



# The Yukon Legislative Assembly

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Number 43

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25th Legislature

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## **HANSARD**

**Monday, November 21, 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 Penkett	Whitehorse West Leader of the Official Opposition
Maurice Byblow	Faro
Margaret Joe	Whitehorse North Centre
Roger Kimmerly	Whitehorse South Centre
Piers McDonald	Mayo
Dave Porter	Campbell

(Independent)

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

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

**Whitehorse, Yukon****Monday, November 21, 1983 — 1:30 p.m.**

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

*Prayers*

**DAILY ROUTINE**

**Mr. Speaker:** We will proceed to the Order Paper. Are there any documents for tabling?

**TABLING RETURNS AND DOCUMENTS**

**Hon. Mr. Ashley:** I have for tabling, the Annual Report of the Department of Justice, 1981-82.

**Hon. Mr. Lang:** I have for tabling, a Legislative Return with respect to agriculture and applications thereof.

**Hon. Mr. Pearson:** I have for tabling today, the answer to a question asked by the member for Mayo, with respect to the hiring procedures of the Public Service Commission.

**Mr. Speaker:** I have also for tabling, a letter to the Solicitor General of Canada respecting the special committee of privileges. Are there any further documents for tabling?

Reports of committees?

Petitions?

Introduction of bills?

**INTRODUCTION OF BILLS****Bill No. 36: First Reading**

**Hon. Mr. Pearson:** I move that Bill No. 36, *An Act to Amend the Legislative Assembly Act, No. 2*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the hon. government leader that an act, entitled *An Act to Amend the Legislative Assembly Act (No. 2)* be now introduced and read a first time.

*Motion agreed to*

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

Notices of motion

Are there statements by ministers?

**MINISTERIAL STATEMENTS**

**Hon. Mr. Ashley:** On October 17, I rose in this House to advise members that a concern raised by a few of Yukon's senior citizens respecting a specific seniors' housing program was to be re-examined by the Yukon Housing Corporation. The chairman of the corporation has advised me that the former procedure of income verification will be altered for those seniors on the rent geared to income program.

Members will recall that one of the basic concepts of the rent geared to income program is a calculation of the amount of subsidy to be provided each tenant. This implies that an accurate statement of income must also be received from each and every tenant. Tenant income is an essential element of the rent geared to income program which protects the joint interests of CMHC and the Yukon Housing Corporation.

The corporation's new procedure will be implemented November 30th, 1983 and can be summarized as follows:

(1) the tenants who are seniors will be required to provide income totals upon initial application for public housing;

(2) the submission of the applicant's most recently filed and accepted income tax statement will be requested during the initial verification process;

(3) seniors will be requested annually to declare any changes in income. Substantial reductions in a senior's income will be given immediate consideration for possible reduction in their monthly rental fee.

As you can see, the rent geared to income program must be finely balanced to ensure that government is not unnecessarily prying into the private matters of seniors while, on the other hand, the corporation must attempt to ensure that the interests of CMHC and Yukon Housing Corporation are adequately protected in the best interests of the public.

I must reiterate that the rent geared to income program is only one option available through the Yukon Housing Corporation. There is also a recently introduced program where the tenant has an option of paying market rent. Tenants choosing this option are not required to disclose their personal situation.

Thank you.

**Mr. Kimmerly:** In some, we welcome the principle of this statement: obviously, action was taken in response to the first statement on the first day of the session.

It is impossible, in the time allotted and under the procedure for ministerial statements, to debate at length the principles spoken of. We do have questions and, in all probabilities, serious disagreements concerning this new procedure.

It is an unusual procedure to require an income tax statement. It would certainly disclose other irrelevant information and it is clearly not the best indication of income in a total sense, as the year's income tax statement frequently does not disclose all of the relevant income; for example, from corporations, and the like. This procedure is imperfect. We have substantial questions and criticisms of it and would appreciate in the future an opportunity of debating it and will bring it up when the occasion is possible.

Also, it is unfortunate that the other concerns initially raised about a total seniors' policy are not addressed in this statement. I have asked for the seniors' policy in the course of the session. It was promised but is so far undelivered and a debate on that in a general sense is necessary and will occur in the future.

In summary, it is something. We are glad of that, but it is not enough. The procedure is still substantially flawed and it is a shame that a debate on the procedure is not possible at this time.

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

**Hon. Mr. Ashley:** Earlier this year, I indicated to the House that I would be tabling for this House a paper on human rights. It is now clear that this session is rapidly drawing to a close, and there will not likely be a time to table a paper before it does. I will therefore be shortly sending out an information paper on human rights to the groups and individuals who have expressed an interest in human rights. I will also make copies available to others who want to see it.

As you know, human rights issues are very complex and sensitive and I have had various officials in the department give full attention to this matter over the past several months. There has been a thorough review of human rights matters around the world and of those closer to home across the country. In the fall, I sent out letters and advertised widely, inviting the summation of briefs on new human rights legislation for Yukon.

At that time, I had hoped that there would have been sufficient time to incorporate those concerns, along with material from the various jurisdictions, in a bill for consideration by this House. There was, in fact, a very high rate of response from interested groups and individuals to my request. There was a broad spectrum of views and suggestions that it was clear — and several respondents, including members of the opposition party, all indicated this — that an information paper should be provided to elicit comments on specific aspects of proposed human rights legislation prior to developing government policy. Clearly, the only way to deal with this fairly is to encourage public input in response to specific issues of human rights, which could be addressed in Yukon legislation.

Thank you.

**Mrs. Joe:** I would like to thank the minister for his statement regarding human rights legislation. We are as anxious as anyone else to have legislation in place for the protection of those individuals who require it. It was clear that some groups and individuals needed more time so that they could provide meaningful input into this proposed legislation and I am glad to see that they

are going to get that additional time.

<sup>05</sup> We would not like to see legislation pushed through without public input. As has been expressed by members across the House in the past, new legislation is only acceptable if they include the philosophies of that party. I would hope that the minister will remember that many people do not share those same views, and will prepare legislation to suit all Yukoners.

The minister has indicated that he will be sending out information shortly to groups and individuals who have expressed an interest in human rights and I would like to make a request of the minister right now that, when these documents are prepared and ready to go out to those individuals and groups, the opposition members also receive copies.

**Hon. Mr. Ashley:** That is certainly something I can assure the member opposite of; they will receive copies when they are going out.

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

### QUESTION PERIOD

#### Question re: House business

**Mr. Penikett:** I have a question for the government House leader. Can the government House leader, for the record, advise the House as to his intentions concerning the business of this House?

**Hon. Mr. Lang:** This morning, I spoke to the member for Faro from the opposite side of the House, and it would be our intention to clear off the Order Paper and then adjourn.

**Mr. Penikett:** Given the pending adjournment, could I ask the government House leader if it would be his intention to have the House recalled if it be necessary to deal with an economic regional development agreement, should that be concluded in the near future?

**Hon. Mr. Lang:** No, because I do not think it would be required, in view of the fact that the legislation is passed and we do have vote authority in the present budget. I should point out further that the actual agreement itself, in all likelihood, would not come into effect in any case until 1984-85 for the purposes of expending money.

<sup>06</sup> **Mr. Penikett:** Could I ask the government House leader, or the government leader, if that is more appropriate, what the intentions are of the other side with respect to recalling the House, barring any unforeseen emergencies that may require our attention?

**Hon. Mr. Lang:** I do not know if the member is referring to the day after, or what, but it would seem to me that our intentions would be to reconvene in the spring, when the major item would be, of course, the O&M budget and, also, a legislative calendar to accompany that.

#### Question re: North Slope

**Mr. Byblow:** I have a question I will direct to the government leader on the subject of North Slope.

There appears to have been some developments over the last two or three days on the Kiewit proposal, involving at least the federal government, the CYI and the proponent. Has the Yukon government been involved in these very recent negotiations of the last couple of days?

**Hon. Mr. Pearson:** No, and unless the member opposite's information is different from mine, it is my understanding that there are talks and negotiations going on between the Council for Yukon Indians and the Peter Kiewit company, not the Government of Canada, at this stage.

**Mr. Byblow:** Since the aborted meeting last Wednesday with the federal minister, has this government had any communications with Mr. Munro and, if so, was it on subject of the Kiewit proposal?

**Hon. Mr. Pearson:** No.

**Mr. Byblow:** Could I then ask the government leader what is his government's current position respecting the CYI request on renegotiation on the several items put forth last week?

**Hon. Mr. Pearson:** I do not think anyone has to ask what our position is; it is very well known. I am sure that it would not even

be necessary for the Minister of Indian Affairs and Northern Development to ask what our position is with respect to the Kiewit proposal. We had a vote in this House that indicated clearly that this side of the House was in favour of development and that side of the House was opposed. It was very, very clear and there has been nothing to indicate any change in that.

#### <sup>07</sup> Question re: Whitehorse arena

**Mr. Kimmerly:** To the Minister of Municipal and Community Affairs, I will ask for the fourth time: what is the present government position concerning the availability of \$2,250,000 to Whitehorse for arena purposes?

**Hon. Mr. Lang:** The member opposite voted for the line item. I do not understand the confusion. I did indicate last week that I was going to meet with the Mayor of Whitehorse, which I did on Friday. She indicated to me that they were getting more information together. I have pretty much come to the conclusion, and I assume that the mayor has come to the same conclusion, that I will have to deal with this particular project, in all likelihood, with the newly-elected council.

**Mr. Kimmerly:** Is it the policy of the government that the money that was voted is available as voted, and it is the decision of the new council to build a new arena, or not?

**Hon. Mr. Lang:** I would have to meet with the new council to determine that. I think that it is safe to say, if the renovations to the present arena is in the area of \$2,700,000, that it would be very difficult for us to support putting that much money into a 40-year-old building. It depends on what they determine what they want to be done with the present facility, and that has not yet been determined.

**Mr. Kimmerly:** In view of the pending municipal election, will the minister state if it is his intention to make any further announcements on the issue before the election, or not?

**Hon. Mr. Lang:** It is not my intention at this time unless I am specifically called upon and I deem it to be in the best interests of the public that I do make a statement. We have indicated that we do have \$2,250,000 available to cost-share with the City of Whitehorse for a new arena for the community of Whitehorse.

#### Question re: Supreme Court appeals

**Mrs. Joe:** I have a question for the Minister of Justice. On November 9, I asked the minister about a specific appeal case in the Yukon Supreme Court that could not be heard 18 months later because appeal books were not available. Could I ask the minister if other appeals are being affected by that problem?

**Hon. Mr. Ashley:** The problem that the member opposite is speaking to has been resolved as far as I have been informed. There were extenuating circumstances in that judgment, as well, not just criticizing the department.

**Mrs. Joe:** The judge presiding at the hearing put the blame on the court reporters for this delay. Can I ask the minister if his department has hired new staff to rectify that staff shortage?

<sup>08</sup> **Hon. Mr. Ashley:** That was not necessarily the problem; what the member opposite is addressing. What we perceive the main problem is and what we are addressing is the whole situation of private versus government-operated court reporting systems, but that is being looked at and being addressed right now. The problem that was mentioned in that court, in the judge's decision, was that the Crown and lawyers and the court reporters in the department had not gotten together, basically, to find out what was needed as to when and why and where. That has been addressed and resolved.

**Mrs. Joe:** Now that the minister is aware of the problem, will his department monitor the court reporters department to, possibly, prevent the long delays from happening again?

#### Speaker's ruling

**Mr. Speaker:** I think that question would really be out of order, in that it makes a representation which more properly should be done under Motions, under Orders of the Day.

#### Question re: Journeyman certification program for miners

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

tion.

As the minister may be aware, there have been initiatives taken in other provinces, at least Ontario and Manitoba, I believe, to certify miners for reasons primarily to do with promoting occupational safety. Can she tell the House if her department has communicated with other jurisdictions that have implemented a journeyman certification program for miners and has the department determined whether it would be initiated in Yukon?

**Hon. Mrs. Firth:** Yes, we have; and no, we have not determined whether it will be initiated in Yukon.

**Mr. McDonald:** Perhaps the obvious question, in that case, would be if the minister can tell the House when she can report to the House, one way or another, when it will be initiated in Yukon? Can she also tell the House whether there are any programs currently in place to evaluate the proficiency of workers in this occupation?

**Hon. Mrs. Firth:** No, to both questions.

#### Question re: Occupational Health and Safety

**Mr. McDonald:** Truly unfortunate.

A question for the Minister of Consumer and Corporate Affairs: has the minister's department studied and compared the mining accident rate in Yukon with the level of experience of miners and have considerations, such as the implementation of journeymen status for miners, been dealt with in any draft of proposed occupational health and safety legislation?

**Hon. Mr. Tracey:** I could not give the member an answer on that. I am not involved in the work on occupational health and safety. I am sure that the department has many figures as are available to it, at this time, in order to work on occupational health and safety. So, I would think that, if it did need to be taken under consideration, it would be.

#### Question re: Government staffing levels

**Mr. Penikett:** I have a question for the government leader, further to some inquiries I made this spring.

Some concerns have been expressed by some employees, in some departments of this government, about low staffing levels. Could I ask the government leader if he could assure the House that any under-staffing that may exist at the present is not a prelude to contracting out of positions?

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

**Mr. Penikett:** I thank the government leader for his very clear answer.

Three times in the last sitting of the legislature, the government leader indicated that his government was conducting a program-by-program evaluation of its departments, with a view towards contracting out public service jobs. Can the government leader tell the House if this process has been completed and if the Cabinet has received, or decided on, any recommendations from its task force?

