

# The Pukon Legislative Assembly

Number 2

4th Session

25th Legislature

# **HANSARD**

Wednesday, March 14, 1984 — 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 Philipsen	Whitehorse Porter Creek West	Minister responsible for Health and Human Resources; and, Government Services

### **GOVERNMENT MEMBERS**

(Progressive Conservative)

Bill Brewster Al Falle Kathle Nukon Kluane Hootalinqua Old Crow

# **OPPOSITION MEMBERS**

(New Democratic Party)

**Tony Penikett** 

Whitehorse West

Leader of the Official Opposition

Maurice Byblow Faro

Margaret Joe Roger Kimmerly Whitehorse North Centre Whitehorse South Centre

Piers McDonald

Dave Porter

Mayo Campbell

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(Independent)

**Don Taylor** 

Watson Lake

Clerk of the Assembly Clerk Assistant (Legislative) Clerk Assistant (Administrative) Sergeant-at-Arms Deputy Sergeant-at-Arms Hansard Administrator Patrick L. Michael Missy Follwell Jane Steele G.I. Cameron Frank Ursich Dave Robertson Whitehorse, Yukon Wednesday, March 14, 1984

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

Prayers

Mr. Speaker: We will proceed at this time with the Order Paper.

#### DAILY ROUTINE

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

# TABLING RETURNS AND DOCUMENTS

Mr. Speaker: The Chair has for tabling the Auditor-General's Report on "Any Other Matter".

Are there any reports of committees? Petitions? Introduction of bills?

#### INTRODUCTION OF BILLS

Bill No. 19: First Reading

Hon. Mr. Philipsen: I move that Bill No. 19, The Childrens Act, be now introduced and read a first time.

Mr. Speaker: It has been moved by the hon. Minister of Health and Human Resources that a bill entitled, *The Children's Act*, be now introduced and read a first time.

Motion agreed to

Mr. Speaker: Are there any further bills for introduction? Notices of motion for the production of papers?

nz Notices of motion?

Are there any statements by ministers? This then brings us to the Question Period.

## **QUESTION PERIOD**

Question re: Yukon economy

Mr. Penikett: I have a question for the government leader or the Minister of Economic Development, whomever should choose to answer it. Yesterday we were advised that the Yukon economy has stabilized at the bottom of a long slide. Could I ask one of the ministers what, if any, indicators there are of an economic recovery in the Yukon Territory at this point? I am talking about the kind of indicators published by the department.

Hon. Mr. Lang: I think the way to respond to that is more in a general sense. I think that the Speech from the Throne looked at a number of specific areas. It mentioned tourism, and things look very positive as far as the tourism industry is concerned. The reopening of the United Keno Hill Mine in the past year is a positive indicator. The work that this government, along with the Government of Canada, at Cyprus Anvil for the stripping project looks very favourable. Indications are that, with the price of zinc, as the Speech from the Throne indicated, Cyprus Anvil could well go into production in the fall of this year.

At the same time, we sometimes forget that the opening of Cantung is a very positive indicator for the people of the Watson Lake region, which the Speaker, as a member, represents. I would say that those are all positive indicators. The one aspect that was not touched upon specifically was the forest industry. Things do look brighter in that area in the Watson Lake area.

So, there are a number of positive indicators, along with the Beaufort Sea. We face a much better situation today as far as recovery is concerned as opposed to what it was approximately 12 months ago.

<sup>63</sup> Mr. Penikett: I was looking for economic indicators, and not the kind of speculations that the minister detailed. Could I ask the

minister: in the statistics gathered by the economic research and planning unit, is there any sign that the employment, population, building construction, small businesses established, declining vacancy rates, housing starts, or retail sales figures indicate the beginning of a recovery, yet, in the local economy?

Hon. Mr. Lang: I think that one definitive indicator would be the number of bankruptcies, which was mentioned in the Speech from the Throne. If the member opposite is asking me for statistical information, I will have to take notice on the question because I do not have that information in front of me at the present time.

Mr. Penikett: 1 take it from the minister's answer to my question, that the answer is no. Could 1 ask the minister if the department's computer model, which failed to anticipate the full dimensions of the current reccession, and which has been revamped, is now operating and has it produced any short term projections for the Yukon economy, and if so could he indicate in general terms what they are?

Hon. Mr. Lang: First of all Mr. Speaker, the answer to his second question was not "no". He made a presumption and answered his own question. I would be prepared to bring the necessary information into the House at the appropriate time.

Question re: Transportation for Cyprus Anvil Mines

Mr. Byblow: I have a question for the government leader on the subject of transportation. October 18th of last year, the government leader stated that his government's position on both Cyprus Anvil Mines and the White Pass rail was that it was anxious to have both those back in operation as soon as possible. In light of the current Cyprus position that the mine cannot be economically operated with a road and rail link to the coast, has this government's position changed any regarding the opening of the White Pass rail?

<sup>14</sup> Hon. Mr. Pearson: No, our position has not changed. We would still very much like to see both Cyprus Anvil in production and the White Pass Railway working.

I think the member for Faro has to recognize what Dome's position is. It is that the rail-truck option that is before them now is more expensive than the straight truck option, according to their figures. They have put this information to the Canadian Transportation Commission. We, as government, have asked the CTC to consider the information that Cyprus Anvil and Dome have put to them, to consider the information that White Pass has put to them, and to make a recommendation to us as to whether or not we should, as a government, be trying to do something to make sure that the rail remains in operation. It is going to be a major decision and we anticipate having the final report from the CTC, hopefully, by the end of April. It could be a little later than that, but we are hoping that we will have it by then.

Cyprus Anvil is very anxious to have that report, as well, because it is going to be the means for us to determine what we have to do next and, until we have that report, there is no one who can take any definitive action.

said, in terms of the complexity of the problem, as well as the dispute over the basic figures respecting the economic feasibility of the railroad option, can the government leader say, at this time, whether his government endorses the findings currently proposed by the CTC study?

Hon. Mr. Pearson: I do not know what those findings are. We received an interim report that indicated a difference in numbers between White Pass and Cyprus Anvil of some \$14,000,000. It was obvious to everyone that there must have been different assumptions used by the two organizations in presenting their numbers to the CTC. Since that time, I do know that both White Pass and Cyprus Anvil, as well as other interested parties, like the Government of Alaska and the Government of Yukon, have made further submissions based on that first report to the CTC in order to assist them in coming up with some conclusions in their second report.

The second report will be the final report. This should be the one that makes recommendations to us as to what the CTC thinks we should do. With respect to endorsement, there is nobody seeking

endorsement of any numbers at this point in time. We do not know what those recommendations from the CTC will be yet.

Mr. Byblow: Recognizing the further submissions being made to the CTC and the analysis being done, has this government considered any study of its own, for verification purposes, of the economic benefits of either road-rail option to Yukon?

Hon. Mr. Pearson: We have asked what is considered to be the expert in Canada, the Canadian Transport Commission, to do this very study for us. It is the reason that we asked them. They are disinterested, they are not biased, and we felt that when we asked them to do this study they would be able to give us the most objective view. Certainly, one of the major factors that they are considering is the long-term economic wellbeing of this territory. That is one of the major factors in the whole report.

# Question re: Production of land claims papers

Mr. Kimmerly: I have a question for the government leader. On April 13th, 1983, 11 months ago, this House passed a motion for the production of papers concerning land claims. Why has the government not complied?

Hon. Mr. Pearson: We have complied. We have tabled all of the land claims papers that we can possibly table, without putting ourselves and the CYI in jeopardy.

Mr. Kimmerly: An order of this House, issued on April 13th, has not been complied with. Why not?

Mr. Speaker: Order, please. I do believe the hon, member is referring to a session that has gone by. We have now entered into a new session and this House does not necessarily have any knowledge of the matter being raised by the hon, member.

Mr. Penikett: It was a House Order.

Mr. Speaker: From another session, though.

Mr. Kimmerly: Now that there is an agreement-in-principle concerning land claims, why are the caveats mentioned by the government leader still even appropriate?

Hon. Mr. Pearson: I will table the agreement-in-principle in this House the moment — the very moment — that I get the permission from the two people who are negotiating this particular agreement, the Government of Canada and the Council for Yukon Indians.

I have said time after time that I will table that agreement-inprinciple in this House on that date, if we are in session. If we are not in session, I have undertaken to have it delivered, personally, to the member for Whitehorse South Centre, because I know he is so interested in it.

