



The Yukon Legislative Assembly

Number 35

3rd Session

25th Legislature

HANSARD

Monday, November 7, 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
Kathie 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

Whitehorse, Yukon**Monday, November 7, 1983 — 1:30 p.m.**

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

Prayers

DAILY ROUTINE

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

TABLING OF RETURNS AND DOCUMENTS

Hon. Mr. Ashley: I have for tabling the Annual Report of the Workers' Compensation Board, for the year ending December 31, 1982.

I have for tabling the Yukon Liquor Corporation Annual Report for the period April 1, 1982 to March 31, 1983, as well.

Mr. Speaker: Are there any reports of committees?
Petitions?

Introduction of bills?

Notices of motion for the production of papers?

Notices of motion?

Statements by ministers?

MINISTERIAL STATEMENTS

Hon. Mr. Pearson: I rise today on a very sad occasion. With the announcement this morning, out of Ottawa, by the Minister of Indian Affairs and Northern Development respecting development proposals on Yukon's north coast, the minister has once again exhibited his abject and deplorable lack of vision for Yukon's future. To categorically deny land use permits for either Gulf Canada Resources or Peter Kiewit and Sons Limited until after Yukon land claims are settled, once again shows Mr. Munro's failure to make a reasonable and judicial decision based on the simple facts that were before him regarding these two proposals.

It is a sad day for Yukoners. Sad because of the lost opportunities for Yukoners to gain a meaningful foothold in Beaufort development. Sad because this decision is diametrically opposed to the preferred philosophy of a cooperative approach on northern issues. And, sad because it once again shows the danger of having the federal Liberal government making decisions of this magnitude and importance for Yukon from their insulated and isolated offices of power in Ottawa.

⁰¹ I honestly have to say that I feel a certain amount of pity for Mr. Munro, today. I say pity because he has, once again, shown his incompetence when faced with making decisions on important matters such as this. His attempt to make land claims the scapegoat for his inability to make a decision is repugnant to this government and is a clear indication of his unwillingness to deal with this situation in a just and equitable manner. We feel it represents a total lack of leadership by the minister.

I am sure that Mr. Munro feels he has taken the easy way out of this issue by blaming land claims as the stumbling block to allowing development to go ahead. I feel this is one decision that Mr. Munro may live to regret for some time to come.

Now is the time for Yukoners to come together to work cooperatively towards an economic future for this territory. The federal government is not showing any leadership in this regard. It is, therefore, up to us, as northern residents, to do whatever is within our power to ensure the long term economic stability that Yukon needs in order to survive.

Residents in Yukon, today, have hopefully toughed out the worst of the economic recession or, perhaps more aptly put, the economic depression. What we are left with are the real fighters, those residents who are committed to this territory and who are prepared to continue their efforts towards diversifying our economy, building our economy and developing a society which will foster a better lifestyle for all Yukoners in the future.

Mr. Munro, obviously, has not considered, or does not appreciate, the long term economic ramifications of his decision, which he announced today. What he is saying is that development in Yukon will not proceed until land claims are settled. That decision is of major import; obviously much more so than Mr. Munro realizes. He is discouraging future businesses and industry from locating in Yukon and he is arbitrarily using his authority to dictate Yukon's destiny.

⁰² If the federal government is not prepared, or capable of taking a positive and constructive leadership role in the future of Yukon, then we must, as Yukoners, take that role upon ourselves.

We will not give up the fight for what we believe is just and right. I am scheduled to be in Inuvik on Wednesday to address the Beaufort Environmental Assessment Review Panel on Beaufort development. I can assure you that I will be there. We will be there again in December, when that panel meets here in Whitehorse. We will continue being there for as long as it takes to ensure some positive economic leadership and direction is established for Yukon.

Once again, we must state our regret over the lack of foresight and leadership the federal government has exhibited with their decision today. It will certainly be a happy day when we have a government in power in Ottawa which will not only recognize the aspirations and concerns of Yukoners, but will also have the leadership ability to take the decisions necessary to secure our economic future. Thank you.

Mr. Penikett: I will respond briefly to the government leader's statement, but not having had time to study it, I am perhaps not in a position to give it all that he deserves.

The government leader describes today's moment as a sad decision. That is speaking, I suppose, very much from the point of view of one who had expected a different decision. There are, no doubt, those who would have predicted that this decision was quite predictable, given the outstanding issues in this question. I, myself, late last week, might have imagined that the minister would have, in fact, turned down Gulf but support Keiwi on the grounds that one was outside the proposed park and the other one was inside; that one might have, in fact, have a prospect of providing jobs for Yukoners but not the other because one required a different kind of skill level.

That did not happen. The minister has made a decision and I note that he says "for the time being", and I note that because of the government leader's objection to the minister hinging this on the lack of a settlement of land claims. That is a particularly important point, since we have recently heard the government leader talk about a resolution of Yukon land claims, at least within one month. I want to emphasize that I think that part of the reason why there has not been an agreement between the Government of Yukon, and the other interested parties is, in fact, exactly to speak to the government leader's main point: the question of cooperation. We have, as a government, failed to negotiate or push for, I believe, effectively, job guarantees. This government has in the last year, contributed to a delay in the settlement of land claims.

⁰³ It has failed to reach an agreement on the responsible management of the Porcupine caribou herd. The government leader has promised for months that land claims agreement is just around the corner, but he is willing to gamble with a development on the eve of a settlement; on the eve of a settlement which he is promising. We have the uncertainty of the YTG intentions on the North Slope. I am sure that that question, the question of whether the Stokes operation is a temporary development or not, is causing some alarm in Canada, and I am advised that the minister, unfortunately, from the government leader's point of view, is getting hundreds and hundreds and hundreds of letters on the park and the Stokes question, and that is a part of Canadian public opinion that I expect he has been very sensitive to as a man who has leadership aspirations in his own party.

The question of job guarantees is extremely important. The NWT has found that the promises were not enough. We, in our own experience in Yukon with major developments, should know that promises are not enough. We have failed to obtain guarantees. We have, it seems to me, continuing concerns of the people closest to

the area, about their interests being protected. We also have, it seems to me, to speak to the main point that the government leader makes about employment opportunities, not embarked on the kind of training, nor have we obtained the kind of guarantees to make those prospects realistic and attainable for the majority of my kind of constituents and the kind of constituents here who are unemployed. In fact, the experience of the people I have had in my constituency who have had work in Beaufort is, in many cases, that they feel that the companies there at the present have a southern hire policy and that, in fact, many other constituents who want to get work in that area are finding, when they apply, that they do not have the necessary skills.

These are areas much in need of cooperation by all parties. I would support the government leader's call for cooperation but I must say that, if you are going to achieve cooperation, you must have some effort at cooperation on all sides — and that includes the Government of Yukon. Thank you.

Hon. Mr. Pearson: I am somewhat dismayed at the tack taken by the leader of the opposition. I recognize that he was not in the House the day of the debate on this particular motion last week. I assume that one of the reasons he was not here was because he did not want to enter into that debate because he did not feel it was going the way he really truly thought it should. However, he has made it clear now that he, in fact, agrees with the decision taken by the Minister of Indian Affairs and Northern Development because there are no job guarantees.

I am going to read from a document, a document that I am quite prepared to table in this House.

It is the press release issued by the Minister of Indian Affairs and Northern Development, this morning, in Ottawa. Attachment four to that press release is called "Economic Benefits". For the edification of the members opposite, I would like to read this into the record.

"The Department of Indian Affairs and Northern Development's assessment of Gulf's original proposal indicates that northerners, if Gulf constructs a complete support base as originally planned, could receive substantial opportunities. Up to 75 person-years of direct employment, generating \$6,000,000 in wages and almost \$15,000,000 in contract business is possible during construction if government and Gulf make special efforts to make these opportunities available. During operations, northerners would benefit annually from 22 person-years of employment, generating \$1,500,000 in wages, plus up to \$2,000,000 from the supply of goods and services. Indirect and induced effects could add another \$8,000,000 to income during construction and \$1,000,000 annually during operations.

"Likely, potential changes to Gulf plans would significantly reduce the level of benefits. Kiewit will employ, on a seasonal basis from spring to fall, from 25 person-years to a high of 400 person-years, depending upon sales, and will hire and train northern people to operate the quarry at all levels, as the skill mix of the jobs matches closely the skills available from northerners. The operation will generate from approximately \$15,000,000 to \$30,000,000, to \$100,000,000 annually over its lifetime.

"Northern residents will gain directly from wages and indirectly from company purchases in the area. Taxes, royalties and foreign exchange will accrue to the federal and territorial governments. The socio-economic benefits from this development are being assessed by a northern benefits committee of federal and Yukon government departments.

"Based on a preliminary review of the Kiewit proposal and a socio-economic action plan, the Department of Indian Affairs and Northern Development and the Government of the Yukon Territory have found there are substantial employment and business development opportunities, providing Kiewit fulfills its commitments.

"The construction phase will involve a peak workforce of 400 people and a payroll of between \$25,000,000 and \$30,000,000. Indirect and induced effects could be comparable. The operational phase of the project, providing 250 to 350 seasonal jobs and an annual payroll of \$20,000,000, could generate as much as \$31,000,000 and 285 jobs in other sectors of the economy."

I want to emphasize that these are the Government of Canada's

figures. I also want to stress that the Minister of Indian Affairs and Northern Development made his decision, a strictly political one, knowing this. I also want to stress, that the NDP have made their decision, a strictly political one, also knowing this.

Mr. Speaker: Are there any further statements by ministers?

MOTION OF URGENT AND PRESSING NECESSITY

Hon. Mr. Lang: Under the provisions of Standing Order 28, I request the unanimous consent of the Assembly to move a motion of urgent and pressing necessity. The motion I would move reads as follows:

That the following address be forwarded by the Speaker on behalf of the members of the Yukon Legislative Assembly, to the Prime Minister of Canada and to the Minister of Indian Affairs and Northern Development;

"Whereas development in Yukon's north coast is critical to Yukon short term and long term economic future;

and, whereas, experts from the Department of Indian Affairs and Northern Development, other federal departments and the Government of Yukon have testified that the two current proposals for development on the north coast are environmentally feasible;

and, whereas, such proposals could be developed in accordance with the agreed-to principles in land claim negotiations in land use planning;

now therefore, this Legislative Assembly expresses its extreme regret that the Minister of Indian Affairs and Northern Development has not approved in principle the two current proposals for development in Yukon's north coast and,

further that, this Legislative Assembly is of the opinion that in the best interest of the people of Yukon and all Canadians, the Minister of Indian Affairs and Northern Development should submit his resignation to the Prime Minister of Canada."

Mr. Speaker: This motion, under Standing Order 28, requires unanimous consent of the House. Does the hon. member have unanimous consent to present his motion.

Some hon. Members: Agreed.

Mr. Speaker: First of all, I should read the motion. I have a copy which has just been provided to me.

It has been moved by the hon. Minister of Economic Development that the following address be forwarded by the Speaker, on behalf of the members of the Yukon Legislative Assembly, to the Prime Minister of Canada and to the Minister of Indian Affairs and Northern Development:

"Whereas development in Yukon's North coast is critical to Yukon's short term and long term economic future; and

whereas experts from the Department of Indian Affairs and Northern Development, other federal departments and the Government of Yukon have testified that the two current proposals for development on the north coast are environmentally feasible; and

whereas such proposals could be developed in accordance with agreed to principals in land claims negotiations and land use planning;

now therefore this Legislative Assembly expresses its extreme regret that the Minister of Indian Affairs and Northern Development has not approved in principle the two current proposals for development in Yukon's north coast; and

further that: this Legislative Assembly is of the opinion that, in the best interests of the people of Yukon and all Canadians, the Minister of Indian Affairs and Northern Development should submit his resignation to the Prime Minister of Canada."

Hon. Mr. Lang: I rise with a great deal of regret with the knowledge that I and my colleagues have to bring forward such a motion. I recognize that in politics there are many options to be considered when making a decision, but in this particular case — and I will be reviewing it with members of this House the track record of the present Minister of Indian Affairs and Northern Development — I believe that we should discuss whether or not this man should continue as the Minister of Indian Affairs and Northern Development.

The decision that he took today, that he announced in Ottawa —

of course, it would not be in Yukon — on behalf of the people of Yukon that he has affected with this decision, has brought home more than anything else the lack of authority that this House has and, in turn, the people of Yukon have.

« The decision on the North Slope, with the two proposals that were put forward to him, that he has taken is a sad day for Yukon. In fact, I would go to the point in saying that it is a tragedy, not only for Yukon, but for Canada. I think it exemplified the present Government of Canada and the alienation that people who live outside the city limits of Ottawa feel with respect to the decision-making that is being made by those people representing Canadians in the Cabinet of today.

The question we have to ask ourselves, with respect to the decision that was taken today by the present Minister of Indian Affairs, is what have we, as Yukoners, lost? The people of the territory have gone through a very trying period, over the past two years, with the major ramifications of the Cyprus Anvil shutdown still being felt by the small businessman and by the working man. We know of people in companies who have taken pay cuts, in order to preserve their jobs and help their small businesses that they are employed by continue in operation.

We know that there are approximately 2,000 to 2,500 people of Yukon who are presently unemployed; not because they want to be unemployed, not because they are not willing to work, but because, in some cases, of certain actions by the Government of Canada and also, to be fair to the Government of Canada, because of the consequences of the international recession.

The project that the minister has now turned down is going to set back the people of Yukon, probably by one or two years, as opposed to seeing a very bright winter coming forward, as far as the possibilities of employment and the flourishing of our small businesses. We have, on the north coast, a proposition that was put forward by private entrepreneurs who would invest in the neighbourhood of \$200,000,000 over the course of the next couple of years.

In order to have a product where we could not only service the Beaufort Sea development, but just as importantly, if not more importantly, export to our Alaska neighbours and those oil companies operating offshore. Ask ourselves, as Canadians, what have we lost? We have lost a great amount of dollars flowing into Canada's economy, the ability to help balance our balance of payments and, at the same time, the ramifications of it are such that those dollars will no longer be coming to Canada, but they will be going to Holland, for the purposes, in all probability, of dredging, and to Japan, because now the oil companies off the State of Alaska will be forced to go and purchase, not from the United States of America or from Japan, what is termed — in the oil and gas business — caseons; manufactured steel for the purposes of allowing offshore drilling islands.

« We, in Yukon, have lost direct employment. We have lost the opportunity that the leader of the opposition talks about; diversifying our economy. We had a project which, if all things fell into place, would have guaranteed employment for Yukoners — these young people sitting here 20 years down the road could have employment for the purposes of working in Yukon. In other words, a place for our young people to look forward to a future.

What has eastern Canada lost? What have they lost? They lost tax royalties that would have been collected by the Government of Canada, but they lost jobs, too. They lost jobs in the manufacturing of the necessary equipment that would have had to be purchases for such a project, in the neighbourhood of \$30,000,000 worth of equipment, which would have helped that unemployed young fellow with his wife and two kids in Hamilton East get, perhaps, through the winter, as opposed to going on social assistance or some make-work project dreamed up by some politician or bureaucrat in those secure halls in Ottawa. As the government leader has said, it is a sad day for Yukon. In fact, it is a tragedy for Yukon and for Canada that the Minister of Indian Affairs has seen fit to make such a decision.

When you look back at the past three years that this present minister has been there, let us analyse what has happened. He has made public statements. On October 19th, 1981, he stated, "My

department and I continue to meet our particular responsibility to ensure that northerners benefit economically and socially from resource development in the north. With the cooperation of the territorial governments and the private sector, certain requirements have been laid down as a precondition for industry to undertake before commencing oil and gas activities.

"These conditions cover such areas as employment of northerners and protection of the environment. To cite that one notable example where this policy has produced excellent results, I might mention that, in the Beaufort Sea area, one company has provided employment for 300 northerners and local economic benefits in the order of \$30,000,000 annually. This has been accomplished by the suasion and cooperation of the industry who, with the enactment of this bill, enabled a melding of resource management objectives with the other vital northern policy objective, such as employment and local business development".

The minister then was talking to the notorious bill, Bill C-48. He inferred, when he appeared there, that all was going to be sweetness and light because it was going to be in his hands to make those decisions in the public interest of Yukon and Northwest Territories.

Let us go a little further, with respect to statements that were put forward by the minister. On February 14th, 1981: "It is still my position that northern development must benefit northerners. I am particularly concerned that the native people in the north be in a position to benefit from development. The federal government is absolutely committed to a program of assistance and cooperation with the territorial government in planning and promoting the development of Yukon resources".

This government has tried to do everything we can do to cooperate with the present minister, but, when you take a look at all the major issues that confront Yukon, what has been the *modus operandi* of the present minister on the commands of his bureaucrats? Let us take a look.

« We have the Penner report on NCPC, which was completed approximately a year and a half ago by a committee of the House of Commons and which was presented to the Minister of Indian Affairs and was debated at some length in this House. Was a decision taken? No, a decision was not taken. It was sent to the National Energy Board because it did not meet the aspirations of the federal civil servants with respect to one of the key elements of Yukon's future, as far as economic development is concerned. Now we have the results of the National Energy Board hearing, which took a year, which cost you and I, federal taxpayers, the people of the Yukon, many, many dollars for that particular committee to have hearings, and we have a report that almost contradicts, in total, the Penner report on NCPC.

I do not know where the minister will send that particular report, but he has put himself in the position where he can blame somebody for the decision. He has a crutch.

Now, let us have a look at another issue: the Placer Mining Guidelines. It is no secret. We have a bureaucracy running wild. The Minister of Indian Affairs, who was told time in and time out by representatives of this government and the previous government, because I was there, that he had to do certain things to the Territorial Water Board and also give instructions to the civil servants who work for him. What happened? No instructions were forthcoming and it got so bad that the only alternative was to create a public forum. And now we have another commission that is costing you and me and the taxpayers across this country many dollars to review and analyse the question of placer mining in Yukon.

And what do we have now when they come forward with their report? We have another crutch. The Minister of Indian Affairs can blame someone else. Or the converse is true: he can use them for support, depending on the political winds of the day.

Let us deal with the immediate situation. We have before us — not even a report, but — a committee struck, called the Project Review Committee, to look into the social environmental problems which could be associated with North Slope development. They never even filed a report, but the Minister of Indian Affairs and Northern Development once again has "an unofficial report", that he referred to very liberally this morning in his press conference,

that says no development should go ahead. In other words, it is somebody else's fault.

It would seem to me, when you take a look at the way the minister has operated his department, that he is not for northern development. He is not even for Indian affairs because he has come out with the startling recommendation that the reason he cannot make a decision is because of Indian land claims. First of all, he knows that the land selection for Old Crow has been done. It is nowhere in the vicinity of the proposed development. He knows that such a decision could be very divisive for the people of the Yukon Territory, because then he will not be blamed for the decision — an interest group will be blamed for the decision.

It is our contention that the minister has not carried out the responsibilities that he has for all people of the Yukon. We believe that he is continuously passing the buck to someone else as opposed to saying "look, here are all the options and here is the reason for a decision". I just want to make a point, and I believe it is very important for Yukon; that we in this House and, just as importantly, the people of Yukon, recognize that it is not the Council for Yukon Indians who should be blamed for such a decision. We have all heard the comments of the chairman of the Council for Yukon Indians this morning who indicated that if the development had been "go", they still would have negotiated their land claims. The decision is firmly based with the Minister of Indian Affairs and Northern Development and that is where the wrath of Yukon should be presented.

I know the member opposite, the leader of the official opposition, talks about cooperation. I agree. We have done everything to cooperate. Now we are in a situation where we have to deliberate on a very serious motion because of inadequacies presented over the last three years by the Minister of Indian Affairs and Northern Development. Take a look at the North Slope and the development that could have gone on there. We know that it is environmentally sound. We know with the commitments that the various proponents were prepared to go into with us, once the land use permits were granted, would have created employment for Yukoners. We know that it would have helped the economic wellbeing of Yukon and Canada. Yet we have a decision here which goes contrary to the aspirations of the people of the Yukon. I just want to go back in time to where, I believe, we in this government have been misled, manipulated and I think, to some extent, deceived by the now Minister of Indian Affairs and Northern Development. My colleague, the Minister of Renewable Resources and I had a meeting with the Minister of Indian Affairs and Northern Development on the question of the North Slope. He said to us, "I need your full cooperation. I need you people to come out strongly in favour of such a development because if you people want it to go, I am going to need your political support". We gave him that support. We gave it unequivocally. And where is the Minister of Indian Affairs now? One hundred and eighty degrees from what he asked us to do, yet he is going to blame us for confrontation. Well, I say to the Minister of Indian Affairs and Northern Development, *et tu, Brutus*.

