, in the bill, the object clauses being 3 and 4, — it talks about the purpose of the act being "...to provide reasonable access by the public to information in the records of departments and to subject that right only to specific and limited exceptions".

It occurs to me, and I expect my colleague to make this point much more clearly than I, that if those specific and limited exceptions are intended to refer to Clause 8 in the bill, then probably right in this clause should say Clause 8, otherwise it is not clear that that is the "specific limited exceptions" referred to.

Having previously made the point — and I am talking about Clause 4 now — about public business and private business, it seems to me that if the minister accepts that argument or sees there is some wisdom to it, then there therefore would have to be some kind of consequent wording change in Clause 4 to accommodate that.

I would also hope the minister, when speaking in Clause 1 general debate, will also be able to respond, since I have not had a chance to check this out yet, to a concern I have about Clause 5 in

the bill, which is referring to the archivist. Now, we know there is the *Archivist Act* governing this and I assume that, in that act, there is some power of the archivist of delegating his authority to the employees. I assume that. Perhaps the minister can make that clear for us; that that is not solely an individual who is given this task when, in the same sense, we talk about the Commissioner we mean this whole apparatus, not just the individuals themselves.

<sup>05</sup> We have another concern regarding convenience; about a request for information being made only during the archivist's working hours. I understand that this is for practical purposes, but I hope — and we can discuss this with the minister — that she will at least be willing to entertain the possibility that people in rural Yukon may wish to write for information, or apply through some agent, and the need to present yourself personally at the archives here in Whitehorse might be a hardship or burden for some people.

There is a point in section 6 that I identified in second reading where I pointed out to the minister that there is a reference to a clause that does not exist and the minister has anticipated that and has had that corrected.

It occurs to us that 6(1)(2), in any case, could be improved. Rather than talking about a request for information that is not granted, it states that a request for information that is not answered shall be granted, in other words, reversing the polarity of the sentence.

We have a lot of questions about clause 8. The minister will not be surprised if much of our debate on this bill should concentrate on clause 8 because there might be a concern that if you have too many exclusions, you will have in fact excluded practically every reasonable request for information.

I do not want to anticipate debate on that clause too much, but I would certainly think that clause (d), (e), (g) and (h) would be highly debatable and some of them might even be cases where we would want to have the minister convince us that they were absolutely necessary. Of course (k) is a clause we will want to hear explained.

<sup>06</sup> You will understand that I had the pleasure of dining with a lawyer during our break. He paid the bill, too. He will have something of a legal type intervention to state there.

There is another problem which I could put, of a general type. The bill allows for — quite clearly, this may be a good thing — where a request is made, part of the information to be given but part of it to be denied. If you allow that, it seems to me, you have to be consistent in the rest of the wording of the bill. That means that later on, where we are talking about something being denied or granted, you have to anticipate in the wording of the law, that some of it may have been supplanted and some of it may have been denied.

For example, it seems to me that in clause 11.5 therefore, if the executive council member overrules or varies a decision, for example, of the archivist, that they really also then, as the archivist has done — because that variance or overruling may involve a denial — give reasons, the same as the archivist has done. In other words, either support the archivist's reasons or add to the archivist's reasons or dispute some of the archivist's reasons. Without those reasons, then a person is not in a position to adequately appeal to the court, because they will not know on what grounds they are appealing. They will not know the reasons for the decision.

On the same score, under clause 12, if the request for information has been denied, it should probably say there, "or partly denied", because you are not dealing with a blanket situation. You are most likely dealing with a complicated document, part of which has been made available, and part of which has, in fact, been held back.

Another point in clause 12 would be in subsection (4). I was pleased to hear the minister have an explanation of the need for that clause because I am not sure that it is necessary in the bill.

Finally, the government leader asked me why I should ask why it should be public. He said that, not speaking as a former judge but just as a jolly good fellow, he thought the clause should be taken out.

<sup>07</sup> By the same score, it is especially important with a bill like this — and I have in mind today the excellent report of the Statutory

Instruments Committee — that we do not let the bureaucrats screw us around on this. Therefore, I would want to call the minister's careful attention to Clause 13(c). It at least has the possibility of having some red tape created here, which would render the bill ineffective.

We would also urge upon the minister — and I say this in general debate of Clause 14 — that the act should come into force as soon as possible and, if the minister is not going to give us a specific date, perhaps the minister will at least give some kind of undertaking in the House to do it as soon as possible.

I think my colleague may want to add some things, but that gives a general survey of the kind of specific concerns we have. We may even have some draft amendments available which we could let the minister have copies of now so she can anticipate what we are going to do.

**Hon. Mrs. Firth:** I can make some general comments before I listen to the other member's concerns, because I am sure his will be much more detailed and of a much more legal attitude than the ones from the leader of the opposition.

I believe you did mention that we were somewhat conservative in our approach to this bill and I think that is so with Section 8, which defines the exclusions. I believe we were also conservative in what we included in those exclusions. I hope I will be able to reassure you about the private information, because the information that we are providing is to the public and does not exclude private information if it is about that individual and not about someone else. So, I think you will notice that we have made a specific instance where information would be denied if it were concerning another individual. However, we have not made any exclusion if that information is for that person.