**Hon. Mr. Pearson:** The leader of the opposition is under a bit of a misconception if he thinks that the only reason this is being done is for the contracting out of government jobs. Not so. This is in fact an in-depth study of programs in the government. It is a full-fledged program evaluation. It is proceeding, but I do not have any recommendations to make to the legislature at this time yet.

**Mr. Penikett:** Could I ask the government leader if he has come to a conclusion, at least tentatively, about the completion date of this review and the decision point for Cabinet. In other words, can we expect a statement in the spring?

**Hon. Mr. Pearson:** It is very difficult to put a completion date on it because it is so complex and we have, in fact, made decisions and taken actions in respect of some of those recommendations we have received already. For instance, the realignment of the branch of Intergovernmental Relations into the Executive Council Office was as a result of a direct recommendation. The move of the licensing and the motor vehicles section of Consumer and Corporate Affairs into the Highways and Transportation Branch was as a result of recommendations made to us. So, it is an ongoing process that I anticipated when we started would probably take from 12 to 18 months to complete, because it is very comprehensive and it does take a lot of time. We will be getting recommendations on a

periodic basis from the committee. A lot of those recommendations, I respectfully suggest, will be reflected in the O&M budget next spring.

#### Question re: North Slope

**Mr. Byblow:** The government leader did not answer my previous question on renegotiation of the items put forth by the CYI to the government regarding the North Slope development. Rather, he chose to misrepresent our responsible position on development.

Could I put my question to the government leader this way: does this government support the developments that have taken place in the last week between the CYI, the feds and the proponent?

**Hon. Mr. Pearson:** No, I did not misrepresent anything at all in this House. It is a fact of life that there was a motion on the floor in this legislature in respect of development on Yukon's North Slope. Every member on this side voted for the motion; every member on the other side voted against it. That is a fact. That was all I stated, the fact. As long as the member opposite gives me the opportunity, I will keep standing up and saying that, because it is a fact.

In reply to his question, I have stated prior that it is my information — he may have different information and he may well have more than I have, but it is my information — that the negotiations that are taking place in Ottawa at this particular point and for the past few days have been between the Council for Yukon Indians and Peter Kiewit and Company. It is my understanding, respectfully, that the Minister of Indian Affairs and Northern Development has not been involved in these negotiations, nor has the Government of Yukon.

**Mr. Byblow:** The government leader should be reminded that it was his government that went on record in support of five percent of Beaufort jobs to Yukoners.

Could I ask the government leader: when will this government enter into further discussions on the Kiewit proposal, given the current discussions between Kiewit and the CYI?

**Hon. Mr. Pearson:** I do not think that there are any further discussions with this government required. We have made it very clear that we are in favour of that development proceeding. I believe that, in asking that kind of a question, the member opposite is presupposing that there are going to be some other terms and conditions. I do not know what those other terms and conditions are that are going to require discussion.

**Mr. Byblow:** I find the answers very grey. I want to very specific in my question. Does this government support the prospect of a federally-assisted equity participation of the Kiewit proposal by the CYI?

**Hon. Mr. Pearson:** If the Government of Canada wishes to loan the CYI money under a program that they have in place in Ottawa so that they can obtain an equity position in this project, there will not be any objection from this side of the House.

#### Question re: Littering

**Mr. Kimmerly:** About the liquor corporation and the problem of littering, previous ministers have investigated the prospect of returnable liquor and wine bottles. Is this minister investigating that proposal at all?

**Hon. Mr. Ashley:** I believe we have a policy on return bottles in the liquor corporation at this point. Beyond that, I have not looked into it. If the previous minister, before I took over the responsibility, has instructed the corporation to look at it, I am sure they have and will be getting back to me.

**Mr. Kimmerly:** In view of the recent attention in the municipal area of littering in Whitehorse, will the minister ask the corporation if a policy of returnable liquor and wine bottles is feasible?

#### Speaker's ruling

**Mr. Speaker:** Order, please. I will have to rule that question out of order as being a representation again and certainly not a question.

**Mr. Kimmerly:** Will the minister ask the liquor corporation what the policy is and tell me?

**Speaker's ruling**

**Mr. Speaker:** Again, the hon. member would appear to be giving directions and, really, this is an abuse of the Question Period. I believe the hon. member is attempting to find out if there is a policy and, perhaps, if the minister has that information, I will let him state it now. Or, perhaps the hon. member could find the information by substantive motion.

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**Hon. Mr. Ashley:** I have been advised that the corporation certainly has looked at it, and they do have a policy on beer bottles, for sure. When they were looking at that policy for liquor bottles, they found that it was much too expensive to try and refund prices on those, so it was just not practical to do so.

**Question re: First Choice TV**

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

Since the minister's department is aware of the First Choice TV programs, which clearly depict the sexual exploitation of women and rape and excessive violence towards men and women, can I ask the minister if he is prepared to consider any policy concerning the regulation of pornography in Yukon?

**Hon. Mr. Ashley:** On First Choice Pay TV, a person has to first remember one thing: they have to buy that channel and they have to pay for it. They have the right to purchase it or not. Number two, if they do purchase it, they have the right to buy a lock that locks the channel up for when they are not home, so that it can only be on when they are there. Number three, we do not regulate the TV channels, period; it is CRTC regulation.

**Hon. Mr. Pearson:** But we are against pornography.

**Hon. Mr. Ashley:** But, certainly, we are against pornography. There is a *Criminal Code* provision, which the RCMP administers and, under Section 160(8) of the *Criminal Code*, they have a lot of latitude to move on pornography.

**Mrs. Joe:** I am glad to see that the minister does not support pornography.

Since First Choice TV shows movies depicting rape and violence at all hours of the day, can I ask the minister if he has considered the promotion of a public awareness program on the dangers of pornography on First Choice TV?

**Hon. Mr. Ashley:** I have already advised the member opposite that we do not regulate the pay TV channels. CRTC does. Now, CRTC believes that it is up to the licencees to regulate their own programming. It is being looked at in Ottawa right now, but that is the situation at present. It is not our jurisdiction, and we cannot touch it.

**Mrs. Joe:** Can I ask the minister if he is prepared to meet with the Yukon Media Watch to discuss the concerns regarding pornography?

**Hon. Mr. Ashley:** Certainly, I do not mind meeting with anybody.

**Question re: School buses**

**Mr. Penikett:** They can discuss the minister's proposal for chastity belts for TVs.

Can I ask a question of the Minister of Education, with regard to the Hootalinqua Constituency Association's school bus regulations, considered by the Progressive Conservative Party this annual convention, concerning exhaust from idling school buses creating a driving and child safety hazard during winter months? Could I ask the minister responsible if the Government of Yukon has considered this excellent suggestion, that, in the interest of safety, the exhaust system of school buses be altered to ensure that exhaust vapours be discharged vertically above buses?

**Hon. Mrs. Firth:** Yes, we have and we have been in contact with Diversified Transport about it and they are still discussing it.

**Mr. Penikett:** Could the minister indicate when the discussions might conclude and some action might commence?

**Hon. Mrs. Firth:** Not at this time.

**Question re: Employment standards legislation**

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

for labour services.

The minister will remember that this House was promised employment standards legislation for the fall sitting — this sitting — last spring. Can he say now when we may expect to see the legislation tabled in this House?

**Hon. Mr. Tracey:** I never promised anything. I said that I would try to have it ready for this fall. I have said, during this session, that I would try to have it ready for this fall. We have been working very hard at it. I am sure that the member, through his sources of information in this government, knows perfectly well that we have been working very hard to try to have it ready. If I have it ready before we adjourn this session, I will have it tabled in here.

**Mr. McDonald:** I was under the impression that we were adjourning, perhaps, today. Maybe even tomorrow.

Can the minister say, given that there has been seven years of scrutiny by the Yukon Legislature and there have been two House committees struck, et cetera, and there have been reports handed down by these committees and many, many submissions made to the various House committees, what problems arose which prevented a more expeditious development legislation which prevented it from being tabled earlier?

**Hon. Mr. Tracey:** The member across the floor knows full well that it is a very important piece of legislation. It deals with everyone who works for wages in this territory. There are a great many things that have to be addressed. He should also remember that I have only recently been reappointed to the Ministry of Consumer and Corporate Affairs, which has labour underneath of it. Since my appointment, we have been working very hard to try to have this legislation drafted for this session. I have done my best. If I can have it tabled before we adjourn, I will do so.

**Mr. McDonald:** I would hope that the Minister of Justice provides his notes to the new Minister of Labour Services so that we can get speedy tabling of the bill.

Can the minister say whether there is any drafting going on for occupational health and safety and can he say whether or not the government will be undertaking to submit such legislation in the House in the spring session?

**Hon. Mr. Tracey:** At this time, there is no drafting going on mainly because we have a limited amount of manpower in the government and we cannot be addressing that many bills. That department alone has most of the bills of the government under its jurisdiction. In any session it is very involved. It is a small department. However, occupational health and safety will be one of the ones that we will be giving priority to.

**Question re: Yukon Housing stove policy**

**Mr. Byblow:** I have a question for the minister responsible for Yukon Housing. I reviewed the minister's answer to me last week on the stove policy that I raised on behalf of a constituent and I have a couple more questions. Is the minister prepared to change the policy of allowing the oil substitution program grant to apply to the tenants if the tenants turn the stove asset over to the assets of Yukon Housing?

**Hon. Mr. Ashley:** There is a number of things I am going to have to take issue to with the member opposite about these last comments. Number one: I report for the Yukon Housing Corporation. It is the board of directors that changes policy, not I. Number two: it is the local conservation and renewable energy office that has said no to these tenants getting that grant; not Yukon Housing Corporation or Yukon government. Those are the main things.

**Mr. Byblow:** The minister seems to be somewhat confused because, as he well knows, currently under the policy put out by his corporation, tenants do not qualify for the grant because Yukon Housing will not give the required authorizations for the tenants to install those stoves; a Yukon Housing answer.

**Mr. Speaker:** Order please. Would the hon. member please get to his question. He is now making a speech.

**Mr. Byblow:** I was sure that was a preamble, but I will ask the minister again: is he prepared to change the policy?

**Hon. Mr. Ashley:** The member opposite does not listen very closely or carefully. I have informed this House many times that I

do not change the policy of Yukon Housing Corporation. It has a board of directors that do that. I also, last week, informed the member opposite that it is on their agenda for the December 5th meeting to be looking at the woodstove policy. But, number three: it is not Yukon Housing Corporation policy to be changed as far as the question of those grants is concerned; that is a federal program and it is a federal issue and it is the local conservation and renewable energy office that has said no.

**Mr. Byblow:** If it has said no, it has said no only because Yukon Housing has not permitted the stove to become an asset of Yukon Housing. The minister keeps saying that he is not responsible for Yukon Housing. I want to ask the government leader: who in his cabinet is responsible for Yukon Housing Corporation?

**Hon. Mr. Pearson:** The Minister of Justice.

#### Question re: Littering

**Mr. Kimmerly:** Again, about littering — and I will not make a representation; I will ask the question in the past tense — the minister spoke about refunds for liquor bottles. Has the minister directed the attention of the board to the returnability of liquor bottles to avoid garbage problems and possibly for reuse?

**Hon. Mr. Ashley:** As I advised the member opposite, just in his previous set of questions, the liquor corporation has looked at this. That is what I am advised. They have deemed it not to be possible to do, not to be a viable situation to do, so that is the main reason why it is not being done.

**Mr. Kimmerly:** I would advise the Minister of Justice, the same minister, that there are remarkably few littering prosecutions. Has the Minister of Justice considered the number of prosecutions in view of the littering problem in Whitehorse?

**Hon. Mr. Ashley:** No.

**Mr. Kimmerly:** I would ask the minister if, in the past, he has brought to the attention of the Liquor Board the remarkably few numbers of prosecutions for littering in Whitehorse?

**Hon. Mr. Ashley:** In answer to the member opposite's question, no.

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

### GOVERNMENT BILLS

#### Bill No. 36: Second Reading

**Hon. Mr. Pearson:** I would ask unanimous consent of the House to proceed with the second and third readings of Bill Number 36, *An Act to Amend the Legislative Assembly Act (No. 2)*.

**Mr. Speaker:** Does the hon. member have unanimous consent?

**Some hon. Members:** Agreed.

**Hon. Mr. Pearson:** I move that Bill Number 36, *An Act to Amend the Legislative Assembly Act (No. 2)* be now read a second time and that, pursuant to Standing Order 57, this bill be ordered for third reading without consideration by Committee of the Whole.

**Mr. Speaker:** It has been moved by the hon. government leader that Bill Number 36, *An Act to Amend the Legislative Assembly Act (No. 2)* be now read a second time and that, pursuant to Standing Order 57, this bill be ordered for third reading without consideration by Committee of the Whole.

**Hon. Mr. Pearson:** As I am sure all members are aware, this bill will enable members of this legislature who live outside Whitehorse to be able to devote some of their expense money that they are entitled to, pursuant to the legislation, towards the rental or lease of accommodation, rather than the direct payment of hotel rooms.

**Mr. McDonald:** For the benefit of the public, I believe that a certain amount of explanation is required and I am certainly prepared to give it, if that is the case.

The purpose of the act is largely to amend the *Legislative Assembly Act* to permit various uses of expense allowance money to be accommodated. Originally, the purpose of the changes was for MLAs to acquire greater access to Whitehorse by permitting them to rent an apartment and, at the same time, lessen the expense to

government. The rural MLAs found, I believe, that there were a variety of problems with their work, which required a great deal of personal attention and a great deal of effort to solve while they were in the territorial capital.