I believe he has deceived us as individuals, but more importantly, as representatives of the people of the Yukon Territory. We were trying to do everything we could to cooperate with the government of Canada. Yukon has lost a great deal today, but at the same time, I think it really has come home to the people of Yukon the very real situation that we face regarding the actual major decisions that are made on our behalf in Yukon. There is no question that this decision tells the people of Yukon that "you are a colony and shall remain a colony and I know best". Well, I am saying to you, as a member of this House, as well as a member of the government, that this is intolerable. The only way we are going to have a change with respect to philosophy as far as development in the North is concerned is obvious. We must get a minister who can think for himself, who does not do what the bureaucrats tell him to do but makes his own decisions that should be made in the public interest.

Therefore, I expect to have the unanimous support for this motion, in view of the conduct of the present Minister of Indian Affairs and Northern Development over the past three years.

12 Mr. McDonald: I should say that we certainly have given the

minister unanimous consent to debate the bill. We will determine whether or not the acceptance of the bill will be unanimous.

The Minister of Northern Affairs made a decision, which most of us heard about this morning. In the face, admittedly, of conflicting signals from people in Yukon — from various groups, from, probably most important, this government, the Council for Yukon Indians and people outside of the Yukon Territory, the COPE representatives, not only within the context of land claims negotiations, but also within the context of the statements made by the project review committee — the minister mentions six reasons for the delay, the first of which, I believe, he gives primary importance to. He certainly would like to hang the denial of the two project proposals on land claims. The six reasons that the minister provides include: the progress on outstanding land claims with the Council for Yukon Indians and COPE; consensus on the boundaries for a proposed national park; creation of a caribou management board; implementation of land use planning; a substantive agreement on where to focus industrial activities so as to minimize environmental disturbances; and the verification of potential economic benefits.

We, on this side of the House, as everyone knows, are not party to the negotiations and simply do not know with any certainty what the perceived problem is with the state of negotiations that this decision will be made at this time, under these circumstances. However, we can surmise by developments in the last year or so that, putting into context the fact that the federal minister suggests that the land claims negotiations could be settled or an agreement-in-principle could be provided within one month, the government's boycott of the negotiations has delayed those negotiations and made that issue a prime issue to hang the "no development" statement on that he has made to the country this morning. We regret that has taken place and we regret that that is still an issue that is outstanding.

All of the points that the federal minister makes are ones that we are all familiar with in Yukon. We feel, however, that the last point is of critical concern. It is certainly of critical concern to all the unemployed people we have in Yukon, all the unemployed people we have in my own riding — and there are a large number of them — all people who would be willing to take almost any work under any conditions, and that point is the verification of potential economic benefits.

Now, the leader of the opposition and the Minister of Economic Development have said that it is important to stress cooperation. The Minister of Economic Development's claim was that they have cooperated with the federal Minister of Indian Affairs and has felt that that cooperation has not been reciprocated. The cooperation that we speak of is the cooperation with Yukon people; government cooperation with Yukon people. So that, while we do see that there are a number of outstanding issues, which the federal minister draws to our attention and which we already knew, we see that these outstanding issues have not been resolved and have been on the burners for a very long time.

I appreciate the Minister of Economic Development's comments about feeling the bad effects of colonial status. We all appreciate the desire for responsible government, we are all searching for responsible government. On the claims about Yukon jobs — Yukoners want jobs — certainly we all want to see our constituents have jobs. We all need the opportunity for the smaller Yukon businesses to operate in large development projects and the attendant jobs that that would bring to people in the heart of Yukon, the central part of Yukon, in Whitehorse and our, for lack of a better word, industrial centres. But there are a number of claims that we have to address and address critically.

13 One suggestion that the minister made, bald-faced, is that oil companies will evaporate, will go away, because there will be no development on Yukon's north coast in the near future. I stress "in the near future". I do not know if we can take Mr. Munro at his word; maybe we can, maybe we cannot. The fact is that the claim was made, that the oil companies would disappear. I do not believe it for a second. They are in the Beaufort at this moment, at taxpayers' expense...

Hon. Mr. Lang: ...in Alaska.

Mr. McDonald: The Minister of Economic Development wants me to talk about Alaska. I am talking about Beaufort and I am saying that in Beaufort, oil companies are there at taxpayers' expense. The PIP grants are allowing those companies to drill, to extract oil, to explore for oil at taxpayers' expense and, in some cases, it is almost 100 percent write-off.

The risks for being in Beaufort are not as great as the minister might suggest. So, we can establish that the economics of Beaufort development are such that the Canadian taxpayer is carrying the load already. The oil companies know a good thing when they see it and, even if they do not find one barrel of oil, they will still be there. Let us not make too many short term decisions when we are trying to determine Yukon's long term future.

The minister made another claim regarding guaranteed employment for Yukoners. He said, "the project developments would have guaranteed employment for Yukoners." We know about commitments. The claim that we made last week and the claim that we made before is that, if we are to make a decision — which is obviously going to cause a measure of confrontation in the territory — that is obviously going to affect, to a certain extent, the environment in the territory, let us balance that decision with job guarantees, business opportunity guarantees, and let us see those guarantees.

The government leader, to prove his case — and the only paper that he has suggested that will prove his case, so far, which he is prepared to table in the House — is a press release by a federal politician who, obviously, has been promoting this development in the past. The federal minister obviously has been promoting development in the past, because the federal government is paying for the development. So, the government leader pulls out many of the same big figures that we heard last week, and he says, for the record — you will all find it in *Hansard* tomorrow — that many of these big figures will accrue to Yukon "provided Kiewit meets its commitments". That is what we are saying.

If these development projects are so lucrative and if jobs are going to come and naturally flow, let us see some job guarantees. Let us see some business opportunity guarantees. I think Canada's recent development and its experience with mega-projects should at least give people the urge to think about this clearly and realize that, to a large extent, we have to determine what our real benefits are going to be before we sink in billions of taxpayer dollars and before we make grand claims about what Yukoners are going to get.

I am sure we have all heard from various people, from our own constituents, that there have been attempts in the past to get jobs in Beaufort. Never mind the constituents who complained that they have been unable to get jobs in Beaufort.

Hon. Mr. Pearson: It is no wonder.

Mr. McDonald: The government leader says "it is no wonder". Surely it is no wonder when we have no job guarantees. I certainly agree with that.

The Minister of Indian Affairs is obviously prone to the big figures as well. He makes statements about the large number of jobs and the megabucks which are going to accrue to Yukon and to Canada. We are not sure what Yukon is going to be getting. We want to know what Yukon is going to be getting. So, when the government leaders draws from the federal minister's creative math — his leaps of imagination — we have to be somewhat skeptical about this only source of proclaiming and defending the job commitments.

When we last debated this, we said that we wanted three things. We wanted job guarantees, job training, we wanted business opportunity guarantees and a measure of resource revenue sharing, none of which have been established. What we have to date, essentially, is paper claims about the benefits. I am sure copies of *Hansard* announcing all the big figures that we can expect, or that are going to be trundled around the territory for everybody to see, but the unemployed in the territory want real jobs because they cannot feed their families on job promises.

The government leader suggests that they cannot feed their families on job guarantees. Well, the literal point is obvious, that people can only feed their families on money actually earned, not money promised. Job guarantees go a lot farther to making sure that

they do earn that money than the promises.

Amendment proposed

To that end, I would like to move an amendment to the Minister of Economic Development's motion, which reads as follows: that the motion be amended by deleting words after "Now therefore" and substituting the following: "this Legislative Assembly expresses its extreme regret that the Minister of Indian Affairs and Northern Development, Yukon Government's Leader, the Minister of Economic Development and the Minister of Renewable Resources have failed to come to agreement on North Slope development with respect to job guarantees for Yukoners, consensus on the implications for land claims negotiations and environmental concerns, and further that this Legislative Assembly is of the opinion that in the best interests of the people of Yukon and all Canadians, the above mentioned persons should resign."

Mr. Speaker: It has been moved by the hon. Member for Mayo that the motion be amended by deleting all the words after "now therefore" and substitute the following:

"this Legislative Assembly expresses its extreme regret that the Minister of Indian Affairs and Northern Development, Yukon Government's leader, the Minister of Economic Development and the Minister of Renewable Resources have failed to come to agreement on North Slope development with respect to job guarantees for Yukoners and consensus on the implications for land claims negotiations and environmental concerns, and further that this Legislative Assembly is of the opinion that in the best interests of the people of Yukon and all Canadians, the above mentioned persons should resign".

Mr. McDonald: I am going to speak briefly to this motion, and I am going to reiterate the points that seem to have slipped past the government's ears quite conveniently for some time. I should mention, though, that I am quite happy at not being rudely heckled in this debate; I think that shows an improvement on the performance of this Assembly.

The points I would like to reiterate, quite briefly, are that we need job guarantees.

Hon. Mr. Tracey: Grow up.

Mr. McDonald: I spoke too soon.

We need to recognize that the government has delayed settlement of land claims, that it has failed to reach agreement on an agreement regarding the Porcupine caribou herd. These are things that have been in the works for some time and all of a sudden they become critical to the debate. We need to recognize that there has to be settlement; there should have been settlement on these issues. There is no reason why they should be dragged in at this late stage to be used as reasons for rejecting development on the north coast. It should also be mentioned that the memo from the deputy minister, Mr. Ferbey, to the government leader has also contributed to the uncertainty over this government's intentions for the north coast. By that I, of course, refer to the use of the word "temporary" in development sites along the north coast and, in fact, we are talking about a series of temporary developments. We have to realize that the record of mega-projects in the past do not just naturally provide local populations with jobs and business opportunities, but that we have to get in there and reach for those opportunities for ourselves. Nobody else is going to do it for us.

In light of that, in light of our experience elsewhere, I believe that it is perfectly justified, under the circumstances and under the lack of preparedness this government has shown, and the federal government, all parties, that this amendment to the motion should pass, and I am sure that all people who understand the situation completely will support this amendment.

Mr. Byblow: It is also with some regret that I rise to speak on the amendment, as the Minister of Economic Development spoke with some regret on the original motion. I agree with the government leader, in his ministerial address, that today is indeed sad. I think the primary reason for that sadness is the failure of this government to provide the economic leadership that Yukoners need to survive in the development that is surrounding us, and particularly in development on the North Slope.

By way of prefacing what I want to say, I want to tell the House that no one knows better than I the real impact of the current unemployment situation facing the territory and the current economic depression facing us. I represented a riding of 2,200 people; that was about two years ago. Today I have about 800, perhaps. I know about community. I know about livelihood. I know about job security.

¹⁶ I know, because I have a riding that has been reduced by 60 per cent. I participated, in the past 18 months, two years, with some elaborate and strenuous effort to encourage and to assist with the various relocation and re-employment schemes for those 500 workers in my community who left, and that does not mention the major initiative to re-open the mine, in which I participated.

One of the tremendously apparent features in that exercise of an attempt to re-open the mine and relocate the workers who lost their jobs was not only the lack of opportunity, but the lack of any guarantee to either re-employ or employ people within the territory in any kind of permanent way. Those are the kinds of assurances that we have to have in place in any Yukon development.

Another very apparent feature in the various exercises surrounding my riding, in the past two years, was the waffling by this government on where it stood with respect to re-opening that mine and where it stood on employment of the people who lost their jobs. I remember to this day the shock to the members of the Ottawa lobby when Mr. Lalonde told us that this government did not wish to see money going into the mine for any purpose of re-opening. Rather, it wanted to see any money from the federal government go towards make-work projects.

It was the combined efforts of many people and groups, such as the Chamber of Mines, Chambers of Commerce and Steelworkers, with the support of the Indian Affairs minister, that re-opened this mine, not this government. Guarantees of employment were written into the proposal that put Cyprus back to work in the reduced form that it is now. Again, it was not guarantees by this government. It failed then and it has failed now.

The federal minister's decision on the North Slope, perhaps, may give us the opportunity to put into place the kind of guarantees on North Slope development. We do not reject development on the North Slope, but we insist that such development guarantees Yukoners the kind of employment that we need, the kind of employment that we must have and we owe it to our electorate to ensure that those jobs are there.

I lost 500 workers from my community and I submit that not one per cent of them are on the North Slope now. I have said before that our employment record on the North Slope is dismal and submit that before we are going to tell Yukoners that there are jobs there, as a condition of our endorsement for North Slope development, we had best have an assurance that they are going to be there, otherwise we are responsible.

As my colleague for Mayo has pointed out, there must be other conditions. There must be guarantees of business opportunity and some agreement on resource revenue sharing, and the latter, I submit, is quite critical. The Kiewit proposal proposes to use \$110,000,000 of Canadian taxpayer money, money borrowed from us. We cannot say to Peter Kiewit, "Go use our money, sell our resources, make yourself a bundle and do not worry about it if there is nothing in it for us." That is not responsible. We need those guarantees.

¹⁷ I would suggest that perhaps the hiatus may give us the opportunity to establish those guarantees; to establish the training component that has to go with it. The minister made it quite clear that the decision to withhold approval for the go-ahead on the proposals is not a permanent one and I do not know whether that means one week, one month or one year. He hung the principle reason for the decision on land claims. Now the government leader has told us in the past that land claims could be settled as soon as a month. I propose to ask what is the problem? Worse than that, I would submit that this government could have had land claims settled and, today, we could have had the land claims out of the way. We could have had the job guarantees in place. We could have had the environmental concerns adequately addressed. And, we could have had development proceeding today.

I submit that this government has failed and has failed Yukoners. It has delayed, obstructed and waffled around every conceivable factor that could have led to a successful and a consensual agreement on North Slope development. It has failed to negotiate job guarantees; it has failed to settle land claims; it has failed in economic resource benefit to Yukon. We have a failure of economic leadership so desperately needed.

I submit that the amendment is in order and let us get on with the job that has to be done.

Mr. Kimmerly: The government leader made a ministerial statement today on virtually the same topic as the motion and the amendment. He said, "it is time for Yukoners to come together to work cooperatively toward an economic future for the territory." We agree with that; it is time. It is unfortunate that that attitude was not displayed in the past year or so. It is even more unfortunate that that attitude is not displayed by this motion.

The motion, without the amendment, is not likely to promote any cooperation whatsoever. It is a divisive motion, which is clearly the territorial Conservatives attacking the federal Liberals in calling for the resignation of a Liberal minister. We do not wish to defend the actions of the Liberal minister. We did not vote for him. In fact, we do not defend many of the decisions outlined by the first speaker in the debate.

¹⁸ The development on the North Slope could have been possible this year and this next summer if all parties concerned had worked cooperatively, and they did not.

The previous speaker has talked about the minister stating "we need your support", referring to the Conservative Cabinet I assume. What is needed is more than support in a political sense; what is needed is sound, competent businesslike actions to put in place all of the prerequisites for northern development.

Let me go through a few of them. The government leader has already read into the record attachment four to the minister's statements about possible jobs. As a job guarantee, that is not worth peanuts. What this government should be doing is acting in a businesslike way so that jobs and the job guarantees could be taken to the bank: "we have guarantees of jobs". If they could say that, we would be supporting that.

Also, land claims are brought into this motion. It is clear that the Indian people of the territory in general are taking a pro-development stance and they are insisting on development on their timetable in coordination and cooperation with other Yukoners and the rest of the country. And they are insisting on adequate guarantees for their part in the economic future of the territory. They are well aware of the examples of the Alaska Highway, the gold rush before that, Clinton Creek, Elsa, Faro — they are well aware of the promises in the recent past which have not greatly assisted Indian people. They are acting most responsibly in negotiating in a competent businesslike way for job guarantees — something that a businessman can take to the bank. This government has not done that and, if this government acted in a cooperative and facilitative way with Indian people and indeed environmental groups, the development could be going ahead now.

In looking at the recitals in the whereas clauses of the motion, if all of those are true it is a terrible shame that things are not going ahead. Why are they not going ahead? It is because this government and the federal government were unable to negotiate together and come to terms with the serious issues involved.

¹⁹ It is time for Yukoners to come together and work cooperatively. This kind of debate brought forward by the original motion with no negotiation with the opposition — which represents some of the people in the territory — and no negotiation with the Indian people, is clearly an unbusinesslike way to operate. I submit that it would be possible in the space of even 24 hours to meet with the opposition and to discuss the wording of a motion that could be passed unanimously, to meet with the representatives of the Indian people and the Village of Old Crow, and to reach a consensus. That was not done. This government is politically grandstanding in order to criticize the feds. It is an unbusinesslike — indeed, childish — way to operate and if that kind of operation continues, we will never get together, which is most unfortunate.

The amendment lays the blame on all of the people who deserve

it.

Some hon. Members: Question.

Mr. Penikett: Division.

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

Hon. Mr. Pearson: Disagree.

Hon. Mr. Lang: Disagree.

Hon. Mrs. Firth: Disagree.

Hon. Mr. Ashley: Disagree.

Hon. Mr. Philipson: 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: I must declare that the amendment has been defeated.

Amendment defeated

Mr. Brewster: The decision of the Minister of Northern Affairs, though a staggering blow to the people of the Yukon, comes as no surprise to me. I have been battling the absentee bureaucratic wimpish policy making from Ottawa since I arrived in the Yukon 34 years ago. It did not take me long to understand that the federal decisions coming out of Ottawa were not in the interest of the Yukoners. I fought the bureaucratic fiasco as a private citizen and I will continue to do so as a member of this Assembly. Many people have criticized me for my stand, but over the course of some time these same critics have also come to realize the follies of the federal Liberal government and now solidly back me.

The pathetic control of our destiny has been made even worse by the inept minister, the so-called hon. John Minister Munro. Since being elected to the House, I have witnessed this man enter this House in his benevolent role as the Minister of Indian Affairs and Northern Development, only to create a furor that we have yet to overcome. The only thing he is good at is surprises, like that surprise address to the House last fall and the announcement this morning about his decision — and I stress the words “his decision” — to deny the development of our northern slope. I do believe he assumed we would not have time to respond. Well, again, the minister has made an error in judgment. This decision has disastrous implications. Not only is he selling economic development for the Yukon down the river, but he has made a serious mistake of judgment by trying to rationalize his decision on land claims. I expect he is hoping he will create an internal argument between the Indian and the white people of the Yukon. The truth is, Mr. Munro is a weak and unreasonable individual who is trying to focus his ineptitude in handling northern affairs on the people of the Yukon.

That is wrong. The people of the Yukon cannot stand for that any longer. We all know there are many Indians as well as white men who favour development. The chairman of CYI himself said, this very morning, that his organization would like to take part in the development of Yukon's north coast. The people of the Yukon must stand together and not turn their energies inward in error. The real culprit that we spare no criticism for is the man, John Munro. Land claims are close and a one-government system is the best system. We should not lose sight of this.

This is the saddest day I have ever witnessed in the Yukon. I came here as a young man, a war veteran. I was told that everyone in Canada was equal. I chose to live in the Yukon, and I have been fighting for that same equality as other jurisdictions have ever since. As today's decision shows, we are still denied the real controls over our own destiny that are enjoyed by almost all other Canadians. We are not equal citizens in the Canadian nation. It is clear that the bureaucrats in all their infinite wisdom are still fighting us for control. They hold us as a colony and refuse to let us go. We have had to change our legislation because Ottawa would

not approve it, yet it was passed by the Legislature of the Yukon, the people who are elected by and responsible to the people of the Yukon. Yet, we have been overruled by the great and wise mandarins in Ottawa.

This latest decision — or should I say punishment — not only stops development on the North Slope but it makes any business person and worker in his right mind take a good, hard look at the Yukon. With his anti-development decision, the recent attempt to destroy the placer mining industry and the incredible bureaucratic recommendations of the National Energy Board regarding NCPC, it is a wonder that John Munro ever considers visiting the Yukon. What John Munro's real motives are, it is not certain. It is apparent that he is on a real ego trip and, when faced with a difficult decision, takes the easy way out.

On a number of occasions, I have pleaded with the “no development party” to stick with this and put Yukon ahead of politics. Perhaps if they had joined us to show a united front, we would not be facing this situation today and the Yukoners would not have to worry about their jobs in the future.

I support this motion with all my heart and urge the House to stand together.

Mr. Byblow: The member from Kluane says that the minister's decision comes as something of a surprise. But I suspect that this government prefers the current decision because they believe that it will focus the blame for the failure of proper development on the North Slope on the federal government. I spoke earlier and expressed my points of view respecting where the blame should lie.

I want to review a point I made earlier today respecting job guarantees. I made the claim that job guarantees were written into the Cyprus Anvil contract or proposal, by which it is currently in a reduced mode of operation. Well, Dome Petroleum happens to be the owner of that mine. Dome Petroleum is also a proponent in the Beaufort, and that says that in one instance they are prepared to write job guarantees into agreements with governments; an agreement that constituted \$25,000,000.

In the Kiewit proposal, we have \$110,000: where are the guarantees written into any form of agreement between government? If job guarantees can be written into the Faro return to work contract, job guarantees can be written into North Slope development.

Members opposite have cited a document presented in Yukon today from the federal government, citing various levels of employment opportunity and economic benefits. I would point out that it is a reiteration of the Kiewit proposal. Nowhere is there any form of commitment that the person-years of employment could take place. It is assumed they might, they are proposed, but nowhere do we have the commitment, nowhere do we have the sense of responsibility towards Yukoners for employment that we deserve.