"Reasonable" really is not a weaselly word. I find it quite a reasonable word, actually. The archivist does have authority to delegate power to his or her subordinates and, of course, all written requests for information or otherwise will eventually get to the archivist.

Perhaps I will wait and hear the other member's concerns and I could make further comments.

**Mr. Kimmerly:** I would like to continue the list that my colleague, the leader of the opposition, was making. We also have concerns with Section 13.1(c). The minister will appreciate that, and also the date of coming into force. We will present an amendment about that.

I appreciate the minister's comments about the intention to allow private information. The intention she did not specifically say, but I interpret from her remarks, the intention to allow a request by mail from rural Yukon, for example. However, I do say that it is important to make the legislation clear and understandable to lay people. If you specifically say, for example, on the information section, which is on page 2, Clause 5(7), "A request for information shall be made by mail or in person during the regular hours", et cetera, it adds very, very little to the length of the bill and it makes it very clear to a person, for example, in Dawson City. If they read it they realize that if they send a letter that is fine.

<sup>08</sup> If you say "in person" or "by counsel", that is another possibility, although the counsel could be a person or agent of some sort. It assists the public and adds very little to the overall length.

As to the issue about public and private business, I understand the stated intention is to include the possibility of obtaining private information, but the principle is if it is private information, the individual concerned can get it and other individuals cannot get it.

I understand that principle well and I would suggest that the wording is confusing on that issue. Public business is defined but private business is not defined. The purpose of the act is stated in 3, and it says "access to information". The most important sections are sections 4 and 8 of course, and the principle is that everything is public unless it is excluded and that is exactly the proper principle. However, I suggest that it would be clearer to have two sections. I have an amendment here, which is suggested wording. One is exactly the same as it is about public business and another gives access to a person's private business — not anyone else's private business, but to one's own private business. It can be easily added. It is another two lines in the bill and it is far clearer. We have an

amendment about that. That principle, I assume, is an uncontroversial principle and it is simply a matter of the technical wording.

I would like to say that I have signed, in the last few minutes, I think, about 11 or 12 amendments, and although I have signed them, I cannot claim pride of authorship on all of them. They were the subject of a collaboration over dinner. I paid for the dinner so I get to sign the amendments, I suppose.

**Some Hon. Member:** This sounds like "True Confessions".

**Mr. Kimmerly:** In general debate, I think it is appropriate to say that there is beginning to be a jurisprudence or an experience with freedom of information bills in the country and in the world and the form of the bill is really not terribly important as long as the principle of a judicial review is included and we have already made it clear that our position on the issue is exactly the same as the government's, so there need not be a protracted debate or a passionate argument over the sections of the bill excluding, perhaps, section 4 and certainly section 8. The meat of the bill is in section 8.

<sup>19</sup> Although amendments are ready on all of the other sections, our amendments on section 8 are not ready and I would not expect, in any event, that we pass section 8 tonight. We are certainly able to signal to the minister, as my colleague has said, our concerns about the various sections.

**Hon. Mrs. Firth:** I look forward to seeing the proposed amendments. I have one and I will even give credit to that amendment to the opposition, because they brought it to my attention yesterday during the debate on the second reading. They already have one.

I just wanted to make a couple of points for the members opposite. I think the comment that the member from Whitehorse South Centre made about the form of the bill not being that important, we on this side of the House feel that it is important, and that the principal is also very important. I think you can tell when you read the bill that we have flagged that because I think the bill is understandable and I think it is readable. I think it is rather comprehensive for normal people to read and understand without having a lawyer's education. It is not that lawyers are abnormal. I would never infer that to my honourable colleague.

I want to caution the members in opposition about being specific and listing specifics and I think this is why we were conservative in our exclusion. Private information is not excluded. Therefore, it must be accessible. When you become too specific, and if we identify the specifics in the clauses that the members are indicating — for example when they wanted to be more specific about how the information is requested — so far, what I have to include in the bill so that it is covered are agents, council, mail, telephone, or by person.

We are saying that people of the public have access to information. That means by whatever means they choose to access that information. We are all public. We really have no extra privileges other than public privileges.

**Mr. Kimmerly:** I appreciate the statement made by the minister. With respect, I disagree to some extent. If a lawyer reads section 5(7) on page 2, which is "a request shall be made during the regular working hours", there perhaps is some confusion — a lawyer's mind being naturally devious — as to what is meant. Obviously, the real intention is that requests outside of regular working hours are unreasonable. That is sensible and that is understandable.

However, a member of the public reading a law almost consciously tries to think like they think a lawyer would think. I have had some experience with this and I say that very forcefully. They frequently interpret that to mean — and it is understandable and reasonable that they would — that you must speak to the archivist during regular working hours. They interpret it literally. <sup>10</sup> That is not a bad way to operate when reading legislation. The concept of making laws as understandable as possible does not mean they should be in as few words as possible. It means that an average person with, perhaps, a below-average education should be able to read it and know what is meant. It should be suggested to the person the natural and reasonable methods of carrying out a particular intention.