The very real prospect that MLA work is now becoming full-time work and that MLAs are required to research a variety of issues, that their responsibilities have increased, that they do require the time and the opportunity to meet with government departments, government bureaucrats, business leaders in the territorial capital: were a number of the reasons why we propose that these amendments be passed by the House.

The situation in the past for members' expense accounts was that they were permitted merely to take hotel accommodation in Whitehorse at great expense to the public, whereas they could possibly be provided year-round accommodation in an apartment at lesser expense. It was felt that the cost of renting an apartment year-round would be either the same or could realistically be less than the taking of hotel rooms for two sessions, for committee work, and for various other duties which require MLA's personal attention in the territorial capital. This, after all, is an expense allowance; it must be for work done by an MLA in the duty as member of the House and for those reasons we are supporting the second and third reading and passage of this bill in the House.

*Motion agreed to*

#### Bill No. 36: Third Reading

**Hon. Mr. Pearson:** I move that Bill No. 36, *An Act to Amend the Legislative Assembly Act (No. 2)*, be now read a third time.

**Mr. Speaker:** It has been moved by the hon. government leader that Bill No. 36 be now read a third time.

*Motion agreed to*

**Mr. Speaker:** Are you prepared to adopt the title to the bill?

**Hon. Mr. Pearson:** I move that Bill No. 36 do now pass and that the title be *An Act to Amend the Legislative Assembly Act (No. 2)*.

**Mr. Speaker:** It has been moved by the hon. government leader that Bill No. 36 do now pass and that the title be adopted as being *An Act to Amend the Legislative Assembly Act (No. 2)*;

*Motion agreed to*

#### Bill No. 32: Third Reading

**Mr. Clerk:** Third reading, Bill No. 32, standing in the name of the hon. Mr. Pearson.

**Hon. Mr. Pearson:** I move that Bill No. 32 entitled *An Act to Amend the Elections Act* be now read a third time.

**Mr. Speaker:** It has been moved by the hon. government leader that Bill No. 32 be now read a third time.

*Motion agreed to*

**Mr. Speaker:** Are you prepared to adopt the title to the bill?

**Hon. Mr. Pearson:** Yes. I move that Bill No. 32 do now pass and that the title be as on the Order Paper.

**Mr. Speaker:** It has been moved by the hon. government leader that Bill No. 32 do now pass and that the title be as on the Order Paper.

*Motion agreed to*

**Mr. Speaker:** I declare that Bills No. 32 and 36 have passed this House. May I have your further pleasure?

**Hon. Mr. Lang:** I 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*

### COMMITTEE OF THE WHOLE

**Mr. Chairman:** I would like to call the Committee of the Whole to order.

We will take a short recess and start with Bill No. 23, *Recreation Act*, when we return.

*Recess*

**Mr. Chairman:** I would like to call the Committee of the Whole to order. We will open up with Clause 1. It is open for general debate.

**Bill No. 23: Recreation Act**

*On Clause 1*

**Hon. Mrs. Firth:** This recreation act has the same basic structure as the existing *Recreational Development Act*, and that is to provide for the giving out of grants. The same basic principles also apply and that is to identify the specific areas to get grants and more detailed and specific concerns of the groups have been addressed and set in the legislation. Some of the finer detail will be put in regulations. We chose this method, trying to make the bill as simple as we could, as I said at second reading, and put some of those finer details in the regulations so as not to make an unduly long or lengthy recreation bill.

We were told, in consultation with the report of the Green Paper Committee, that as long as the specific areas were identified in the legislation, and the specific identities, particularly arts identity, that they were looking for, that that would be suitable to them, so that was why we chose that method.

**Mr. Joe:** I would like to thank the minister for a brief presentation on what this new act is going to do. I am glad to see that it does include many areas and that those specific groups will come under this act.

In second reading I asked the minister a number of questions and she assured me that she would answer these questions during Committee of the Whole. In her response, she had mentioned that she found it quite shocking that we were already criticizing the committee before it had a chance to prove itself, and this is in regard to the new YRAC as proposed under this bill. I want to make it clear that I was not criticizing a committee that has not been established yet. I was criticizing the manner in which this came about and was put into the bill. I have a lot of confidence in committees that are struck, especially the Green Paper committee, because they have done an excellent job of putting together the report. I do not think that this side of the House can fault them for anything that they have done. Perhaps the minister would give me some answers in regard to some of the concerns that I had — I was concerned about the geographical plan and how that would be done — and she assures me she is going to do it.

**Hon. Mrs. Firth:** Yes, I have noted in *Hansard* the particular concerns that the member for Whitehorse North Centre had, and I am prepared to address those concerns. The first one, a major one, is in regard to, and I quote from *Hansard*, from page 748, November 17: "...however, the bill does not give us any assurances that those nominations are going to be taken very seriously because the bill says that she may select members from nominations that may be made by municipalities and local authorities." In the bill, in clause 6(1), it says "The membership of the Committee shall be divided equally..." so the minister has to choose. The interest groups may make nominations to the minister, but the minister shall choose from those nominations. In a way, it does bind the minister to choose from the nominations that come forward from the arts groups, the sports groups, the recreation groups and the community groups.

Also, there was a concern about the geographic plan and that is from the same page, 748, in the November 17th *Hansard*: "Does she have a geographic plan that indicates to us where those nominees or where the committee members are going to be selected from, or are we just going to have six people from in town and six from out of town?" Basically, to simplify it, that is what we will be having. There will be equal representation of rural and urban members. That, again, is identified in the legislation, clause 6(2)(b): "persons who are representatives of rural areas and persons who are representatives of urban areas".

I believe those were the major concerns. Oh, yes, there was also one about the continuity of the present committee. The member for Whitehorse North Centre did make reference to the staggered terms, and I met with YRAC when we were in the phases of discussing the legislation and they indicated to me — YRAC and the Lottery Commission, and I believe it was the Lottery Commission who

brought it to my attention first — that they would like to see some continuity, particularly because of the Lottery Commission monies being managed by a different group now, and that is the Sports Federation and Arts Council, as opposed to Rampart Development having it before. They were concerned about that change and they were concerned about a completely new committee that had absolutely no familiarity with the procedures and with the dealings of the Lottery Commission. I indicated to them that I thought that was an extremely reasonable consideration and that I certainly felt just as strongly as they did about continuity, and they recommended to me some names of the present YRAC committee Lottery Commission that, if those names came forward as nominations, they would like to see me choose at least four people who had been on the past committee. Instead of specifying that in legislation, which would apply only to this particular year, I gave them a commitment in the form of a letter that, from the nominations that were coming forward, in order to maintain that continuity, we would look for four names which they had recommended that would be coming forward from the nominations that we are anticipating receiving.

**Mrs. Joe:** I would like to thank the minister for that information. It will settle the minds of a lot of concerned people.

She has indicated that we will have equal number of members from the rural ridings and from the urban ridings. I have talked to a number of people, since this was tabled in the House, and with regard to some of the concerns expressed, at that time, has she defined any areas from out of town that that would cover? Will we have someone from the north highway or somebody from the south highway, somebody from Ross River or Faro? One of the concerns was that we not have two from the south highway or the north highway, or whatever, and we felt that should be clearly defined during Committee of the Whole.

**Hon. Mrs. Firth:** I am just trying to find, in the report, what the committee said about community representation. I am not 100 percent clear as to what their wishes are, but we would certainly not be doing anything they would not be in favour of. We would be abiding by the recommendations of the Green Paper Committee report when it came to dividing up the representation.

If we have a suggestion that it would not be wise to have too many from one area, as opposed to another, we would certainly be adopting that recommendation. We will try, absolutely, to make it seem as fair as possible for the outlying areas, recognizing the importance of them having their representation and their identify on the YRAC board.

**Mrs. Joe:** I have one more question with regard to the rural and urban representation. How far out does the rural area start, out of Whitehorse?

**Hon. Mrs. Firth:** I am not sure what the member is getting at. Are you looking at constituencies or communities? We are looking at it from a community point of view, so we would be looking for equal representation from all the communities other than Whitehorse; Whitehorse would have six representatives and the other communities would have six representatives.

**Mrs. Joe:** I think I was thinking in terms of areas like Marsh Lake, the areas that Hootalinqua included, and stuff like that?

**Hon. Mrs. Firth:** Okay, I understand what the member is asking. We would be looking for recommendations in the form of nominations from these particular areas that the member is suggesting. Certainly, when the nominations come forward, if we had several nominations from the Tagish area and the Marsh Lake area, and, perhaps, no other recommendations from that particular end of Yukon, we would have to look at balancing that. I do not have a set idea of all the fine details: we are presently putting those in the regulations.

I just want to indicate that if there was something objectionable that the recreation committee found with the representation, we are certainly going to be using them in an advisory capacity and they could recommend to us that those recommendations be changed; that they were, in fact not suitable or satisfactory. We would be prepared to change them.

**Mrs. Joe:** Because there are so many different arts and sports and recreation groups in the territory, how is the minister going to



accept those nominations? Is she going to be taking nominations from each and every group that has some nominations or are we going to break that down into something that has been already established by the committee?

**Hon. Mrs. Firth:** We will be receiving nominations from the arts groups, the sports groups, any interested recreational groups and I believe they have to be registered under the *Societies Act*, and from communities. I have spoken to the Association of Yukon Communities and they are in agreement with that. They have some particular concerns about the representation and would be prepared to receive the nominations. We said yes.

I think probably the first thing we will be looking for are the numbers of names. We are anticipating getting a lot of names. We would look at the numbers of names that come up frequently. I am sure there will be names that maybe the sports and the community groups may both recommend, and that may happen several times. In that way I think we would probably get the most qualified people. Certainly, we will be looking at the resumes that accompany them and their list of accomplishments in the past. We hope to be able to choose a very expert committee.

**Mrs. Joe:** I would like to get on to another subject at this time and that is in regard to the special groups that have been included in the report by the green paper committee. It talks about recreation and Indian people.

In the Yukon we have Yukon championships which include softball, hockey and curling. Curling is only started. They had their first annual competition last year. I wondered if the minister might be able to give me more information on that type of thing; in regard to whether or not those championships and the people that are involved in it will be eligible for the grants that are given to attend other championships in Canada. For instance, they do have a national softball championship for men and women — Indian — and also they have the same thing for hockey. Are they going to be eligible to apply and to receive funding?

**Hon. Mrs. Firth:** They will be eligible for those grants under their particular area of application.

**Mrs. Joe:** That is the information that I wanted answers to and I got it.

Under section 13(1); In both of the acts it says that there will be provision for a secretary and other administrative support service for the communities, I believe. I wondered how that was going to be done. Is it going to be government staff who are going to be providing that service and how was it done before, if it was in place?

**Hon. Mrs. Firth:** It was provided before, but not to the extent of regularity that it will be now. The committee will have the use of the Recreation Branch for secretarial services and also they will have the availability of the Recreation Director for advice, in an advisory capacity and to give certain advice, I suppose you would call it, when it came to funding and grants and any particular recreational groups that needed some further detail to an application. They will be providing that expertise when it comes to the committee needing more information to divide the monies up.

**Mrs. Joe:** One of the other concerns that was brought to my attention was the nominations for individuals being appointed and how many terms will they be allowed to serve, or if there is a limit? For instance, could a person be on the committee for a term of four or five terms?

**Hon. Mrs. Firth:** The term of membership in the committee is two years, and I realize that is a specific term. I had not anticipated how long they could stay in. It could be for several terms or not. I would be looking to the YRAC committee to give us advice on that particular area.

**Mr. McDonald:** I have just a couple of questions regarding the membership of the new Yukon Recreation Advisory Committee. Perhaps the minister could provide some assurances to me and to the House, which do not appear in the bill, about the guaranteeing or assuring that no community or no particular area would be left without representation for any long period of time. There is, of course, the tremendous discretion given to the minister. There is no obligation by this legislation to ensure that the minister appoint a representative from any one particular area, which does worry me

as my area has been, in the opinion of a majority of people in the riding, left out of a variety of decision-making boards and bodies in the past. They are acutely sensitive about this. Obviously, all I can get in the absence of an amendment, are verbal assurances. I will accept those in the absence of anything else.

Also, I would like to know whether the minister believes it is the government's intention to only appoint members of the new YRAC from nominees submitted by the various boards and committees which are mentioned in the act?

**f33Hon. Mrs. Firth:** Well, I thought the member for Mayo would be quite delighted that we have given his community some recognition, as he is claiming we have not. That is in Clause 17(1) of the bill, where the Commissioner in Executive Council may appoint a community organization to be the local authority for a geographic area and that does identify the particular concern that Keno-Elsa had. They will be able to have their own local authority now and they will be able to, once registered under the *Societies Act*, be eligible for grants, where they have not in the past. They did receive grants, however, it was done under the Mayo District grant. So, they will have their own local authority now and will a substantial amount of money for O&M assistance.

There is really is not a lot more discretion given to the minister. I do not know if the members in opposition realize it. Not only is there a verbal reassurance, but there is also a political reassurance. The government and the minister are not going to be politically dangerous, I do not think, recognizing the importance and how people feel about recreation.

If the government wanted to put itself up for a lot of abuse, they could appoint whoever they wanted to the YRA Committee. Well, we have said that we are not going to do that. So, there is political accountability. I have made many commitments to the YRAC groups and to the arts groups, the Yukon Lottery Commission, the sports groups, community groups, that we would be looking forward to their recommendations and that we would be taking names from those recommendations.