I want to draw attention, also, to the reference that this government was unable to cooperate with the federal minister, in terms of North Slope development. The exercise at Faro, in my opinion, is a demonstration that you can reach consensus, that you can mutually work out a work proposal, a development scheme, to the benefit of people who are employed in the region, to the benefit of Yukoners at large in terms of business opportunity and job guarantees. Yes, I believe this government ought to have gone further in terms of ensuring that there is some return from the resource extraction, but this government would prefer to close its eyes, go willy-nilly into development and not promise Yukoners a thing out of the development.

In closing, I would repeat that it is a failure of this government to repeat and negotiate the concerns of Yukoners into development proposals on the North Slope and they ought to be taking the blame, instead of trying to divert it to a single person.

Hon. Mr. Philipson: Today, I wish to express my sincere sympathy to the workers of Yukon and their families who, as a direct result of Mr. Munro's tragic decision this morning, will be placed in an extremely precarious position as to employment this winter. I feel very badly that we have been placed in a position where the Department of Health and Human Resources will have to pick up the tough task of helping out families who want to be

self-supporting, who wish to be taxpayers and proud Yukoners.

I am deeply embarrassed and disappointed that the members opposite, supposedly Yukoners, have seen fit to support a minister whose obvious leadership aspirations have gotten in the way of his responsibility and duty to help the people of the north. No wonder the Liberal party and their NDP minions are held with such little respect from coast to coast. I am sure that the members opposite ...

Mr. Speaker: Order, please.

Mr. Penikett: Point of Order, Mr. Speaker.

The member opposite seems to be raising doubts in his speech as to the eligibility of members opposite here to sit in the House. It is a requirement of members here, of course, that they be Yukoners. It is also a requirement that they be good Yukoners, and that Yukoners support them. The minister seems to be raising questions about whether we are Yukoners. This seems to raise questions about our eligibility to sit here, and therefore, eligible to speak here, or participate in debates. It is a very profound but serious allegation. Therefore, I would move that if you find I have a bona fide question of privilege, that I move that the matter be referred forthwith to the Rules, Elections and Privileges Committee.

Speaker's ruling

Mr. Speaker: I cannot rule that the hon. member has raised, in fact, any questions of privileges. The hon. member knows and merely again, we have a difference between two members as to allegation of facts.

Hon. Mr. Philippsen: I am sure the members opposite would be welcome in Holland, where the oil companies will have to go for their dredges, in Japan, where the caissons have to be built, and for the edification of the member for Faro who needs a lot of edification, they have to be built there because there are no drydocks large enough in Canada. As for the member for Faro, obviously, I have a lot of problem with the way he is looking at this whole matter. He does not know how to figure out which is a bull or female caribou.

The member for Faro obviously has not got a grasp of this situation in any way, in any shape or in any regard. He continually alludes to the fact that Yukoners are not getting work in the Beaufort. He is so short-sighted that he cannot see that if you will not give a company even a land use permit to put an antenna up on your coast, it is a very difficult thing to deal with those people when it comes to securing employment for people in the area that they wish to work in.

I have no more time for that member.

To the member for Mayo, for the decision to wait for some other type of development, I hope all Yukon workers, union and otherwise, take you to task for this, for your leading role in the debate on the motion.

Mr. Speaker: Order please. I wonder if the hon. member would please speak through the Chair.

Hon. Mr. Philippsen: Had that motion been unanimously passed in this House, it would have made it a much more difficult task for the Minister of Indian and Northern Affairs to make his decision. I say to the leader of the opposition that a mind is a terrible thing to waste.

To the member for Whitehorse South Centre, congratulations. We are now closer to the social welfare state that you apparently want and desire.

In conclusion, I am sure the members opposite can all find work with COPE but they are among the minority who will find work in Yukon this winter. The Northwest Territories must be laughing today and if I did not feel so badly about this, I would be laughing at you, too.

Mrs. Joe: I listened very clearly and without heckling to the members across the House with regard to the motion and the amendment to it. I listened to a lot of laughter about the job guarantees that we are asking for and whatever it is that we are doing when it comes to economic development. I have a number of people in my riding who will never, ever have a chance of getting close to those jobs. They lack the training skills, they lack the education. They are not even on the unemployment list because they have not had jobs for a number of years. Those are the people

who we have to be very, very concerned about.

I would like to say that if the development did go ahead on the North Slope, there would be a number of people here who would be able to get those jobs. That would be very, very good for those people. But we still have to remember that there have to be guarantees for many, many Yukoners. When it comes to the CYI saying that they are pro-development, of course they are pro-development, but they have to have those guarantees. They also want to see their land claims settled before that. They have also said that they would continue with a land claims settlement and negotiations if that economic development went ahead in the North Slope. Of course, they would have to do that. That is their mandate. They have to settle land claims. But let us not do the damage first. That is the thing that we are asking for. We are asking that we have those job guarantees. We are asking that we have the environment thing settled first. We have to worry about the Porcupine caribou herd.

That has never been determined. There is no real agreement on that from anywhere and when we talk about going ahead and developing, we have to also talk about social development. It appears that the members across the House are pro-social development people, as they say we are pro-development. I do not know what they term "pro-development", whether it is social development, or whether it is economic development, but I maintain that they go hand-in-hand and I think we have to think very seriously about those, too.

Hon. Mr. Tracey: I have listened to a lot of garbage in this House, at one time or another, but I certainly listened to enough of it this afternoon.

The Minister of Indian Affairs and Northern Development took the easy way out, as the member for Klune said a few minutes ago. He took the very easy way out, he took the way out of blaming it on somebody else: Indian land claims are not settled, so we cannot go ahead with northern development.

The Minister of Indian Affairs and Northern Development is probably the weakest minister that we have had in that portfolio for a great number of years. He has never made a serious decision. He has qualified everything that he has ever done and he has always tried to blame someone else for the problems that he has had.

I would like to raise an issue with the members of this House. How many of you can remember five years ago when the Shakwak project was proposed to go ahead and there was a great hullabaloo throughout this territory about the environmental damage that it was going to do? When was the last time that anybody heard about the Shakwak project? The minister of that day, the hon. Len Marchand, made a decision regarding the Shakwak project in 1978. There was a panel set up to make recommendations to him and the panel concluded that while the potential for adverse social and ecological impact from the project was significant, these impacts could be mitigated if certain procedures were followed and specific conditions were met. Those conditions and procedures were laid down, the project went ahead and I have never heard another word about the Shakwak project, from either the native people or the members across the floor, who support them in most of it — or the environmentalists and the Conservation Society.

There was a minister who, at least, made a decision and the decision was to go ahead for the benefit of the territory. It did go ahead and it has benefited the territory to a great extent, contrary to the actions of the minister today.

Also, in 1978, when we were dealing with the *Northern Pipeline Act*, the Minister of Indian Affairs and Northern Development, at that time, Mr. Hugh Faulkner, made a decision that it should go ahead. In 1978, he said that we have three full years before construction starts in earnest in Yukon and I believe that this should be sufficient to achieve a just settlement of land claims and to make a good start on the implementation.

That was five years ago and there still has not been a land claims settlement. The pipeline was approved, a great deal of work was done on the pipeline and, if it had not been for the economic situation in the world today, the pipeline would have been under construction today. There was another minister who could at least make a decision. That is more than the minister that we have today

is capable of doing.

Also, as the Minister of Economic Development said a little earlier — I, too, was at that meeting where we sat down to talk to Mr. Munro — Mr. Munro was, at that time, looking for our support so that he could make an announcement that the North Slope development should go ahead. I say to Mr. Munro that I also feel very sad that he does not have the intestinal fortitude to back up what he says to other people. His word cannot be taken; no one can trust him.

Obviously, when he makes direct statements to you and then does the absolute contrary, without any justification, we have a serious problem in the Government in Canada.

21 I should also point out some inconsistencies in the report in the press release that has been made today. He says, with regard to Stokes Point and Gulf's proposal for Stokes Point, that this land has been identified as within the future national park so it would be inconsistent to locate even a temporary port within its boundaries. Then, if you go on further in the report, you will see in attachment two that he says agreement has been reached with both the territorial governments and all native organizations on the principle and processes for northern land use planning. Then he further goes on to say general agreement has been reached by all parties that land use planning for the North Slope will consider as key objectives protection of wildlife values, definition of any unresolved park boundaries — park boundaries — and necessary buffer zones. And then, over the page, he goes on again: DIAND is ready to create a national park preserve, with final definition of boundaries to take place as per agreements contained in the CYI agreements relating to the southern boundary and via land use planning and related claim negotiations east of the Babbage River.

So, he says one thing on one page and he says another thing on another.

To the member for Faro who was saying he used to have 2200 constituents and now he has 800; I am sure that, today, a great many of those 800 wished that they did not have a representative who would stand up in the House and say what the member did today. It is obvious that the socialist party across the floor not only wants job guarantees for everything but they want to tax everyone about 85 or 90 percent on the dollar to keep all their social programs going. He criticizes an organization for asking for a \$110,000,000 loan from the federal government and, a few weeks and a few months ago, he was standing in the same House here saying the federal government should come up with the money to keep Cyprus Anvil going, or should come up with the money to purchase Cyprus Anvil. Actually, he wanted us and the federal government to purchase Cyprus Anvil. He goes down to Ottawa and makes some remarks back over the media that we did not support keeping Cyprus Anvil going. That is absolutely and totally false. It was false when he said it; it is false today. What we did say and what we still say and what we will probably always say is that the federal government should not have equity in Cyprus Anvil.

Mr. Speaker: Order please.

Mr. Byblow: On a point of privilege, Mr. Speaker, I believe the hon. member is calling the federal Minister of Finance a liar, and I do not believe that is either in order and probably should be withdrawn.

Mr. Speaker: Order please. The hon. member knows full well that he has not raised a point of privilege and I would ask all hon. members to remember that a point of privilege is very rarely ever raised in a House, and only in the most serious of circumstances. I would suggest that all members perhaps should re-read their Rules and Procedures in respect of what constitutes a question or a point of privilege. I would ask that members would refrain from raising points of order or points of privilege except in those cases where they are warranted.

Hon. Mr. Tracey: I certainly was not alluding to the Minister of Finance for Canada being a liar. What I did say was that the member across the floor uttered a false statement in this House if he was alleging that we were against the...

Some Hon. Member: Point of privilege, Mr. Speaker.

Mr. Speaker: Order. I will allow the minister to complete his statement before we hear this case of privilege.

Hon. Mr. Tracey: The allegation I made was that the member across the floor uttered a false statement if he said that we did not support Cyprus Anvil remaining in business in this territory.

Mr. Speaker: Order please.

I will recognize the Hon. member for Faro on a point of privilege.

Mr. Byblow: I believe I have a very serious point of privilege. The minister is alleging that I uttered a falsehood in this House. That constitutes calling me a liar. I believe my privileges are being called into question. I would ask that he withdraw the remark because, in fact, that would make him a liar. The Minister of Finance made it clear to the lobby that this government did not wish to see federal money go towards reopening the Cyprus Mine. That is what I said in this House. The minister is saying that I am lying, which is not correct.

Speaker's ruling

Mr. Speaker: The hon. member has not made a point of privilege as he well knows. The Chair listened very carefully to the words that were spoken and they did not, at any time, accuse the hon. member of lying or misrepresentation or anything of that nature.

Hon. Mr. Tracey: The member across the floor talks about a \$110,000,000 loan repayable with interest as something terrible to be asking the federal government for. I would suggest to him that almost every business in this country that has a major project approaches the federal government for loans. In fact, they have departments set up specifically to make money available for economic development in this country. We also have the same in this territory here, to which a great many people go to for funding. I am not sure, probably the member across the floor has even approached it at one time or another. So, the fact that they applied to the federal government for \$110,000,000 loan is no different than if they go to the bank or any other place. Any good businessman is going to try to find the best money that he can possibly find to develop a business.

The member for Whitehorse South Centre talks about how poor a businessman it is that would enter into a project like this without job guarantees. That is a typical socialist attitude. We are a free enterprise party. We believe that business will provide the jobs if we allow business to go ahead and develop. No business is going to invest \$200,000,000 in a project in the North Slope of the Yukon Territory without thinking they are going to get their money back. Certainly they are gambling \$200,000,000. They are fairly confident it is going to come back. I am fairly knowledgeable about Peter Kiewit and Sons, having worked for them myself for a few years. I also know that they always use local labour. In fact, they even took some of the members from the native community down to some of their projects in southern Canada, in Alberta and Saskatchewan. They showed them the projects that they were working on. They talked to the people who were running the projects. Native peoples, native superintendents, native foremen; a great number of native people are working on these projects. As far as the 500 people that the member for Faro is talking about not being in Faro because they do not have a job and less than one percent are working on the north coast, well, I can believe that. The members across the floor will not even vote for it to go ahead. Where is a miner going to work on a drill ship? But a miner can sure work on a quarry. All that is mining rock. He is talking about why do we not get some return on our resources? We do get return on our resources. If anyone takes material out of a quarry in the territory, they pay a revenue. The revenue comes to us. We are talking in the neighbourhood of anywhere from \$25,000,000 to \$100,000,000 a year. The Minister of Indian Affairs and Northern Development subtly, today, made mention of our economic development agreement and it was kind of a subtle threat that we should go along with him if we want the economic development agreement. Well, I say to you that a \$25,000,000 economic development agreement over five years certainly does not compare to \$25,000,000 to \$100,000.00 a year just in wage revenue alone in the territory. Never mind the business revenue. Never mind the spinoff revenue, the multiplier effect, the other 285 jobs and the \$31,000,000 a year that he alludes to here.

26 All of that is forgotten. What he wants to do is do nothing, make a non-decision, and not go ahead until the land claims are settled.

The member for Whitehorse North Centre talks about no jobs for her

constituents. Well, I am very surprised at her. If there was any project that could possibly go ahead in this territory that her people could work on, her constituents from Whitehorse North Centre, certainly Peter Kiewit and Sons' proposal would be the one. I am very surprised to hear a remark like that come out of a person who voted against allowing Peter Kiewit and Sons to go ahead, because that is exactly the type of project that her constituents do work on and would work on.

The minister even made a decision totally contrary to the wishes of his own department. I would like to quote you some of the things that were said by members of his own department. This was delivered...

Some hon. Member: (Inaudible)

Hon. Mr. Tracey: No, it is public information. It was tabled by Mr. Murray Morrison to the Project Review Group, right up here at the Ski Chalet.

I would like to read you some of the things that he said: "While the department has just started on the intensive review of the Kiewit proposal, we have had the Gulf proposal for over a year now. In looking at both, we have wanted to determine if both were good projects; were they serious, viable, needed projects. We have concluded that the Gulf request for a marine base is such a project and our scrutiny, to date, of the Kiewit proposal suggests that it, too, meets these tests".

He goes on to say: "We have wanted to determine if negative environmental impacts can be managed or mitigated and if what one can call the down-side of the project can be controlled. In the case of the Gulf application, we are confident that these tests can be met and while the review of the Kiewit proposal is very much in progress, nothing seen to date suggests an unmanageable problem".

He goes on: "If one is optimistic about the future of hydro carbon development in the north, then both companies are offering northerners a chance to grow with them as they develop. If we look to the future, a site on the Yukon North Slope has a significant set of advantages, not the least of which is enhancing the economic future of the Yukon, a goal shared with the Government of the Yukon. If tied in with a quarry, it opens the chance for Canadians to earn potentially hundreds of millions of dollars in foreign trade markets and to have available, if needed, a technique for building hydro carbon production facilities with a very high Canadian content".

I would say those are very good statements. I wish I had thought of saying them myself when I was up there. It is fairly obvious that the minister responsible for the department that made those statements that are very true could not even make a decision. He had to make a non-decision, a decision that we should not develop.

So, I wholeheartedly support this motion today.

Thank you.

Mr. Kimmerly: A number of the ministers stated that this is a sad day for Yukon and Yukoners. I basically agree with that and it is getting even sadder, unfortunately.

The topic of North Slope development was seriously debated three times now in this Session and twice in this sitting, on slightly different motions, and this is an emergency motion, to boot. It is obviously a very important and crucial topic.

²⁷ Indeed, there were at least four ministerial statements on the topic at this sitting. The ministers have stated that Mr. Munro is taking the easy way out. He is blaming it on somebody else. Well, the Yukon government is blaming it on somebody else.

It takes two to argue. The member for Kluane gave a vindictive speech really, and a personalized speech against the minister. The Yukon ministers have seriously criticized the federal minister; some of those criticisms are well-placed. However, where are we going to go from here? The minister is still the minister. Nobody seriously believes he is going to resign. We are going to be dealing with Mr. Munro in the future and this government is not making it any easier and is not improving the position of Yukon citizens. It is appalling in my view.

They say the minister is blaming it on land claims. They are doing nothing but blaming it on him. The minister clearly outlined that some time ago he wished six major points to be addressed and he was seeking a consensus among Yukoners. He now says there is

no consensus, which is an obvious statement and is not seriously disputed. And, therefore, he is delaying the decision for the time being. A good businessman and a good business-like government would be looking at all those points where consensus can be reached, not crying over spilt milk. We obviously are in a game where the feds are calling the shots. Now, we do not support that. However, that is the game, and it only takes common sense to realize that the way to get ahead is to deal with the concrete practical business decisions that face us. On all of those six points, a consensus is achievable in Yukon, and there will be in the future a substantial consensus on those points. That is what the government should be directing its mind to. They should be paying attention to those policies. Instead, they are indulging in political games, criticizing the federal minister who they must continue to work with, making statements in this House that we are supporting taxation of 85-90 cents on the dollar. That is ludicrous and no serious common sense Yukoner believes that.

²⁸ They talk about a social welfare state without addressing the real issues raised by the member for Whitehorse North Centre, which is the real issue on the social justice end of this debate.

I say that it is obvious that every single member of this House is in favour of increased employment, of more jobs for Yukoners. That is obvious. If members on the other side are trying to say differently, I say that Yukoners simply do not believe them. Who is against increased job opportunities? We are all in favour of increased job opportunities, increased employment, increased jobs, and we have all said we were. It is childish to try to say that various members are not in favour of increased jobs for Yukoners. It is simply unbelievable.

What Yukoners are looking for is for politicians to put aside petty partisan motions and to act in a businesslike way to get on with the job. We are prepared to do that and this government could do that if they stopped these kinds of political motions and got on with the proper business of Yukoners.

Hon. Mr. Lang: I regret that the leader of the official opposition is noted for being slow and that just demonstrates it.

I want to close the debate by just making a couple of comments about what was said by the members opposite. I was listening very carefully to the member for Whitehorse South Centre, who talked about this side of the House being childish and making some very wild, in my view, accusations with respect to the issue at hand. I just happen to be going through the Notice Paper and it is interesting to see what is on the Notice Paper provided by the member for Whitehorse South Centre. When he talks about other people being childish and frivolous. Just to give you an idea what that particular...

Mr. Kimmerly: On a Point of Order, the minister is obviously talking about another motion on the Order Paper and not the motion at hand and is clearly out of order. Besides that, it is not a childish motion, it is a frivolous one.

Speaker's ruling

Mr. Speaker: I would agree with the hon. member for Whitehorse South Centre that we ought to stay on the topic. The motion I see on the Order Paper, if it is referring to Motion Number 43, does not fall within the bounds of relevancy of the motion under discussion.

²⁹ **Hon. Mr. Lang:** I just wanted to bring it to the member's attention what action he has been taking lately as a member and it is there in black and white. I think the member opposite recognizes exactly what I am referring to and he, himself, said it was frivolous. So, I think that that answers the point that I put forward to the member opposite.

I think it is important, with respect to the jobs that were involved there, to point out two facts that have not come out in discussion. There were certain tentative agreements made, with respect to the native population, for job opportunities or contract opportunities up on the North Slope. There were a number of contractors, who happened to be of native ancestry, who were approached and who indicated that they would be more than happy to go on a short list. In fact, the one job, which would be the maintenance of that particular road, would have provided in a five-year period and

guaranteed that a million dollars of equipment would have been paid for. It would have made a contractor here, in Yukon's terminology, very wealthy.

You also had the job opportunities that Peter Kiewit and Sons indicated that they were more than prepared to train, not just hire but to train — the people from Whitehorse North Centre, who the member spoke of, and throughout Yukon — who could have come forward and got into the catering business. In fact, it would have been a program, I understand, of about two years and then, after that, it would have been a contractual arrangement. It would seem to me that the intentions were there by the various companies with respect to going forward with that proposal.

I want to say this, and I say this from the bottom of my heart when I look across to that other side, when they say the "no development party", there is no question about it. I refer back to previous debates on this...

Mr. Speaker: Order, please.

Mr. Penikett: To call us the "no development party" is a lie and someone making such an accusation is a liar.

Speaker's ruling

Mr. Speaker: Order, please.