I say that a person in Dawson City, or anywhere outside of Whitehorse, could easily interpret it to mean that a request must be made during regular working hours and, therefore, involve a trip into Whitehorse to make it. It is a very simple thing to clarify it and I suggest that it is a substantial improvement in the bill. The real test, if there is a disagreement, is experience; to ask lay people, which all of us concerning legislation are not because of our experience with legislation. I am confident I am right.

**Hon. Mrs. Firth:** I just want to make a comment, again, to my hon. opposition colleague. This bill was written for the public, it was not written for lawyers, and it was written in a way that the public would be able to understand it. It is very consistent and very orderly. Perhaps I feel as strongly emotionally and passionately as the leader of the opposition and his colleague feel about this bill.

Personally, I think this bill is almost a perfect bill because the public can understand it. If the members would read the clauses one after the other, they will see that, in 5(2), it talks about how the requests would be made, whether it be orally or in writing.

You go on to talk about requests and I really, with all due respect, think that the public is intelligent enough to understand and to follow that in a consistent, consecutive order. I think it is very clear that requests can be made orally or written, that they are made to the archivist and that they can be made during regular working hours.

**Mr. Penikett:** I am sure the minister has made an excellent point and we will have a chance to explore that subject in more detail when we get to the particular clause.

Let me get to the minister on a couple of more general questions while we are still in general debate.

<sup>11</sup> If I understand her correctly, her response to my concern about the failure to include a definition regarding private business is that there is access and therefore it is not excluded. The problem I have with that is this: — and I do not want to jump ahead to the debate on clause 8 — there are some sections in clause 8 - (h) being the most obvious one - which could prohibit a person from having access to communications to which they have been a party simply because another party to that communication may have been a cabinet minister.

That would cause me some concern. I am not suggesting that some minister is necessarily going to refuse me, if my house burned down and I happened to need some correspondence that I had had over the years with the minister. The fact that the minister could refuse under that — and you want to talk under another section here under intellectual property, even though letters written by me are my property — I clearly could have a problem since it involves a communication with the minister under another section of this law, I could be denied access. I suggest that under such a case, I do not know how a judge would rule because presumably all sorts of common law precedents would come into force.

I only suggest to the minister, without having a precise definition about private business in the definition section of the bill, — again, I am not a lawyer but it raises some question in my mind — to say, because it is not mentioned that it is included or not included, it is all right. That may not be satisfactory from the point of view of the court. I do not know that.

Earlier in second reading debate, I made the point about there not being a clause similar to the one in Bill 101 about protecting the rights and privileges of the legislature. I remain concerned about that and we will present an amendment about that. I hope the minister will see it as a friendly amendment. The silliest possible situation we could get ourselves into is a house limiting our own ancient rights to deny or request or demand information from the executive, and I would want to see such a law. The government leader shakes his head but the first point under clause 8 is that "there is no right to information under this act where access to it or its release would..." et cetera, et cetera, et cetera.

There are certain kinds of information we routinely ask for in this house which might fall under the purview of this act and which the legislature may not want to fall under the purview of this act. The minister is nodding her head. I look forward to being straightened out on that point.

Let me ask the minister this general question because it probably



gets to the nub of fears about such a bill. The one and only ordinary citizen I know who has had a chance to read this bill, when he read clause 8 said, "There is nothing in there that you could ask for; everything would be excluded". We were talking about ordinary citizens reading laws. That was the reaction of the ordinary citizen. I think an ordinary citizen who is not a lawyer and looks at a long list like that may say, "Oh, well, it is like the small print on an insurance policy or something". I think, therefore, it is important for me to put the following question to the minister.

I do not want to get into a quibble about whether this government is more open today than it was yesterday, but I have previously indicated to the minister a number of occasions where information was refused. I have also read into the record this time that I have, on record here, some of the previous Commissioner's orders and statements about access to information. I would be interested in knowing from the minister if it is her view that, with the passage of this bill, this government will be more open as a result: will the public have greater access to information as a result of this bill than before?

**Hon. Mrs. Firth:** In a general way, I think that the public has always had access to information. When the member talks about ordinary citizens, I do not really think it is that often that ordinary citizens have particular requests for information from the government. They do not really know what to ask for, what kind of information is available to ask for. Quite often they come upon some information by accident or because of a personal encounter, that they approach the government for. I think they were able to get that information. I think they will still be able to get the information. I really cannot say that because we have this bill it is going to more accessible or less accessible because information was accessible before and I think it still is.

I cannot comment on memos that the member talks about because I have no knowledge of these memos and I have no knowledge of policies from before my time.

I think this is good legislation in the fact that Yukon can say we have access to information legislation. We do have a one window approach. We do have open government. I do not anticipate that we will have either a lot of requests for information because of this legislation or an increase in refusals or denials.