Certainly, I do not have to. I could take some other names from somewhere else, but I really do not think that would be a very wise move and I am really not prepared to do that. So, there is a reassurance there. The minister "shall" take names from the lists of nominations and "shall" put those people on the YRA Committee and that Committee "shall" be the Lottery Committee, as well.

As far as a community having no representation for a long time, that really is not the intention of the committee. I am sure that the members on the committee are going to be responsible and would indicate that to the minister if that was, indeed, happening. Or, the minister, vice versa, may indicate to the committee that a particular community has not had any representation for some time and, perhaps, we would be looking for a name so that that community is represented.

I think, just to sum up, there is a certain amount of political accountability and I believe that the intentions have been honourable and have been good on behalf of this government to taking the recommendations of the Green Paper Committee report and to making that political commitment that those nominations would be used in the formulation of the YRA Committee.

**Mr. McDonald:** The minister states that the intentions of the government are honourable, and we will just pursue that for one moment. I am sure they may be. We will just see whether or not the application of these honourable intentions is, in fact, what they claim.

The minister pointed to article 17(1) of the new act, which says that the government is certainly giving consideration to the community, that it is paying attention to two communities in my riding and therefore any statement I have made about stating otherwise are unfounded. Of course, I am talking about representation on territorial boards and commissions.

The fact that there is a division of responsibility within the riding to deal with sports and recreational interests is definitely a good step. I certainly will, at the time that we get to article 17(1), discuss that briefly. The allocation of a recreation board for Elsa-Keno is something that has been proposed by the community — by all three

communities as a matter of fact, Mayo, Elsa and Keno — and it is something that the government and various recreation advisory committees have determined as a useful change. There is no question about that. What I am discussing, however, is not the division of recreational responsibilities within the riding. What I am discussing is the assurances that any community in the territory will have representation on a territorial board and commission which deals with territorial-wide problems and territorial-wide issues. That is what I am fundamentally concerned with.

I mentioned that the Mayo riding is sensitive about this. It has nothing at all to do with whether there is a division of existing responsibility within the riding. That is a good move, but it is not what I am talking about. I state my question again about reassurances that communities will be permitted to have representation on the board over the course of so many years, to ensure that their interests are accounted for. Now, the minister says that if some community feels left out sometime in the future, that there is always the option that the community make application to the minister, or that a territorial organization such as the AYC can seek representation from the minister and the minister will, if the minister is at all fairminded, give every consideration to that request.

I think it would be fairly well accepted, in the Mayo riding at least, that they have made submissions in a variety of areas in the past. They felt their cries have been cries in the wilderness. I still ask what verbal assurances the minister is prepared to give to alleviate some of the concerns that I have.

<sup>23</sup> The minister says that there is a measure of political accountability. I do not think it is a full measure, I think it is a half measure of political accountability. I think that this issue is quite important, given the substantial changes that are, in fact, being made to the YRAC, in terms of who is going to be a member of the proposed board.

I am not a lawyer and I am not a legal draftsman. There is only one such person in the House, apart from, perhaps, the Clerk's table, who can give wise direction to this problem, about the article which the minister referred to, guiding the minister on what nominees they can take to comprise the proposed membership of the new recreation board or recreation committee. The minister drew to the House's attention that the Commissioner in Executive Council shall make regulations providing for the selection of members of the committee for nominations that may be made by municipalities, et cetera. She said that the wording was "shall take names". It does say that, in my opinion. The act does say that the minister shall take names of nominees from various boards and committees, but it does not say that the minister shall only take names from those recreational organizations and local authorities. So, there is some concern that I have that, while boards, municipalities, arts groups, sports groups, recreational organizations may all nominate members, these may not be the only nominations that the minister considers.

I, obviously, have to accept verbal assurances that that will not be the case, from the minister, if, in fact, it is not the case. So, perhaps the minister could just discuss that a little bit further. I am not convinced that there is no problem here.

**Hon. Mrs. Firth:** I will never convince the member for Mayo that there is no problem because he is always going to have a problem.

This legislation states that the members shall take the names from the nominations that come forward and that those members, in the form of a membership, shall be divided equally among persons who, in the opinion of the executive council member, have demonstrated interest, knowledge or expertise in Yukon arts, Yukon sports or community recreation. I think, in the Green Paper Committee report, that they were satisfied that we had identified that concern in the legislation.

I do not have any members to appoint to the board. I have to take the members from the list of nominations and, from that list, I have to take four community members, four arts members and four sports members, which makes up the total of the twelve on the YRAC. If I only had to take three, then I could say, "Fine, there are four members that I could appoint, personally", but that is not the case.

The board is looked after entirely from the list of nominations. So, perhaps, that will assure the member that the board, as the Green Paper report says on page 12, "will be appointed on merit", rather than on political standing.

I think that is a good point and that could have some bearing on the member for Mayo's concern about the representation that he had, in particular, for Mayo. That concern is now being taken away. I appreciate that concern, not only for the members in opposition, but also for my own colleagues, who had the opportunity to put a person of their choice on the board. However, those people were not always people with the particular expertise, and so on; they were political appointments.

<sup>24</sup> These are appointments on merit. As far as a guarantee of representation for Mayo, I really cannot give a guarantee. I can only reiterate what I have said before to the member for Mayo; that I feel the YRAC will have a certain amount of responsibility to identify areas that maybe have not had any representation for two years or three years or whatever, and they would say to the minister and to the government that it is time that some other community which has not had representation for a few years should have some representation.

The political accountability really is the key factor here; it is a lot stronger than the member for Mayo would indicate, because after dealing with this particular concern for a year and a half, there are a large, large number of people in Yukon who are involved in all aspects of recreation. It is a large force and it is not a force that I am about to personally take on and say, look, none of your nominations were satisfactory; I think I will put my own members on the committee. That is not the intention of this, and that is what I meant when I said the government had been honourable in its intentions. We have accepted 75 of the 77 recommendations that came forward in the Green Paper Committee's report; the other two recommendations are on hold and they have basically to do with things regarding the building code, fostering accessibility for disabled people, and they require a large amount of capital assistance for recreation. It is something we are looking at; so, in effect, we have taken into account all 77 of the recommendations that were brought forward.

**Mr. McDonald:** What worries me is that the minister just gave an account of what she believes to be the intent of the act from a reading of the act, and I do not share that reading of the act. The Minister of Municipal and Community Affairs thought it would be wise to inject some information into the debate. He says "shall". The act certainly does in fact say that the minister "shall" take nominees submitted from various boards and committees from around the territory. It does not say the minister shall take only nominees from boards and committees around the territory. That is my concern. It remains my concern. The minister says that she always has a problem with me, and I do not know whether that is a cheap shot or not; I am not going to respond to it.

In any case, the minister suggested there are honourable intentions emanating from the government. I believe she says that if any rural community feels it is not being given the representation it once had on this important committee, she will take a look at it. I guess until the next election we will have to live with that particular statement. Certainly, we will not live with it after the election.

<sup>25</sup> **Hon. Mrs. Firth:** I only want to add that if the minister receives a list of nominations and ignores the list of nominations and puts people on who were her own appointments, or from some other non-existent list, as the member for Mayo is hypothetically saying, the minister would look pretty silly when those groups got together. Those groups do get together and I recognize that. They will compare lists, and I know that, and they will be wanting to know which list this particular individual came from. They will be wanting to know what the credentials are and what the particular areas of expertise are of that nominee. This is what I am saying. The political accountability is stronger than the members opposite would seem to indicate. I am not about to put the government in the position of having to defend people who are not nominated by those particular groups who have interests, or who have no resume that would justify them being on that committee. That has been identified in the legislation. That was found acceptable by the

Green Paper Committee report and by the YRA Committee, present, and Lottery Commission.

**Mr. McDonald:** Just one brief question. The minister repeats her reading of the act, and it says that she will not be permitted to take anyone beyond the nominations provided from various boards and committees around the territory. She further says that she would not do that anyway because the people would compare notes and then they would be demanding of the minister why she had appointed one person over another.

The act, of course, does say that any nominees must have demonstrated interest, knowledge or experience in Yukon arts, or Yukon sports and community recreation. In the opinion of the Executive Council member, I would even go so far as to say that persons shall only be considered if they, in the opinion of the Executive Council member, are representatives of urban areas or rural areas. My question, I guess, would then be what sort of difficulty the minister would have in deciding whether or not a person was an urban or rural member?

**Hon. Mrs. Firth:** It will depend on where that individual lives. If the sports group recommends Joe Smith from Mayo to sit on the YRA Committee, and says that this person has a long list of credentials and expertise in this particular area, then he would be considered either in the capacity as a sports representative or a community representative, or both. For the community representation, it would be from the area that that individual lives and from the particular interest group that nominated him, that recommended that that individual be put on as a community representative or whatever.

**Mr. McDonald:** Joe Smith is going to be very happy. There happens to be a Joe Smith in the Mayo riding.

Why does the act not say that persons who are representatives of rural areas will be given consideration and why does it, in fact, say that persons must be rural representatives in the opinion of the Executive Council member? What kind of discretion are we giving to the Executive Council member? I do not understand.

**Hon. Mrs. Firth:** The Green Paper Committee report recommended — I do not know if the member read the Green Paper Committee report or not — that: (1) The YRAC be composed of — and I am not reading this from legislation, this is all from memory — of equal numbers, four for sports, four for arts and four for communities. Their next concern was that the committee was not overly weighed with representation from Whitehorse and not from the communities. So their next concern was to identify that there was equal representation of urban and rural members on the committee. That was what we identified for them in the legislation, so that we set in legislation.

**Mr. McDonald:** I have further questions on exactly the same subject, but I will leave them for the clause-by-clause reading.

**Mr. Kimmerly:** I have a question which is a general question which may evolve into a specific one, and it is around the same general sort of issue but with a different perspective. The first political appointment I ever held in my life was as a member of a recreation committee, appointed municipally by Yellowknife, in fact, and I am aware of the deliberations of municipal bodies in this area. My question is: there is a relationship of necessity between municipal bodies and the territorial body and the system works best if, in fact, there is a good communication between the local bodies and the territorial body. I would ask about the general intention of the minister and the intention about the regulations spoken about in 6(3) concerning appointing people who may be appointed to both a municipal recreation council and the territorial advisory committee. Is there a policy now concerning the same individual sitting on both bodies or the possibility of that, and is there a direction concerning the communications and negotiations between the municipal bodies and the territorial body?

**Hon. Mrs. Firth:** I am not absolutely clear as to exactly what the member is asking. I am assuming he is talking about the communication between the YRAC, which will be a territorially-appointed board, and the municipal recreation board. I do not know of any formal communication system; however, I do know that they are in constant communication, because one really cannot do a lot without the other.

I think, in the legislation, it seemed to be a more important concern of the communities that their specific jurisdictions be identified and territorial jurisdictions identified. We did that, according to the recommendations of the Green Paper Committee report.

**Mr. Kimmerly:** I understand that and I have no objection, in fact, with the scheme proposed here.

I will ask a specific question. If, for example, an individual was prepared to give a lot of volunteer time and was an expert individual in sports or the arts and was recommended or wished to sit on the Whitehorse municipal body, as well as the territorial body, what is the minister's policy about that? Is there any problem with that?

**Hon. Mrs. Firth:** No, there is not.

**Mrs. Joe:** I have one other question, at this time, I would like to ask of the minister. She has indicated that the intentions were quite honourable in dealing with a YRAC and in nominating members to this committee. In the past, the minister has gone on record, in this House and at recreation meetings, and has said that she would like to have people on this committee who she can trust. We would all like to have that kind of a person on any committee that we are nominating for.

She has also indicated that, because they are a Tory government, that the committee should go towards a government thrust. Now, because Yukon is comprised of people who share the views of all the different political parties in Yukon, I would like to have some kind of assurance that we will have a large number of people who share different ideas.

Another problem that I have — as the YRAC is right now with the nominations by all MLAs — is that we had direct input into what was happening with regard to changes in the recreation branch and also policies and regulations and that type of thing. It will not be quite as personal as it was before, and I know how difficult it is for members on this side of the House to get any kind of information from the government. I, personally, would like to be made aware of any changes that are going to be made because of the great interest in recreation across the territory. So, I would like to share those concerns with the members of this House, and the minister.

**Hon. Mrs. Firth:** People in Yukon who are involved in recreation, all aspects of recreation, have various political ideologies and I do not dwell on those political ideologies. The foremost concern here is recreation and the growth and development of recreation in the Yukon. The member has made some quotations of things I have said in the past, and I do not believe they are entirely correct. Some are, however, and that is fine. That was my opinion and I hope I am entitled to that opinion in this legislature as I always openly accept the opinions of my hon. colleagues in the opposition.

I believe that information has been forthcoming. If the member has a concern about some particular changes or events, I am certainly prepared to provide her with that information, should she ask. However, I really do not know what the particular interests of the member for Whitehorse North Centre would be. I have always asked that, seeing as my door is open, if there is something they wish to know about or some information they would like to have, they can either phone my executive assistant and the information would come forward immediately, or they can come and see me and ask for the information.