I think, before we go any further at this point, that I should remind hon. members on both sides of the House, that if you are going to dish it out, you have got to be able to take it. Raising points of order and throwing accusations or assuming accusations is a very, very serious thing in the House.

To suggest that someone is a liar in the House or has misled the House, is a very, very serious accusation and does not constitute a question of privilege, but amounts to virtually a point of order. You make it very difficult, each and every member who suggests to the Chair that someone in the House is lying or telling mistruths. It is totally unparliamentary and I would ask all members to refrain from even alluding in their remarks to such accusations.

Hon. Mr. Lang: I will continue in the objective, non-partisan fashion that I am accustomed to and I will ignore the remarks in the major speech that the leader of the opposition has put forward on the North Slope and proposed development. It will go down in history as one of the shortest.

I want to refer to some comments that were made by my friend, the leader of the official opposition, when his party now stands up and says, "We are for development in the north if we could have had job guarantees". It was very evident over the past five years that the party opposite has stood there and has said, in context, that "there will be some reason, no development go", and that is why I would refer to any political party that was prepared to come out with always the caveats so that there could be no development go forward, I would submit to you, they can honourably wear the caption of "no development party".

I recognize that the leader of the official opposition would like to make another major presentation, but the point being is that this is what these people stand for.

When you take a look and you have a look...

Mr. Penikett: Would the member who has the floor permit a question, Mr. Speaker?

Hon. Mr. Lang: No. I recognize I am giving a very good presentation and I recognize the manners of the member opposite, and all I can say is, and I hate to say this, I say this with regret, I hope the member opposite realizes that it probably reflects on his parents if he continues to interrupt because, where I come from, it is called being rude.

It would seem to me that the members opposite stand here and say to the general public — the member for Whitehorse North Centre — that the reason she did not vote for North Slope development was that she could not guarantee them a job. I have already outlined to the members opposite that there are certain things proceeding with respect to contractual arrangements if the land use permit had been received. But now that is out the window. It is no longer there. The point that I am making is that we are dealing with a resolution that points to the guy who makes the decision. The member for Faro and the member for Whitehorse South Centre have accused this front bench of not making a decision. We are the only ones here who

have made a decision. We said that development should proceed under the guidelines (a) that it was environmentally sound, (b) that it would be to the economic benefit of the Yukon Territory and (c) it would not affect land claims.

I recall the debate not a week ago when the leader of the official opposition took such notice of the debate that he left. In that debate, his party stood up and had environmental reasons why they could not go for it and economic reasons why they could not go for it. Job guarantee reasons for not going for it. But they never stood up once and said that that development would be good for the territory and the people of the territory. No, they did not. The member for Whitehorse South Centre stood there and pontificated to this House and to the people of the territory at the same time in Question Period asking for more social assistance. Well, who is going to pay the social assistance? The member for Whitehorse South Centre certainly is not going to pay out of his private business; no, he is not. He expects the guy in the street to pay for it.

I am saying to the side opposite, they have a responsibility to grow up and wake up. They are first for the Yukon, not for the national party, not for the federal Liberal party; we are here to look at Yukon in its best interest. But where is the side opposite? Where is the side opposite — the member for Campbell. Where is he? He spends more time in the corridors than he does in this House. And we can verify that. He is not even here for the crucial votes.

Mr. Penikett: Like the Minister of Justice.

Hon. Mr. Lang: The members opposite and the leader of the official opposition know full well that if we had not attended that conference last week and the Minister of Justice had not gone to get a Deputy Minister of Justice, he would have been standing up here being so critical it would have been unbelievable.

The leader of the opposition sits there and pooh-pooh's the whole statement and this whole discussion in respect of the question of development on the North Slope. I say to the leader of the official opposition I believe he has shirked his responsibility, not only as the leader of the official opposition, but as the MLA for Whitehorse West.

I do know there are people in Whitehorse West who are unemployed, looking for political leadership from both sides of this House, to try to create job opportunities for them. And I think, in part, the fact that the side opposite would not vote with our motion — they took it as a partisan issue — would not vote for development on the North Slope with the caveat that we had included in that particular motion, I think that they can take in part the responsibility and be utilized as the crutch for the Minister of Indian Affairs when he says "you did not have a unanimous House on that particular development". The member for Whitehorse South Centre; I hope he remembers that because I think you will have the responsibility a year, two years, down the road of justifying to the general public why a \$200,000,000 investment that would have exported rock — no contaminants — to offshore oil rigs off Alaska initially that could have been proceeded with.

Now we have lost that opportunity because there will be no need to purchase that rock because they will have to go Japan or, as the Minister of Health and Human Resources has said, go to Holland, depending on what type of development will take place. We, as Canadians, have lost that opportunity — not just as Yukoners. Also, we have a number of independent native contractors who have lost the opportunity of really making a go for it, a major go for it as far as investment is concerned, as far as being able to get a very large construction outfit together and compete in the general marketplace.

The member for Whitehorse North Centre says it is not guaranteed. The point is, they were negotiating and they were prepared to go into contractual arrangements. I think, if the member for Whitehorse North Centre had done her homework and talked to the people who had gone down to Saskatchewan and discussed those various projects in northern Saskatchewan and how it is affecting those local people, it was unanimous that those people said it was in their best interests that those projects had gone ahead.

Getting down to the motion with respect to what we are asking the House to vote on. We believe that the Minister of Indian Affairs and Northern Development has done a serious injustice to Yukon,

and an injustice to Canada with respect to the non-decision that he has made. We do not bring this motion here easily. We do not bring it flippantly. There have been many times that we have had confrontation — if you want to use that terminology — with the minister, but we have respected his point of view and said "okay, fine, we can fight over that". But this has major significance to the Yukon and to Canada. We believe he has shirked his responsibility. We believe that he has not represented in his decision the majority view of the people of the Yukon Territory and we believe, as Canadians, he has not taken into account the positive benefits that would have accrued to Canada, whether it be in Hamilton, whether it be in Vancouver, whether it be in Whitehorse, or whether it be in Inuvik. We believe strongly that the federal minister — who has said that we wanted to support private enterprise — and sees government funding coming forward for the purpose of stimulating the economy but the private investors should proceed. We had that opportunity. It is gone. I say to you it is a tragic day for Yukon and I do believe that the Minister of Indian Affairs and Northern Development should do the honourable thing and resign.

Some hon. Members: Question.

Some hon. Member: Division.

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

Hon. Mr. Pearson: Agree.

Hon. Mr. Lang: Agree.

Hon. Mrs. Firth: Agree.

Hon. Mr. Ashley: Agree.

Hon. Mr. Philipsen: Agree.

Hon. Mr. Tracey: Agree.

Mr. Falle: Agree.

Mrs. Nukon: Agree.

Mr. Brewster: Agree.

Mr. Penikett: Disagree.

Mr. Byblow: Disagree.

Mr. Kimmerly: Disagree.

Mrs. Joe: Disagree.

Mr. McDonald: Disagree.

Mr. Clerk: Mr. Speaker, the results are nine yea, five nay.
Motion Agreed to

QUESTION PERIOD

Mr. Speaker: We will now proceed with Question Period. Are there any questions?

Question re: Resource policy

Mr. Penikett: In anticipation that we might be debating this question again tomorrow or the next day, I will ask the government leader a general question on the subject of resource policy.

All MLA's recently received copies of the Government of NWT's resource development policy statement. Could I ask the government leader if the Yukon government is, in fact, preparing or has prepared a similar statement?

Hon. Mr. Pearson: We do have a number of policy statements made with respect to resources, particularly with respect to land use planning and development along the north coast. I am confident the members opposite, in fact, do have copies of those. A document to be parallel of the one used in the NWT has not yet been produced in this territory.

Mr. Penikett: The government leader refers to a document parallel to the one being prepared by the NWT. Could I ask him if this government is in the process of developing a statement parallel to the one prepared by the NWT?

Hon. Mr. Pearson: We are hoping someday to be able to get into a constructive dialogue with the Government of Canada with respect to resource revenue sharing. That is our goal. As I have said a number of times in this House, we believe that this is the proper course for us to follow.

Mr. Penikett: We, too, would like to see a constructive dialogue on that point.

Could I ask the government leader, since his answer seemed to indicate that substantial discussions on that subject have not yet

proceeded, if in fact he has sought from the federal ministry some date as to when substantial discussions could proceed?

¹² We have had a number of discussions, as I have explained to the House, I believe it was last week, with the Government of Canada, about resource revenue sharing. It is a subject that is raised virtually every time that the infamous IGC committee meets, and I anticipate that that will continue.

I believe that until land claims are settled and until the Government of Canada recognizes that this territory deserves to have responsible government, resource revenue sharing will not be a subject that is actively pursued by the Government of Canada.

Question re: Computer training

Mr. Byblow: I have a question I will direct to the Minister of Education.

Over the weekend the minister repeated a decision of this government to appropriate some funding for computer training and equipment in Yukon schools. Some questions have arisen regarding the implementation of the money under this program and I want to ask the minister: what is the first stage of this program? Is it clearly the hiring of personnel to initiate a program or is it some other process of developing the program itself?

Hon. Mrs. Firth: We are presently reviewing all the computers in schools within Yukon and the present skills that teachers have when it comes to computer training. We will make an assessment as to what skills are required, how much time is to be spent upgrading the teachers and seeing that they have the computer literacy skills, and we will also be making assessments as to which schools will be receiving additional computers.

Mr. Byblow: Indications from the minister's answer are that the department, internally, is going to be doing some type of assessment. I want to ask the minister if her department is going to be drawing on some other jurisdiction for expertise or personnel or other resources to do the feasibility?

Hon. Mrs. Firth: If that is necessary, we will be pursuing that. However, we are not presently looking at what other areas are doing.

Mr. Byblow: As a final supplementary, could I ask the minister to confirm that all schools, including rural schools, will receive benefits of the proposed program, that is, equipment and personnel training?

Hon. Mrs. Firth: I have previously stated in the legislature, in the budget debates, that all schools in Yukon will be benefiting from this computer program.

Response to previous question re: video terminal study

Hon. Mr. Pearson: The leader of the opposition does not have to look so frightened, I am not going to ask him a question.

I was asked by the member for Whitehorse North Centre, last week, about the committee that has been established to look into the possible effects of the video display terminals in the territorial government. There was a committee established; it is a joint management union committee. They have been meeting very regularly over the course of the summer and it is my understanding that they intend to have their report and recommendations to the government within the next few weeks. I want to assure all hon. members that we will take cognizance of that report as soon as we do receive it.

Question re: Incarceration rates

Mr. Kimmerly: To the Minister of Justice: the minister was asked, approximately two weeks ago, about incarceration rates and he answered that a committee was studying it. Without talking about statistics, would the minister tell us what the agenda items are that were discussed in the committee he referred to?

Hon. Mr. Ashley: The committee I was referring to is the Justice Steering Committee, which is an internal government committee that reports to me. I have not informed the members of this House that it was studying that item. What I informed this House was that it may be on the agenda at one time, if they deem it necessary.

¹³ **Mr. Kimmerly:** Is it the minister's intention to refer this

question to that committee for study?

Hon. Mr. Ashley: I, at this point, have not referred it to the committee. I very well may do so in the future. They have a very high agenda rate right now of other problems in the system that we are looking at. The one thing the member opposite should realize is that we do not really control the incarceration rate; it is the bench that does.

Mr. Kimmerly: Are alternatives to incarceration proposals, such as a territorial fine option program, being actively studied by this committee?

Hon. Mr. Ashley: That is one item that is or will be on the agenda of that committee, yes.

Question re: Elk

Mr. Porter: I have a question for the minister responsible for renewable resources.

I would like to ask the minister, does he or anyone in his department know how many elk we have in the Yukon?

Hon. Mr. Tracey: I would like to welcome the member from across the floor. Obviously, he could not be here for the very important debate we had a few minutes ago.

As for the number of elk in the territory, I am fairly confident that my department knows it within plus or minus 10 or 15 animals, no doubt.

Mr. Porter: Hopefully, we will be able to obtain that information?

Can the minister also tell me as to the exact state of health of the herd? Is the elk herd in the Yukon reproducing at what is considered normal rates?

Hon. Mr. Tracey: Obviously the member across the floor did not read the press releases or listen to what was being said when we agreed with the Fish and Game Association. We allowed them to take two bull elk. We wanted the biological information that we could get from them. Certainly there is a concern. We are concerned that perhaps the elk herd is too inbred and needs more stock to help it expand. That is one of the reasons why we are trying to get that information, as the member across the floor full well knows. We made it public.

Mr. Porter: It is interesting to note that the minister expresses concern over the health of the herd, and has allowed the Fish and Game Association to go out and harvest two bull elk by a lottery system. In the process the minister has also agreed that his department's officials will be used as guides in the hunt. Can the minister inform the House as to what it will cost to use his department and his officials to provide the guiding services for this hunt?

Hon. Mr. Tracey: It will cost very little, and if we were to gather biological information in any other manner, we would have to go out there and kill one or two elk in order to accomplish gathering it, so the proposal that the Fish and Game Association use it as a money-raising proposition so that they can fund other wildlife projects in the Yukon territory was a very good one. I am surprised that the member across the floor is even questioning it.

Question re: Victims of crime

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

The minister has stated that one of his reasons for not supporting the ad hoc committee on the victims of crime's proposal was that they were asking for dollars in mid-term budget. Since the funding available was from the federal government and not from this government, could the minister tell this House why he refuses to support this proposal?

Hon. Mr. Ashley: The member opposite does not know the proposal very well. The proposal was given to me, asking this government for dollars, not just the federal government.

Mrs. Joe: The proposal from the ad hoc committee indicated that they want to provide greater awareness and education to the public. Could the minister tell this House if his government has any specific objections to this public awareness proposal?

Hon. Mr. Ashley: This government and I, representing it, have no objections to public information being gathered and assimilated to the public, as the member opposite has stated. I do have

difficulty with the proposal that was put forward from that committee. I have stated those previously a number of times in this House.

Mrs. Joe: Could the minister tell this House if the Victim of Crimes proposal is now being studied by the in-house committee of justice and is it a high priority on their agenda?

Hon. Mr. Ashley: I will have to get back to the member on that if I feel I should. First off, the committee studies all matters of justice, so as to which matter they are studying right now I am not positive.

Question re: School busing

Mr. McDonald: I have a question for the Minister of Education. The minister is as well aware as we all are that the issue of school busing is of great importance to rural communities. Can she say today whether we can anticipate any policy changes which will assist rural residents in receiving better school busing service?

Hon. Mrs. Firth: I believe, when we were having the budget debates, we talked about an increased busing subsidy to the area the member is particularly concerned about. I had told individuals, when I visited the communities and visited the schools, that we had not identified any money for increasing busing subsidies; however, we had found some money and we had increased the busing subsidy by 12 percent this year.

Mr. McDonald: I am aware of the buck-twenty, yes.

The education council this past weekend passed a resolution calling for the division of the rural busing umbrella agreement permitting local contractors to take advantage of busing contracts around the territory. Can the minister say if they are prepared to accept this proposal?

Hon. Mrs. Firth: I have just received the resolutions from the annual general school committee conference and I have not had an opportunity to sit down and go through them on an individual basis. But, as has been the practice of the Department of Education and the government in the past, we take a very close look at the recommendations and the resolutions which are presented and we strongly consider all of them.

Mr. McDonald: I am encouraged by that answer. Perhaps the minister can repeat her answer then for this question: the education council also passed a resolution this past weekend calling for the regulation requiring specific numbers of students to be relaxed. Can the minister say whether she will direct her department to look into this and accept this proposal as well?

Hon. Mrs. Firth: I do not know what the member is speaking of. I very quickly looked at some of the resolutions but he would have to clarify what he is saying. I cannot at this time make a commitment to either approve or not approve that. However, again, I will say we will be looking at all the resolutions and considering them all very strongly.

Question re: Northern Canada Power Commission

Mr. Penikett: I have a question for the government leader, and it is a fairly straightforward question. The government leader has recently made observations to the effect that the Department of Indian Affairs and the Northern Development minister and not the National Energy Board will be deciding the fate of the Northern Canada Power Commission. Has the government leader had any communications with the minister — or perhaps I should say the former minister — which has led him to believe that the National Energy Board recommendations will not be implemented by the federal government?

Hon. Mr. Pearson: No.

Mr. Penikett: Could I ask the government leader if he has any information that leads him to expect the federal minister, or the former federal minister, or the future minister, to make decisions in line with those of the Penner report recommendations on the NCPC?

Hon. Mr. Pearson: No. All I have heard is his public statements; the same, I am sure, as the leader of the opposition has.

Mr. Penikett: Could the government leader indicate when was the last occasion on which he was in direct communication with the federal government on the subjects of the Penner report, particularly

as to whether it may or may not be implemented by the federal government?

Hon. Mr. Pearson: I cannot recall when the last time that I was in direct communication with the federal government on this issue was, but I am confident that the leader of the opposition is aware of the fact that I intend to be in Ottawa next week and I, at this point in time, have a meeting set up with the Minister of Indian Affairs and Northern Development, at which I anticipated speaking to him about the Penner report.

Question re: Weigh station

Mr. Byblow: The government leader was talking about the new Minister of Indian Affairs and Northern Development.

Mr. Speaker: Was that a question, Mr. Byblow?

Mr. Byblow: I have a question for the Minister of Highways.

I understand that the minister's department recently placed a new building at the weigh station at the top of Two Mile Hill, without first obtaining the required approval from the City of Whitehorse, and my question to the minister would be to ask him if this is indeed a normal practice of his department?

Hon. Mr. Tracey: I understand there is some complaint from the City of Whitehorse regarding our placing that building there. I do not know if the department even considered the implication. The old building was there and all they did was replace it with another building.

I know that the department has been in consultation with the City of Whitehorse. There is another question — although I am not using it as an excuse — of whether it is actually required that we do consult with the City of Whitehorse before changing that weigh scale building.

Mr. Byblow: The minister may be correct in that there may not be the requirement, however, I would like to ask him why his department did not place a timely request for approval?

Hon. Mr. Tracey: I am sure the member across the floor has quite often done things and, afterward, wondered why he did not proceed in another manner. I cannot speak for the department on this: all I can do is speculate, the same as he can.

Question re: Senior citizen means test

Mr. Kimmerly: I have a question for the minister responsible for Yukon Housing.

Previously, I asked about the senior citizens' policy and the means test. When is the minister expecting an answer on that problem?

Hon. Mr. Ashley: The board met in Watson Lake on the weekend and I have a meeting this week with the chairman of the board.

Mr. Kimmerly: Is the minister aware of any initiative, either by the board or the government, to alleviate the interim problem for some seniors pending the final resolution of the matter?

Hon. Mr. Ashley: As I have already informed the member opposite, I will be having a meeting with the chairman of the board later this week.

Mr. Kimmerly: With regard to other senior citizens, is the minister considering any action concerning increasing the pioneer utility grant this year?

Hon. Mr. Ashley: That question has nothing to do with the Yukon Housing Corporation.

Question re: Salmon fishery treaty

Mr. Porter: For the past 13 years, the Canadian government and the federal U.S. government have been attempting to negotiate an international treaty, with respect to the salmon fishery. It has been made public that the parties will be meeting again in the middle of next month or of this month to conclude those negotiations. I would like to ask the minister responsible for renewable resources: what position will he be taking when he appears at those negotiations?

Hon. Mr. Tracey: We will be taking a position that we want some of the revenue from salmon that are generated in the Yukon Territory; we do not want to be responsible for protecting the habitat without also some of the returns from that fishery source. I

will be having members representative of the Government of the Yukon Territory at that meeting and we will be very vociferously putting our position forward.

Mr. Porter: I am glad to see that he deems it responsible for him to be there, as well.

I would invite the minister to inform the House what concessions has been able to achieve, to date, with respect to negotiations with the Government of Alaska and the Canadian federal government with respect to a greater share of the salmon fishery to the people of Yukon?

Hon. Mr. Tracey: All I can say is that before I was appointed the minister and before we took an interest in the salmon fishery, there was not even any concern expressed in this territory about the salmon. We recognize that it is a very important source of revenue to us. It is a renewable resource that we are gambling with, really. The federal government and the United States government are negotiating away resources of the Yukon Territory and we did not have any input into it.

We made our position very plain. I went to Ottawa and made my position very plain to the Minister of Fisheries and Oceans.

I am sure that they recognize that some of our concerns are very valid and they have agreed to consider them. They have now agreed that we attend the negotiations, so I think, for a jurisdiction as small as we are, that we have made our position pretty well known, not only to the Canadian government, but also to the Alaskan and federal Government of the United States.

Mr. Porter: I would like to ask the minister responsible for renewable resources what official status will the Yukon government's representatives have at the negotiations?

Hon. Mr. Tracey: I am not sure if there is any official status for anyone there. We will have a person there representing the Government of the Yukon Territory and expressing our opinions, the same as others will have expressing the opinions of Alaska, or British Columbia. I am not concerned about status. All I am concerned about really, is that we protect the resources of the Government of the Yukon Territory and the people of the Yukon Territory.