# Question re: Aboriginal self-government

Mr. Porter: My question is to the government leader.

Yesterday, the government did little to clarify its position on the issue of aboriginal self-government. Does the government leader support the concept of self-government for aboriginal people?

Hon. Mr. Pearson: It is very, very clear. We have stated unequivocably that we are totally in favour of Indian self-government. Arovided that it is achieved in the context of the Canadian parliamentary system.

Mr. Porter: The government leader has recently returned from the First Ministers' Conference on Aboriginal Rights and, at that conference, the prime minister tabled a proposal to amend the Constitution to provide for the accommodation of aboriginal self-government.

<sup>177</sup> Mr. Porter: Does this government support, or not support, the proposal as articulated by the prime minister?

Hon. Mr. Pearson: No, we did not support it because it was not an articulated proposal at all. It was a statement of principle and there was nothing factual about it in any way, shape or form.

I must say that we were not the only ones opposed. In fact, a large majority of the other provinces were also opposed.

Mr. Porter: During the same Constitutional Conference, the prime minister stated that the land claims process can be used as a vehicle to give expression to, and provide for the negotiation of, the concept of aboriginal self-government. Does the government leader share the views of the prime minister on this issue?

Hon. Mr. Pearson: The Prime Minister of Canada is going to

have to be asked to clarify that statement himself, because I was there and I know the context in which he said it, and there is no denying that he said those very words. I believe that that statement, if it was a bald statement of fact, would indicate a complete reversal — a complete change — in what has long been the federal government's policy with respect to land claims. If that is a change in the government's policy, then we have not been told about it, yet.

I want to say, while I am on my feet, that not only did six of the provinces disagree with the prime minister's proposal, but two of the Indian organizations also disagreed with the prime minister's proposal.

#### Question re: Stolen art works

Mrs. Joe: I have a question for the minister responsible for Cultural and Heritage Resources. During a native art display last month, three valuable items were stolen, including a priceless fall belonging to the Anglican Church. Could the minister tell this House why her department did not take the necessary precautions to protect those valuable works of art from theft?

Hon. Mrs. Firth: The necessary precautions were taken, as

they are with all art displays.

Mrs. Joe: Apparently they were not, or the articles would not have been stolen. Could the minister tell this House, then, if there are future plans to have more adequate protection for these showings?

Hon. Mrs. Firth: As the member opposite has expertise in justice, she knows very well that you can always take precautions, yet you cannot prevent crimes from happening. However, we are looking at the situation, and trying to see exactly what happened, and to see if there are remedies that we can put into place to stop it from happening again.

Mrs. Joe: Many of these articles are invaluable and irreplacable. Would the minister tell us how her department determines their insured value?

Hon. Mrs. Firth: We are prepared to give the member that information when we have done a complete analysis of the whole situation.

# Question re: Elsa capital funding

Mr. McDonald: I have a question for the minister responsible for municipal and community affairs.

Last November, he stated that the government was prepared to reconsider its policy regarding the provision of capital funding for the community of Elsa. To what extent, over the last four months, has the policy been reconsidered?

Hon. Mr. Lang: A great deal of work has gone into it, and I have had the opportunity to talk to some personnel within the company about what their future plans are, and what their present situation, as far as the longevity of the community, is concerned. I was informed that they have two years of ore presently available and, at the present time, they are going into a major exploration program to see whether or not the ore body is going to be extended for a longer period of time.

Therefore, I think it is safe to say that we have looked at the situation. We do not believe, at this time, that we can put capital dollars into the community of Elsa, in that it has been historically a "company town", and there is every intention for it to continue, by the company, as a company town. Therefore, in my conversations with the officials within the mining organization, I made it very clear that in any other way we could help them, we would be more than prepared to help, as a government. Further to that, if they were going to put a major influx of millions of dollars into upgrading the community, we would be prepared, at that time, if a decision was made to go that route, to work with them, such as if they wanted to consider a relocation of, perhaps, a portion, if not a substantial number, of their employees to the community of Mayo.

That is a long-term situation and, at the present time, as you know from even the public statements that have been made, they are just at the point right now of breaking even and maybe making a few dollars. It is all going to depend on the price of silver.

Mr. McDonald: A great deal of what the minister said requires

a great deal more debate, although I am not here to debate that now.

What meetings or discussions have taken place between the government and the company, and any other community organizations in Elsa, including, perhaps, the Elsa Recreation Association, the union, besides the meeting on Friday, March 2nd, only two weeks ago?

Hon. Mr. Lang: I had the opportunity of talking to the people who own the homes — own the whole area — as far as the town is concerned. I have not had any meetings with the recreation association; I have received a letter from them. I think, in some aspects, we will be able to help them, in view of the letter that was sent, and I intend to correspond directly with them. I just received it yesterday.

From the point of view of the government, I think we should talk to the owner of the property, which we have done, and I made the commitment that we were going to review our policy. In view of the comments that I have made, I can see no change in the distant future.

Mr. McDonald: Of course, the minister must be aware that there are four taxpayers in Elsa, not one. I am one of them, but I certainly was not contacted at all.

Mr. Speaker: Is the hon, member now making a speech?
Mr. McDonald: I would love to, but I am sure you would stop
me.

Mr. Speaker: Proceed.

Mr. McDonald: The community, of course, is looking for capital funding assistance for recreation in general, but the minister just said that they would look into some sort of assistance for the construction of the Elsa pool. Can he offer any more specifics as to what he is prepared to do, if he will not be able to provide capital funding? What other kinds of assistance is he talking about?

"Hon. Mr. Lang: I just want to point out to the member opposite I did not think I had consulted the member opposite as a taxpayer because I think I had received his point of view very clearly last fall. I do not think he could have been more definite. I would point out that I just received a letter yesterday and we are looking at it. I have not corresponded back as yet. Once we have seen in what areas we can help the recreation association, I will be notifying them, and I would be more than pleased to notify the member for Mayo as well.

### Question re: Alcoholic beverages taxes

Mr. Penikett: I have a question for the Minister of Finance. In recent months Canada's tourism industry has been campaigning against what it deems to be an excessively high level of taxation on alcoholic beverages. Could I ask the Minister of Finance and government leader if he shares the industry view that Canada, and that includes Yukon, is pricing itself out of the tourism market with the present rate of taxation on alcohol?

Hon. Mrs. Firth: I will answer that question as Minister of Tourism. We have been in consultation with the provinces regarding this matter and I have talked to the Ministers of Tourism from the Canada West Organization, which includes representation from the Northwest Territories, Alberta, British Columbia, and Yukon. I believe it is a consensus of the Ministers of Tourism across Canada that there is a great deal of concern about the additional taxation and about the pricing of Canada's tourism industry.

Mr. Penikett: That is interesting. The minister is indicating that the government shares a concern of the industry. Could I then ask the Minister of Finance: given that tourism is now the cornerstone, if you like, of our economy, and given that he has talked publicly about the importance of alcohol revenues, could I ask him if it is not the view of his administration that our alcohol taxation policy may be working at cross purposes with our tourism policy at this point in time?

Hon. Mr. Pearson: I think what the leader of the opposition has failed to recognize is that the tax that is being talked about is in fact a federal tax, not a territorial tax or provincial tax.

Mr. Penikett: I believe taxes being talked about are federal, provincial and territorial. Let me ask the Minister of Finance, or the Minister of Alcohol, this important policy question with respect to

the question of alcohol pricing, which is the responsibility of this government. As a matter of policy, is it or is it not the position of this government that price is a major disincentive to the consumer of alcohol?

Hon. Mr. Ashley: The pricing policy of the corporation is set by the Yukon Liquor Corporation board. The government does not set the pricing of alcohol.

# Question re: Tourism development funds

Mr. Byblow: I have a question I will direct to the Minister of Tourism. on the subject of the \$2.2 million interim agreement provided a year ago for tourism development. Very simply, can the minister advise whether all the monies under that program have been spent?

Hon. Mrs. Firth: Yes, I believe all the monies have been spent, however, there are still some projects which have not utilized all of the funding that was granted to them. I believe some of those funds are coming back to the government. I do not believe that it is a very large amount, but if the member would like further detail, I could bring that back, if he gives me notice of the question.

Mr. Byblow: I would like to do that very thing, and ask the minister if she would be prepared to supply the House with a report on where the project money was spent, the number of jobs created, perhaps, as well as the portion of this government's funding towards each project, since the project was a joint funding exercise.