**Mr. Penikett:** I would just like to pursue the minister on that point.

When the Alberta law was passed, when the federal law was passed, when the US law was enacted, the administration of the day was very proud and very adamant in announcing that a new day had dawned, that in fact it was a new broom, a fresh wind. Windows had been opened up. In fact, the public had new rights of access, that some of the veil of secrecy had been removed from the government. That is, the people who have admired this kind of legislation the world over have, in fact, talked about that as part of a liberating process, as part of the citizen freedoms which people feel they are fighting for. I remind the minister that, in fact, the struggle for democracy in our civilization has been very much a struggle of taking power for ordinary citizens from the executive.

This is, in fact, just part of that battle, so I am a little concerned of what the minister seems to be saying, in that what she is in fact doing in this law is simply legislating the status quo. I do not mean to be putting the words in the minister's mouth or misleading anyone. If that is the situation, perhaps she could confirm it or, in fact, if I am wrong in putting it that way, perhaps she could clarify her position.

**Hon. Mrs. Firth:** I am reluctant to compare access to information legislation of other jurisdictions such as the US and Alberta to ours, although we did do a lot of research of other jurisdiction's access to information legislation when we were proposing this legislation. I do not think this government was ever tight-lipped or closed with their information. I think it was accessible. However, I think we needed to clean up our procedures, we needed to have our own legislation. In doing so, I think we have brought forward an uncomplicated access of information act. We obviously had some inconsistencies in the past, from what the leader of the opposition is indicating from the memos he has received.

I have some particular concerns about what the request that the leader of the opposition had, what the information was that he was requesting. That could possibly have something to do with the inconsistencies that he was receiving.

With this legislation we are giving it a one window approach, as I indicated in the second reading of speech. We are designating one department or one person who will be accepting the requests and acting on them. We have identified an appeal process where perhaps there was some lack of clarity as to exactly what an appeal process was, if people had requested information in the past. I am not really saying that this legislation is maintaining status quo.

However, my personal feeling is that this government has not denied information on unreasonable grounds in the past, from my own personal experiences.

I think this is a good step for government. We have had requests for access to information and we have responded to those requests from the public. I think we have made it concise and consistent and we have clarified the government's position when it comes to access of information for the public.

**Mr. Kimmerly:** I have two questions and I will ask them one at a time.

The minister stated that she was reluctant to compare other jurisdictions to ours. That is an interesting statement. Why is she reluctant?

**Hon. Mrs. Firth:** As lawyers do, they always misinterpret or put a new meaning on everything that is said or written. I believe the context I was using when I said I was reluctant to compare it, was in terms of this debate in that we were discussing Yukon's access to information and comparisons made to other jurisdiction's legislation, which have different legislation than we do, perhaps is not appropriate. We are here to discuss access to information for Yukon and to discuss that the access is reasonable access to the public for information about government.

**Mr. Kimmerly:** That was not by any means a lawyer's question; that was a very simple question. The minister has made a statement that she is reluctant to compare other jurisdictions to ours and I asked her to explain why and the reasons are "it is not appropriate".

Well, why is it not appropriate, and she used the phrase "in terms of this debate". I do not want to be hung up on it. I am not trying to interpret anything. I am simply asking why. It seems to me on any access to information bill or law, the experience of other places is useful and why should we not do it?

**Hon. Mrs. Firth:** I do not want to get hung up on this either and this could probably go on all night, because every time I am going to say something the member for Whitehorse South Centre is going to have a new way of interpreting it. I am sorry I cannot be more specific for him and clarify things for him in a manner that he can understand.

I really feel I am being taken out of context, somewhat. I think I indicated to the member that we found access to information legislation from other jurisdictions very helpful, when it came to drawing up our own legislation. I am afraid that that is true and that I cannot be any more specific for the member to indicate to him what I am trying to say.

**Mr. Kimmerly:** It is obviously counterproductive and I will not repeat the question again.

We talked about the status quo and what changes this bill may effect. I will interpret this time, and I ask the minister to correct me if I am wrong. The interpretation of her remarks that I make is that it is not going to change the practical situation either at all, or very much, but it is going to provide a formal structure or a formal procedure to get information. If I am wrong, I will be corrected, I am sure.

The concern I have is that, in drafting any guidelines or any rules, they cut both ways — say a double-edged sword — in that by defining what information is available, even if it is done generally, you are by necessity and by definition defining what is not available.

Consequently, what we have that we did not before is a list of rules of what is not available. Before it was done, I assume, on a case-by-case or an *ad hoc* basis. Now there will be in section 8 a

series of rules about what is not available. It is equally valid to look at this legislation as defining what is not available, as well as defining what is available. I would suggest that, taken as a whole — and this is a general debate, so I will speak generally — that, in fact, the collection of the sections in clause 8 give a lot more exclusions than would now currently exist. We should act extremely carefully on this issue. It is possible that, in fact, what we are doing here is excluding more things than used to be excluded under the old system. It is extremely important to look at the wording in clause 8 extremely carefully.

**Hon. Mrs. Firth:** I will reiterate. I will say this again and I will keep saying it. By defining what is available always makes more things unavailable. Again, I will say we have been very conservative in our exclusions. In other words, we have been very conservative in saying what is not available and by doing so, more becomes available. That is the whole essence of this perfect little bill. There is access to information. This government believes in having public access to information.