I appreciate, I will say it again, that the members in opposition as well on this side of the House, did have a representative that they were allowed to put on the YRAC, and this had happened for many years, and that they feel very sensitive about losing that last bit of touch of information that they had. However, we are making progress here and I feel confident that we are going to have a satisfactory YRAC board; I am looking forward to some very interesting and creative dialogue coming forward from the new committee. This was a recommendation by the Green Paper Committee report as to the growth and development of recreation in Yukon, and we were prepared to take that recommendation and yet assure them through legislation that we would put on that committee people they had chosen and people who would be able to

provide that expertise for that development of recreation in Yukon.

**Mrs. Joe:** I thank the minister for that response.

In the past, in trying to get information from the department, I have been told that I should get that through the person whom I nominated to that committee. So that, getting information from the Branch in the past has not been that easy and it is very well to ask for the information after it has been made available to the public. That happens very often. Sometimes, not a day or two; sometimes it is two or three weeks until we find out about information that has gone public that we are not aware of. So I do share that concern with a number of our members on this side of the House, and of course we are not very pleased with the new restructuring of YRAC because we are losing that contact that we had. I think it is probably the very last committee, and any branch or group that we did have this input in, and it is just very difficult for us to accept that kind of a decision being made. Because of the wide interest in recreation, I think things could have worked out differently. I did want to let the minister know, and I cannot tell her often enough, how difficult it has been to get that information in the past, and I would certainly hope there would be some way of dealing with that and trying to get information before people start asking us questions about it.

**Hon. Mrs. Firth:** I just want to stress two things. This decision was not made in isolation. There was consultation with the decision to change the composition of the YRA Committee. There has been a lot of input into the decision. As far as information being available, if the members opposite calls one of the departments that I have the responsibility for, and they are unable to get the information or there is some question or they have to wait for it, I will say again, I would like that addressed to my office, either through my executive assistant, or through me. We will review the situation.

**Mr. Byblow:** I have a couple of questions for the general debate. One of them deals with the Green Committee report, and extended from that is a question of policy. Now, I understand the process that took place for the Green Paper Committee report and what took place prior to that in terms of the recreation review process. The minister has alluded previous remarks that 75 of 77 recommendations are adopted in this bill; that there are provisions for addressing those 75 recommendations. I am not disputing that point. I am raising the question of the process. Given that it is traditional in a large legislative area like this to have an actual Green Paper as a policy discussion prior to legislation, does the minister consider the report of the green committee to be a green paper? Is it the foundation for the legislation, is it the foundation of this government's policy in recreation, as a matter of policy and developing it and continuing it? I just want to know from the minister how she treats, recognizes and accepts the report of the green paper as a green paper?

**Hon. Mrs. Firth:** In the second reading speech, I believe I indicated to the House at that time that this is neither a green paper nor a white paper, and that comes from the Green Paper Committee report itself; the members themselves. When, a year and a half ago, or so, I was appointed as Minister of Education and Recreation, this process had already been started by the previous Minister of Education. She had established, in conjunction with YRAC and the Recreation Branch, a committee which she called the Green Paper Committee on Recreation. There was no green paper or white policy paper for the government established and I had to make that distinction clear to the media at the beginning of the tabling of the legislation because they did not understand that concept either. When the Green Paper Committee was working on their final recommendations and their summation, I had many meetings with them, at which time we established that we would use their report to give us guidance to draw up the legislation, because we did not have a government policy paper. However, the recommendations that were coming forward were consensus recommendations from the sports groups, the arts groups and the community groups. I think it is safe to say, by simply recognizing the numbers of the recommendations that we have implemented in the legislation, that we are accepting the Green Paper Committee report as the government's policy and that was why I wanted it kept special and tabled in the legislature to give recognition to the three individuals who had worked so hard on this paper and I could not just see it

being put on the shelf somewhere without due recognition being given, and also, giving the public and the opposition the ability to see them. They are very practical recommendations. They are very fair recommendations. And, to use the Green Paper Committee on Recreation as a comparison to the legislation and to see where their particular concerns were identified in the legislation.

**Mr. Byblow:** I do not think anyone disputes the work that the Green Paper Committee did. It was a tremendous job, a lot of hard work and the report substantiates the quality of their work. But, my question, with respect to the process, in effect, has not yet been answered because we have before us a bill that establishes a board, including some other very general prerogatives of the minister about how that board is going to behave and what it is going to advise on.

The Green Paper Committee report deals much more specifically with how recreation ought to be delivered as a policy function, as a practical function of government's responsibility in recreation. Now, when the minister says that the Green Paper Committee report is, in fact, the basis for the legislation, I would not go so far as to take issue with the minister. However, I would suggest to the minister that the bill is much more vague than the Green Committee report. It still raises in my mind, the question of what is this committee going to do in terms of useful function to the government. Is the YRAC going to be establishing policy for government? Is it going to be making judgments relating to the pool of money that has to go to the communities? Just to what extent is this committee going to work in close relation, or close function, with the government in developing recreation policy? Because, maybe the minister and I do not have a clear understanding of policy. Does the minister feel that this government now has a recreation policy or is it going to be refining that in regulations?

I guess I am still probing with the minister the relationship of the YRAC and government as it relates to policy and to delivery of recreation in the territory.

**Hon. Mrs. Firth:** I just want to reiterate that this process was started and I made a commitment to carry on the process. The Green Paper Committee and the sports and arts groups were very pleased with that. Sometimes I wondered, because I found it very confusing and it took me a very long time to read the first draft recommendations and so on, to catch on to exactly what the concerns were and to identify exactly what the different groups wanted to do and which areas there was a consensus, and so on.

I was very fortunate because I had the Green Paper Committee to pull it all together for me and point out the areas that I needed a little more help in. Perhaps, if I hear what the members are saying to me, the legislation is somewhat vague for them. They would have liked more specific things put in the legislation.

Not only does it identify the committee, it tells you what recreation includes, where some things had been left out before, like the arts, for example. It also defines the community responsibilities or jurisdictions and the territorial jurisdictions; it defines the municipality; it gives the function of the YRAC as well as the number and how they are appointed. It talks about the knowledge of the Yukon arts, sports and non-community recreation groups in the YRAC makeup. It talks about the split between rural and urban. It tells them the length of the appointments; it talks about the roles of the meetings, and the functions are identified in the legislation; the performing of duties under the provisions of the act, advising the executive council member and other related duties that the Department of Recreation, the minister and the committee will have an opportunity to sit down and discuss and formulate in regulation exactly how much responsibility these individuals want. They will still be distributing the funds.

It also talks about community recreation, the grants to the municipalities, community organization as local authority, the requirements to the local authority; local authority responsibility and grants to local authorities; the responsibility of the minister and the Yukon territorial recreation; terms and conditions for territorial funding; territorial funding to sport; territorial funding to arts; funding to advanced artists; territorial funding to other recreational organizations; joint territorial community responsibility; and then just a standard clause for other regulations.

I hope I have been able to indicate to the member for Faro that, although it is only eight pages of legislation, we have identified the

major concerns and recommendations that the Green Paper Committee wanted identified in legislation without making a cumbersome bill 40-some pages long and putting the regulations into the legislation as well. I believe the regulations are quite a few pages; something in the vicinity of 15 or 16 pages. I believe those regulations will be available to the YRAC for perusal for suggestions, for recommendation, and so on; so the committee will be used in a much more stringent advisory capacity to the government regarding recreation than it was in the past.

**Mr. Byblow:** If I am understanding what the minister is saying, she is suggesting that, because 75 of the 77 recommendations are addressed in the legislation, therefore the government has addressed essentially all of the recreation concerns. I use recreation in the collective sense, to include arts and culture; it includes everything. I will not pursue this much longer. The some 47 pages of recommendations in the committee report are reduced to eight pages of legislation, but I still have not had the question answered whether this board will in fact be setting policy. The minister may want to try just to refine that a little more. Is the YRAC going to be setting recreation policy? To what extent are their recommendations and their advice to the minister going to constitute the recreation policy of the day? And, on that subject, could the minister perhaps also respond as to whether or not the YRAC minutes — in other words, the summary of their discussions and decisions — to be either public documents or available to us?

<sup>32</sup> **Hon. Mrs. Firth:** The board does not set policy. The government sets policy. If the board recommends to the government that we should pursue a certain avenue in the development of recreation in Yukon, we are going to investigate what they are recommending. If we feel that it is a good recommendation, then we will make it the government policy. That is the particular direction that recreation is going to take. That is how we are going to handle the policy concerning the question that the member is raising.

I have forgotten the latter part of the member's question.

As far as the minutes, I have not really decided. I do not believe we send the minutes from other committees or boards. That is something that the board can decide amongst themselves. I just know from other committees or other boards that they do not send their minutes to the opposition and to other people. They send them to the particular groups that have contributed or to the people who sit on the board.

**Mr. Byblow:** The minister must be aware that our previous appointments to YRAC made the minutes of YRAC available when they were cleared for such public distribution. I am sure such a period will also be reached with the new board.

A small question, just to clear in my mind what the minister was referring to when she said that two of the recommendations were not accepted — maybe that is a deduction I made, if 75 were, two were not — are they a particular couple of recommendations that the minister had objection with that she feels are not incorporated in this bill?

**Hon. Mrs. Firth:** I already told the member for Faro. He was doing some homework and was not listening. However, I will repeat it for the member for Faro. The two recommendations that we are taking under advisement — it is not that we have not accepted them — are regarding the building code, to foster disabled access to buildings and capital assistance for the recreation facility that needs the access built to its facility.

**Mr. Byblow:** The Green Paper Committee report had 12 or 13 recommendations dealing with special population groups and I gather that one of those recommendations from that block of about 13 is one of the two that the minister is referring to. Does the minister feel that special population groups as cited in recommendations 51 to 63 are being addressed in this bill?

**Hon. Mrs. Firth:** Yes, they are. The reason that we were unable to fully implement the recommendation regarding the building code is because it has to be done in consultation with my colleague, the Minister of Municipal and Community Affairs. It was not because we found the recommendation objectionable. It is just that it required further work before it could be implemented. The concerns of the disabled and aging are in section 25(1) of the *Recreation Act* and it will be spelled out more specifically in the

regulations. However, these people had no identity before and now they do have an identity, and it is in legislation. I believe that that concern was brought forward to us, and with that identification that grant could be made to the recreational organizations for the following purposes respecting fitness, outdoor recreation, major recreational events, or other recreational activities not within the scopes of the previous sections.

<sup>33</sup> That satisfied the concerns of the aging and the disabled.

**Mr. Chairman:** Is there no more general debate? If not, we shall break for a short recess before we go to clause-by-clause study.

#### *Recess*

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

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

**Mr. McDonald:** Back to the discussion emanating out of general debate, the section reads that the membership of the committee shall be divided equally between persons who, in the opinion of the Executive Council member, are representatives of urban areas and rural areas. Why does the section not read, the membership of the committee shall be divided equally between persons who are representatives of urban areas and rural areas? Why must it be in the opinion of the Executive Council member?

**Hon. Mrs. Firth:** I questioned that of the drafting myself. That merely indicates that someone has assumed the responsibility for the decision. That is the Executive Council member. It does not leave it open to interpretation in a court of law as to who are the representatives of rural and urban areas. The draftsmen assured me that it had to have "in the opinion of the Executive Council member" because that Executive Council member was, in fact, taking the responsibility for having made that decision.

#### *Amendment proposed*

**Mr. Joe:** I would like to move that Bill Number 23, entitled *Recreation Act* be amended in clause 6(3) on page 2 by deleting the phrase "may be made by" and substituting for it the phrase "shall be solicited from".

<sup>34</sup> The reason for proposing that amendment was because we did not feel it was concrete in this section that the minister would do that; we felt the term "that may be" was an indication that it could be — may or may not be — made by municipalities, when in fact the minister did not have to have those nominations from a municipality. We felt very strongly that we should have that change made.

**Hon. Mrs. Firth:** I am not going to be able to support the amendment and I will try to be very brief and concise as to why not. This particular clause was run before the Lottery Commission and I indicated to the YRAC members. Their concern was that the executive council member had to make the regulations providing for the selection of members from the nominations. We left it as "may", indicating that the municipalities, the local authorities, arts, sports, general recreational organizations, may make recommendations. If we had changed that to "shall", it meant that they had to make those recommendations and neither they nor the government felt they had to say that, because we are quite confident that we are going to be getting many, many recommendations without having to say to those particular interest groups that they have to make the recommendations. I think the important part is the first "shall" in that clause where it says that "the commissioner and executive council shall make the regulations providing for the selection of members from those nominations that come forward". That identifies the concern that the minister could put her own people on the YRAC board. However, the minister will not be able to do that. The recommendations will have to come from these interest groups and the people who are chosen for the YRAC board

will have to have been nominated by one of those particular interest groups.

**Mrs. Joe:** I think the section here clearly indicates that she shall make regulations providing for the selection of members. But it does not clearly indicate that they will be nominated by those groups. It says "may"; it does not say "shall". We wanted some assurance that that in fact would be done. The legal interpretation I have — and I have not asked the professor — was that the commissioner did not have to have those nominations because it did not specify that that had to happen. It just says "may or may not". It might as well say "may not".

<sup>15</sup> **Hon. Mrs. Firth:** The intention of this clause was not to force groups to nominate members to YRAC. It was to give them the ability to nominate groups to YRAC. That was what their request was; that they have the ability to nominate people to the minister, from which she "shall" choose names. So, the intention was not to force the interest groups to make nominations. The intention was that the minister choose from those nominations that the groups would be allowed to make to make up the YRA Committee.

**Mrs. Joe:** I have a very difficult time trying to buy that explanation, because what we were asking for right here is the assurance that that, in fact, will be done. If there is nothing in this section to cover that, then we can just take it as meaning that she does not have to take those nominations.