Hon. Mrs. Firth: That information has been available. We have given it to individuals who have made enquiries, individual businesses and so on. If the member had either phoned me or written for that information, I could have supplied it to him; however, now that he has asked formally, I will provide the House with that information.

Mr. Byblow: Should the general development agreement not materialize this year, is the minister taking any steps to attempt to ensure that similar funding comes forward this year?

Hon. Mrs. Firth: It is called Economic Development Agreement, for the member's clarification, and, yes, were are taking steps to have an interim amount of money before the EDA is signed.

# Question re: Land claims agreement-in-principle

Mr. Kimmerly: I have a question for the government leader. The government leader stated just a moment ago that he would table the land claims agreement-in-principle as soon as he could. Would he simply clarify that answer by answering this question: is it the policy of this government that the agreement-in-principle could be made public now?

Hon. Mr. Pearson: We have always said that we would be most pleased and anxious to make public any of the agreements-in-principle that the two proponents, the Council for Yukon Indians and the Government of Canada, agreed could be made public. We have done that in the past.

Mr. Kimmerly: So that the public can well understand the delay, what are the reasons for not making it public that have been communicated by the CYI and the federal government to this government?

Hon. Mr. Pearson: We are part of the federal government's negotiating team, and we are there at the approbation — very much appreciated approbation — of both the Council for Yukon Indians and the federal government. One of the rules that they are under is that we must maintain the same degree of confidentiality that the federal government and the Council for Yukon Indians agreed to when they started these land claims negotiations.

It is obvious that they cannot negotiate a land claims agreement in public. There would never ever be anything resolved. I truly believe that. I believe that it is very important that this government be at the table and be part of those negotiations. It is very important from the standpoint of the non-beneficiaries as well as the beneficiaries to the final land claim agreement.

m We would very much like to table those agreements that have been agreed to, to date, but it must be recognized that until there is an agreement-in-principle, these sub-agreements are still in the negotiation mode. Even though they have been signed, they can be

bought back — and they are being bought back, a lot of them — they are being changed and so on. I am confident that, once the Council for Yukon Indians and the Government of Canada are satisfied that they are in the format that is going to be suitable for everyone, they will be made public.

Mr. Kimmerly: I wonder if there is an agreement-in-principle, after listening to that.

The third supplementary is: the Yukon Indian people are now in a ratification process concerning land claims. What ratification process is this government proposing for its agreement on the agreement-in-principle?

Hon. Mr. Pearson: The ratification process is going to be conducted by the two groups negotiating the agreement: namely the Council for Yukon Indians and the Government of Canada.

Now, there is a requirement that the agreement-in-principle will be ratified by the federal cabinet, on behalf of the Government of Canada, and by the Indian bands, on behalf of the Council for Yukon Indians. There is no requirement for this government to ratify the agreement-in-principle, absolutely none.

## Question re: Porcupine caribou herd

Mr. Porter: Yesterday, this government stated that they were withdrawing their participation from the Porcupine caribou talks because they are not longer involved in the discussions of the COPE claim. I would like to ask the government leader: are we to understand that this government has taken, once again, a position of boycott as the answer to resolving some very important issues that affect the land claims process?

Hon. Mr. Pearson: No, we have not boycotted anything at all. There is an end-run being done on this government by the people from COPE and the federal negotiator for COPE, in the personage of Mr. Simon Reisman. It is very, very deliberate and we are bound and determined that if the COPE agreement is going to end up being fair to the people of this territory, the Government of Canada must listen to the concerns that we have. Not only is it unfair but, with all due respect, it jeopardizes the agreements that we have presently signed with the Council for Yukon Indians. It is not only this government that is very concerned; the Council for Yukon Indians is also very concerned.

12 Mr. Porter: I would like to ask the government leader if he enjoys the support of the member for Old Crow on the critical issue of boycotting the Porcupine caribou herd talks?

Hon. Mr. Pearson: We are not boycotting the Porcupine caribou talks.

Mr. Porter: Well, you are certainly not there.

The Yukon government has been a party to the COPE negotiations and, presumably, they were given adequate opportunity to discuss and negotiate Yukon's concerns. Why did this government wait until the final agreement was signed before making its disagreements with the COPE claim known?

Hon. Mr. Pearson: It is very interesting, the statement just made. The last time I heard that said, it was the same Simon Reisman who said it, in the minister's office, where he was told very emphatically that that is not what has happened.

True, we had a person who was supposed to be representing this government at all COPE negotiations that affected this territory. I am here to tell you that there were negotiations, and there were agreements signed, without us being there, and it came as a terrible shock to us, because we had trusted them. We do not any more.

The fact of the matter is that this agreement was sprung on us, and it is bad. It is no good and there is absolutely no way we, as a government, can agree with it.

## Question re: Correctional centre trailers

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

Last year, the department spent a considerable amount of money to renovate two mobile trailers at the Correctional Centre so that they could be used in outlying communities for certain projects. Could the minister tell this House what the present status of those trailers is? Are they being used to house inmates in those communities outside of Whitehorse?

Hon. Mr. Ashley: The member opposite has a misconception about these mobile units. Firstly, they are new units that we purchased: we had them designed and built, and we are testing them at the Whitehorse Correctional Centre all this year. They may or may not go to the communities, depending on how that concept works.

Mrs. Joe: The information that I received with regard to these trailers was exactly as I stated it. I would like to ask the minister to tell us if it is the intention of his department to implement that type of program into the communities in the near future?

Hon. Mr. Ashley: At present, as I said, they are being used at the Correctional Centre, and that concept is being tested out there.

## Question re: School busing

Mr. McDonald: I have a question for the Minister of Education.

Last fall, two resolutions pertaining to school busing, submitted to the Annual School Committee Conference by the Mayo School Committee, were passed unanimously. One of the two called for the fragmentation of the territorial-wide busing contract. Is the government prepared to fragment the umbrella agreement to permit contractors in outlying areas to bid and provide service locally? Hon. Mrs. Firth: We have been examining the whole busing contract and I do not know if the member for Mayo is aware that we are presently in a bit of a bind because there is only one company that is prepared to bid on the busing contract in Yukon, and that is Diversified Transport. We have to look very cautiously at the whole contract because if we allow the contract to be broken down for communities, it puts us in a position of having to reduce the whole contract that we have with Diversified and, as a result of that, puts them in a position where it may not be financially feasible for them to bid on the contract.

We have taken into account the concerns that were expressed by the people in Mayo and Elsa. In our whole review of busing of school children in Yukon, we will take that into account.

Mr. McDonald: I could have many questions after that answer, but I will try to restrict it to just a couple. The minister just said that should the department break down the umbrella agreement that they have with Diversified, the government feels that Diversified would not be able to economically bid on the balance of services that are not bid on by local contractors.

Is the minister saying, in that case, that the few rural busing routes in existence today — should they not be given to Diverisfied — would be enough for Diversified to withdraw their bid on the Whitehorse runs?

Hon. Mrs. Firth: I was not as conclusive as the member for Mayo would indicate. What I believe I said to him was that it is something that has to be considered: if the umbrella busing contract were broken, would it still be economically feasible for Diversified to bid on the contract.

We have to look at the service that is delivered, and I believe that the government progressed from a system of having the busing contracts broken down, and they ran into a lot of problems where school children were not picked up and the service that was delivered was not adequate, and so the next progressive step the government took was to put it under one umbrella contract, and Diversified Transport bid on it at the time and was successful.

Now, the desire of the people in the communities is to go back to the way it was before. All I am telling the member for Mayo is that we have to look at all of the circumstances: whether it is economically feasible, whether the service can still be provided, whether there are communities that will not have individuals who will be prepared to bid on the contracts and so on. It is a very extensive situation and not as simple as perhaps the member for Mayo would like to make out.

Mr. McDonald: I have no hesitation to say that this is a very complex question. I am surprised that there are so many open questions after two years of debate. Let me get this straight. Is the minister saying that in refusing to break up the umbrella agreement the government feels that it is easier to administer it in this manner, or that they have no faith in the local contractors to provide the services, or both?

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14 Hon. Mrs. Firth: I do not believe that I have said any of those things. However, I will very conscientiously read *Hansard* to see if I have. I will indicate again to the member for Mayo that what we are doing is to try to take into account all aspects of busing that we have in Yukon now for children.

#### Question re: Lawyers Act

Mr. Kimmerly: To the Minister of Consumer and Corporate Affairs: concerning the Lawyers Act, the Minister of Justice and the president of the Law Society have discussed this act on CBC Radio, in violation of the privileges of members of this House. Will the minister immediately table that bill?