Question re: Recreation act

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

I would like to ask the minister once again, since the new recreation act may not include some recommendations made by the Green Paper committee, if it is the intention of the minister to allow arts and recreation groups time to study it before it is debated in this House?

Hon. Mrs. Firth: I believe I have said in this House that the legislation will reflect the recommendations of the Green Paper committee. Since I have just had the last meeting with the Green Paper committee, I would be anticipating tabling the legislation and the Green Paper committee report relatively soon, to give the opposition enough time to study it so that they can participate in some constructive debate on the legislation.

Mrs. Joe: If I had received that answer the other day I would not have had to ask it again.

Could the minister confirm that the recreation act does not follow the Green Paper committee's recommendation on the restructuring of the Yukon Recreation Advisory Committee?

Hon. Mrs. Firth: I have developed, as a minister of the Yukon Territorial Government, a particular style when it comes to dealing with legislation and if the opposition is not pleased with that, I am sorry that I cannot do anything about that. However, my personal feeling is that when we are dealing with a new piece of legislation, that the particular interest group should be consulted, particularly when a group of people who have worked as hard as the Green Paper committee have, in making recommendations to the government regarding legislation, and have worked for a long time, which they did. I prefer to consult them with our proposals and if the opposition does not think that that is correct, that is too bad. I am telling them that they are going to have an opportunity to see the legislation and to discuss it with the particular interest groups that they wish to discuss it with. I am looking for some constructive

debate, which I believe it is the opposition's duty to present to this legislature.

Question re: Agricultural issues

Mr. McDonald: We are looking for the time to read the legislation, too.

Question for the Minister of Agriculture. Recently I asked him if he would direct the Agriculture Development Council to tour the territory and discuss agricultural issues, policies, objectives with rural residents, such as many constituents in my own riding. The minister at the time said "no" and I am wondering if he would be so good as to tell the House why he provided that answer.

Hon. Mr. Lang: No, I am not prepared to.

Mr. McDonald: That is truly unfortunate.

Can the minister tell the House what method the government is considering establishing to release information to rural people about the activities and priorities of the Agriculture Development Council?

Hon. Mr. Lang: The same answer.

Mr. McDonald: My prospects for getting answers are becoming more and more dismal all the time.

In order that this House may know, at least in part, what is happening with agricultural land dispersement, will the minister be providing an answer to my question on the Order Paper and will he explain why he has delayed the answer to the question for such a long period of time?

Hon. Mr. Lang: Just like anything, it is under consideration.

Question re: Mountainview Drive BST

Mr. Penikett: Perhaps I can try my luck with the frothy minister for Porter Creek.

Could I ask him in his capacity as Minister of Municipal and Community Affairs, since the City of Whitehorse Chief Administrator is reported to have said that the only permanent solution to the potholes in the newly-laid BST on Mountainview Drive is a new application of BST and that that would be a Yukon government responsibility, what is the minister's position as to who bears responsibility for the decision to lay BST on the road when the weather was apparently too cold for the application?

Hon. Mr. Lang: I am sorry I cannot give a "no and yes" answer to the roundabout question that was put to me. The decision to put BST on the Porter Creek access road was put forward to the City of Whitehorse and they agreed to do it. The unfortunate aspect of this was the fact that a number of outstanding projects had to be agreed to last spring. We could not get a meeting with the city for a period of time and subsequently delayed the necessary decisions that had to be made. It slowed down the actual finish of construction of the Porter Creek access road, which is now called Mountainview Drive. Unfortunately, we had to put the BST application down in late September, and as we all know, we had four days of rain, which nobody could foresee.

As far as rectifying the situation, yes, it is our responsibility. It will be carried out. You can rest assured the members for Porter Creek will take care of that.

Mr. Penikett: Since the minister says it is his responsibility and since I understand that questions were raised about the schedule for treating the road as far back as July, I wonder did he or his officials give any consideration to applying the BST at a different date?

Hon. Mr. Tracey: If the member opposite had followed the events, and of course he does not live there so he does not know, the point was that we were locked into a timeframe and we had no idea it was going to rain for four days. If the member opposite had informed me of that, perhaps it would have changed our plans.

Mr. Penikett: Perhaps we can expect a motion from the member calling for the Minister of Environment to resign.

Could I ask the minister if the minister has any idea what costs are likely to accrue to the Yukon taxpayers for the interim repairs to this road?

Hon. Mr. Tracey: No, I do not have the costs. If the member opposite is saying the Porter Creek Access Road or Mountainview Drive should not be open, would he please stand up and say it, as opposed to trying to infer by innuendo that certain things were done

improperly?

Question re: Pioneer Utility Grant

Mr. Kimmerly: To the Minister of Finance. When may we expect an increase in the Pioneer Utility Grant?

Hon. Mr. Pearson: Pioneer Utility Grants are covered by the O&M budget passed by this legislature each year, and the amounts of the Pioneer Utility Grants for this particular year that we are in now were approved by this House in April last.

Mr. Kimmerly: In view of the rental increases to senior citizens in Yukon housing units and the increase in utility costs, will the government study the level of increase in utility cost and adjust the Pioneer Utility Grant accordingly?

Hon. Mr. Pearson: As I indicated, the Pioneer Utility Grants are in fact at a level that are approved by this legislature and we are always concerned with the costs to the pioneers and we are also very concerned that they remain in their own housing because we think that they enjoy it more and it is certainly much less of a burden to the taxpayers of the territory. We encourage them to stay in their own housing; this is the way that we do it. I do not want to hold out any false hopes that there will be a change between now and next spring in those grants — not at this particular time.

Mr. Kimmerly: Is it the policy of the government that the Pioneer Utility Grant levels will be adjusted in accordance with the increases in the real costs of utilities to pioneers?

Hon. Mr. Pearson: We make a recommendation to this House each year with respect to the level of those grants, and certainly the current costs that are being incurred by the people who are the recipients of those grants are taken into consideration.

Mr. Speaker: There being no further questions, we will proceed to Orders of the Day, under government bills.

GOVERNMENT BILLS

Bill No. 30: Second Reading

Mr. Clerk: Second Reading, Bill No. 30, standing in the name of the hon. Mr. Lang.

Hon. Mr. Lang: I move that Bill No. 30, *An Act to Amend the Municipal Act*, be now read a second time.

Mr. Speaker: It has been moved by the hon. Minister of Municipal and Community Affairs that Bill No. 30 be now read a second time.

Hon. Mr. Lang: I am pleased to introduce for second reading a bill to amend the as-yet-to-be-proclaimed 1980 *Municipal Act*. As you are no doubt aware, implementation of this act was delayed on the recommendation of the Miller Inquiry to permit more consultation and discussion of its implications and dimensions at both the community level and with the Association of Yukon Communities and the Council for Yukon Indians.

This bill to amend the 1980 *Municipal Act* represents the culmination of results of these discussions, which have been carried out over the past year and a half. As you can see from the amendments before you, there has been a cleaner refinement of the unproclaimed bill passed by this House in 1980. This bill represents a consensus acceptable and agreed to by all parties, which will provide a new and approved framework for local government in Yukon.

A new system of local government provided for in the amended *Municipal Act* will be experimental in many respects. The Yukon government is placing considerable additional authority and responsibility at the local level, in order to promote local autonomy. The proposed Yukon Municipal Board, which is a new concept to Yukon, will bear close scrutiny in its operation.

Once this act is amended and implemented, there will undoubtedly be issues discovered and problems arise that have not been dealt with by the act. Indeed, the dynamic nature and evolution of Yukon societies makes this obvious. Indian land claims settlement legislation may require further changes to this act in the near future. However, the act is not cast in stone and, since it is innovative we recognize further changes may be necessary once there has been some practical experience with it.

During the legislative debate on the 1980 *Municipal Act* and in submissions to the Miller Inquiry, it was suggested that a new municipal act should not be put in place until Indian land claims settlement legislation had been finalized and enacted — that was two years ago, almost three. Though changes to the *Municipal Act* may be required as a result of settlement legislation, it was agreed by all parties that the *Municipal Act* should not be further delayed for the following reasons:

1) Municipalities and local improvement districts have found it increasingly difficult to continue operating under the outdated and restrictive 1972 *Municipal Act* and *Local Improvement District Act*. This is particularly the case with respect to local improvement districts, which do not presently have the authority to carry out normal municipal functions, such as establishing general property tax rates or determining the appropriate zoning and building code requirements for their communities.

2) The amended *Municipal Act* contains many of the concepts, such as award system and the Yukon Municipal Board, which are visualized for inclusion in Indian land claims settlement legislation. Implementation of these provisions now will both ease the transition and provide a learning experience in implementing settlement legislation and demonstrate the commitment of the Yukon government towards these concepts.

3) Under the *Municipal Finance Act*, local improvement districts are provided with large, unconditional grants rather than negotiated and arbitrary deficit grants, as was previously the case. It is necessary that this increased financial autonomy and authority be reflected in increased accountability and responsibility by incorporating these communities as municipalities.

Though the provisions of the bill will be discussed in detail in Committee of the Whole, I would like to briefly elaborate on a number of the major principles of the legislation:

1) the special concern and importance of local government to Yukon's native population has been recognized by inclusion of the following provisions in the legislation:

a) Indian bands who represent at least 25 persons entitled to vote in band elections and who would qualify as municipal electors may initiate the process of municipal incorporation or boundary expansion;

b) one member of the Yukon Municipal Board is to be appointed from persons nominated by the Council for Yukon Indians to ensure native representation on this board;

c) the Yukon Municipal Board will be empowered to hear appeals and objections to proposed municipal and corporation, change of status, dissolution or boundary change. The present act provides for an ad hoc board of inquiry in the case of municipal incorporations and an optional hearing by the Yukon Municipal Board in the case of boundary changes and no appeal process in the case of changes in municipal status and dissolution.

d) a special provision, which will enable a municipal council composed primarily of band members to enter into contracts with their band or band development corporation would not have been possible under the present legislation.

Implementation of the present legislation provided for the reincorporation of municipalities and incorporation of local improvement districts as municipalities at the same time as a number of major boundary expansions. This will no longer be the case. The existing municipalities of Whitehorse, Faro and Dawson City will be continued as municipalities with their present boundaries, other than a small agreed upon enlargement of the boundary of Dawson City.

Local improvement districts will initially be incorporated as municipalities with their present boundaries. Major extensions and enlargements of these boundaries will be undertaken at a later date in accordance with the provisions of the amended *Municipal Act*.

When significant boundary expansions occur more than six months before the next municipal election, a special provision will provide for creation of a one-time only ward and by-election in the expanded area to ensure representation by people in the expanded area on the municipal council. Such a special ward will be dissolved at the time of the next general election.

The legislation also provides for a period of 12 months for local

improvement districts to become incorporated as municipalities. In order to limit confusion in the transition to municipal status, local improvement districts will have the authority and responsibility to establish 1984 general property tax rates and these taxes will be collected and paid to the local improvement district by the Yukon government. As well, local improvement district boards or trustees will serve as the first municipal council. A municipal council may act as a board of variance and the minister may act as the Yukon Municipal Board for up to six months to permit for these structures to become established and operational.

The present *Municipal Act* provides for the order of incorporation by the Commissioner and Executive Council, which establishes the municipality to contain special or unique provisions applicable only to that municipality, which may be at variance with those contained in the act. This will no longer be the case. Rather, any special provisions which are not presently specified in the legislation must be provided for by amendment to the legislation or a separate piece of legislation. This special provision, applicable to Faro, contained in the bill are an example of this requirement.

¹⁰ The name of the members of the municipal council will be changed from aldermen to councillor. A councillor or mayor is no longer disqualified from office if, as a member of the council, he participates in dealings with the society of which he is a member that has dealings or contracts with the municipality.

A major area that is of concern is the requirement for taxpayer or municipal approval of municipal capital expenditures in borrowing levels when they exceed a certain specified and largely arbitrary dollar amounts which are set at different levels for cities, towns and villages. However, these dollar levels do not appropriately reflect the financial or debt repayment capabilities of our Yukon communities, which are largely determined by their property tax base. For this reason, it is proposed that borrowing and capital expenditure levels, requiring taxpayer or ministerial approval, will be set as a percentage of assessed property value in each community. Under this arrangement, municipalities will be authorized to spend on one capital project or borrow in one year up to one-quarter of one percent of the total current assessed value of all real property within that municipality, subject to taxes or grants in lieu of taxes, before requiring taxpayers' approval.

The approval of the Yukon government and taxpayers will also be required on any borrowing which causes the total principal amount or debt of a municipality to exceed two percent of the current assessed value of all real property within the municipality, subject to taxes or grants in lieu of taxes.

The present act requires that all municipal borrowings be approved by the Yukon government. These expenditures and borrowing restrictions will provide municipalities with greater flexibility in managing their financial affairs while at the same time ensuring that their debt burden does not become significant without the approval of its taxpayers and the Yukon government.

The following municipal decisions will no longer require approval by the Yukon government and/or taxpayers: municipal expenditures not provided for in a provisional municipal budget can be authorized by an amendment to the provisional budget rather than requiring approval of the Yukon government. Contracts for the supply of materials, equipment and services, acquisition by lease or otherwise of real property, the lease or sale of real property; municipalities will be permitted to invest in debentures and securities of the Yukon government as well as the Government of Canada and the provinces; the sections of the act providing for the Yukon government to establish and administer a municipal retirement death and disability program will be repealed. These programs will be carried out directly by the Yukon municipalities and the AYC with no participation by the Government of the Yukon Territory.

I have gone through a number of the major changes in the bill. As I indicated at the outset, we would be discussing in great detail the various details of the bill through committee. I just want to close by addressing a special message to the five Local Improvement Districts which will become municipalities over the course of this year. Candidates who will be elected this fall as Local Improvement District trustees will, over the course of this coming year, assume

significantly greater powers and responsibilities during the term when the new municipal act is implemented. They will assume the role of councillors on the community's first municipal council. I therefore would encourage all members in this House, as well as the general public, to take an interest in the affairs of their communities to recognize the expanded powers and responsibilities of these new municipalities and to become involved in these elections as there are going to be serious decisions made at the community level in the course of the forthcoming year.

Mr. Penikett: We spent quite a bit of time, it seems, when we were discussing the original bill in this House, that it is clear from what has happened since that we probably did not spend enough time in 1980 when we first considered this very complex law. I doubt if any of us were smart enough to have foreseen some of the objections or some of the concerns that ended up being articulated by the Association of Yukon Communities and the Council for Yukon Indians and other citizens, and I guess we would have been geniuses if we could have done that. But as the minister has said, people became aware of their concerns as they got to know the bill and as they began discussing it in greater detail. As the minister has also indicated, I expect that some of those people will discover new concerns or new problems or new issues with the bill and there will be further discussion in order.

During second reading of the original bill, the bill which we are amending today, I had a number of concerns. Some of those concerns have been addressed in the amendments today. Some of them have not.

⁴⁰ The minister will recall that, in 1980, I expressed considerable apprehension about the nature and the structure and the responsibilities of the new Municipal Board that was to be created by the act. It is clear that the body that was envisioned in that bill has evolved some distance as a result of the discussions that have gone on by the minister's officials with various interested parties in that time. It is clear that at least in large measure the local politicians, whether they are band councillors or LID or town councillors, are in some measure reassured by the changes that are happening in these amendments.

However, I think that while the original proposal lacked clarity, I think it was a messy proposal. I think it was an octopus that had many arms and had many functions and it was not clear. I think that the board's functions had been considerably clarified since then. I suspect they will need further clarification. I understand that one of the things that has been a continuing subject of discussion between the territorial level and the municipal level of government is whether this was to be an advisory board or whether it is a board with real authority. Clearly, since the majority of its members are to be the nominees of the Order-in-Council across the floor, it is to be a body with some considerable authority. Perhaps there might have been more readiness had the nominees come from the communities, were it only to have an advisory role.

As well, at the time of the debate of the original bill, I also had some concerns about the appropriateness of establishing in Yukon a single, rigid structure of local government on all 12 of the unique communities in the territory. I raised the question at that time as to whether the method of imposing a certain kind of regime structure was the appropriate thing to do, especially since that original bill, as the minister mentioned, really contained no references to the Indian community or to the land claims process whatsoever. I raised at that time the reasonableness of having individual municipal charters and I particularly suggested, since the City of Whitehorse was unique, both in terms of its taxing powers and its administrative capabilities in this territory, that an appropriate place to start the development of a charter system of government where we could do it, would be to do as many jurisdictions have done with their capital city, which is to have a separate charter.

For all the discussions that have gone on, the charter revision is not explicitly present in the bill, although I understand from my reading of it that there is one clause which, at least, allows the possibility of some charter arrangement in special cases. That is something I would like to pursue with the minister at the time.

Another problem I have with the original bill, which is not addressed in these amendments, and I think it should have been, is

the whole problem of the local government constitutions. Prior to the discussion of the bill in 1980, what we had in law at that time was what is known as the council manager system of local government. What the *Municipal Act* in 1980 proposed was that we should move from a council-manager system of local government to a mayor-manager system of local government. I expressed a number of concerns about that, concerns which I was interested to find have been shared by one or two other people, but I freely confess to the minister, not the thousands of people marching in the streets. The concerns I had were with the conflicting or contradictory roles of the mayor under this arrangement.

⁴¹ Now, as things operate in this city, for example, at the present time the mayor is one among several councillors. The mayor is clearly the presiding officer and, in that role, the mayor will speak for council once council has, itself, spoken on a question. The custom, in most Canadian cities, is for the mayor to be a presiding officer. There are very few places in the country where the mayor has executive power on his own unless, in fact, you have expressly a mayor-manager system of local government and, in some places in the world, you can have a mayor-manager system where the mayor is, in fact, the chief administrative officer, as well. In other words, they combine the executive and administrative functions in one person. That is particularly appropriate in a small community.

What happens, though, where you have such a situation as I have described — in other words, a strong mayor situation — is that you have an electoral system which can produce a strong mayor. We do not have that in Yukon. What we have in Whitehorse, at the moment, to use that as an example, is a system where the alderman run at-large and the mayor runs at-large. It is possible for the mayor to be elected with less votes than any of the aldermen; in fact, it has happened. It is possible, therefore, for one to argue that, in terms of a mandate, the mayor may have less of a personal mandate than any of his or her colleagues on council.

However, in this law it is proposed that the mayor have powers which are quite unique. The mayor has, in fact, powers which, in some cases, are not even subject to review by council, particularly with respect to the mayor supervising the chief administrative officer. I would like to make this point emphatically before we finally enshrine what I think is a dubious principle.

There may be all sorts of arguments for having a strong mayor system. However, they have not been articulated by this minister or his predecessor in presenting the bill. If there are arguments for having a strong mayor, or for having a mayor with very considerable powers, which they shall exercise exclusively — namely, powers over the administration — then I believe we ought to have in this bill an arrangement in terms of the election provisions which will produce a strong mayor. There are a couple of ways of doing that. You can have the council elections carried on at-large; everyone runs for a seat on council. Then, council, from among its numbers, chooses the person they feel best able to be mayor, or the most capable of being mayor, or the person who has the confidence of the rest of council, to be mayor. That is one way of getting a strong mayor.

Another way is to have a ward system in a community. You can have a situation where each of the councillors represent a neighbourhood or part of the city, or part of the community, and only the mayor is elected at-large. In that case, the mayor's mandate is unique in that the mayor, alone among all the members of council, represents the whole community. That gives them a unique mandate which may justify the extraordinary powers they have over the administration.

Another possible way — and I want to emphasize that I am not proposing this, I am just talking about the constitutional theory here — is that you have the situation that operates in many countries, such as the United States or Great Britain where, in fact, you have a party system and the person who ends up becoming mayor is, in fact, the leader of the municipal ticket. In Canada, we have many cases where there are municipal parties, but they are not, as a rule yet in Canada, the same parties as operate at the territorial and federal level.

⁴² Any one of those three systems can produce a strong mayor. The system that we have is not designed to produce a strong mayor; it

may, in fact, produce a very capable, powerful person such as the incumbent mayor of Whitehorse, who is a human being with considerable ability and personal authority and may be able to exercise very capably the duties as they are described in this bill.

However, I believe and I predict that we will have problems sometime in the future, where we elect mayors, under the present electoral system, who may not have the support of the majority of council — because that may happen. They may be a minority in their own councils and they may attempt to supervise the staff of a city in such a way that produces difficulties with their own council and, since the council does not have the power of oversight or the mayor does not, under this law, have to go back, before or after the fact, and get the council's approval for the way in which they are supervising the administration, there could be problems.

The other thing I mentioned at second reading, the last go-round, two years ago, or whenever it was, was the problem of money. The fact of the matter is, for all the nice discussions that we have about local government or local government theory, the big issue in local government continues to be money, a matter of very high principle that colours most issues. Most of the disputes between the two levels of government that you look at, whether you are reading about this community or any other in the country have, in the end, to do with money.