**Hon. Mrs. Firth:** No, the member is misinterpreting what I am saying. I have to take those names from the nominations. The amendment the member is proposing says that those groups have to nominate to me. Well, there is enough interest and the groups had a strong desire to present nominations to the government. We did not want to put in legislation that they had to give us nominations. So, it says that the nominations may be made by the municipalities but that the minister has to take names from the lists of nominations to put on YRAC. That is what it says.

**Mr. McDonald:** I would like to briefly take issue with the minister's interpretation of what the clause actually says. The clause says that the "Commissioner in Executive Council shall make regulations" — and that is an imperative statement; that they have to make regulations — "providing for the selection of members of the committee", which means that it allows the Executive Council member to make selections from the committees. It provides the mechanics permitting the minister to select from community nominations. It does not say that the minister "must". It just develops the mechanics. It writes in the mechanics which permit him or her to do that.

It does not say that the minister must appoint from nominations provided by communities and it does not say that the minister must appoint from only those nominations which are made by various communities. I am wondering if the minister could just briefly explain? It is not detailed how she actually receives her interpretation of this clause. I do not see where there is any imperative that the minister must make appointments from nominations provided by municipalities, local authorities, arts and sports and general recreational organizations registered under the *Societies Act*.

**Hon. Mrs. Firth:** Okay. In 6(3), it says "The Commissioner in Executive Council shall make regulations providing for the selection of members of the committees that come forward from these nominations". When you go back to 6(1), it said "The membership of the committee shall be divided equally among persons who have demonstrated the interest in (a) art, (b) sports, (c) community". So, if the membership is to be divided equally among those three groups, out of a 12-member board, that is four members each and, if I have to take those nominations from these people, I do not know where I get to have my own nominations on the board. I do not.

<sup>16</sup> There has to be 12 members; four for each of the three particular groups, and they have to be taken from the list of nominations that come forward.

**Mr. McDonald:** The point I am trying to make, the point I think I have made to some, is that there is no imperative of a minister to have to make appointments from nominations from these community groups, because the imperative in this clause is only that they shall make regulations. It is not that they shall select

appointments by nominees put forward by various committees and groups. I do not think it is fair to mix up where the imperative actually sits in this sentence. The imperative is that they shall make regulations. In my opinion, it merely permits the minister to make selections from the various nominations. That is where the mechanics come in. It permits the minister to accept the nominations and to make appointments from those nominations and it commands the minister, in a sense, to make regulations allowing that. It does not say that the minister must appoint only from nominations from the communities and it does not, in my opinion, say that the nominations shall only come from appointments from the communities. I have got that on the record. The minister is going to reject it.

**Hon. Mrs. Firth:** Now, he is reading my mind. I really do not understand. He has given criticisms that I think are unjustified. I am trying to be very reasonable and say that, as far as the YRAC people and the Green Paper Committee people were concerned, the particular point that they wanted to make in the Green Paper Committee report is covered in the legislation: that the membership is divided equally among these people — the special interest groups — and the minister has to take the regulations that are made and has to take into account that the nominations come from those groups. In the regulations, all we are identifying, particularly, are going to be the numbers of recommendations that the groups can make, and so on. We are not having to identify any tricky specifics that we want to put in the regulations that we can change. The intention was not to make it so that the government could manipulate it and change it. The intention was that that YRA committee would be made up of members from nominations that had come forward from those interest groups and that those interest groups were equally represented. The minister cannot appoint anyone from any other group because it is not specified in the legislation. It is not specified from which group that the person can be nominated.

**Mr. McDonald:** I have got the points I wanted to make on record. I believe they are quite valid.

The minister's stated intentions are also on record. I would just like to mention once again that we have passed Clause 6(1). There was no disagreement from this side of the House. I think *Hansard* will bear that out. We were simply talking about the selection from appointments. The points I have made I believe are valid, and time will tell whether the minister's intentions are, in fact, reflected in the legislation and whether or not the minister's intentions will be borne out in practice.

<sup>17</sup> **Hon. Mrs. Firth:** I am quite prepared as the minister to stand by those intentions as I have indicated to the interest groups — to all of the interest groups — and I have given them that political commitment: that the minister would not be looking for her own appointments and that we would be taking names from the lists of nominations that came forward. The arts groups, sports groups and communities groups were prepared to accept that and they settled for that. Perhaps a particular concern that the member for Mayo has, and I may be able to assist him — I was going to wait until we got through the clause-by-clause debate — is his concern, which is the community aspect and that the community would not necessarily have the representation that they had before. Under this new legislation, where more authority was identified for the community and more funding for the communities, the function of the YRAC board is not as critical, and it is not as critical for the communities to have the representation that they had on it before, because they will have their own authority for recreation and they will have more funding going directly to the community. That was their request and it came forward as a recommendation. So, if that in any way helps the member, I would be prepared to discuss it more when we come to local authorities and the community grants, if he so wishes.

**Mr. McDonald:** I would like the minister to know that, believe it or not, I have more than one question with this legislation; it does not all reduce into one problem I have with the legislation. I was dealing with article 6(3) because I believe that, if the minister's stated intentions were correct, there was a drafting problem and I wanted to ensure that, if the minister was not going to change the bill — which she has made at least implicit in her remarks — that her verbal intentions be placed on the record for all to see.

My concerns are more than just this. We will get to them when the time comes. The issue of the allocation of more funding for the communities, the issue of more community control over recreation; these are all things that are going to come up, but they have nothing to do with article 6(3).

The minister dropped one other line, too; that the sports groups and various groups have settled for this wording. I will have to take their word for it. I do not know. I am just telling the House that, as one member of this legislature, what I am prepared to settle for is that I think we have talked enough about the actual drafting of this particular clause 6(3) and if the minister has anything more to add about this particular clause I would be happy to hear it and I would certainly be happy to discuss it further, if that is the case.

*Amendment defeated*

**Mrs. Joe:** I am not sure whether this is the appropriate time to propose this amendment?

**Mr. Chairman:** Can we clear subclause (3) first, or is this on subclause (3)? Right after subclause (3)?

*Amendment proposed*

**Mrs. Joe:** Yes. I would like to move that Bill No. 24 entitled *Recreation Act* be amended in clause 6 at page 2 by adding the following "(3.1) All members appointed to the Committee shall be nominees of municipalities, local authorities and arts, sports and general recreation organizations registered under *The Societies Act*".

<sup>38</sup> The addition of this subclause allows us to have that assurance that the minister has indicated is in the clause before it. I think that the minister will have no problem in supporting this amendment because it is not very controversial. It is just an added assurance that what she said is in the act.

**Hon. Mrs. Firth:** No, we will not be supporting the amendment. Between clause 6(1) and (3), that is exactly what this says; that the members appointed to the committee will be from the nominees of municipalities, local authorities, arts and sports groups. The amendment is redundant. It is already identified in legislation and I think it is quite specifically identified.

*Question.*

**Mr. Kimmerly:** I listened with interest in the last debate on the last amendment. A slight inaccuracy was stated by someone — I forget who — but the enabling clause enabling the minister to make the appointments is not 6(1) at all, it is 4(1). Six is a restriction, or it is an elaboration that provides procedures in the way in which the advisory council is made up.

The minister has stated repeatedly that what the bill says and what the recommendations of the Green Paper Committee are, and her policy, and the government's policy, is that the membership is to be made up of the nominees of the various groups and no other nominees will be appointed or people who are not nominated by this procedure will not be appointed.

What this amendment does is to guarantee that. It puts that policy, which is the government policy, which is the Green Paper policy, in the legislation, and it is necessary that it be in the legislation. It is not redundant.

<sup>39</sup> Nowhere else in the legislation is this provision contained. Clause 6(1) is an additional requirement which does not speak about nominees *per se*, and similarly, 6(2). This requirement is necessary in order to guarantee that the appointments are only from a slate of nominees. The local authorities and municipalities that make the nominees in the amendment is precisely, word for word, the wording in the act in other sections. This is not a redundant amendment at all. It is a substantive addition which guarantees that the government policy will continue to be followed unless the bill is amended.

*Amendment defeated*

**Mr. Byblow:** I have a question for the minister such that if she gives a correct answer, may put the matter at rest.

Will the minister be making any appointments to YRAC of members who have not been nominated by legally constituted recreation authorities?

**Hon. Mrs. Firth:** I must have said four times today that the minister will not be making any appointments other than what comes forward from the list of nominations that may be made by

the municipalities, local authorities in arts, sports and general recreational organizations, registered under the *Societies Act*.

**Mr. Byblow:** Could I ask the minister what her interpretation is of local authorities?

**Hon. Mrs. Firth:** That would be local authorities such as Keno-Elsa is going to be having once this new legislation is passed. If Keno-Elsa has a recreational organization, which I understand they are going to have, and they will have a director and they will be a registered society. If they made a recommendation, they can make up to three nominations, I believe it is. Then, I can choose one of those nominations.

**Mr. Byblow:** The minister is clearly saying that she will not make arbitrary appointments that did not come through the process of a nomination from a local authority in the jurisdiction of recreation.

**Hon. Mrs. Firth:** That is right. It all has to be recreation oriented.

<sup>40</sup> **Mr. Byblow:** You were going so quickly, Mr. Chairman. What clause are you calling for now?

**Mr. Chairman:** Clause 6(5) I had cleared. Did you want to come back on it?

**Mr. Byblow:** I had a question about 6(4).

**Mr. Chairman:** All right, proceed with it.

**Mr. Byblow:** Has the minister established in regulations already, or will the minister be establishing, the number of times a person can be reappointed to that two-year term?

**Hon. Mrs. Firth:** We will be looking at that.

*Clause 6 agreed to*

*On Clause 7*

**Mr. McDonald:** On subclause (2), in the last line, it states that the minister may appoint a substitute subject to subsection 6(4). Can the minister state why the legal draftsman did not include 6(3) along with 6(4)?

**Hon. Mrs. Firth:** I believe that is a typo. I believe it should be 6 — oh, it should be an amendment as opposed to a typo? — okay. I would propose an amendment then to change that to "6(3)".

No, just to clarify that, that is to be 6(4), and is subject to the term of two years. I believe we are identifying that if a member of the committee is prevented from performing his duties the minister can appoint a substitute from the list of nominations that came forward and that that person, as substitute, would carry out the term of the two years that that member was appointed. So, that is correct; it is 6(4).

**Mr. McDonald:** I do recognize that it is the term of membership which is dealt with in article 6(4). Here we are talking about the temporary appointment of a committee member. I am wondering if it would not be preferable — the minister did state that people would be chosen from a list of nominations currently in her possession, et cetera, from the various communities and groups et cetera — as my concern is that, in the case of appointments such as this, perhaps it might be wise to put in the legislation that 6(3) be included as well, to treat this as an ordinary, standard, common-place appointment for this board.

**Hon. Mrs. Firth:** Where a member has to be substituted, it is required in the regulations I believe that I have to choose a substitution from the list of nominations that has come forward, and the substitution would be for the period of time that the member considered appropriate, which would be upon indication of the member who wants to be substituted giving some indication to the minister how long they are anticipating being away, but to be within that timeframe of that member's appointment of two years. That is why we included the 6(4) and not the 6(3).

<sup>41</sup> **Mr. McDonald:** For the sake of the record, I understand what the clause says. The point I was merely trying to make was that the appointment, for all other intents and purposes, would be the same as the standard appointment to the council. I guess all we need is a verbal assurance that that will be the case.

**Hon. Mrs. Firth:** They have the verbal assurance.

*Clause 7 agreed to*

*On Clause 8*

**Mr. McDonald:** Can the minister tell us why it is not preferable that the committee choose its own chairman and vice-chairman?

**Hon. Mrs. Firth:** This is standard policy for all of our government committees. The Executive Council member appoints a chairman on ministerial acceptance and there is a line of communication that is established with the chairman and the vice-chairman ensures that line of communication.

**Mr. McDonald:** Are we suggesting in any way that lines of communication would not be guaranteed or assured if the committee chose its own chairman?

**Hon. Mrs. Firth:** That would be speculation. I really did not think that there would be any difficulty with the Executive Council member appointing the chairman and the Executive Council member will have the list of qualifications and particular expertise that all the members have. I really do not find it inconsistent that the minister would appoint the chairman when the minister has, in fact, chosen from all the nominations.

**Mr. McDonald:** The remaining point I will make is that obviously the chairman does have some special status and does have some special authority in the operation of the committee. For that reason the minister may have the ability to influence the committee beyond what she expects is, perhaps, proper. I am sure that the minister will choose the best person on the committee to act as chairman, I have no reason to doubt that. This, of course, is legislation which will conceivably last after the present minister has gone on to better things, so I am looking at this in the sense that I am considering this as being legislation which will be here for future generations. I am thinking about the future. For that reason I am not casting any aspersions on the minister's ability to select the chairman. I am just making the point that perhaps it might be better for the committee to select its own chairman, a chairman with whom they themselves feel comfortable.

*Clause 8 agreed to*

*On Clause 9*

**Mr. McDonald:** Could the minister just state how many times the government anticipates the committee will sit? Will it sit as many times in the same fashion as the existing YRA committee?

**Hon. Mrs. Firth:** Yes.

*Clause 9 agreed to*

*On Clause 10*

**Mr. McDonald:** This is one of those sections where the existence of the chairman would matter in the operation of the committee.