Hon. Mr. Tracey: In answer to the member across the floor, I have been in contact with the president of the Law Society, who tells me that he did not discuss the proposed act on the radio, and that any time he has discussed anything, it has been his own position or the position of people in the Law Society, and never, according to him and according to the minister, have they ever discussed the proposed act.

Mr. Kimmerly: Lawyers have received this bill. Has the Minister of Consumer Affairs also given a copy of the bill to the Consumers Association?

Hon. Mr. Tracey: No, and the lawyers have not received a copy of the bill.

Mr. Kimmerly: Lawyers have received copies of a draft of the bill under an undertaking of confidentiality. After the recent public discussion, what reason can there be for continuing that confidentiality, and will the minister immediately table the bill?

Hon. Mr. Tracey: There is more than one "no" I will give there, Mr. Speaker. Number one is: yes, the lawyers were given draft legislation to review and to comment on. That does not necessarily mean that what was in those drafts is in the final act. In fact, in a great many instances, there will be a great deal of change.

Regardless, it is not my intention to table the bill at this time, nor is it my intention to make a copy of the act available to anyone.

Mr. Speaker: Order please. The time for Question Period is now expired. We will proceed to Orders of the Day, and to Address in Reply to the Speech from the Throne.

# ADDRESS IN REPLY TO SPEECH FROM THE THRONE

Mr. Brewster: I move that the following address be presented to the Commissioner of Yukon, "May it please the Commissioner, we the members of the Yukon Legislative Assembly, beg leave to offer our humble thanks for the gracious speech that you have addressed to the House".

Mr. Speaker: It has been moved by the hon, member for Kluane that the following address be presented to the Commissioner of Yukon, "May it please the Commissioner, we the members of the Yukon Legislative Assembly beg leave to offer our humble thanks for the gracious speech that you have addressed to the House".

Mr. Brewster: It has been almost two years since I first addressed the members of this Assembly. I am a little more aware and a little wiser, but to say that I have mastered the art of politics would be too misleading. I would imagine there are members here among us, our colleagues who are a little less humble. Mr. Speaker, after two years as a member, I have learned the true meaning of compromise. Compromise can be a little uncomfortable, but at times it can be very workable. There are some power brokers, however, in the bureaucracy of the two governments that have yet to conform to the pressure of compromise.

Mr. Speaker, if you would permit me, I would like to speak today on a number of issues that are important to the people of Kluane as well as myself. Some of these problems are outstanding issues that are in need of compromise.

Two times I have addressed this House on the matter of inequity that exists in Yukon today, and two times the members of this Assembly have endorsed unanimously my efforts. I am referring, of course, to the motions I introduced to have the power rebate relief program for small business extended to include highway businesses that have to generate their own electricity. As we all know, this is a

to again introduce this motion.

I sometimes picture the bureaucrats in Ottawa as a bunch of lizards sitting in their own sunlight, thick-skinned, and small-brained. What does it take to get through to these people? I am prepared to find out. I will be asking for your support.

While on the topic of highway lodges and businesses, I would also bring another matter to the attention of this House. I have initiated a number of projects for the people of Kluane that would benefit people throughout the Yukon. I have been working to have families who live in their highway lodges receive homeowners grants. The only home most of these people have is their business. Although the Yukon government has accepted this principle for many lodge owners, families that have incorporated to run a more efficient business are not yet eligible. In most cases, the shareholders of these small companies are all family members whose place of business is their home. I believe this is unfair.

It was also interesting to find out that in 1982, out of a total of 45 highway lodges, 30 businesses were registered in individual's names and were eligible for homeowners grants. Out of the 30 eligible lodges, only 5 applied for grants. Rest assured, Mr. Speaker, there will be more applications in the future. The full benefits of government programs are not being realized if these individuals who are eligible do not receive any benefits. This year, I will personally inform each lodge owner of his right to apply for a homeowners grant. I would also urge the government to make the other 15 incorporated lodges available for grants.

While I am now on the subject of highway lodges, I would like to raise a concern that has caused a great deal of grief for many people driving to Haines Junction.

16 If anyone of us here had travelled over the highway that is being reconstructed in the Takhini Bridge area this past fall, you would probably have been shocked. It appears that no one wanted to be responsible for the upkeep of this section of the road.

I will ask my government to contact Public Works Canada and the contractor to ensure that the taxpayers do not have to put up with this situation again. Upkeep of areas of highway reconstruction during the freeze-up must be an essential part of any future highway upgrading. All the people of the highway north welcome this project and are hoping that this situation will not repeat itself each year during the five-year program to reconstruct this highway.

I believe this to be a reasonable request and I am confident that the Minister of Highways and Transportation will do his best to prevent this from occurring again.

On another matter, I would like to comment on a change in attitudes. I am referring to the Public Service Commission's efforts in local hire. I am pleased to see this change come about and will watch with great interest to see the benefits of a firm commitment to local hire, as they occur in Yukon. This government has always maintained that the people are Yukon's greatest resource. It is good to see that the Public Service Commission is attempting to live up to this policy.

We are seeing a change in Yukon; we have more people born and raised here now. If these people are not qualified to work here in Yukon, we must make every effort to train them and get them a much needed chance. Training on-the-job and underfill hiring for jobs within this government is a must if we have any faith in our young people.

There are those who argue that the Canadian Charter of Rights and Freedoms prevents us from actively supporting Yukon's young people. We now protect minority rights, equality rights and human rights, why can we not protect our young people? Perhaps the Charter, as used, is a new way for the bureaucrats to pass the buck.

While on the subject of bureaucrats passing the buck, I would like to brief this Assembly on the status of my efforts to acquire a nurse for Beaver Creek. I have been very patient on this matter for almost two years. I have gone through all the proper channels and have spoken to all the right people. The support for a nurse in Beaver Creek is widespread and this government has made a special effort to lobby the federal government for a nurse. It is clear that the stumbling block rests with our friends across the river who are not willing to accept the fact, for fear of losing control or what they feel

is their sole right to determine the direction of health care in Yukon.

I must make it clear that health care, especially emergency health care, is everybody's business. I am tired of being Mr. Nice Guy. The gloves are off on this one. Let us face the facts: the federal minister said that everyone is to receive health care, yet the local yokels across the way fail to admit that the people in Beaver Creek are 198 miles away from proper health care.

The medical services branch now has a nurse who rotates between Beaver Creek and Destruction Bay and the Burwash area on a weekly basis. It makes me wonder if the burcaucrats who dreamt this scheme up think that they can control emergencies so that they will only happen during the week that the nurse is in Beaver Creek. As everyone realizes, there is no way any one of us can foresee emergencies. This is the absurdity of the present system.

Last year, officials from Ottawa travelled to listen to the people of Beaver Creek. They might as well have stayed in Ottawa and saved the taxpayers' money. The cost of the trip would have gone a long ways to paying for a nurse in Beaver Creek. In hindsight, it is clear that the decision on a nurse had already been made and this expensive visit was only an effort to show the flag. Let us remember that a flag with no substance is a very shallow piece of cloth.

ro It is very apparent that the heat is on. We now have a doctor visiting Beaver Creek twice a month. I overheard a conversation that was very interesting. It is easy to be anonymous when you are not as widely recognized as some of the celebrities in this House. The conversation, in effect, said: "Do anything you like, Doctor, as long as you keep them quiet, and they are not dead." Does that sound like the bureaucrats are really interested in the health and safety of the people of Beaver Creek?

I have stated publicly that I will get a nurse for Beaver Creek, even if I had to help change governments in Ottawa. Well, I did not want to have to resort to that, but what choice is left? Our own Minister of Health and Human Resources personally brought the issue to the attention of his federal counterpart, and I thank him for that, yet nothing has changed. This is clearly another example of Yukon being run by bureaucrats in Ottawa. It is more proof that we must try for control of our own destiny.

It is unusual that money was found to buy a house from Yukon Housing for a medical clinic, and yet no money is available for a nurse. At present, the new medical clinic has been remodelled, heated and furnished for the bi-monthly visit from the doctor and the nurse, but it is clear that the regional director does not want to place a nurse there.

National Health will be placing a second nurse in Carmacks at the earliest possible opportunity. A second nurse will be stationed in Teslin to cover the Carcross/Judas Creek/Tagish area. I understand that a second nurse is planned for Old Crow. What about Beaver Creek?