**Mr. Pemikett:** I am afraid I must differ with the minister. I doubt very much if her bill is this perfect. She may be the closest thing there is in this government to a perfect minister, but I doubt if this measure is entirely the last word in legislative drafting.

Let me make this point to the minister and I make it seriously. I am sure, if I were to change sides just for a second, that any piece of information that she would suggest to request from me, which the government might have, I could find a reason to deny on one of the 14 refusals in section 8. I am absolutely certain of it, because some of the categories are so broad as to include just about everything.

The one I am particularly troubled by is clause 8 from section 8, which talks about disclosing the existence — the existence, notice — or content of communications to, between or from members of the executive council. I do not know why that is there. I do not know why that somehow, just because you happen to be in the cabinet, everything you do all of a sudden, is secret. I know why people in power throughout history have wanted to keep what they are doing secret. I understand the dynamism behind that. I understand that has always been part of what has been known as executive privilege and every ruler, whether benign or corrupt, has attempted to protect that privilege in order to protect position and also to prevent too much public disclosure or discussion of their actions.

There is a very old principle in democracy about public business being done publicly. Let me make this comparison: I have less problem with section (i), which is talking about deliberations of executive council and I understand perfectly the reasons for their secrecy. I understand the reasons that if you are going to have Cabinet solidarity and if you going to have Cabinet government, you have to have Cabinet secrecy. They are the same reasons that we probably, most of the time, have caucus secrets. I understand that.

The minister will no doubt have her own reasons for having a section (h), but she should know that there are freedom of information laws in the world which would regard that as a violation of the very principle. For example, in Sweden, I understand that every day in parliament is tabled in the House — imagine this — all the correspondence from the prime minister. When they first did that there were a number of people who said, "God, the world will come down! The walls will shake! How can the system survive that, if people actually know what the prime minister is saying in his mail!" In fact, the prime minister is probably saying in his mail, if he is any kind of prime minister, much the same in his private correspondence as he is saying in public. After some initial interest and curiosity about what the prime minister was saying in a letter, there was very little curiosity and the public regarded it as just part of the public record. In most cases in the world, the prime minister's correspondence eventually becomes public. In Britain, I guess, there is a 30-year embargo rule in the archives. In the United States I do not know what it is, but I think you at least have to be a few years out of office before the public has access to it.

But, the world does not come to an end if citizens suddenly know what is going on in a government. I know of my own sort of small

experience. I remember the first year the Public Accounts Committee operated in the House that we met *in camera*. Everybody said, "Gee, we get these public servants in here and we are asking them questions. Boy, if the people up there in the gallery say it, it wouldn't work, it just wouldn't work. It would just be awful." Well, the second year we operated we operated in public and there was no effective change at all. There was not much more excitement or much more interest in what we were doing, it just was public. All that proved to me is that much of the secrecy and confidentiality in which we operate is pretty unnecessary.

I say this with respect to the minister, if you have a rule such as (h) — and that is not the only one I am going to quibble over — I would guess a very, very large percentage of the business of this government — it being such a tiny government, probably one of the tiniest in the world where you have a cabinet system — touches the minister's desk at some point or another. At some point there is a ministerial signature on the document. At some point it passes across the minister's desk. If you say that, by definition, every piece of information of that kind that crosses a minister's desk is, in law, not accessible to the ordinary citizen, then it seems to me you really do not have public access to information. Because any minister who wants to hide something, any minister who wants to keep something from the public, has only to put a covering memo on it, put their signature on it and the public cannot know. The public not only cannot know, they cannot ask for it.

Unless there is some correction in an amendment which I am going to propose for a new Clause 15, it may be possible that the legislature is no longer able, in law, to ask, either. I think that would be a very sad day.

I do not want to, again, anticipate too much of the particular debate on the particular sections. There may be other people who want in on general debate now and the minister would probably want the last word, and that is appropriate. I only make the point to the minister that I do not think it is a perfect bill and, in fact, if you have too many exclusions — the minister says she is being conservative — well, I have not got all the other bills committed to memory, but I am very afraid that a couple of the categories that she has here in exclusions are so broad, the net so wide, that there would be very little information slip through it to the public.

**Hon. Mrs. Firth:** We are talking, I hope, quite seriously about this bill and I hope I have the privilege to refer to it as the perfect bill occasionally without offending my hon. colleagues in the opposition.

I want to tell them something, and I do not like to have to raise this point, but we are talking about disclosing the existence or content of communications to, between or from members of the Executive Council. We are talking about files of the Executive Council Office and Cabinet offices; we are talking about things like deputy minister's memos; we are talking about things where people are giving policy advice to the government, but that does not necessarily mean that that is the policy of the government. So often that is interpreted as government policy or is questioned very strongly as though government policy, which would put government in a position, as government here has recently been, of defending correspondence which is not government policy. I really do not think this is unreasonable; it is consistent with other areas. As I said, we consulted other jurisdictions when we drew up this legislation and this is consistent.