It was also said of the bill that we passed in 1980, which we are proposing to amend here today, that it did not reflect the philosophy of local self-government, but that it was centralist and paternalist in its approach. That was a view which I do not think was shared by the minister, but some people looking at the legislation believe very much that that was a deficiency in that the ideal of effective community control of local government was not achieved in the original bill. There was also, as I recall the debate, some considerable criticism of the wording of the bill and there were a number of people who felt that they had a great difficulty in understanding it.

There was, as the minister alluded to, at the time, no specific mention or recognition of the existence or the position of the native people or their communities or their local governments. It was a problem in the original bill. There was also, I think, some concern about the discretionary powers held by the Commissioner and the inspector in the original bill. There was also, I think, a problem on that score in that many of the residual powers were held by those officers. Some of the changes that have happened in the amendments, I think, reflect that concern. There was also, as I said, concern that the municipal board was established without any clear role and without any definite allocation of powers.

As the minister has suggested, after we had passed this bill, some of the people in the communities who were affected by it became increasingly aware of its provisions and became sensitive to some of its aspects. There was, as the minister alluded to, the Miller Inquiry, which made a recommendation, which I think this government wisely accepted, essentially not to proclaim the bill.

At that point, there began something which I think is a unique process, perhaps a fairly unique process in the history of this territory, a dialogue between the Association of Yukon Communities and the Council for Yukon Indians continued, in an attempt to reach a consensus about this legislation.

“I think in many ways that was a first for this territory. I think it would be a mistake for us to go through second reading of this bill and not make reference to that very important process.

Those organizations representing the local governments and the band councils, the Association of Yukon Communities and the Council for Yukon Indians, began to meet and discuss this bill. Inevitably they discussed other matters. I think what people became aware of, as a result of that process, were a number of things: how much they had in common, how many concerns they had in common and to what a large extent that they had some shared interests with respect to this kind of legislation. I think the process was commendable. I think it was extremely useful. I also think it was quite important historically in the territory. I think, as the Government of Yukon was drawn into the discussions with these two groups, all parties realized what a constructive process that was and what great positive potential there was for ending up with better

legislation in this important field, especially when you are dealing with legislation that is as complex and involved as this.

I think it is important to say in debate at second reading that I personally would have preferred that we had had a completely new bill. I think I understand the minister's reasons for just presenting amendments. I want to, in fact, share the preference expressed by the AYC for having a complete new bill. Let me make this modest point. At the very least it would have made preparing for this debate an awful lot easier. The ministers opposite have referred to their desks upstairs and invited us to come and fondle them, but my desk is not that big and I found that when I was trying to, in fact, keep the pages of the original bill and the pages of the amendments and all the documents that I wanted to refer to on the desk, they kept falling off the edges.

I can appreciate that a lot of work has gone into the bill — the government leader is asking me if I am asking for a bigger desk. No, I think probably in legislation like this, in the future, I will work on the floor — but, the fact of the matter is when you are going through the process of checking the amendments against the original bill, then trying to check your correspondence and your own sources on each of these particulars, it does take quite a long time and it might have been easier to do it if I could have just compared the bills page by page; however, not to quibble.

I want to, in fact, for a couple of minutes, touch on some of the specific agreements that came out of the discussions between the Association of Yukon Communities and the Council for Yukon Indians and the Government of Yukon.

These discussions, we should understand, went on for quite a long time. As I understand it, they reached a kind of decision point in a meeting this summer at Dezadeash Lodge, I think it was, where there were a small number of representatives — and that probably helped — of the Council for Yukon Indians and the AYC and the Government of Yukon, and that that small group of people, I understand, were able to reach, after a great deal of discussion, a substantial measure of agreement on many of the particular problems in the act.

Just to mention some of the things that were at issue, and at which agreement was found. I understand that it was agreed to preface the act with a preamble.

“The bill that we have before us has not reflected that, but we may see it yet. I understand, as the minister has said, that they agreed to substitute the word ‘councillor’ for ‘alderman’”. I understand that, at that point, the minister has referred to the process of municipal incorporation and boundary adjustments and changes of status and dissolution, and what it would take to initiate that. I understand that the CYI was concerned that they were unable to initiate the process but that YTG, in the end, agreed that a band representing 25 members in a municipality could initiate the process.

I have previously mentioned the question of charters and I gather that the charter idea was something that the AYC found some favour with, the CYI was particularly fond of, the leader of the opposition was very fond of, but that the Government of Yukon did not particularly like. I understand that, in this bill, we are doing away with the hamlet advisory councils. There were issues of dispute about whether a band member who was alderman could be disqualified from voting or participating in contracts or dealings between a municipality and the band, and I gather that YTG took a fairly strong position on that. I understand that one issue that was not agreed upon was the question of overlapping terms for municipalities. I understand that the AYC, to this day, would still very much like to have in the bill a provision for annual elections in the local governments, especially in the smaller communities, with overlapping or staggered terms and that they believe this would provide greater political stability in the small communities. I understand that is the point on which YTG did not find favour.

The minister has referred to the discussion in terms of the wards. I understand that the minister did also refer to the whole section of the bill which dealt with retirement, death and disability benefits as having been basically taken out of the act, and that was quite a long section, if I recall, in the original bill; there were many, many clauses on that.

It was agreed that some changes in terms of the bylaws requiring commissioner's approval — I think the minister has also referred to that. And the question about the taxpayers' approval on capital projects — the original provisions on that in the bill — have been changed in that regard, partly as a result of the agreements with the parties to the discussion.

The section on the special grants, where they would affect the tax payable, was the subject of further agreement. The question which I guess in the bill is talked about in terms of leases — there is a long section in the original bill on leases — was most specifically addressed in respect of municipal contracts for supply of materials or whatever, or equipment and services in excess of five years, and I guess it was decided that that would not require taxpayers' assent but that the commissioner's approval would still be required.

There are sections on the commissioner's approval of municipal borrowing and the question of interim financing. There was the question which I gather was of particular concern to bands which is the question of local improvement charges or frontage charges because they, potentially as a result of the land claims settlement, had the same concern that other land owners could have in a municipality; that the frontage charges could be in fact quite exorbitant for certain municipal services especially if the frontage charges were similar to the regime that operates in this city.

« There were questions in the original bill which caused some comment by one observer I read, which was the problem of public use lands within the municipalities. The commentator I read had cause to question the appropriateness of these lands being held in the Commissioner's name.

That is an issue I do not think was resolved, but another concern that related to that was the power of the Commissioner to sell those public use lands. I gather, if I understand the amendment correctly in the bill, that that power now really resides with the municipality, in the case of those public use lands, and I look forward to gaining a greater understanding of that issue from the minister when we get into clause-by-clause discussion.

The question which we have discussed with the minister more recently, in connection with certain kinds of services beyond municipal boundaries, I think, is a useful addition of the bill and I think that was done by agreement by all those in the discussion. As I think has been noted in the amendments, the provision of certain emergency services, such as ambulance services, is deemed to be only within the capacity of the largest municipalities and not something that the smallest units of local government will be expected to maintain.

There were all sorts of questions about business, health services, business licence fees, which were subject, I gather, to some lengthy discussion but then, eventually, agreement. I understand that the Association of Yukon Communities had requested the powers to impose a hotel tax in their own communities, but that YTG did not agree. It is a very interesting question, since I gather, not in the lifetime of this legislature but in previous legislatures, that this has been the subject of some considerable discussion and it is obviously a matter of continuing concern to the AYC. In the room tax or hotel — the government leader is looking puzzled as to what I am referring — I am not unsure about the jurisdictions on those questions, anyway.

The question about the issue of whether municipal councils could provide public transit was adequately addressed. The whole problem of the relationship between the official community plans and the municipal board was, predictably, a difficult one. I am not sure that the amendments that the minister has presented to the House will resolve all those problems. I persist in believing that there will be difficulties for YTG in requiring that the communities do something for themselves that YTG has not itself done, in terms of the whole territory. There may be communities that find the logic of that inescapable.

This is particularly interesting coming from this minister, as he is one who previously told the House that he does not believe in this kind of planning. I know he must have undergone a recent conversion, since he is now the minister responsible for planning and that he is now requiring municipalities to do this kind of planning. We look forward to him giving some very lengthy

explanations on that subject.

The one problem I recall with that was there was a problem, I gather, until quite recently — and there may still be a problem, in that neither of the local government organizations were keen about leaving with the Commissioner the power to impose plans or zoning bylaws — if they had failed to do so. That problem is one that I want to talk about in committee at some length, because it occurs to me that there are communities in the territory that are quite happy with the way things are right now and might want to present plans which just reflect the status quo, which may be quite acceptable for them but conceivably might not be acceptable to YTG.

The question of subdivision approval, I gather, was one that was eventually resolved to the satisfaction of the people. I gather that the issue of the municipal board, which I previously discussed, was a problem of extensive discussion.

« We now have a proposal in this bill, which is a board of five; three minister appointments, one which will be a nominee from the Indian communities, another a nominee from the non-Indian communities, or the association. That board, as outlined on the bill, will have certain kinds of specific authority. I would be interested in hearing from the minister, when we get into committee, as to how the composition of the board was eventually arrived at, since I understand that we have had various discussions range from having nine members or seven members to, I gather at one point there were even some people interested in limiting it to three.

Some unimportant items about the power of the council to adopt flags and so forth was not very controversial. The sticking point, I gather, was that the AYC and the CYI were quite concerned that before an administrator could be appointed under the powers of this act, due to the failure of the municipality to carry out certain kinds of duties and functions, that an inquiry to the public must be held, but I gather that YTG had a difficulty with the communities' logic in that respect, especially because in the original bill there was quite a broad public interest provision that would allow the commissioner to act.

As the minister has indicated, there are still some problems with the bill. Hopefully, the committee discussion will identify some of those and perhaps we may even have some amendments which will further improve the bill. I have praised the process of consultation and cooperation that went on. There may well be a fear that the AYC may have gotten more of what they wanted than the Council for Yukon Indians under the process, but I think those particulars of things we can discuss better in committee.

I want to say to the minister that I predict a problem on a couple of points, which I think have been brought to his attention by other organizations. One is the definition of Indian bands, early in the bill. That definition described Indian bands under the *Indian Act*, which of course would include only status Indians, which would not deal with the problem of Indians as they are defined under a possible settlement act or the Indian people as the Indian community here has defined the membership in their community.

The other issue I mentioned, of staggered municipal terms, is something I look forward to discussing with the minister.

I want to conclude by saying that this is a complex and important bill. I am sure, as the minister said, he will understand that it is not yet perfect. I would have hoped that some of the issues that I mentioned at the beginning might have been dealt with. They were not. I look forward to discussing those with the minister. I will say this: I think it is a better than we had before. I think it is better mostly because of the kind of consultation and discussion that went on with the AYC and the CYI and I think they must share with the minister's administration the credit for having worked so hard and so enthusiastically to make this a better piece of legislation.

I look forward to the committee deliberations on the bill.

Mr. Porter: I would like to speak to the bill as well, in terms of second reading. In view of the condition of the members in the House, and the time, I think that I would like to reserve my remarks after everyone has a chance to get some grub.

Mr. Speaker: I would say that the House has 10 minutes to go. If anybody wishes to speak, I would suggest they begin their address at this time.

Mr. Porter: It seems that if I am going to be pressed into the

situation to eat up the time, then I will do so.

At the onset, I would like to congratulate the Minister of Municipal Affairs on his knowledge of Latin. I would like to tell him that old Will Shakespeare probably would congratulate him as well, if he were here today.

I would like to ask him, though: if the Minister of Indian Affairs is Brutus, what does that make you; Caesar?

In respect of the legislation that we see before us today, I think I would have to join the official leader of the opposition in commending the minister for the consultation process that he has engaged himself in with respect to the major interests that are concerned about the evolution of municipal government in the Yukon. I think that, if the government as a whole were to take that kind of attitude of attempting to consult and fully inform the Yukon populace in terms of the content of legislation they bring before the House, in all probability the whole process of government, the whole process of bringing forth good legislation, would probably be greatly enhanced.

The question I have is the question of entrenchment for Indian band governments. In this particular document, we see no attempt to link the operational local governments negotiated in the land claims forum with the emerging system of municipal government here in the Yukon. The principles underlying the amendments do not include recognition of Indian band governments as having the same legitimacy as municipal governments, nor do they allow for the recognition and protection of Indian interests within the municipalities. The principles in this bill are even less advanced than what we find in British Columbia, and God knows what those goofy buggers are doing down there.

Mr. Speaker: Order please. I would ask the hon. member to keep his remarks parliamentary, please.

Mr. Porter: Okay, I will do that. But in respect of this particular piece of legislation, and in respect of the question of municipalities, the Government of BC, as bad as they are, does provide for the incorporation of Indian bands as municipalities. The member for Porter Creek East talked about that question and he assured us that, in the future, that could be provided for — that this particular document is not written in stone. We all recognize that any legislation that this government passes is indeed not written in stone. He talks in the legislation about that process being done by way of provision of incorporation of bands under special legislation, and later on in committee I would like to ask the minister what he means by the process of special legislation.

On the question of appeals, I think that is a very unclear area. This, in my opinion, is a very contentious area and a very disturbing section of the proposed amendment. This section I am talking about allows for any 10 taxpayers who are against the establishment of a municipality to appeal to the Yukon Municipal Board and then, if the bands want to appeal, they would need to represent at least 25 persons who are eligible to vote in a band election. And, of course this has to meet the consent of the executive council member. My question there is: what is being said here? Are we saying that 10 non-native members have an equal right to 25 native members? What is being said here? I do not understand this particular section. Why, in terms of the legislation, it talks about 10 taxpayers and then later on has to have 25 band members? I am sure the minister will explain in greater detail that particular section once we have gotten to the process of committee, and I look forward to his explanation.

And, like the leader of the opposition, the question of definition and the terms of the band section, they say they will use the *Indian Act* as criteria for definition. I would like to state that it is in direct contradiction to what has been negotiated in the land claims process, because they have agreed to ignore the *Indian Act* definition and go on a whole system of eligibility.

It looks like I just about used your time up.

Some hon. Members: Question.

Motion agreed to

Bill Number 32: Second Reading

Mr. Clerk: Second reading, Bill Number 32, standing in the name of the hon. Mr. Pearson.

Hon. Mr. Pearson: I move that Bill Number 32, entitled *An Act to Amend the Elections Act*, be now read a second time.

Mr. Speaker: It has been moved by the hon. government leader that Bill Number 32 be now read a second time.

Hon. Mr. Pearson: This bill represents the culmination of a many-faceted process. It contains many of the ideas put forward by the Yukon Elections Board in the report which you recently tabled in the Assembly and which Board has been kind enough to forward to all members upon its completion in August of this year. It contains decisions made as a result of our deliberations on the *Charter of Rights* and its effect on all Yukon laws. It contains input from the Member Services Board on the subject of the Elections Board itself. Finally, because it is a bill I am bringing forward to the House, it contains the input and represents the decisions of Cabinet. There are a number of important initiatives in this bill, initiatives which, it is our hope, will improve the administration and conduct of elections in Yukon.

First, however, I wish to address the amendments which have the effect of transferring responsibility for elections from the Elections Board to the chief electoral officer. As you will recall, I raised this matter with yourself and the leader of the official opposition at a Member Services Board meeting earlier this year. I said, at that time, that the Elections Board had been set up in recognition of a particular constitutional framework, that being the situation whereby all deputy ministers, including the Clerk of the Legislative Assembly, were appointed by, and reported to, the Commissioner. It is understandable that the Assembly, in 1978, would have desired the appointment of an autonomous body for the conduct of elections, as opposed to placing such responsibilities in the hands of a public servant. There can be no question that the Elections Board has served Yukon and its electors well in the two general elections and the two by-elections held since we assumed responsibility for running elections from the federal government in 1978.

I repeat, that is without question, but I would also suggest that it is not the issue. Rather, and I believe the Member Services Board agreed with me on this point, I would argue that the constitutional advances we have made since 1978 make it now possible for us to follow the example set by a majority of the Canadian provinces. Although most provinces now have a full-time chief electoral officer, it was quite common, in the past, in these jurisdictions, for the Clerk of the Assembly to be assigned that title and to be given the responsibility for elections administration. Our own clerk now reports directly to this Assembly and I feel we can take the next logical step by appointing him to the additional position of chief electoral officer.

I should note that I do not feel that elections should be run by a board. Mr. Andrew Roman was in Yukon briefly during the past summer to offer his advice on the place and operating methods of boards and commissions. At one presentation, which I attended, he stated that there are six reasons for creating a board: depolitization of an issue, licencing, efficiency, specialized expertise, reduction in lobbying pressure on government and holding public hearings. I would submit that none of these criteria are fulfilled if one attempts to argue that elections are a proper place for the presence of a board.

Why, then, did we have an elections board in the past? Again, I would say it was established solely in recognition of the political reality of the clerk's reporting relationship with the Commissioner.

I previously stated that there are a number of important initiatives taken in this bill with regard to the elections process. The one which will possibly have the greatest effect on ourselves, as politicians, and which the public may consider as being of the greatest benefit is the shortening of the election period from 45 days to 31 days. The consequential effect of this is that nomination day now will fall on day 10, rather than on day 26 and revision hearings will be on days 18 and 19, rather than on days 33 and 36.

Mr. Speaker: I am sorry I must interrupt the hon. member, but the time is now 5:30. I will have to stand the House in recess until 7:30, at which time the hon. government leader will have the floor.

Recess

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

Hon. Mr. Pearson: Before I get back to my second reading speech on the bill, I would like to, on behalf of all members of the House and you, in particular, Mr. Speaker, welcome the 21 boys from the Whitehorse 7th Cub Pack from Takhini, to the legislature this evening. They are here with their leaders John Gryba, Ken Derbyshire and Diane LaMont, some of their parents and volunteers. I would sincerely like to welcome them on behalf of all of us.

Applause

Hon. Mr. Pearson: Prior to the supper break, I was just nicely getting into my second reading speech on the amendments to the *Election Act*. I am sure all members will recall that I had just concluded my remarks about the appointment of our clerk as the chief elections officer for the territory as opposed to, or instead of, the present election board.

I would like to repeat one paragraph of what I said just prior to rising, because I believe that the continuity would be a little better.

I previously stated that there are a number of important initiatives taken in this bill, with regard to the election process. The one which will possibly have the greatest effect on us, as politicians, and which the public may consider as being of the greatest benefit, is the shortening of the election period from 45 days to 31 days. The consequential effects of this are that nomination day will now fall on day 10 rather than day 26 and revision hearings will be on days 18 and 19, rather than days 33 through 36.

We are also proposing that an advanced poll be held for the first time since 1974. It would take place on days 23 and 24 of the election period and would serve to allow those people who will be absent on polling day to personally cast their ballots.

During the past two elections, such people, if they wish to vote, had to assign their votes to a proxy. I am sure all politicians have heard their fair share of complaining about how unjust it is to have to transfer to someone else that most sacred of democratic rights, the right to vote.

We have not abolished proxy voting in this act, but in recognition of the existence of the advanced poll, we are stating that a proxy may be used only in a situation where an elector will be outside Yukon on polling day. We are concerned that the sort of wide open proxy system we had in 1982 could be the subject of abuse. This potential for abuse will be greatly lessened by the out-of-Yukon requirement and, further, the *Elections Act* is amended to require an elector appointing a proxy, or the proxy voter, to apply for a proxy certificate at revision hearings or to the returning officer.

This is a return to the 1978 practice and will ensure that both the proxy voter and the elector appointing a proxy voter, are qualified electors whose names appear on the list of electors in the same electoral district. It is envisioned that proxies will now be appointed largely by people on holidays, students and employees of the Government of Yukon who work outside the territory.

We are following the recommendation made by the Elections Board by abolishing the swearing in on polling day of electors whose names do not appear on the list of electors.

The following quotation is from page 17 of the board's report:

"Swearing in of electors on polling day, 1982, caused serious doubt as to the qualifications of persons claiming to be eligible. An election officer or candidate's agent who challenges an elector is restricted in requesting proof of eligibility. Any person who willingly swears or affirms an oath of eligibility and is vouched for by an elector, may receive a ballot paper. Unfortunately, the provision does not always satisfy the intent of the legislation. Perhaps no other voting procedure has such potential for providing grounds for a controverted election".

I believe we should pay special heed to the board's advice on this matter.

Members of both sides of this House have paid careful attention to the needs of Yukon senior citizens. This bill contains a provision requiring the establishment of polls within nursing and retirement homes. This is done in recognition of our senior citizens and the problems they may face in getting to a normal polling place to cast their ballots. In actual fact, such homes have normally been assigned their own polls in the past. What is now being done is to give special recognition to such polls.

Further, to lessen the inconvenience to the residents and staff of nursing and retirement homes, the polls there will only be open from 10 o'clock in the morning until 4 o'clock in the afternoon.