At present, emergency cases are supposed to be air evacuated from Beaver Creek. The people of Beaver Creek realize that this is not a satisfactory alternative. The reality of this was made clear to my colleagues during the last Cabinet tour. Their plane could not land at Beaver Creek because of weather conditions and had to travel to Burwash. These weather conditions are very common in this area. It is ironic that the dignitaries who were to fly to Beaver Creek for the opening ceremonies of the new airport facility had to fly to Tok, Alaska, before landing at Beaver Creek, because of fog.

I apologize for such a long speech, but as you must realize, as Deputy Speaker, there is little opportunity for me to address this Assembly during the normal course of sittings. I have to make the best of opportunities like this, and I can bet that everyone will agree that I have made the best of today's opportunity.

My final concern is with regard to the Yukon transportation system. I strongly advise the decision makers to analyze all of the reports and facts that affect Yukon's immediate — and I stress "long term" — transporation needs before making a decision on the Skagway Road. I sincerely hope that a few large corporations are not able to pressure the government into a decision which will cost Yukon taxpayers a great deal, hurt a large number of small businesses, and eliminate our long term chances for a viable railroad. There is a practical alternative to opening the Skagway

Road to truck transport.

If we are really concerned about the good of Yukon in the long term, we should be constructing a road from Carmacks to Haines Junction. If you look at this option, you will realize that it is the shortest route to tidewater for the Yukon mineral areas such as Faro, the Dempster area, Dawson City, Mayo and MacMillan Pass. If we are going to spend tax dollars to upgrade our transportation system, which is a special concern for our mining industry, then we should be looking at the construction of a road from Carmacks to Haines Junction. This would put the money where it would best serve the Yukon, in the long term.

Thank you.

Mr. Penikett: Before I begin my own remarks, I would like to compliment the address of the member for Kluane. It was, as his speeches often are, an excellent piece, and I pray that I do half as well in my own remarks.

The Throne Speech debate is one of those rare opportunities provided to us to petition the Crown on important issues of the day; on matters of concern to our constituents. The issue I want to address today — the cause I wish to champion today — is the one of democracy, itself.

In 1948, a man who called himself George Orwell, and who was one of the left's great figures, wrote a book entitled 1984. It was, in many ways, a prophetic work. Orwell anticipated many great political battles, including those between the authoritarians and the democrats.

One of his superb insights was that the threats to democracy can come from any point in the political spectrum. To put it another way, as the member for Kluane has so eloquently indicated today, there is always a danger that the bureaucrats can turn all of us into bureaucrats instead of keeping us as the democrats, which we were elected to be.

Parliamentary democracy, as it is practised elsewhere in the Commonwealth, is still in its infancy in Yukon, but already I fear it is showing signs of neglect and symptoms of retardation. Instead of nurturing its development, I fear the Government of Yukon is, consciously or unconsciously, stunting its growth.

Let us consider some examples: last spring, we in this House accepted a Public Accounts Committee recommendation to request a management audit by the Auditor-General of the Faro school and the Dawson City sewer and water projects for the purpose of establishing responsibility for the multi-million dollar problems with those jobs. This is not the time or place to discuss the quality of that decision, about which, I admit, there has since been some question, but it was, nonetheless, a decision of this House, democratically made.

Subsequently, the Cabinet reversed that decision without any reference, or any report, to the House. It is quite clear that, by last fall, the decision to overrule the House had been reached. Although the Cabinet has absolute control of the backbenchers opposite — or almost absolute control — and even though they almost always do what they are told, it did not even bother returning to the House to reconsider its earlier decision.

They simply vetoed the decision of the representatives of the electorate, and that. I think, is a very serious matter indeed. Now, a supremely understanding human being, such as myself, might be inclined to regard such an event as an isolated incident, or as an unfortunate oversight, especially if it were the first incident of this kind, but it is not.

I remind you that in 1979 this legislature unanimously passed a resolution calling for full public disclosure of the finances of the White Pass and Yukon Railroad before any public money was lent to this company. Did we lend the railroad money? Yes. Were the books opened to the public? No. Did the House change its mind or did the Cabinet decide that it had a mind of its own and that it was not responsible to the House? If that is what happened, then what we had on that occasion was clearly not responsible government, by any definition that I know. In 1979, as well, this House debated a motion of mine that an affirmative action program for women be developed in the territorial government. Now, did the minister in charge of the women's bureau, the minister of the day, approve this motion? No. As a matter of record, she presented an amendment

calling on her own government to continue to develop such a program and it carried without a dissenting vote. Since then, we discover that this democratically-adopted resolution of the democratically-elected representatives of the people has apparently been reversed by three or four or five people who were appointed to the Cabinet.

But has the House debated the motion again? No. Did we reconsider it? No. Did we re-commit it? No. We were, in fact, overruled by the people who are supposed to be accountable to us, and who are supposed to be our servants.

A more recent example: on October 18, last fall, I asked the government leader to explain the contradiction between its understanding of the agreement by which this government returned to the Yukon Indian land claims negotiations and that of the CYI, as presented in that organization's newsletter. On October 20th, the government leader very courteously came back to the House and replied to my question by quoting from some correspondence between the chairman of the Council for Yukon Indians and himself. Once he had done that, I asked the government leader if it was his intention to table this correspondence from which he had just quoted, and the government leader replied "No, I do not see any reason to table the correspondence at all."

To some people that may be a small matter, but I know — and have not forgotten — that this government leader is former clerk of this House. This government leader, perhaps alone among all the members — not alone, but is one of the few members in this House who is knowledgeable about the rules, and I am almost certain that the government leader would have been aware of Citation 327 in Beauchesne which says. "a minister of the Crown is not at liberty to read or quote from a dispatch or any other state paper not before the House unless he be prepared to lay it on the table."

20 I think it is quite clear that it is out of order for a minister to quote from a document, or to use a document to influence debate, unless he is prepared to table it.

We also have the example of the House Order on April 13, last year, about the land claims documents, which were alluded to during Question Period today. There was some intervention from the Chair to the effect that because this was an Order under a previous session, it did not apply, which raises a fairly alarming prospect in my mind, Mr. Speaker, that decisions of the House only last until the end of the session. Were that the case, I would worry about the body of law that we have adopted, and a great number of the other decisions.

Mr. Speaker, before the last election, as a condition to our agreeing to yet another raise in pay, the government agreed to the establishment of a select committee system in this House. Among other things, the select committees provide the opportunity enjoyed everywhere else for citizens to speak directly to the legislature. It was a commendable development, much needed in this territory. I think the committees on employment standards, wildlife, occupational health, and others had, over the years, begun to demonstrate the usefulness of this kind of instrument.

Like the Statutory Instruments Committee, the Public Accounts Committee and the Rules Committee of the last legislature, they had proved the advantages of a forum where members of all sides of the House could work together on issues without partisan blinkers or caucus whips. In many, many important matters, the kind of concensus referred to today by the member for Kluane was achieved in these committees, and the kind of compromise referred to by the member for Kluane was achieved.

Before, the Tory view did not always prevail, but to state the obvious, nor did the opposite. What we got were agreements that were agreeable to all parties, or more accurately, to all members, and which, therefore, more accurately represented the wishes of all the diverse interests in the community that sent us here, than the policies that originate from only one party or the other. Such agreements create the environment for compromise and concensus, something that is impossible in either the partisan atmosphere of the legislative chamber or the hermetically sealed Cabinet room.

There are many issues on which there is going to be polarity, and there is going to be sharp division of opinion in the House between the two sides. On such questions, it is proper that at the end of the debate the majority shall rule. However, I submit, there are a great many other issues where the principles are not so clear, and that much can be gained by employing the committee system, which is one of the very fine developments of the parliamentary system, as we know it, and a system that is being increasingly employed cleaves.

Unfortunately, the opposite seems to be the case in Yukon. Since the 1982 election, there seems to be — dare I say it — a conscious effort to retire the current committee system. We have had no select committees, and the agreement, for example, that granted the last big pay raise to MLAs in the last legislature has been broken. Now, since the election, of course, there has been another large increase in pay for cabinet ministers. This raise was unusual, because it broke the established precedent in two ways — the government leader will have an opportunity to intervene later and I see I am provoking him sufficiently to do that. One, it gave twice as much of an increase to the front bench Conservatives as it gave to opposition front benchers, which could hardly be justified, I think, on top of the cabinet cars and other executive perquisites.