This is why we have an appeal process. We have been conservative in our exclusions. If the public is denied access, there is an appeal process and there are actually two appeal processes, so it is not that we are saying that these exclusions will be all-encompassing and that is it. The public always has two opportunities to appeal in each circumstance where information may be denied.

**Mr. Penikett:** I just want to demonstrate to the minister, and I am sure she will understand, that she has just given me one good reason why it is not a perfect bill. In her defense of clause 8, for example, she has just described the exclusion of what are classically called Cabinet documents — and I think in the federal act they are referred to as Cabinet documents. In other words, those memos between deputy ministers and cabinet ministers such as she referred



to, or those things which are stamped "secret" or "confidential", and that is a very narrow class of documents. In fact, those documents, as I notice in Bill 101, were much more precisely described. The problem with (h) is that it could include a letter from me to the minister. It could include an open letter from a citizen to the minister that had been published in the newspaper. The very fact that it is a communication to a member of the Executive Council means — this is where the minister is wrong about her own bill — there is no appeal, because clause 8 begins by saying there is no right to information under this act or access to its release. Later on, clause 12 says, quite clearly, if something falls under that definition such as a letter to the minister which is clearly included under (h), and if it is a public letter, not only is there no right of access to that letter, even if it was previously a public document, but you have no appeal because even a court cannot sit on a question of appeal because under 12(4), if it is excluded under section 8, it is not appealable.

All I am saying to the minister is that I do not object. I seriously do not object if we are talking about a class of documents that are what political scientists call Cabinet documents. I do not have that problem. I understand the need for secrecy on that. However, if you are using the definition that is in (h), which could include a note, quite literally, that I passed across to the minister for a page — I guess we probably hope that most of them stay confidential — or any communication to or from a minister, even the existence of it — and we are not talking about secret cabinet documents — we are talking about any information. That is what (h) says and that is the problem I have with the wording of that section.

**Mr. Chairman:** Mr. Kimmerly, it is usually practice to have coffee by this committee. Is this agreeable with the committee.

**Some Members:** Agreed

**Mr. Chairman:** I might suggest that I would like to be home by Christmas.

**Mr. Penikett:** Mr. Chairman, if you will agree to have Bill 22 referred to the Select Committee, I am sure we can.

#### *Recess*

**Mr. Chairman:** Coffee is done.

**Mr. Kimmerly:** The member for Tatchun has asked me specifically to live things up. He is probably anticipating a debate on Bill 22 and wants to enjoy himself now.

That is appropriate, perhaps, because I think the debate should be extremely serious about this important issue. The minister has talked about her perfect little bill and she has been condescending in her last remarks about telling us she does not like to tell us about deputy minister's memos and policy advice and those sorts of things. She has said that she has been very conservative in drafting the exclusions and she says she will keep on saying it. Well, she will forgive me for being a little skeptical.

However many times she says it, it does not make it true unless objectively it is true. It is not true. The leader of the opposition has talked about clause (h). There is also clause (b), (c) and (d). They are extremely widely worded. It is objectively true that citizens reading those exclusions would immediately say "what is there left?" I, too, have consulted with a very small number of other people because of the time constraints. Their immediate reaction was, "what is left?" Clause 8 covers everything.

Now, this is not a conservatively-worded bill in clause 8. It is a Conservative bill. It is a bill which I fear will be used in the future and certainly could be used in the future, not to guarantee access to information but to deny information.

There is a formal structure here which could be used in the future and I fear it will be, to deny information. The ministers will say I would like to give you that or that is interesting information but I cannot give it to you, because it is contrary to the access information law. I fear they will say that in the future.

Now, we have supported the bill in principal on second reading. I wish to clarify for the minister what our support means. It means we support the principal of access to information.

<sup>18</sup> We are not supporting the exclusions in clause 8 and, in clause-by-clause debate, we will be particularizing our arguments.

If the minister does not come to the committee stage with an open mind, as we have done, the debate will become substantially more lively — passionate, in the minister's words — and this most imperfect bill may be here until Christmas.

Let me say one little word about the government's stated innuendo about their lengthy legislative program. I have yet to see it, so far, and the comments, informally and on the record, about timing and Christmas and whizzing through it, I think, are most inappropriate and demean the whole legislature. This is an extremely serious issue, one of the most important issues that legislatures deal with, and the attention paid to it by the minister's answers is, in my opinion, disappointing.

I will only say another thing about the general right of citizens to know the government's business. The courts and the legislature are open and, because it is open or conducted in public, the public can have confidence in the deliberations of the courts and the legislature because they know that if mistakes are made or conspiracy is being hatched that it will come to light and they can object or speak up about what displeases them.

The executive arm is increasing in size daily around the world and there is an increasing feeling of political impotence felt by ordinary citizens, and lack of information is one of the major contributing factors to that. It is not enough to simply formalize the status quo. It is appropriate to open new areas of public access and this minister's perfect little bill, I strongly fear, will do exactly the opposite and, in fact, close some windows previously opened. If she does not enter the debate in an open-minded spirit, I promise her that it will get increasingly passionate.