This bill also contains provisions establishing the use of mail-in ballots in restricted situations. The first such situation is that of a polling division containing 15 or less electors. There were six such polling divisions in Yukon in the last general election. The primary reason for using mail-in ballots in these polling divisions is due to the cost of providing a normal poll and, in some cases, due to the isolation of electors in these polling divisions. It should be noted that the legislation in this regard is permissive. It states that the returning officer may direct electors in polling divisions containing 15 or less electors to vote by mail-in ballots. I am certain that, cost aside, all returning officers would be sympathetic to the misgivings to such electors who specifically state that they wish a polling station established in their polling division.

The other use of the mail-in ballot is directed to hospital patients and prisoners being held of remand in a correction centre. The procedures for this use are complex and I do not plan to detail them here, but, put simply, such electors would be provided an opportunity to vote by mail-in ballot in the electoral district of their permanent residence and, failing that, in the electoral district of their last known address. I do not expect this provision will be utilized very often by hospital patients, as there are very few patients who reside in the Whitehorse hospital for more than a week and I believe the average length of stay to be less than five days. I suspect that a large proportion of the patients who are in the hospital on polling day will have voted at the advanced poll.

In the matter of remand prisoners, that is, those prisoners who are being held while awaiting trial, I think all members would agree it is justifiable to provide them with an opportunity to vote since they must be assumed to be innocent until proven guilty.

The prisoners who are serving sentences should not have the right to vote. Members will be aware that these are issues which are subject to *Charter of Rights* considerations.

Although there have been no decisions from the Supreme Court of Canada on questions such as these, there have been some lower court decisions of note. In the case of *Maltby vs The Attorney General of Saskatchewan*, judge Sirois found that, not only do remand prisoners have the right to vote, but that the legislature must make provision for such prisoners to be able to exercise that right. In a more recent case, in the Supreme Court of British Columbia, it was found by Justice Taylor that convicted prisoners, due to practical considerations, may be denied the right to vote.

Members may be interested to know the practical effects this amendment will have. Figures supplied to me indicate that, during 1982, there was an average of approximately seven prisoners being held on remand at the Whitehorse Correctional Institute and that such prisoners were held an average of 25 days.

There are a number of other changes which I would quickly mention.

The amendment to provisions relating to the ballot paper sets out a standard method by which candidates names are to be listed. The name of the candidate of the political party represented by the government leader will be placed first, followed by the candidate of the political party represented by the leader of the official opposition. Other candidates would then be listed in alphabetical order. This idea has been picked up from the BC legislation and it is our hope that a ballot standardized across Yukon, in this fashion will be of assistance to both candidates and electors.

There are a number of further amendments, following on recommendations of the Elections Board. At revision hearings, no person will be allowed to apply for more than two changes to the list of electors. Enumerators will be required to list residence addresses where they are available, rather than mailing addresses. Police officers will now be allowed to act as election officials, as is the case everywhere else in Canada. Also, we have added a special provision on the recommendation of the Board that allows a deputy returning officer to take the ballot box to a physically-handicapped elector, if that elector is unable to enter the polling station.

As all members can see, there are a number of very important amendments contained in this bill. It is my hope that they will lead

to valuable improvements in the way in which we conduct our elections.

Mr. Porter: It is my opinion that the *Elections Act* that we have here before us this evening contains one of the most blatant paragraphs we have seen in the political history of this territory.

What we are seeing in this legislature is a tragedy of the greatest magnitude. It seems that this government will do anything to maintain political power in the Yukon, including legislating their way into power. Mr. Speaker, that is exactly what is being proposed in the *Elections Act*. This government has proposed, in this legislation, to legislate all of the electoral ballots, at the very top of every ballot, the name of their candidate. It would suggest, for the benefit largely of the visitors that we have here tonight, that a thorough explanation of the elections process would be fitting.

When the elections are held, what happens is that a little ballot is given to each elector, and on this little ballot there is a list of names...

Mr. Speaker: Order, please. I wonder if the hon. member would address the Chair and the House, please, rather than the public gallery.

Mr. Porter: The visitors who are here need an explanation.

Mr. Speaker: Perhaps you could direct your remarks through the Chair.

Mr. Porter: Okay, these remarks are directed to the Chair. What happens is that you get a ballot, and on top of the ballot, every candidate's name is there. The process that goes on now is that a draw is made. The names of the candidates are put into the hat and then you select your name out of the hat and that is how you get placed first, second or third on the political ballot, and that is how you mark your "X".

What this government is attempting to do is to say, by law, that the candidates who run for them shall be first on every ballot, so therefore increasing their chances of getting elected in a community. That process is definitely not democracy.

It is anything but democracy. You can call it anything you want — facism, communism, totalitarianism — but it is not democracy.

I have always understood that the central theme of a democratic society was the principle of fairness. What we have this government attempting to do is anything but fair. As a matter of fact, they have taken a fair system of elections and have chosen to legislate themselves an electoral advantage. I do not know who they are attempting to kid by pulling this off. Surely, they do not believe the people of Yukon are so naive as to allow them to dictate the process of voting on the ballots.

I ask the government why are they simply not up front on this issue? Why do they not just simply put in this legislation that there shall be a Conservative government in Yukon forever, because it is all the same process. That is what it all leads up to. That is the kind of path that they have chosen for themselves by putting this amendment into the *Elections Act*.

What is being done here, today, I suggest, is indicative of either a government that is running scared or, worse yet, a government gone mad with their lust for power. I suggest that we have a government that is suffering from both; an acute sense of paranoia and a little bit of political madness. We know what you do when you have a mad, rabid dog; you simply put it out of its misery. Hopefully, the electors, the people who vote, will put this government out of its misery the next time around at the polls.

I think it would be useful, in terms of this debate, to ask ourselves the question: who in this government is responsible for this underhanded political move? I think that, if we look at the member for Hootalinqua, I think that we can safely count him out because he has shown, in the past, an acute sense of independence from a lot of the wrong decision-making that has been taken on by the government. I think the member for Kluane has shown himself, in many instances, to be a man of commonsense and I do not think that he would be rooked into taking a part in this very devious political decision-making process here.

I suggest that the government has shown no overt attempt to involve the member for Old Crow inasmuch as they have not involved her on many issues in the past with respect to government decisions. And, the member for Porter Creek West is probably too

busy fondling his desk to concern himself with the political decision-making process. Again, in the past, that particular member has shown himself, on occasion, to be a man of principle; we could not count him on this process. And the justice minister is probably still too busy learning the ropes of being a Cabinet minister to worry about what has to be policy and politics.

Of course, the Minister of Education tells us that she is busy drafting legislation that probably, in all concerns, will eventually come out to take away the votes of all members in this House with respect to appointments to YRAC in terms of the recreational legislation and the Green Paper she talks about.

So, that leaves us with what has been referred to as the "hard core reactionary right-wing members of the government", and we all know who they are with respect to the list that I have gone through. They are the members of the government who undertook the decision to alter the process of balloting in elections. I would even go further to suggest that it is probably the member for Tatchun who cooked up this, shall we say, Machiavellian-approach to politics. After all, he is the member who has the most to lose. We all remember that he got in last time just by the skin of his teeth — three votes. Probably, in his mind, that is a landslide victory and maybe we should call him "landslide Howard" from now on.

While we are on the subject of abusive power with respect to this whole process, maybe we should go back and remember the debates that we had last week with respect to the member for Tatchun and the issue that he brought before the House in terms of upgrading campgrounds and putting in a park, in his riding; taking hundreds of thousands of dollars from the taxpayers and putting it in the riding that he is the minister of, and also is a member of that particular riding.

Speaker's ruling

Mr. Speaker: Perhaps the hon. member is now deviating from the subject at hand and would perhaps come back to the *Election Act*.

Mr. Porter: I suggest that I am not. I am talking to the principle of what is being done here in terms of the legislative action that this government has undertaken themselves and they should sit there and listen to the criticisms that they have opened themselves up to, in terms of putting this very blatant section into the *Election Act* amendments.

I may continue with an example of what we should be fearful of, in speaking of the member for Tatchun, what we saw there is that he took taxpayers' money, went into his riding and spent it on parks and the campgrounds. When we asked him, why he did that he said that it was to bring tourists to the Yukon, bring tourists to Carmacks, so that they could leave some dollars in the community, so that they could leave some dollars for the tourism industry and for the business that operate in tourism. He admitted that, yes, he was still an owner of a tourist business.

Mr. Speaker: Really, the Chair cannot determine, from the comments of the hon. member, anything in relation to this bill. Could the hon. member please restrict his remarks to at least have some bearing or relevance to Bill No. 32, as proposed for second reading.

Mr. Porter: I am of the belief that what I am saying here today is of complete and total relevance to what this bill attempts to do. In terms of the action that we see with respect to the changing of the ballots, in my opinion, that is an abuse of political power. That is an abuse of the parliamentary system, which this House is set up under, and it is run under that principle of parliamentary democracy. That is the issue that I am speaking to here tonight; clearly. I think that it is the duty, not only of the legislators, but also the media and the general public, to not let this government get away with this action. If we let them get away with this particular action, where will it stop? Where will they stop this attempt to legislate themselves into power? Where will it all come to an end?

You can well imagine what will come next; they will probably start firing their own employees without cause. When people complain about their housing conditions, they will probably fire them as well. These are the kinds of concerns that I have as a

member representing my constituency. There is no question that they, in all probability, will start giving contracts to their friends, their relatives, and dole them out in the communities without any tendering process. This is a concern, Mr. Speaker.

With respect to appointments to boards, we may see only people who agree with them politically sitting on boards. You probably will not see any women; you probably will not see any native people. They probably will not hire native people; they probably will not hire women in the government. That is what I suggest the mentality of this government is moving towards in terms of this amendment.

I invite the member for Porter Creek to get up and counterattack and support his government's position. I invite him to get up and scream and holler because he will probably impress the visitors who we have here.

Hon. Mr. Lang: A lot better than you.

Mr. Porter: That is right. It will probably make them feel a heck of a lot better about themselves with respect to their personal conduct.

In conclusion, what I think is the essential point of this debate is the principle of parliamentary democracy, and I think what we have seen here tonight in this particular bill is an abuse of that principle. I do not think, in all good conscience, any member in this House should stand for it. The people of Yukon only have one last reminder and that is to stay free and do not vote PC.

Hon. Mr. Lang: I would say the member for Campbell has made history in this House in speaking to the principle of a bill presented to these Chambers. I do not believe that he addressed the principle once, the importance of the *Elections Act* and the very major changes we are making.

He has more than confirmed in my mind the fact that the member opposite is articulate but at the same time, I do not think we could be compared to anybody else for being as lazy in doing his homework, or in the lack of doing his homework. To stand there and cast innuendoes and aspersions on the various members of this House, without substantiating what he said, I think is disrespectful of this House. More importantly, I think it shows the member for what he really is.

There are major changes coming forward in this bill that the government leader outlined: the question of whether or not swearing in at the polls should be allowed — we are recommending that it should not be. The question of proxies: we are tightening up that particular restriction to ensure that there are not abuses in the system, and those who are going to vote will be eligible to vote and there will be no question.

It should be further pointed out that we are bringing back in the system of advanced polls in lieu of the question of swear-ins and the question of proxies. Of course this was a system that was adopted and was part of the *Elections Act* prior to 1978.

I think it is important to note that the change that we are asking with respect to the ballots is very clear and unequivocal — government, opposition and then those parties or persons thereafter to be on the ballot papers.

It is very simple. The first name on the ballot is the government; the second name on the ballot is the opposition party. It is clear; it is concise. You know who is who.

After the government leader spoke, the member for Campbell stood up and said that it was a new idea. The member for Campbell is shaking his head like he always does, because he spends such little time in here. He is confused, I can grant him that.

The point is that this is the system that is in effect in one of the provinces and that is British Columbia.

That particular section was there when the NDP went to power and when they went out of power, so to say it gives you the benefit of the doubt, practice proves that this not the case. The point is that, in many cases in the ridings, in the rural ridings especially, you have a member from Beaver Creek running in an election, a candidate from Burwash and a candidate from Haines Junction. Where do you draw the ballots out of the hat?

These are the considerations you have to take into account. It is not just cut and dried, as the member for Campbell likes to put it. It is obvious to me that somebody else read him the section and he

picked up on it and thought that was the principle of the bill. I believe there are a lot more important sections in this piece of legislation before us now than what the member for Campbell is trying to make out to the public is the major importance of this bill. I would recommend strongly, Mr. Speaker — I know you, in your capacity, cannot do that, but through you I will — I would like the member opposite to do his homework. He sits there and he talks about democracy and he talks about the people but, when it came down to vote, the bottom line, why we are elected, we vote in this House: he was absent when the bells rang for five minutes.

Mr. Speaker: Perhaps the hon. member is now digressing, as well. Perhaps we could get this debate back to the principle of Bill 32.

Hon. Mr. Lang: Mr. Speaker, I am talking of the principle of democracy, the principle of elections, the principle of voting. I am referring to the member for Campbell, who talks about democracy. He has spent so little time here one would wonder whether or not he is concerned about that or the *Elections Act*. In view of the comments that he has made — and if he is supposed to be the critic — I say to the leader of the official opposition that he had better tell his colleague to do his homework, because there are a lot of important issues with respect to the substance of this bill.

So, I draw in conclusion, that the member for Campbell, in my view, has not done his homework, as usual; mind you, absency, truancy, all those come into it. I would strongly recommend, Mr. Speaker, through you, that the member for Campbell start taking his responsibilities as the MLA for Campbell a lot more seriously than he has in the past.

Mr. Kimmerly: There are several points I wish to make. One of them is that there is an extremely important issue that should be addressed in the amendments to the *Elections Act*, which is not addressed, and that is the principle of residency or the residency requirement.

Members will remember a motion on this issue, in the past, and members will know that it is a subject of discussion in the land claims talks. It is clear that this issue is an issue raised by the *Constitution* which will, in the future, infuse a great amount of uncertainty in elections, not only in Yukon, but across the country in provincial elections. If we bury our heads in the sand and refuse to deal with it, the issue will not go away, it will be raised in the courts in the future. In Yukon, because of the small number of electors in a number of ridings and the characteristically small majorities which are a consequence of that, we are, perhaps, the jurisdiction where that is most likely to occur first. As a practical matter, it is of extreme importance and we should deal with the question so that, pursuant to section 24 of the *Charter of Rights and Freedoms*, the legislative position of this House is well made.

It is clear that, to date, that has not occurred and it is nowhere in the bill. That is a shame. It is perhaps politically unpopular to suggest the requirement should be lesser. It is perhaps politically expedient to not address the question in the short term, but it is not good government.

The government leader also spoke of the principle of the appointment of the Clerk of the Assembly as chief electoral officer; that is a very sensible provision and a principle that we agree with. The Clerk of the Assembly is politically independent and he is aware of the partisan issues and is under the daily scrutiny of both sides of this House. That is a most appropriate place to put this responsibility. Unfortunately, looking at the wording of the bill, the bill does not do that. The bill makes it a Cabinet appointee, not necessarily the Clerk. The bill does not do that, and it should.

There are technical improvements on various matters which are essentially uncontroversial. The most controversial of these principles is, obviously, the order of names on the ballot. We are told the amendment is to be a standard procedure and it is clear and concise and that it was copied from BC and, further, when the NDP was in power in BC, they did not change it. All of those arguments are completely spurious. They do not convince me, at all.

This is an amendment that was not proposed by the Elections Board. It is one proposed by the Conservatives. It is obviously, clearly, basically and completely unfair. What exists now is a standard procedure, is clear, is concise and exists in nine of the 10

provinces; not in BC, the most undemocratic of the provinces. I am talking about the existing procedure, or procedures very similar. The new proposal is clearly politically-motivated and the political partisan speeches responding to it are appropriate because it is a politically partisan measure. It is crucial in a free country that elections be fair, as fair as possible, and that they be seen to be fair, and judged to be fair.

It should be seen to be fair by as many citizens as is possible, and the existing method is far more fair than this politically motivated motion.

It is intolerable that a government that pretends to defend democratic methods and fair play would promote this kind of political tampering with the electoral machinery. The *Elections Act* is a crucial regulation and a fundamental principle of democracy. The principle of this amendment substantially cheapens the procedure; it politicizes it and it brings the entire Assembly into disrepute.

Hon. Mr. Tracey: I was not going to rise but the member for Campbell provoked me so much that I feel I have to get up and say a few words.

As the Minister of Economic Development has said, there is a great deal in this act besides one little clause dealing with whose name goes first on the ballot. I am surprised when I listen to the members across the floor say that suddenly we are undemocratic. We have to remember that the NDP is a national party, it is not a political party of British Columbia. When the NDP was the government in British Columbia, they did not take the opportunity to make the elections so-called democratic. That is the charge being laid against the members on this side of the floor.

I think that the Minister of Economic Development also made the point that we have very large constituencies and it is a long way to travel to draw the names out of the hat, and, as a member who ran for election three times myself, I know that I want to be there and be the man to draw the name out of the hat, not have someone else draw it out for me. I want to be there, and every other candidate wants to be there. It may entail travelling as much as four or five hundred miles in order to be there, in the constituencies that we have here.

I say that it is fair. What else is there? If the members across the floor formed the government the next time, it would be to their benefit perhaps. If they think it is going to be a benefit to us, and they talk about being the government-in-waiting, perhaps it is going to be to their benefit the next time around. It is ultimately fair. Sooner or later, every government is defeated. If the opposition feels that way, they will then have the benefit.

To get to the member for Campbell. The member for Campbell talked very little about the elections. He talked a great deal about casting aspersions on other members of this House, and on myself in particular, because of the money that is being spent in this territory. The aspersions that he cast on me was that I was spending all of the money in my constituency. I can tell you that I work very hard for my constituency. I spend a lot of hours working for my constituency, and I spend a lot of hours in this House. For the edification of the constituents of the member for Campbell, we have kept track of the number of hours he has spent working for his constituents in this House, Mr. Speaker. To date, it has been 12 and one-quarter hours, since October 19.

Twelve and a quarter hours. All the hours he spent here were twelve and a quarter. The others, most of them, have spent in the high 40's or low 50's. Twelve and a quarter hours he spent representing his people and he stands in here and castigates other members of this House for representing their constituencies. I suggest he goes and looks after his constituents.

There are the accusations across the floor about the low numbers of votes that I won by. If any one of the members across the floor want to do a percentage of votes, I think that there are about three or four across the floor who had about the same percentage of votes in their favour out of the total numbers in their constituencies, as I did, including the leader of the opposition.

To dwell on one part of this act, which is the *Elections Act* for everyone in this territory, I say to them, they are not representing their constituents very well, none of them. There are a great many

things in this act: we have shortened up the election period; we took out the swearings of the ballots at the polls which was, in the opinion of a great many people in this territory, greatly abused in the last election; we have cleaned up a lot of things in the *Elections Act* that none of them have commented on. So, I suggest that before the member for Campbell, especially, starts standing up and speaking in this House, that he go and read the act and compare it, and do a little bit of homework.

Thank you.

Mr. McDonald: I have some general comments to make about the act.

Hon. Mr. Lang: Oh, you have read it?

Mr. McDonald: As a matter of fact, I did.

The opposition was offered a briefing by the Clerk's Office, which we attended and which we found very valuable. There is good reason to believe that there are some complexities which cannot always be gleaned at first reading. We did, certainly, take the Clerk's notes under advisement and learned a great deal.

The principle of one elections act, of course, is the principle of fair play and the perception that there is going to be fair play in elections, not just for the parties represented in this House or for any aspiring member who may not be associated with any particular party, but for anybody who runs in an election in Yukon. That includes what few Liberals there may be left in the territory, that includes all those people who have aspirations as an independent in the legislature — and there are a few. Mr. Speaker, you are, yourself, an independent.

In any case, the principle of fair play must be perceived, and must be seen, to be followed at every opportunity. So, in light of those comments, there were some aspects of the proposed act which we feel are great improvements on the previous act. I, myself, of course, have only run in one election and I have only the experience of one election from which to put my comments in context.

The explanatory note to the act mentions seven major changes. One is to remove the elections board and establish the office of a chief electoral officer, who, the government leader suggests, should be the Clerk of the Assembly.

As my colleague for Whitehorse South Centre suggested, we, too, believe that the chief electoral officer ought to be the Clerk of the Assembly as he is the person, more than any other, perhaps, in the territory — besides yourself — who is perceived to be non-partisan and who is under regular scrutiny by both parties represented in the legislature to ensure that his non-partisan nature be maintained.

As my colleague said, it is necessary to ensure that his is a principle that should always be followed and that it should not be merely an Order-in-Council appointment, but should be automatically done through appropriate wording within the act.

The government leader mentioned, too, that the election period should be shortened from 45 days to 31 days. This is something that we all look forward to. The last election seemed to be a very long election; much longer than perhaps we needed, although we know this is going to cause administrative problems for the office of the chief electoral officer and will cost taxpayers money, for a variety of reasons.

Hon. Mr. Pearson: What?!