Second, and the more important breach of precedent, was the failure to refer this pay issue to the Rules, Elections and Privileges Committee, which has dealt with questions of compensation of members in the past. No attempt was made to reach a consensus on the matter. The majority ruled, but it did not respect or consider the wishes of the majority prior to the introduction of the bill.

Pay committies exist to protect all members, even a minority of one in such matters, and without such a process, the ruling group can, and does, what it likes. And that is what happened this time. I think what happened was that it was a mistake as a matter of procedure.

The government leader got a greater increase than I. I do not want to sound like I am piqued about this. Prehaps he deserved it. Perhaps his needs are greater than mine. Perhaps not, but that is not the issue. I only know that I was not consulted, and the agreement previously made in committee, and endorsed by the House, to apply cost of living increases only to our indemnity and not to our salary and expenses, was broken by the other side without going back to committee and without going back to consultation.

Similarly, amendments to the *Elections Act* were presented to the House last year without their having been considered by the committee established expressly for that purpose, mainly the Rules. Elections and Privileges Committee. In 1979, this committee studied the report of the Elections Board, added its own recommendations to the board, which the cabinet considered before bringing it to the House. This was a commendable process. Last year's was not. Last year, we had, instead, the infamous "put the Tory at the top of the ballot" bill, which was an attempt, in my view, to pervert the electral process, and which the government, I admit, was eventually shamed into amending.

We also had an event that, in my opinion, will go down as one of the great monstrosities in the history of abuse of power in Yukon, namely the refusal by the Conservatives to permit the Council for Yukon Indians to appear before the Committee of the Whole of this legislature to discuss their land claims. That decision was not just sad; I think it was pathetic. How paranoid, and how insecure, and how dictatorial can you get? When the elected representatives of a large part of the population cannot meet formally, in public, with the elected representatives of the whole population, just because one group in the House does not want to hear what they have to say, democracy is in a bad way.

We are not even allowed to hear from the \$800-a-day man who, according to some reports, whispered in people's ears about land claims, as he was campaigning against some of us in the last election, and who is getting a fortune of our money, by claiming to represent us in secret. An absurd proposition. Now, something was very wrong in that situation.

As you know, I am quite fond of the Minister of Health and Human Resources. I hope he will not mind my saying that.

They may not like it, but I will say it anyway.

I have heard that the Minister of Health and Human Resources has been telling people that there was no select committee on *The* 

Childrens Act because the government wanted it to be a Conservative bill.

Some Hon. member: That is totally untrue.

Mr. Penikett: Well, if it is untrue, the member will have a chance to explain it, but that is a quote from two sources.

There is nothing anyone on this side could do to prevent this being a Conservative bill, but for the minister to be so afraid of input from a couple of members on this side in a select committee reveals. I think, a frightening insecurity. There is nothing — I repeat, nothing — we could do in committee to make it less of a Conservative bill, but I will bet dollars to doughnuts that we could have helped make it a better bill and that, after all, is what we are here for.

What disturbs me most about the notion of a Conservative bill is the ignorance I think it demonstrates about the parliamentary system in which we are supposed to be operating. Let me give some basic rules of that system, because someone, obviously, has to. The first is that the cabinet proposes measures, the legislature disposes of them. It is the legislature that makes laws, not the cabinet.

The second is that the cabinet is appointed: the legislators are elected. Any one minister is no more a member of this House than anybody else in it. The people did not elect a Conservative cabinet; they elected a legislature with nine Conservatives, six New Democrats, and one independent. We, the people's representatives — all 16 of us, not just nine of us, but all 16 of us — make the laws, and we are all entitled to an equal voice in the debate on such measures. A minister is not appointed to dictate laws to the people. When a law passes this House it is not a Tory law, it is not an NDP law, it is a Yukon law, and all of us have a right to a say in its formulation.

I want to say this, if only for the last time, that if ever a bill was made for a select committee, it was *The Children's Act* and I believe it will be the people's misfortune, and the government's, that it did not go that route, especially if we have a situation in this House where it goes into committee and we are not allowed to hear from witnesses in the community.

Hon. Mrs. Firth: So, start a task force.

Mr. Penikett: The Minister of Education is intervening and I should tell the Minister of Education, since she is referring to the Task Force on Education, that I have not forgotten her hysterical reaction to the formulization of that task force, the Opposition Task Force on Education. It seems to me the minister had an alarming reaction to the idea that members on this side of the House would be actually going out and talking to citizens about an important issue of policy. Clearly, the ideal of free speech is still a very frightening idea for the Minister of Education.

We have had other examples. I am still concerned about his notion or his understanding of the principle, of the independence of the judiciary and the principle of the separation of powers when a minister of justice appoints his own campaign manager as a JP. <sup>23</sup> I am also concerned — and he is not here — about the expression of views once made by the Minister of Municipal and Community Affairs in this House, that we had democracy one day every four years. I guess, consequently, we had democracy for one day and a thousand days of autocracy. However, this was not, I think, the principle for which our fathers went to war a generation ago.

There are many other examples; some of them minor, some trivial. I want to say to the Minister of Renewable Resources, because I do not want to leave him out of this, that when I visited Carmacks recently and went into the Carmacks school, I was frankly alarmed at the number of framed pictures of the minister displayed around the walls, as if he were the Queen or Big Brother himself.

I can only imagine the reaction from the Minister of Education, if the Takhini School decided to put even one picture of their MLA up on the wall. I am sure the minister would have it down in a second.

Hon. Mrs. Firth: The school has not asked for your picture. Mr. Penikett: I would not count on it.

I believe sincerely that our democracy, the kind of democracy that I want to see built here, could become a very poor and shrivelled thing if the present trend continues. We will end up with a government by Conservatives, for Conservatives, and I do not

believe that is what the people voted for in 1982. I believe that what the electorate said in 1982 was that they wanted the opposition to have a larger voice in the government, not a lesser one. I think the returns indicated that. I think, in this respect, the government is defying the electorate.

However, worst still, I perceive the power in this place is shifting from the legislature, where it belongs, to the executive, exactly the opposite direction from which it should be moving. I perceive the power is going, as the member for Kluane correctly pointed out, to the unelected, unmerited appointees — some of them not even public servants, but just simply Conservative appointees. That is not democracy.

The public business should be done in public; in committee and then in the House, not in cabinet, or in cabal. If the knowledge, the lessons of experience, are concealed by invisible processes, the learning process that is so important to democracy is very hard indeed. I am sure many members in this House know this, but I want to remind them that our kind of democracy is deeply rooted in the Christian traditions of our society. It is out of the idea of monotheism, of one God over the whole society and brotherhood under God, that the idea of democracy comes. According to this vision, we are all brothers and sisters. We are all equal in the eyes of God. Therefore, because we are all our brothers' keepers, we, the people, have a moral right to govern each other because we are their brothers and sisters.

That means all of us. Whatever our race, whatever our religion, whatever our politics. I believe that parliamentary democracy is one of our civilization's greatest achievements.

23 It is a treasure that I believe we are all obliged to protect and enhance. I believe, at this particular moment in time, that democracy desperately needs some defenders in Yukon and we, on this side of the House and, I hope, members opposite, all of us, will offer ourselves in the service of this great cause.

**Applause** 

Mrs. Nukon: I would like to take this opportunity to mention a number of concerns that affect my constituents.

Quite a few people in Old Crow watched the First Ministers' Conference on Aboriginal Rights with great interest. It was very clear from the conference that much work has to be done in southern Canada before aboriginal rights can be settled. I believe the Indian people in Yukon are much further ahead than many native bands in southern Canada. The people of Old Crow have ratified the Yukon Indian land claim agreement-in-principle. They are anxious to get on with the claims process and urge other bands to deal with the ratification as soon as they can.

It was clear from the aboriginal rights conference that it would be quite a while before any issues could be settled by the first ministers and the national aboriginal groups. In the meantime, we must go ahead with our own claim. We have put too much work into it to let it sit at a standstill now.

The people of Old Crow are also concerned about the COPE agreement and what it will mean for Yukon's North Slope. They are unclear about many things. COPE officials assured them that any problems can be easily worked out between COPE and the people of Old Crow. Other people believe that COPE may be misleading my constituents. One thing is certain, there are many questions and much doubt about the COPE claims. I believe the Yukon government is working with the best interests of the Old Crow people in mind.