*Clause 10 agreed to*

*On Clause 11*

**Mr. McDonald:** I realize we just pass it. As we were reading through it, I just now made a mental connection. Will section 11(c) influence or direct in any way the provisions set out in the *Freedom of Information Act*?

**Hon. Mrs. Firth:** I am not quite sure of the question. Could the member repeat it, please?

**Mr. McDonald:** Does 11.1(c) in any way restrict what would normally be the right of the public to have access to public documents? Does the committee have the right to veto, when it comes to the access to public documents?

**Hon. Mrs. Firth:** No.

*Clause 11 agreed to*

*On Clause 12*

*Clause 12 agreed to*

*On Clause 13*

*Clause 13 agreed to*

*On Clause 14*

*Clause 14 agreed to*

*On Clause 15*

*Clause 15 agreed to*

*Motion proposed*

**Hon. Mr. Lang:** In view of the time, I would propose this motion: that the Committee of the Whole and the Assembly continue to sit beyond 5:30 for the purposes of continuing committee consideration of government bills and to permit the House to consider motions for the third reading of government bills.

*Motion agreed to*

*On Clause 16*

**Mr. Byblow:** Does that include facilities?

**Hon. Mrs. Firth:** That is for O&M responsibilities.

*Clause 16 agreed to*

*On Clause 17*

**Mr. McDonald:** I just have a couple of general questions about the whole clause. Perhaps the minister could say how the appointment of a community organization in a multi-community area would work? Now, in the past, of course, the Mayo District Rec Board, which technically operated under the auspices of the Mayo Municipal Organization, the LID, acted on behalf of, in effect, four communities; Stewart Crossing, Mayo, Elsa and Keno. And, they did, in their own internal organization, permit representation from all of the various communities.

That could conceivably be of some problem to a community which does not feel that it has been given proper representation, or an LID which wanted to be difficult about things and not provide any particular community district to have proper representation. The minister did suggest that an umbrella organization would have to be developed in the Elsa-Keno area in order to accommodate its own recreation board and, therefore, facilitate the receipt of recreation funding.

**Mr. McDonald:** There are, of course, in Elsa and Keno right now two community recreation organizations. One in Elsa, one in Keno. Representation of each is subject solely to the population in each of those communities. What is necessary under these new guidelines for the Elsa-Keno area to receive what they have been promised, which is their own funding?

**Hon. Mrs. Firth:** They have to establish a Keno-Elsa organization under the *Societies Act*. Then the government would identify it as a community organization to be the local authority for that particular geographic area. Then they would be eligible for the funding that is specified for an organized community.

**Mr. McDonald:** Under the existing conditions which will be in effect until this act is given royal assent, the Mayo district rec board technically operated under the auspices of the Mayo LID. They were ultimately responsibility for making all the decisions for all the communities in their area. Is the minister saying that that situation is going to change and that in any case in the future, if an organization wants to be in receipt of basic rec funding, that they are going to have, in fact, to have memberships that shall include all the people in any particular geographic area?

**Hon. Mrs. Firth:** The recommendation that came forward from the Green Paper committee was that local authorities recognized the need to provide funding and other assistance both to groups with a purely community relevance and to groups which served both territorial interests and the interests of the community in question. The recommendation was that the particular community of Keno-Elsa was unable to have its own local authority and was unable to be identified as an unorganized community, therefore was not eligible for that grant and under this identification and with the establishment of their organization they would be eligible for that grant. They would be able to make their own decisions as opposed to having the Mayo LID make the decisions for them.

**Mr. McDonald:** The only problem I perceive is that, and it is not just the Elsa-Keno district either, it is other areas in Yukon. The ones that I am familiar with, of course, are in my riding. The Mayo rec board, of course, is going to include in their funding residents of Stewart Crossing. Now, does Mayo, too, have to develop their organization which includes in its representation people in Stewart Crossing as well, and likewise for all the situations throughout Yukon.

**Hon. Mrs. Firth:** Stewart Crossing is not a community. It is a lodge and highway maintenance camp. We recognize that Keno-Elsa was a community and had a community organization that wanted to make its own decisions. Therefore, in being consistent with the recommendation of the Green Paper Committee report — and I am referring to pages 26 and 27 — the problem that was identified was lack of recognition of Keno and Elsa and its own local authority to be eligible for the RAP grant, and now eligible for the unorganized community grant. So we changed that by this clause and Keno-Elsa will now be eligible for that per capita grant,



the RAC grant for recreation and also for the grant for the unorganized community. It is conceivable that they will be getting a considerable amount more money.

When you start looking at lodges and maintenance camps, I think we have to be reasonable. If a request as such was coming, we would certainly be discussing it with the YRAC board.

“ We would not be making decisions arbitrarily like that. We would certainly be looking for some input.

**Mr. McDonald:** Stewart Crossing, of course, is not just a highway camp. There are a large number of people — not in southern terms. There are, in Yukon terms, a fair amount of people who live there and have nothing to do with the highway operation or the camp operation.

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

**Mr. McDonald:** If the government leader has something to say in this debate, perhaps he could wait his turn.

The Keno-Elsa situation, of course, is slightly different. It is not a community; it is two communities, physically nine miles separate. There is not one organization; there are, in fact, two community recreational organizations to deal with. So, in fact, in order for them to receive the funding under these new guidelines — and, perhaps, the minister could point this out in the act where this restriction is actually explicit — the Elsa Recreational Association and the Keno Community Club would have to form a new association under the *Societies Act*. Is that correct?

**Hon. Mrs. Firth:** Yes, and they indicated to us that they were prepared to do that. That was the concern they brought forward during the Green Paper Committee Report. And, that was why the government responded to them and identified them as a local authority. Now, they are eligible for the RAP Grants, as well. If the member would read page 27, it explains it there quite concisely: that it was a recommendation of the Green Paper Committee report.

**Mr. McDonald:** Of course, I am only interested in the legislation for the time being because that is what we are dealing with and that is what is really going to count when it comes to the bottom line.

Can the minister state whether the new restrictions are going to affect any other communities in Yukon; whether they will have to develop new societies in order to receive this kind of funding because a number of communities are involved and in receipt of one RAC Grant?

**Hon. Mrs. Firth:** I do not understand the member. This is not a restriction. The government has done something good for Keno-Elsa and the member for Mayo cannot even recognize it. We have allowed Keno-Elsa to be identified as the local authority so that they are eligible for the grants; and they were not previously. Now, really.

**Mr. McDonald:** I will contain myself.

**Mr. Chairman:** You had better.

**Mr. McDonald:** I am not arguing at all with the validity of allowing Elsa and Keno to have their own organization and to allow them to get their own RAP Grant; that is all good. As I have stated before, on this very day, this is something that has been fought for for a long time and people are happy to see it materialize. I am merely asking about the mechanics of receiving the RAP Grant. Now, in the Elsa-Keno situation, we do know that they are, according to the minister, going to have to develop their own umbrella organization, emanating, I assume, out of the two existing community organizations which, in turn, will have to be registered under the *Societies Act* in order to receive a RAP Grant. Are there other similar situations that the minister is aware of in Yukon where similar developments are going to have to occur in order for those communities to receive the RAP Grant? That is all I am asking.

I am not stating anything about whether or not Elsa-Keno should get the RAP Grant; I am only asking about the mechanics of getting the RAP Grant.

**Hon. Mrs. Firth:** They are going to be eligible to get the grant because we have responded to this. If the member would read page 27 — I am sure he has not read page 27 — it said “a resolution was endorsed at the seminar that Keno-Elsa would be recognized as a separate authority for purposes of recreational funding”.

“ We understand that Keno-Elsa are presently forming a joint community club. This could be recognized as the local authority for community funding purposes. Once that is formed and registered under the Yukon *Societies Act*, the Keno-Elso recreation board would be recognized as the local authority for recreation purposes, and be eligible for assistance and funding through the recreation branch, just as any other community gets funding for grants.

**Mr. McDonald:** My colleagues are getting hungry.

I do not know how many times I am going to have to say it. I am not going to say it any more. I think that Elsa-Keno getting a rec board is great.

I was talking about the mechanics about receiving the RAP grant. The minister continues to refer to the Green Paper Committee on Recreation. I am dealing with the act. I am dealing with what is going to be law in the Yukon Territory, and that is where I would like to confine discussion.

Whatever assurances are provided in the green paper are not appropriate to the discussion because we are dealing with the minister, the political accountability of the minister and what she is prepared to put on the record.

I know that my colleagues are getting hungry and feel that perhaps this is going on too long. I am prepared to allow the minister to have the last word, as she continually demands.

**Hon. Mrs. Firth:** I have only one thing to say. At the rate we are going, no one is ever going to get any money, because we are never going to get this act passed. Keno-Elsa is never going to get any money if we do not get moving. I am not going to stand up in this legislature and say that Keno-Elsa is going to get its own money, then walk out of here and say I was just fooling, they are not going to get it.

If I get up and say that they are going to be identified as the local authority and eligible for the grants, I hope that the minister's word carries more weight than the member for Mayo infers.

**Mr. McDonald:** At the fear of receiving more of the wrath of my colleagues, I am not disputing that the minister is going to, in regulation, give Elsa-Keno a RAP grant. Great. I was talking about the mechanics of receiving the RAP grant. The minister does not want to answer that particular line of questioning. Fine.

This debate is beginning to deteriorate a little bit, so I will leave it for now.

**Mr. Byblow:** I agree with the member for Mayo, having visited his riding over the weekend. I can say for the record that his community would appreciate recreation funding. The minister has it from another source.

With respect to 17(2), I want to ask if an organization that is formed in a local jurisdiction and having a recreation facility to work out of and establishes itself under the act would be fully recognized for purposes of funding. Let us assume Takhini Hot Springs Recreation forms and calls the hot springs its facility, would this be eligible if it is registered under the *Societies Act*, but it is within another jurisdiction?

“ **Hon. Mrs. Firth:** No.

**Mr. Byblow:** It is not my interpretation.

**Hon. Mrs. Firth:** Well, that would come under the municipality that it is located in.

**Mr. McDonald:** To pursue the member for Faro's line of questioning, just very, very briefly, should an organization such as Takhini Hot Springs recreation board desire to have representation on an existing board which receives the rec grant, is there any provision to allow them to do that, to be able to get that kind of representation?

**Hon. Mrs. Firth:** I am not quite sure I understand the line of questioning. The purpose of including this was so that communities who were not eligible for the grant would be able to become eligible for the grant, providing they formed a community organization, a recreational organization that was registered and so on, and they had a community facility to use, as Keno-Elsa did. This was to identify a particular need.

**Mr. McDonald:** The minister is getting very insistent on her “clears”.

Quite briefly, it does in the act talk about community organizations rather than specifically communities. Even given the fact that

perhaps there is a small community in Yukon which is not in receipt of a RAC grant. Say, hypothetically, there is a small community outside of Carmacks, such as Little Salmon, outside of Faro, which is not in receipt of the RAP grant and perhaps currently does not have any representation on the local board which administers the RAC grant, is there any insistence anywhere in the legislation that such a community organization, such as the Little Community Club, if such a club exists, should have representation on the rec board in their area which does receive the RAP grant?

**Hon. Mrs. Firth:** That is up to the community that that area is part of.

*Clause 17 agreed to*

*On Clause 18*

*Clause 18 agreed to*

*On Clause 19*

*Clause 19 agreed to*

*On Clause 20*

*Clause 20 agreed to*

*On Clause 21*

*Clause 21 agreed to*

*On Clause 22*

*Clause 22 agreed to*

*On Clause 23*

*Clause 23 agreed to*

*On Clause 24*

**Mr. McDonald:** Why is 24 here when we have 23.1(d)

**Hon. Mrs. Firth:** Clause 24.1 allows for the Elite Artists Grant, the Advanced Artists Grant, and it was the request of the arts groups that that be identified in legislation on its own in order to recognize, I think, the individuality of artists as opposed to how athletes are chosen for the Elite Athlete Assistance Program. They are, of course, chosen on the basis of performance, merit and growing performance and it is a little more vague with artists as to who judges the quality and expertise of an artistic endeavour.

Because of the particular individuality of artists, they wanted it identified in legislation.

**Mr. McDonald:** I do not see in the beginning of the act. Generally speaking, when you define various terms such as artists, et cetera — I do not know what they call the section in the act, but usually section 2 — there is no definition of artist and advanced artist. Essentially what I ask is why we could not include in section 23(1)(d) "performers and artists". As we have not made a definition in the act for advanced artists or any special kind of artists, why would we make something which essentially, for legal purposes, is identical?

**Hon. Mrs. Firth:** No, it is not identical. The member does not understand. We have two special grants: an Elite Athlete Grant and an Elite Artist Assistance Grant. They are each \$3,000. I believe we identified them in the O&M budget. It was a request of the artists. So, in order for that grant to be identified and distributed, the arts council and the arts groups did not want the YRAC dispensing the grant as they do the athlete grant.

So, we identified this clause for them so that the funds could be distributed. It is, just to refresh the member's mind, because of the particular individuality and quality of artists as opposed to the accomplishments of an athlete.

**Mrs. Joe:** If I could just have some clarification from the minister, did she say that the grants for advanced athletes were under the jurisdiction of YRAC?

**Hon. Mrs. Firth:** Yes.

*Clause 24 agreed to*

*On Clause 25*

*Clause 25 agreed to*

*On Clause 26*

**Mr. Byblow:** Just before we clear this out, is my understanding correct that sections 20 to 26 — that is, the awarding of grant money as proscribed through those sections — can be made at ministerial discretion without YRAC approval, because, going back to one of the clauses — 21, I believe — the wording is "may, upon the advice of committee". It does not require the minister to consult on any awards in these six sections.