<sup>19</sup> **Mr. Penikett:** I want to pick up the theme of my colleague and pursue a matter with the minister, hopefully with some seriousness, that I was raising before the break. I want to focus on clause 8(h) and the rule there that talks about disclosing the existence or the content of communications to, between or from members of the Executive Council. The minister explained that what she wanted to protect was the confidentiality of Cabinet documents. I understood that. I appreciate that and I suspect that most people who know anything about Cabinet and government as it operates, and the British Commonwealth would find that in accord with some very old traditions. However, as I pointed out, clause 8 does not limit itself to Cabinet documents. It quite clearly refers to any communications to or from a Cabinet minister. To any communications to or from a Cabinet minister, there is no right of information. There is no right to information under this act where access to it or its release would disclose the existence or the content of communications to or from members of the Executive Council.

Now, I do not know how many pieces of paper cross her desk every day. Maybe hundreds — dozens I would expect, anyway. I doubt if there is any arguable need for some kind of absolute confidentiality in even a tiny fraction of them. I would be surprised if any of them would be what we could call "necessarily secret", but because there is so much that goes across the minister's desk, all that information under this definition, as that part of the bill as it is now written, would be permanently inaccessible with no right of appeal whatsoever.

What is potentially horrendous — if this stands the way it is now — is, if a minister wants to prevent something from becoming public, all the minister has to do is sign a memo about that or attach a signature to it or in some way attach their name to that document. From that point on, that document is removed from public access. I say to the minister in all seriousness, I think she would have to agree that were such a situation to occur, it would defeat the very purpose of this bill, because it would mean that any minister, not just of this government but of any future government, could, for all practical purposes for the immediate time being, prevent there ever being any access to that document.

Ironically, unless we correct a later clause in this bill, even the minister could use the fact that his own signature was on it as a reason to not only deny access to the public but to also to deny access to the legislature. Because by definition of this bill, anything the minister does now, anything they receive and anything they transmit becomes secret, and I do not accept that. I do not accept that everything the ministry does has to be secret.

**Mr. Penikett:** I think that if there is a need for something like clause (h), it needs to be much more clearer and much more specific about what is intended. If the minister is, in fact, talking about protecting the confidentiality of Cabinet documents or Cabinet briefings and so forth, then in fact that should be cleared up. As it is now, we are talking about any communication to or from a minister. There is no right of appeal about it.

I submit there are very few governments in the world governing 25,000 people with a Cabinet of six, which means that practically every decision of any importance whatsoever has the hand of a minister in it somewhere, at some stage. That means that no information, according to this bill, about that is open to public access. I think it would be a great pity if that were to stand.

I ask the minister not to be frivolous about the protection of her bill but to respond to this as a serious concern, not about criticizing the bill or being negative about the bill, but an attempt to improve and to in fact make it what it ought to be; a good access to information law, rather than a law which could have exactly the opposite effect to what the title of the bill suggests.

**Mr. Kimmerly:** I would expect the minister would respond but seeing as though she does not I will rise again.

I said earlier that on the second reading of debate we demonstrated a very open attitude and a very open approach to this bill, accepting the principal of the bill. The minister has put on the record the statement that the crux of it, which is the exclusions, that it is a perfect bill. She says she has said it before and she will keep on saying it. It is going to be necessary for her to keep on saying it. We are going to keep on saying it is an imperfect bill. It is not conservatively worded as to exclusions. It is very widely worded. I could talk a long time, as the member for Porter Creek East well knows — and has probably gone home in disgust.

The minister is not seriously responding to the debate. I say again that it is necessary to defend and explain in a general sense and in a specific sense the reasons for and the wisdom of the exclusions and, indeed, the other parts, but primarily the exclusions. If she thinks we are going to ask the questions once and then sit down, she is going to have a difficult time from now until Christmas. I do not care if you do call it a threat over there. It is not intended as a threat. It is intended as a statement of our position. We intend to seriously debate the rationale for these exclusions. It will be an uninteresting debate if it is a monologue.

**Hon. Mrs. Firth:** I think the leader of the opposition set the tone of the debate on this bill when he entered into his discussions about paternity. I was quite looking forward to some constructive debate and I do think I entered the debate with an open mind. I think we continue to have good, constructive debate between the leader of the opposition and myself.

However, I do have some concerns about the member for Whitehorse South Centre because he does have a way of twisting people's words and claiming to have had those people say things that they really did not say. He has just done it again when he said that I am going to keep repeating that this is a perfect bill and that is not what I had said. What I had said was that I would keep repeating that we had been conservative in our exclusions.

I really do have a lot of concern about the line of debate that the member for Whitehorse South Centre pursues. He makes accusations that this side of the House does not have an open mind and we do have an open mind. However, with a six-page bill, they approach me with 16 amendments, and I find that somewhat questionable as to their open-mindedness. I will, however, continue to respond to the leader of the opposition and I will continue to respond to the member for Whitehorse South Centre and would only caution him that I do have an open mind. I look forward to some constructive debate.

**Mr. Kimmerly:** I thank the minister for her declaration of an open mind and I will be interested in the following debate.