It is good to hear that the Yukon government will be bringing CBC Radio to Old Crow this year. I have been working for this since I was elected and the announcement in the Throne Speech was very good news. Old Crow now receives CBC television service, but it is difficult to find out what is happening in the rest of Yukon. CBC Radio will make the people of Old Crow feel much more a part of the Yukon community. I know the people of Old Crow will welcome this announcement.

I would like to bring a matter to the attention of my colleagues that is very inconvenient to my constituents. Although we have a post office in Old Crow, we cannot buy money orders there, as is the case in most other Yukon communities. Since we do not have a bank, a money order service would be very beneficial for my

people. I would also like to see a COD service, as well, because we now have to send our money to the Whitehorse post office for COD parcels. It takes almost two weeks extra to get our orders and this is also true with the many orders from Sears. I hope to be meeting with post office officials to see if anything can be done. This is a problem that I think can easily be solved and it will be of great benefit to Old Crow.

My constituents are also concerned about the high costs of food and gas in our community. Old Crow residents pay more for these things than anyone else in Yukon. This is a very difficult problem to deal with, but I am hoping something can be done if we work hard enough.

is I would also like to see a group home for Old Crow elders. This kind of facility would be very helpful to the elders who have difficulties living on their own. The elders are very important members of our community and we should make a special effort to see that they have a good life. We have so much to learn from them. There is much work yet to be done for the people of Old Crow, but we are making progress.

Mr. Kimmerly: I would like to begin by complimenting the previous government speakers on their speeches concerning constituency issues. I would, for one, be very pleased to vote for the member for Kluane's motion in favour of a nurse in Beaver Creek and I will be inclined to vote for the member for Old Crow's motion in favour of group homes for the elderly. Following my leader, I will not make my speech primarily a constituency speech. I will speak much more about general issues and I would like to speak about the same general theme and give some examples that I know very well.

We all know that the evolution of parliamentary democracy is very old, in excess of one thousand years old. We all know that in Yukon there has been a legislative assembly for a very long time, since the gold rush. What is very young in Yukon is a formal party system. Now that formal party system is now well entrenched, that is obvious. It is clear in our standing orders that the party officers are recognized and indeed in our pay scales even, and things like that. The party system is part of the unwritten constitution of Canada. The constitution of Canada, of course, is partially written and partially unwritten, following the traditions primarily from the mother of parliament in Westminster. The evolution of party politics in Yukon is very young and it has taken a wrong turn. All Yukoners are being poorly served because it has taken that wrong turn. I have personally heard members of the Conservative Party explaining the party system in public meetings, and I have personally heard an explanation concerning the root of government legislation through the various committees.

Now, it is not something that is a secret. Indeed, on election campaigns, it is frequently said, we are going to win, so elect a Conservative. A Conservative will have more influence on a Conservative government than an opposition member. That argument has been repeatedly used in public. In very general terms, we know that the government's legislation goes through a series of committees, a Cabinet committee and a caucus committee, or through the government caucus. Government backbenchers say, publicly, that the time that they exercise their influence is in the caucus, not in the legislature when they are noticeably silent as, indeed, are the government backbenchers in almost every legislature encompassing the party system.

We have heard, and it is clearly on record, that Cabinet ministers have stated about bills introduced into this House, "this is government policy, we are not going to amend it". We have heard that repeatedly. It demonstrates a firmly entrenched attitude about the nature of the party system. I say that that attitude is simply wrong and it does not describe the party system as it has evolved over the very, very long term, although it may be fairly close to the development of the Conservative Party currently in Alberta and the Social Credit Party in British Columbia; both of which parties have taken the same wrong turn and are exercising a tiranny of the majority over the minority. Parliamentary democracy is working very poorly in those places.

We have heard a minister state here publicly that it is that minister's view that the role of the opposition is to suggest new

policies and suggest alternatives to the minister's. This legislature is not an advisory body to the ministers, to which the ministers consult or do not consult at their will.

The legislative body is the only body that is solely elected and represents all of the regional interests in Yukon and the majority and minority interests. I would reiterate the first comments made by the member for Kluane about compromise. Indeed, as I get older, I recognize the true value of compromise, especially about the public business of the territory.

I wish to talk about three concrete examples. They are fairly different examples, but they are examples of the same theme that I wish to emphasize. First of all, I asked in Question Period today about the production of papers, a motion concerning land claims. On April 13, 1983, this House passed a motion. The wording of the motion was very specific and very clear and it was: "An Order of the Assembly do issue for a copy of all letters and documents which are quoted from or referred to in the document entitled 'Yukoners Deserve a Fair Deal, a land claims information package' ". There was an Order of the Assembly. I would refer to Rule 39.1 in Chapter 7 of the Standing Orders; that Order still has effect after the prorogation of that session.

On October 31, 1983, I asked, in Question Period, of the government leader, why is there a six-month delay. He answered that he was intending to table the package, hopefully that week, and he said "when I receive it, the reason for the delay will be self-evident", and he clearly stated that he intended to comply although he did not explain the six months delay.

There is now an 11-month delay and today the government leader flatly stated he has tabled all of the documents he intends to table. I will research, of course, in the light of the clear refusal expressed moments ago, the question of the content for this House. There appears to be a refusal to obey an Order of this House. In the general sense, the more telling factor, the more important fact, is that there is a lack of a respect for the orders and the will of this House. The leader of the opposition has already listed other examples where the direction of this House has been changed or ignored through executive action.

The second example I wish to talk about is one I also raised in Question Period, concerning the Lawyers Act. I am a lawyer and I received a draft of an act, quite properly, and when I received it I was extremely careful to note under what conditions I received it. There was an undertaking concerning confidentiality, which undertaking I have honoured to the letter. It runs until the bill is tabled in the legislature. That was a part of the undertaking. Now, indeed, it is a draft and it may be changed, but I have it here. Other members do not have it. Members of the public do not have it and I ask them, rhetorically, if they think that is fair, as they do not.

Hon. Mr. Tracey: You will not get it anymore.

Mr. Kimmerly: The minister states "you will not get it anymore", which is the reaction I would predict from him. But, that is exactly the wrong reaction. I ask, rhetorically, again, what is the reason for the secrecy of this document?

Hon. Mr. Tracey: To protect your rights.

Mr. Kimmerly: What public policy is there in that which would embarrass the government in any way? Why is it a secret? I do not believe it should be secret and I am quite confident that the vast majority of Yukoners also believe it should not be secret. Why should a select group of people get an inside track to government action? I know that most Yukoners would not agree with it, and I do not agree with it. It should not be secret.

<sup>29</sup> A third example is *The Children's Act*. Really, a very tragic occurrence has occurred in the last year. All of the issues involved in *The Children's Act*, are very important issues affecting directly, and extremely forceably, the lives of many Yukoners; indeed, by implication, all Yukoners.

This was not a partisan issue before the procedure that the government followed was adopted. I said last session, and I say again, that if a different procedure were used, it would not have become the partisan issue that it has now become. Nobody in the last election campaigned on the issue of a children's act. It has been said that it is or is not a Conservative bill, that it is a socialist bill.

Well, it is none of those. It is clearly not a socialist bill in my

view. The important point is: if the subject matter of the bill had been dealt with in the spirit of compromise that the member for Kluane so eloquently speaks about, and through a committee process — not in secret — in public, there would not have arisen the intense partisan feelings that have arisen about that bill.

It is extremely unfortunate, because the children of the territory and the parents are going to suffer because of that. It will probably be not as good a bill as it could be, because of the lack of cooperation and public participation in a spirit of openness at the very beginning.

What we are seeing is a small group of people who are gathering the controls of government, gathering the power all in the hands of one small group. They are controlling the backbenchers, they are controlling, in a very real sense, their own party. We are developing, because of the procedures and the policies followed in the last few years, a one-party system. It may be we have an election every four years. Maybe the party would change every now and again, but it is a one-party system with no real influence from the minorities or other regions being able to be brought to bear if you are not an insider in that one party. That is not parliamentary democracy. That is the problem we are trying to expose and are trying to change.

The evolution of a responsible government in Yukon has been extremely rapid. There have been very significant achievements in the last five to 10 years — very significant achievements — but what we have developed now is a system very like the family compact system that we read about in history books prevalent in Upper and Lower Canada at the time of the 1837 Rebellion.

The control of a very small group of people is like the control of a family compact. It is trying to impose a one-party system, and it must turn around and make the right turn. It must improve.

Hon. Mr. Philipsen: As Minister of Health and Human Resources, I have had to deal first hand with the needs and concerns of many Yukoners: the elderly, the infirmed, the disabled and the young. Of all Yukon's beautiful resources, surely people are our most precious resource.