**Hon. Mrs. Firth:** No. The granting of money cannot be made

be made by anyone other than YRAC and that is why it is identified in the duties of the YRAC board.

*Clause 26 agreed to*

*On Clause 27*

*Clause 27 agreed to*

*On Clause 28*

*Clause 28 agreed to*

*On Clause 29*

*Clause 29 agreed to*

*On Clause 1*

*Clause 1 agreed to*

*On Title*

*Title agreed to*

**Hon. Mrs. Firth:** I move that you report Bill Number 23, *Recreation Act*, out of Committee.

*Motion agreed to*

**Mr. Chairman:** The *Recreation Act* has passed out of the Committee of the Whole.

What is your pleasure? Five minutes before we finish the last one? You want to proceed?

**Some hon. Members:** Proceed

**Mr. Chairman:** Will do.

#### **Bill No. 24: Public Lotteries Act**

**Mr. Chairman:** We are now on *Public Lotteries Act*, Bill Number 24.

*On Clause 1*

**Hon. Mrs. Firth:** This act, *Public Lotteries Act*, was formerly called the *Lotteries Act*. It makes a clearer differentiation between private lotteries under Consumer and Corporate Affairs jurisdiction and the public lotteries, which are managed by government and/or their agencies. The act has removed the financial liability from the Yukon Lotteries Commission and it allows the committee to, perhaps, identify lotteries funding for other purposes than recreation in the future.

**Mrs. Joe:** We have gone over the *Public Lotteries Act* and we see nothing controversial in it. We will not be proposing any amendments. I would like to just mention again that the committee is the same committee as YRAC. We had already expressed our concern that YRAC is going to be changed and restructured in another manner. I would like to move that the remainder of the bill be deemed to be read in Committee and cleared.

**Mr. Penikett:** Before you call a question on that motion, Mr. Chairman, I just want to say something very briefly about this act, and I can say it on this amendment before its passing.

The minister has been kind enough to pay, at least in passing, tribute to some of the members of the Lotteries Commission for the last few years. My nominee to this body, at least to the recreation board, who, in fact, served as chairperson on this body, and I believe even though will no longer be able to function certainly as my nominee as a result of the passage of these two bills, I would not want to have this occasion pass without paying some tribute to her efforts in that part, and I am sure the hundreds of hours of volunteer work that have been contributed.

**Mc. McDonald:** I am going to disappoint everybody and ask something about the body of the act. Just one brief question, before we put the question on the member for Whitehorse North Centre's motion.

Can the minister state why there is not a provision making the Lottery Commission one and the same with YRAC?

**Hon. Mrs. Firth:** We did not want to tie the hands of the government for future endeavours. Since we were establishing legislation, I had given a commitment to YRAC that the committee would be the same and we are writing it in regulations. In future, however, we may want to change the makeup of that committee because, also in future, we may want to direct some of the lotteries' funds to some other avenue as opposed to being solely for recreation. An example I can give the member is in BC, just recently, they have designated all funds that lotteries produce — not all of them, but some funds — to go to recreation and the other portion of funds to go to Expo '86.

In the province of Alberta, the funds that do not go to recreation,

go to Klondike Days. We wanted to have the flexibility, as a government, to be able to do that in the future without having to amend legislation and so on. Since we were drawing up the legislation at this time we put that in the legislation.

**Mr. Kimmerly:** Before the motion is voted on, I have one request to make. Everybody knows that the Lottery Commission in the past was the same as YRAC — it was, in fact, a dual appointment. And, everybody knows that the new Recreation Advisory Board will be the Lottery Commission as well. However, as a matter of law, that is not necessarily the case. In Section 3 of the bill, there is a power to appoint 12 members. Now, it is legally possible that the minister, or some future minister, could appoint 12 different people, or some different people. I would simply like, for the record, two things. First, the answer to the question: why is it not in the legislation that the members of the commission will be the same? And, secondly, that a commitment be made, for the record, that they will, in fact, be the same. I would appreciate that.

**Hon. Mrs. Firth:** I thought that was what I just did, but I will do it again. A commitment has been given to the Lottery Commission and to the sports, arts and recreation community groups and to the YRAC that it would be stated in regulations that YRAC was the Yukon Lottery Commission. However, we wanted it left in the regulations in order to allow Cabinet the flexibility to appoint a different 12-member board, called the Yukon Lottery Commission, in the event that we wanted to direct some of our lottery funds to another avenue, such as the examples I gave with Expo '86 in BC and the Klondike Days in Alberta.

**Mr. McDonald:** I understand the point the minister is making regarding the perceived need to have latitude to do other things with the Lotteries Commission. What I am interested in, however, is why in legislation was there no provision for the nominating procedures for various communities? Obviously, we cannot use the argument that it is in the bill that we just passed because that bill may not necessarily affect the makeup of the Lotteries Commission. Essentially, why do we not go through the same exercises that we did with the previous bill in terms of seeking nominations?

**Hon. Mrs. Firth:** We would have to establish if the Cabinet wanted a different Lottery Commission board of 12 members. They would have to then establish what the criteria was going to be for the members to be on that board in the event they are not using the YRAC board. We felt it was adequate to say that the Lottery Commission would be the same as the YRAC board. The same flexibility exists in the former *Yukon Lotteries Act*; actually, the act did not recognize the Lottery Commission legally. So, it is not that we are making a drastic change here. What we are saying is that the Lottery Commission will be YRAC; we are saying that in regulations so it will be composed of the community members and sports and arts members. But, in the event Cabinet wishes to change the makeup of the Lottery Commission, it will still be 12 members but we have not decided, and it will be decided in regulation as to who will be on that commission.

**Mr. McDonald:** Of course, the minister will appreciate then, as far as regulations are concerned, that may be a concern of ours but it is not an authority, it is not a power that is given to the legislature and for that reason we would like to consider what is actually in the act rather than what may or may not be in the regulations.

Does the minister perceive anything which the Lottery Commission could do which would not require or would not necessitate the nominations from communities in the same fashion, or would not necessitate the nominations from any selection of interest groups or anything in the territory which might accommodate the desire to seek anything other than what would ultimately be a politically appointed board?

**Hon. Mrs. Firth:** The regulations are public information. The members can read the regulations and familiarize themselves with them. What I am saying is that the Cabinet wanted the flexibility, the government wanted the flexibility, that if there was another Lottery Commission board to be appointed, we have the flexibility to do so.

**Mr. McDonald:** Perhaps the minister misunderstood my question. I will say it one more time, very briefly, and that is whether or not the minister perceives it to be desirable that we, in legislation,

ensure that there be some procedure for nominating from various public interest groups for the expenditure of public funds? Does she, for example, see that the public lotteries might be giving money to anything other than for recreation purposes?

*Motion agreed to*

**Mr. Chairman:** The clause of the bill are deemed to be read and carried. Are we agreed?

*Agreed*

*On Clause 1*

*Clause 1 agreed to*

*On Title*

*Title agreed to*

**Mr. Chairman:** I declare *The Public Lotteries Act*, Bill No. 24, has cleared Committee of the Whole.

**Hon. Mrs. Firth:** I move that you report Bill No. 24, *The Public Lotteries Act*, out of Committee of the Whole.

*Motion agreed to*

**Hon. Mr. Lang:** I 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, the Committee of the Whole has passed the following motion: that the Committee of the Whole and the Assembly continue to sit beyond 5:30 for the purpose of continuing Committee consideration of government bills and to permit the House to consider motions for the third reading of government bills.

Further, Mr. Speaker, the Committee of the Whole has considered Bill Number 23, *Recreation Act* and Bill Number 24, *Public Lotteries Act*, and directed me to report the same without amendments.

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

#### **Bill No. 23: Third Reading**

**Hon. Mrs. Firth:** I move that Bill Number 23, *Recreation Act*, be now read a third time.

**Mr. Speaker:** It has been moved by the hon. Minister of Education that Bill Number 23 be now read a third time.

**Mr. Kimmerly:** I feel it incumbent on the opposition to make a few brief comments which were made substantially in the committee stage.

It was the purpose of our amendment in the Committee stage to firmly establish in the legislation that the appointments to the advisory board under this bill be only from the nominees of municipalities and local boards. That amendment did not pass and we regret that as it would be a substantial protection and it would enshrine in law what is stated to be government policy. It is our position that it should be in the bill, and it is unfortunate that it is not.

In a more general sense, the old YRAC board was a board of political appointees. The appointees are now appointed by a different procedure and they are to be identified as a representative of arts or sports groups, or community groups. There are individuals who can represent all of the concerns, although they may be primarily interested in arts or, for example, sports. It is our hope that individuals who express a compromise among those interests can still be found. The procedure is imperfect, although the new procedure will be a new experiment in advisory boards for recreation and we wish the board well in the future.

**Mr. McDonald:** I will be quite brief at third reading on this particular act.

I, too, am hopeful that the appointments to the new recreation committee will be made from community appointments. The Conservatives of Mayo have complained to me that they are overworked as it is. Any more politically-appointed boards would have completely exhausted the already overworked, yet very small, Conservative constituency association.

**Hon. Mrs. Firth:** Just to respond to the concerns of the members opposite, I would like to read from the report of the Green Paper Committee on Recreation, page 12. It says, "how to resolve the dilemma of the need for ministerial acceptability and ownership of YRAC on the one hand and removal from political influence on the other.

"The committee believes that if YRAC members are nominated by the recreation groups and agencies as opposed to the MLAs, this in effect removes the committee from the degree of political influence which exists in the present method of appointment.

"Secondly, if the Recreation Branch can provide further advice to the minister on the credentials of the persons nominated, focussing necessarily on expertise rather than on political affiliation, this again reinforces the concept of appointment on merit rather than political standing."

*Motion agreed to*

**Hon. Mrs. Firth:** I move that Bill No. 23 do now pass and that the title be as on the Order Paper.

**Mr. Speaker:** It has been moved by the hon. Minister of Education that Bill No. 23 do now pass and that the title be as on the Order Paper.

*Motion agreed to*

**Mr. Speaker:** I declare that Bill No. 23 has passed this House.

#### **Bill No. 24: Third Reading**

**Hon. Mrs. Firth:** I move that Bill No. 24, *Public Lotteries Act*, be now read a third time.

**Mr. Speaker:** It has been moved by the hon. Minister of Education that Bill No. 24 be now read a third time.

*Motion agreed to*

**Hon. Mrs. Firth:** I move that Bill No. 24 do now pass and that the title be as on the Order Paper.

**Mr. Speaker:** It has been moved by the hon. Minister of Education that Bill No. 24 do now pass and that the title be as on the Order Paper.

*Motion agreed to*

**Mr. Speaker:** I would like to advise the House that we are now prepared to receive Mr. Commissioner in his capacity as Lieutenant-Governor to give assent to certain bills which have passed this House.

*Commissioner Bell enters the Chambers*

**Commissioner Bell:** Please be seated.

**Mr. Speaker:** May it please your Honour, the Assembly has at its present session passed a number of bills to which in the name of and on behalf of the Assembly I respectfully request your assent.

**Mr. Clerk:** *First Appropriation Act, 1984-85; Economic and Regional Development Act, 1983; An Act to Amend the Compensation for Victims of Crime Act; An Act to Amend the Motor Vehicles Act; Constitutional Questions Act; Fourth Appropriation Act, 1983-84; An Act to Amend the Municipal Act; An Act to Amend the Legislative Assembly Act (No. 2); An Act to Amend the Elections Act; Recreation Act; Public Lotteries Act.*

**Commissioner Bell:** I hereby assent to the bills as enumerated by the Clerk, and may I wish you all a Merry Christmas and a Happy New Year.

<sup>53</sup>

*Commissioner Bell leaves the Chambers*

**Mr. Speaker:** I will now call the House to order. May I have your further pleasure?

**Hon. Mr. Lang:** Mr. Speaker, I move that the House, at its rising, do stand adjourned until it appears to the satisfaction of the Speaker, after consultation with the government leader, that the public interest requires that the House shall meet; that the Speaker give notice that he is so satisfied and thereupon the House shall meet at the time stated in such notice and shall transact its business as if it had been duly adjourned to that time; and, that if the Speaker

is unable to act owing to illness or other causes, the Deputy Speaker shall act in his stead for the purposes of this order.

**Mr. Speaker:** It has been moved by the hon. Minister of Municipal and Community Affairs that the House, at its rising, do stand adjourned until it appears to the satisfaction of the Speaker, after consultation with the government leader, that the public interest requires that the House shall meet; that the Speaker give notice that he is so satisfied and thereupon the House shall meet at the time stated in such notice and shall transact its business as if it had been duly adjourned to that time; and, that if the Speaker is unable to act owing to illness or other causes, the Deputy Speaker shall act in his stead for the purpose of this order.

*Motion agreed to*

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

**Mr. Speaker:** This House now stands adjourned.

*The House adjourned at 5:50 p.m.*

#### **The following Sessional Papers were tabled November 21, 1983:**

83-3-33

Department of Justice Annual Report, 1981-82 (Ashley)

83-3-34

Letter to Solicitor General of Canada (Robert Kaplan) re legislators' immunities and privileges (Taylor)

#### **The following Legislative Returns were tabled November 21, 1983:**

83-3-34

Agricultural land applications (Lang)

83-3-35

No disciplinary guide for Government employees (Pearson)