The tone of the debate, of course, is changeable and changes in the face of a lack of response. Let the minister be assured that if it is an open and constructive debate, I will do everything in my power to accommodate that. The minister has, in her last statement, shifted the tone of the debate, again, as a personal attack on one member, me. That is a shift in the tone and is an interesting,

argumentative strategem; however, it will not work.

The minister talks about a six-page bill and complains. She complains that there are 16 amendments. Well, I would ask her which of them are unreasonable? Which of them set an improper tone? If the minister does not answer, I will take the question to other forums, as it may be necessary.

**Hon. Mrs. Firth:** Oh, he is threatening again.

**Mr. Kimmerly:** It is not a threat, it is a declaration of intention. It is simply a statement of what the consequences may be if the minister is so sensitive that she considers those things as a threat.

**Mr. Chairman:** Order, order, order, please.

**Mr. Kimmerly:** I will not even speak to that.

We are degenerating the debate, presently, and it is presently, in my opinion, quite unconstructive.

It is necessary in my opinion to get back to the meat of the issue in general debate. The minister has said that the exclusions are conservatively worded and has said she will keep on saying that. Saying that is one thing; backing it up is quite another. When general debate continues on another day, I would suggest in as an unthreatening way as I am able, that the debate would be most constructive if the minister gave reasons for her statements in a general sense. Making a statement or stating a position is not enough. There must be a rationale for that. Perhaps the minister is not used to giving reasons but I would suggest that that is the primary purpose of debate in the first place.

**Mr. Penikett:** Having heard just now from my colleague, the voice of reason, I want to return to the voice of passion on the other side, in my open-hearted way, and appeal to her open mind. I want to pick up again at the exact point where I left off. I want to ask the minister this because she did not respond the last time. Seriously, if the minister does not appreciate the problem that I am trying to identify with 8(h) — and again, I do not want to be hung up on that clause, but I want to identify it because it seems to me it touches at the very heart of the central principle of this bill, the central principle being that you are going to have public access to information but if you have information automatically excluded that has in fact come across the minister's desk, or within the minister's range, or has the minister's signature on it, or was directed to the minister, or sent from the minister — it seems to me that excludes an awful lot of information that the public ought to have access to. Worse still, as the bill is worded, it would seem to me to be doubly damned in that there is no right of appeal to the refusal of access to that information.

I ask the minister again, seriously, if she is not concerned about that and, if she will, in fact, not give an undertaking during the time we are recessed to have her drafters or have herself have another look at that section to see whatever reasonable denial of access she wants to make such as some specific description of Cabinet documents or something; if it might not be better to be more precise in that section than the wording now is.

**Hon. Mrs. Firth:** When we reach the appropriate clause, I will be prepared to debate it further: 8(h), I believe.

**Mr. Kimmerly:** I find that answer unacceptable, in that the time for debating the inter-relationship of the various clauses and the general principles of the exclusions collected is, obviously, now. I, for one, do not feel it is appropriate to leave general debate until the general positions are well stated on all sides and reasons are given. I ask the minister, again: over the adjournment — the adjournment time is approaching and obviously we are not going to finish general debate today...

The debate would take a constructive turn, I suggest, if the general concerns raised in the last two hours would be addressed by the minister and the reasons for her agreement or lack of agreement be given. We can debate reasons; we cannot debate positions. Stating of positions is one thing and, obviously, in the last two hours, that has been fairly extensively and, I would say, completely done. The reasons for those positions has not been enunciated or explained on the government side and we look forward, in the hours and days to come, to talking about those particular reasons.

**Hon. Mrs. Firth:** I believe we discussed the principles in second reading and I think we have had quite a healthy debate

discussing further the principles. We can discuss more particulars and more specifics when we come to the clause-by-clause discussion.

In view of the time, I would move that the Chairman report progress on Bill 19.

*Motion agreed to*

**Hon. Mrs. Firth:** I move that Mr. Speaker do now resume the Chair.

*Motion agreed to*

**Hon. Mrs. Firth:** I move that Mr. Speaker do now resume the Chair.

**Mr. Penikett:** Oh, no, no, no. That is clearly out of order, I have a question for the minister.

I have a question for the minister.

**Some hon. Member:** What point of order?

**Mr. Penikett:** Well, the minister cannot arbitrarily cut off debate on a bill. What gives here?

**Madame Clerk:** She is not trying to do that, she is —

**Mr. Penikett:** Okay, I do not mind. She is trying to call a question on the motion.

**Hon. Mrs. Firth:** No, I am not (inaudible)

**Mr. Chairman:** Order.

**Mr. Penikett:** Okay, then. I thought you were calling question.

**Hon. Mrs. Firth:** No, (inaudible). I would never do that to you.

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

*Motion agreed to*

*Mr. Speaker resumes the Chair*

**Mr. Speaker:** I will now call the House to order. May we have a report from the Chairman of Committees?

**Mr. Brewster:** Committee of the Whole has considered Bill 19, *Access to Information Act*, and directed me to report progress on same.

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

**Some Members:** Agreed.

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

**Hon. Mrs. Firth:** I move that the House do now adjourn.

**Mr. Speaker:** It has been moved by the hon. Minister of Education 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.*