Mr. McDonald: The government leader says "what". The costs that we anticipate include the regular advanced training of officers within the office of the chief electoral officer, so that we may be prepared for elections as they come, whenever they come. Because we will not have the length of period in which to react to elections — the 45 days — we must be prepared at all times to call an election and to administer the election effectively. Although it might cost more, I think that both parties in this House agreed that such a move is wise; such a move is needed.

The establishment of institution polling in nursing and retirement homes, of course, is something that almost anybody in this Legislative Assembly can appreciate. There are a number of new concepts which have been added to the act, which we shall enjoy discussing during committee hearings, including the advanced polls, the institutional polls and the concept of mail-in.

There are, of course, a few problems, as my colleagues have

pointed out. We still believe there are problems. Perhaps the most important of those problems is, of course, the elimination of the draw for the position of names on the ballot. The two ministers have already suggested that, by positioning the government leader's party representative first on the ballot is a clear and concise statement of intention, that the *Elections Act* in BC is a carbon-copy, or a paraphrase, of the new proposal and that the NDP, in fact, had not changed it. One minister, in fact, suggested that there is great difficulty in drawing names out of a hat, when a particular member has to go out of his way to get to the returning officer in his riding in order to do so. All those arguments are not particularly effective. The fact that it is clear and concise is not necessarily a statement of its validity. The fact that it is being practiced in BC does not necessarily mean that it is right and the concern that aspiring members might have great difficulty in getting to the returning officer's station to draw names out of the hat is, I think, a minimum effort required by any candidate in any election.

14 Obviously, Mr. Speaker, we believe that the present system works; drawing the names from a hat to establish the order of names on the ballot worked in the last election, and it should be maintained in the future.

One minister suggested that it does in fact give advantage to the governing party. That does not promote fair play; it does not promote fair play for people who are not represented in this House but who may want to be represented in the future. It does give an advantage. I believe pollsters do suggest that does give between one and three percent advantage to the person who is first on the ballot. For those reasons, I believe that it is not only not fair play but, quite clearly, the perception of it would be that it certainly is not fair play.

Whereas there are a variety of initiatives taken in this act which we believe are probably valuable and deserving of more discussion, there are some problems. There are some very serious problems which we are going to have address during Committee stage.

Mr. Penikett: I have been asked to join this debate by members opposite and I am pleased to respond to their request.

The member for Porter Creek East has been making suggestions, or casting aspersions, about people's manners. Let me say, I took a poll over the supper hour; I think 95 percent of the people whom I talked to felt that the last person in the world who could give lessons in etiquette would be the member for Porter Creek East. That was a scientific poll, too, Mr. Speaker.

To prove that I am a polite, well-mannered person, I do want to compliment the member for Porter Creek East and the member for Tatchun for the kind words they had for their members opposite and for the compliments they paid to the eloquent and articulate speeches made by my friend, the member for Campbell and the member for Mayo and the member for Whitehorse South Centre.

I believe it was the government leader who was attempting to quote me in reference to the eighth principle in this bill, namely the one which gives legislative preference to the Conservative party in the next election, and if they are successful in obtaining that election on that — that I was purported to have said that there was nowhere else in the free world — well, the members opposite did say that it exists in BC and that just goes to prove my point.

It is true, I think, that if we had Dave Barrett here with us today and we were to ask him if he felt that he made a mistake in not reforming the shameful election procedures of British Columbia, I think he would admit that that was a mistake, because there are a great number of shameful election procedures in that province. All members will no doubt remember, immediately prior to the last election, the governing party in that province tried to add six or seven seats to the legislature by carving them out of safe Sacred seats in order to create a gerrymander.

Suffice to say that there is probably nowhere in the Commonwealth, with the possible exception of a couple of African nations that I can think of, that you would want to use as a model on how not to run an election, or one place in the world that you would not want to copy their election procedures, and that is British Columbia. Given what we have seen in the last few months, British Columbia should not be a model for anything in Yukon or the free world.

On that particular point, the eighth principle, ~~there are~~, as my colleagues have said, three possible ways of deciding the listing of names on the ballot. The most traditional method is the alphabetical method, and that is the one we still use, for example, in the municipal elections in the City of Whitehorse. That can produce a terrible disadvantage if your name is Zibrignu Zchsteizlotsky, because you are automatically at the bottom of the ballot. I happen to know, from my own experience, that if you studied the results in this city over a number of years, that there is a great advantage to having your surname near the beginning of the alphabet. In fact, if you look at the results of most of the elections in this city over a considerable number of years there is a natural advantage if your name begins with A,B,C or D. In fact, someone in the second half of the alphabet has to campaign quite hard to overcome that statistical disadvantage.

15 The other method that has been used and the one that we currently employ, the drawing of names by lottery, may be inconvenient, in some cases, for some members. I admit that that can be a problem in the rural ridings and there may be something needed to be done there, but it is considerably more fair, I would submit, than the alphabetical method where one may be prejudiced or advantaged or disadvantaged by an accident of birth.

The most unfair method of all is the one that the government proposes in this legislation, which is to give an advantage, in law, to the incumbent government party. There is an argument between political scientists, the argument of whether the advantage of being first on the ballot is worth one vote in a thousand or, the majority, of whether it is one in 100 or one in 30. The fact of the matter is, in any case, given the number of votes cast in Yukon elections, if you take, by any one of those calculations the advantage, or add up the advantage, the advantage would clearly determine not only the outcome of the election in the majority of the ridings in this House, but it could clearly determine the outcome of the elections and, in a close election, determine who is going to become the government.

As my colleagues have said, some of the principles in this bill are admirable; the shortening of the election period, the institutional polls may be an advantage. I think there are some things in connection with the mail-ins, the swearings and the proxies that we will want to examine closely in Committee. However, I want to say, with respect to the appointment of the Clerk as the chief electoral officer, while I think that is a thoroughly commendable thing, I think it could embodied in the law, or we could have had a procedure which said it was not just an Order-in-Council, and in fact might be approved by the legislature. That would be not a bad way of doing it.

The fact of the matter is that what we have, when we are talking about elections, is a game or a contest in which there are several players. It has never been a very satisfactory situation that the rules of the game should be laid down entirely by one side, because there will always be suspicions and concerns by the other participants and the other players that the deck has been stacked. For that reason, I think that the process that we have historically observed in this place, the one we observed after the last election, was that we had the board report that came down from the Elections Board. That report was referred to the Rules, Elections and Privileges Committee, a committee which presumably exists, in part, exactly for that purpose, exactly for the purpose of considering the report of the elections board.

In that committee, there then was extensive, complete discussion by participants, by representatives of all parties of the House. There was a lot of give and take, a lot of argument, a lot of discussion about some of the problems that we have running elections in Yukon. There is no simple or magic solution to some of the problems; in fact, some of the solutions that we have found for some of the problems in the past have been imperfect ones, but they have, at least, been the product of compromise, rather than the fiat of the government party.

That process has not been observed on this occasion. What we have had on this occasion is the board report come down and then a government bill...

Hon. Mr. Lang: You are never here.

Mr. Penikett: Pardon me, Mr. Speaker, I hope I did not hear

the member opposite say that I am never here, because that would be an extremely inaccurate statement. The only time I spend away from here is on weekends and, Mr. Speaker, given my time here with him, I am grateful for that.

The process leaves something to be desired. I, though, am, as members know, a great respecter of the old, established institutions that are part of this legislature.

One of those venerable, old, established institutions that I have great respect for is the Rules, Elections and Privileges Committee. It seems to me that it has served us well in the past and I would hope that it would continue to serve us well in the future.

Amendment proposed

Therefore, because I want to see, as a respect for this tradition and respect for this process and I want to see participation by members of both sides in the making of a good election law, I want to see the former process, which I believe is better, resurrected and, in that light, I move that the motion for second reading of Bill 32 be amended by adding the following: "and be referred to the Standing Committee on Rules, Elections and Privileges".

Mr. Speaker: It has been moved by the hon. leader of the opposition that the motion for second reading of Bill 32 be amended by adding to it the following: "and be referred to the Standing Committee on Rules, Elections and Privileges".

Some hon. Members: Question.

Some hon. Members: Agreed.

Some hon. Members: Disagree.

Mr. Penikett: Division.

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

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: Agreed.

Mr. Byblow: Agreed.

Mr. Kimmerly: Agreed.

Mr. Porter: Agreed.

Mrs. Joe: Agreed.

Mr. McDonald: Agreed.

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

Mr. Speaker: I must declare, then, that the amendment has been defeated.

Amendment defeated.

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

Motion agreed to

Mr. Speaker: May I have your further pleasure?

Hon. Mr. Lang: I would move that Mr. Speaker do now leave the Chair and the House resolve into Committee of the Whole.

Mr. Speaker: It has been moved by the hon. Minister of Municipal and Community Affairs 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. At this time, we shall take a short recess.

Recess

Bill No. 28: First Appropriation Act, 1984-85

Mr. Chairman: I will now call Committee to order.

We will now proceed on Tourism, Heritage and Cultural Resources on page 56 of the capital estimates.

On Herschel Island Rehabilitation

Herschel Island Rehabilitation in the amount of \$40,000 agreed to

On Fort Selkirk Stabilization

Fort Selkirk Stabilization in the amount of \$180,000 agreed to On S.S. Tutshi - Carcross

Mr. Byblow: On the Tutshi restoration, could the minister advise if that is going to be the total amount of restoration work on that particular boat?

Hon. Mrs. Firth: No, it is not the total. We are proposing a three year expansion from 1984 to 1987. This year's work includes completing the exterior restoration and to begin some preliminary design of the freight and passenger decks. It will also involve some analysis of the existing fabric and the replacement of missing components and painting.

S.S. Tutshi - Carcross in the amount of \$68,000 agreed to

On Carcross Landscaping

Carcross Landscaping in the amount of \$41,000 agreed to On Watson Lake Visitor Trail

Mr. Byblow: In the identification of a phase 2, could the minister elaborate on what is happening?

Hon. Mrs. Firth: With the development of the new visitor information and interpretive centre in Watson Lake, the theme is based on Watson Lake as a gateway. The original plan that was prepared outlined different phases. These funds are directed at property development by creating an Alaska Highway walking tour trail, and the trail will be cleared and constructed with the various communities along the highway identified. As well, additional protection by way of open air shelters will be developed for those equipment displays already on the site.

Watson Lake Visitor Trail in the amount of \$20,000 agreed to

On Hootalinqua Stabilization

Mr. Byblow: Regarding this item and the one immediately after, the Robinson Road House, I want to ask what the long range plans are for each of those historic facilities. Recognizing that this budget is providing for some stabilization of the buildings, I would be curious as to what, in each case, is the long term plan of further tourism development of those two historic sites?

Hon. Mrs. Firth: This year's identification is just for replacement of roof structure and reshingling. We will have to look at more stabilization requirements in the future, particularly on the Shipyard Island. We will be assessing that in future.

Mr. Byblow: Is the facility currently very popular with tourists?

Hon. Mrs. Firth: Yes, it is. It is one of the major historic stopping places for travellers on the 30-Miles.

Hootalinqua Stabilization in the amount of \$65,000 agreed to On Robinson Roadhouse

Hon. Mrs. Firth: Because of its relatively intact state and the multi-faceted history of it, we are anticipating that it will offer interpretive potential and appeal. So, we are going to brace the foundation and repair the roof and then we would have to look at more extensive stabilization, if that is the government's wish. This is a minimum stabilization for now.

Mr. Byblow: Is this historical site currently being used in the sense that tourists can stop and can tour through the place? I am quite familiar with where it is. I am curious about the extent to which it is currently used as a tourist attraction and, perhaps, in the longer term, how much more of that facility is going to be developed?

Hon. Mrs. Firth: Because of the proximity to the Klondike Highway, we are anticipating that it will be used a lot more. We have not made a lot of plans for a lot of expansion and development in that area; however, we would like to stabilize the roadhouse now because of the particular intact state that it is still in.

Robinson Roadhouse in the amount of \$45,000 agreed to

On Beaver Creek Interpretive Display

Beaver Creek Interpretive Display in the amount of \$33,000 agreed to

On Tourism Display

Tourism Display in the amount of \$10,000 agreed to

On Visitor Reception Centre Equipment and Displays

Mr. Byblow: Just a very simple and brief question: this is for putting into place in the visitor reception centres throughout the territory. Could I ask the minister if this is going to be put throughout all the reception centres or is this supposed to go into a couple of specific ones?

Hon. Mrs. Firth: As it is identified in the line item, it is for furniture, et cetera, for all visitor reception centres in Yukon. We have identified three for some audio visual equipment and the furniture and brochure racks will be going into all the other visitor reception centres.

Visitor Receptions Centre Equipment and Displays in the amount of \$32,000 agreed to

On Library and Archive Equipment

Mr. Kimmerly: I would appreciate a description of the items purchased.

Hon. Mrs. Firth: These are ongoing requirements to provide or replace library furniture. The larger portion of this money, \$5,500 to be exact, is going to libraries in Faro, Mayo and Teslin for library stools, filing cabinets, video cassettes, magazine racks, book display racks, revolving paperback racks — shall I continue for the member, or is that adequate?

Library and Archive Equipment in the amount of \$44,000 agreed to

On Public Library Development

Mr. Kimmerly: This is only \$5,000, but I will make a comment that was made in previous years. The libraries continue to spent more on shelves than books and that is an anomaly that I regret. For one, if any explanation is possible, I would appreciate it.

Hon. Mrs. Firth: This public library development takes the form of upgrading libraries in the communities that have achieved, or are about to achieve, municipal status. If Ross River becomes a village, that is proposed to upgrade that library. These costs have some impact on the O&M budget and include other materials than books. The statement that the member for Whitehorse South Centre makes, that we spend more money on shelves and so on than we do on books, is not true.

These are very small costs that we are spending on furniture and equipment for the libraries.

Public Library Development in the amount of \$5,000 agreed to
Department of Tourism, Heritage and Cultural Resources in the amount of \$1,344,000 agreed to

On Yukon Housing Corporation

Hon. Mr. Ashley: I suggest that we turn to the line items and discuss them and I will answer the questions as they come.

Mr. Kimmerly: Not so fast. On general debate, I am interested in the process whereby priorities are set among the various lines. I have previously identified the issue of rural and native housing; especially native housing. Would the minister care to make a statement about the capital development, or the capital cost, or the priorities of the government with regard to capital expenditures as it relates to native housing and other sorts of housing? I am very well aware of the federal-territorial jurisdictional confusion in this area and I am very well aware of the general principles of the land claims negotiations about housing.

Would the minister make a statement about the policies involved, or the priorities involved, in allocating the various amounts among the various line items with specific reference to rural and native housing?

Hon. Mr. Ashley: The Board of Directors of the Yukon Housing Corporation sets basically what the policy is, and puts that to us — not on the rural and native housing, though. That is different. The rural and native housing is a program that is delivered by the CYI, who advise the management committee at CMHC and the Yukon Housing Corporation respecting the approval or disapproval of applicants for assistance. They are the ones who have suggested that there will be three anticipated housing requests this year. That is why that line item is in the budget.

Mr. Kimmerly: That is a good, fast start. As to the \$75,000, I understand the minister is saying that the CYI asked for three houses. I have two questions: why is it three as opposed to one or

five or any other number? What negotiation process occurs about the dollar amount or number of houses and for what purpose are these three identified houses?

Hon. Mr. Ashley: There is no way that I will have that information, so I will have to try to see if the Corporation can supply it to me.

Mr. Penikett: Let me ask the minister this general question, which I am sure he will know the answer to. This rural native housing item here is an expenditure under the provisions of section 40 of the *National Housing Act*, housing designated for non-status Indian people. Is that correct?

Hon. Mr. Ashley: It is for the rural and native housing. I am not sure what section that is under. It is under the CMHC agreement, though.

Mr. Chairman: Just before you go on, Mr. Kimmerly, I believe that basically we should be just debating the line item in a general way instead of going into one department like you are.

Mr. Kimmerly: I will be asking about the process and the priorities of allocating different amounts to the different lines, and if I ask those under the lines items, I would probably be called out of order.

I am asking concerning the rural and native housing. Is there a process whereby the government knows the total amount or the approximate total amount of dollars for the Corporation, and it allocates the total amounts among the various lines or is some other process used?

Hon. Mr. Ashley: I am not sure of the question the member is asking.

Mr. Kimmerly: I am asking about the way the figures are arrived at. There is a total of \$591,000. Is the process that under the various programs and the various lines, dollar amounts are authorized and it is all added up at the end, or is the process the total amount of dollars is authorized or arrived at and the minister or the corporation or some combination allocates the amounts to the various lines?

Hon. Mr. Ashley: How this is arrived at is that the corporation gives us their estimate of what the costs are per so many projects, and these are the projects that have been chosen. Those are the dollar amounts allocated per project.

Hon. Mr. Lang: Just to help the debate a little further along here, on page 65, I think it is fairly clear with respect to how the dollars and the budgets are arrived at, both from the cost-shared point of view and also from the total value of what the projects are. If the member for Whitehorse South Centre looks at page 65, he can see very clearly the expenditures versus the recoveries and, once you go through it, then you come to your bottom line where your total vote authority that you are requesting is \$591,000. I think that is fairly clear.

Mr. Kimmerly: I understand those points.

The minister stated that the Board of Directors of the corporation arrived at the various figures, except for the rural and native housing issue or line. I will ask, in order to compare the various processes, I understand that rural and native housing is CMHC money and would ask is it also done pursuant to the *National Housing Act*? That is question one. By what process is the total allocation arrived at? Are we given the figure by a federal official or by the CYI, or do we establish it as a Yukon figure arrived at by the minister or the Cabinet?

Hon. Mr. Ashley: I believe this should actually wait until we get to that line item, but I will answer the question. We provide 25 percent of the capital that is requested and the feds pay 75 percent.

Mr. Kimmerly: That is interesting.

It is not set out under Recoveries, as the other lines are. Am I to understand that the \$75,000 under that line is one-quarter of the total expenditure?

Hon. Mr. Ashley: The answer is yes.

Mr. Kimmerly: Is the total expenditure arrived at through negotiation with the feds or the CYI, or is it independently arrived at by the minister or the Cabinet?

Hon. Mr. Ashley: The feds basically tell us how much it is and we put in one-quarter.

Hon. Mr. Lang: Just to go a little further on the program or the

background of the program, it has been such that the utilization of this particular program, for whatever reasons — and I really cannot cite them now — have not been utilized to the extent that they could be. Therefore, in the estimates that are brought forward in any given year, you take a look at what was spent in the previous year and the demand for that particular program. It has not been that great, as far as the territory is concerned and, therefore, that is why you see the amount of dollars there, because it reflects the utilization of that particular program over the past number of years.

22 On the other lines, the minister stated that the Board of Directors of the corporation told the minister the appropriate amounts. Is the process such that the corporation directors recommend to the minister dollar amounts, or certain figures, and those are eventually put in the capital estimates? If so, what is the negotiating room in order to, for example, get more money if that is possible?

Hon. Mr. Ashley: The Housing Corporation, I guess, through the Board of Directors, is the one that recommends what costs are needed per project. It is cost estimates, the same as regular cost estimates that the government would normally run in other departments, only that, being a Crown corporation, it is done a bit differently. It is done through the Board of Directors, who recommend certain projects to Cabinet, through management board, and then it is decided at management board what funding should come.

Mr. Kimmerly: I am interested in the minister's policy in this area. I understand, now, that the directors of the corporation make a recommendation as to the various lines. Is the minister's policy that there should be a special line or a special emphasis on seniors housing or is there any policy at all in the seniors area?

Hon. Mr. Ashley: It is a proven fact that we look after our senior citizens better than anyone else in Canada; than any province or territory in Canada. So, I am not quite sure what the member opposite is trying to state. Through our system, it is certainly working to the betterment of our seniors.

Mr. Kimmerly: I am not stating anything, at this point, I am asking about the government policies. The answer I got is the minister was not sure of my question, I believe.

The question is not about the level of services and if seniors are looked after well or poorly. It is with respect to the Yukon Housing Corporation and the capital estimates. Is there a seniors policy such that the various allocations are considered as they reflect on or impact on the needs of senior citizens?

23 **Hon. Mr. Ashley:** I did answer that question. As I said, it is our government's policy to look after the senior citizens of Yukon, and we have done it better than, almost, every government in Canada.

In view of the time, I would move that Mr. Chairman report progress on Bill No. 28.

Motion agreed to

Hon. Mrs. Firth: Mr. Chairman, I would move that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Speaker resumes the Chair

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

Mr. Brewster: Mr. Speaker, Committee of the Whole has considered Bill No. 28, *First Appropriation Act, 1984-85* 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: Mr. Speaker, I would 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 stands adjourned until 1:30 p.m. tomorrow.

The House adjourned at 9:26 p.m.

The following Sessional Papers were tabled November 7, 1983:

83-3-27

Workers' Compensation Board: Annual Report for the year ended December 31, 1982 (Ashley)

83-3-28

Yukon Liquor Corporation: Annual Report for the year ended March 31, 1983 (Ashley)