It used to be extremely difficult, if not impossible, for the elderly or disabled to live out their lives in Yukon. The lack of programmes and facilities effectively meant involuntary banishment for many of our most distinguished citizens. The elderly, the infirmed and the disabled, have little choice but to leave their homes and move outside in order to seek adequate care and services.

A society is often judged by how well it takes care of its citizens, especially those in need. In this regard, Yukoners can be justifiably proud. Our care and treatment for the elderly is steadily improving, but more remains to be done. The government has recently expended \$1.3 million in renovations and upgrading of facilities and programmes at Macaulay and McDonald Lodges. The quality of care and provision of services in our senior citizen facilities have been substantially increased. The department's recent study of our geriatric and rehabilitation services will provide a sound foundation from which we can develop more policies and programmes to better meet the needs of our senior citizens and disabled Yukoners, especially for those who wish to remain in their own homes.

The area of mental health is of special concern to the Yukon government, although the programming is currently a federal responsibility. Improvements to the Whitehorse General Hospital, for the management of actively ill psychiatric patients, as well as an expansion of the community health services, are essential.

The Department of Health and Human Resources is studying the housing situation of non-institutionalized psychiatric patients, and is preparing a programme that will include supportive and rehabilitative living environments for post-institutional discharged patients and chronic institutionalized patients. This programme should be in place prior to the end of the 1984-85 fiscal year. "As noted in the Speech from the Throne, the health branch has prepared a series of pamphlets as well as other media materials to better inform the public to the vast array of services that are available. The list of services is indeed impressive. In relation to children, I have tabled the bill, The Children's Act. This bill has been a topic of considerable controversy and I have travelled the length and breadth of this territory consulting with everyone who

wishes to be heard on this most important matter.

I have held over 26 public meetings. I have met with the Council for Yukon Indians, Indian bands, professional groups and special interest groups. I believe there would be somewhere over 750 individuals who have been afforded an opportunity to have input in the redrafting of this piece of legislation. I have listened very carefully to what they have had to say. There were many helpful suggestions and their expression of many points of view. The result of all this consultation is reflected in the bill. This exercise of public consultation, in my view, is a clear example of a democratic government in action. I feel confident that the majority of Yukoners will more fully understand and support the proposed legislation. It must be remembered that the bill concerns the welfare of our children.

In the heat of debate, the central focus is sometimes forgotten. It is not an act for senior citizens or for adults, it is for children. During severe economic times and through the recovery periods, child abuse increases. That is an unfortunate axiom. Yukon, having gone through the 1982 recession, is no exception. Statistics show that the number of cases of child abuse has risen dramatically. The bill was designed to protect those who cannot protect themselves: our children.

I have listened to the leader of the opposition, for whom I share a certain fondness also — the gentleman wearing the 12 percent badge. I have heard it stated by him that I have gone around the communities saying that I only wanted Conservative legislation. The actual fact of the matter is that in one of the public meetings, I believe in Haines Junction, where I was hiding from the public and the members of the opposition. I was asked why a Conservative government would bring forward this piece of legislation, to which I replied, at that time, that I believed, as the member for Whitehorse South Center just finished saying, that this piece of legislation was a non-partisan piece of legislation. That is a statement of fact.

2 That was a statement heard in Haines Junction. So, your statement, I am sorry, is totally untrue.

I had the opportunity to go to 26 communities and meetings. I had the door open to the members of the opposition: one member came and saw me.

Hon. Mrs. Firth: (inaudible)

Mr. Philipsen: That is okay. One member came and saw me—one—on that piece of legislation. There were other members who came to public meetings, and if those members were MLAs in the areas I was in, I asked them to chair the meetings, which they did.

Mr. Penikett: (inaudible)

Mr. Philipsen: It is obvious that the members opposite do not share my feeling that direct public input into a piece of legislation this major is necessary and that we should have been holding it here. I submit that after travelling for one month throughout the territory, every individual in Yukon who had a concern was able to address this piece of legislation.

Another important matter I have had to deal with is the Young Offenders Act. The federal government has indicated that April 1st will be the date of implementation. Thus, the Department of Health and Human Resources has been working, in conjunction with other departments and agencies involved with juvenile justice, in order to work out an effective implementation of the Young Offenders Act in Yukon. Only in recent weeks have we received any clear indication of the extent of the willingness of the federal government to cost-share additional costs of implementing their legislation. Ottawa continues to talk big, but pay little.

Within childrens' services is the hiring of native social workers and it has been helpful in the recruitment of more Indian foster homes and adoptive homes and to provide services to Indian children in care.

These are some of the initiatives taken by the Department of Health and Human Resources and some of the issues and concerns I have had to address over the past several months. I look forward to meeting new challenges and the debates in this House over the course of this session.

Mr. Byblow: In my case, there were a number of references in the Throne Speech yesterday that prompted me to respond today.

In listening to comments from members opposite I, too, am prompted to endorse support for a nurse a Beaver Creek and better postal services in Old Crow. I would probably also endorse support for a study of a port facility at Tarr Inlet, if the member for Kluane would want to continue that project as one of his many.

33 And I was pleased to hear from the member for Porter Creek West that he too considers people Yukon's greatest resource. We have been saying that for years. I sincerely hope that the minister's sense of democracy is reflected in the document, *The Children's Act*, tabled today. I must ask the minister why his government did not allow people to talk to this legislature — this legislature, the body of people who make the laws. And I remind the minister that his government made the decision to reject the select committee long before he went to the communities.

I am always amazed at how two different individuals or groups can review the same scenario of things and come up with such a variance in the perspective of what was seen or heard or observed. One is forced to question whether the same scene was being observed at all.

I think the minister's perspective on *The Children's Act* bears out that amazement. I think, in some measure, the Throne Speech was much like that. It talked, in part, about economic stabilization and economic optimism. It implied somehow that because of the initiatives of this government, we are witnessing a stimulated private sector, and subsequent stability and recovery is coming to our territory. I believe, in addition, the Throne Speech implied that any recovery is handicapped and retarded at every turn by those terrible feds. Well, I would say that the truth is more that any economic success stories of the past year have been largely due to the combined efforts of a lot of people; a lot of people in labour, a lot of individuals, a lot of organizations who are adjusting to the rapidly changing marketplace and, as well, the impetus, in a large measure, came from a lot of federal stimulation to that marketplace.

This government's participation in that marketplace is really quite limited. This government is often preoccupied with holding back, cutting back, restraint, and I think that results in more stifling of the marketplace than we would like to see, albeit that this government does tinker with it some time. I think that that tinkering, in itself, stifles development when it is done haphazardly and with questionable approach.

Now, my colleagues previously talked, at some length, on the subject of parliamentary democracy. I want to talk, just briefly, about something that I am beginning to find annoying in repeated references from this government. And that is some economic democracy. Now, I am going to give my own example.

This government says that it worked hard to promote the partial reopening of the Cyprus Anvil mine. According to its own limited way of thinking, that may be correct. But as many times as this government will try to take credit for the stripping programme at Faro, that is the number of times that I will say that its role nearly scuttled that partial reopening in its early stages and that it was embarrassed into its participation by a Johnny-come-lately exercise on the part of federal participation and public initiative.

The Cyprus Anvil mine stripping operation was a collective effort, again, of a lot of people: business, labour, and, yes, governments — governments at all levels — but that cooperation did not precipitate from this government and I will not back off from that position until I hear some proper credit being given by this government instead of unfairly being taken.

The economic recovery this government talks about is really not here yet. The fact that the economy may have stablized at a lower level of activity as stated in the Throne Speech is really indicative of something pretty serious; a pretty severe depression is still continuing, and that is not a desirable thing. I suspect that this government's interpretation of recovery is something like a decline in the speed of our economic collapse.

This continuing recession requires some major initiative, some major stimulus, and more than just a federal prompting.

I have not yet been persuaded that this government has any kind of economic strategy, any kind of a economic plan, any kind of proposal for economic recovery. Yes, we heard about \$18 million to come in the Economic Development Agreement, the anticipation

of that money to flow this year. On this side, we are most interested in the kind of initiatives that are going to be proposed under that agreement. However, I do recall the original discussion of that agreement, some two years ago when the suggested value of it was something in the magnitude of \$50 million. The \$18 million that is currently being suggested, over a five-year period, means something in the order of \$3.5 million a year, if in fact that will be the final figure. I am not suggesting that that is something to scoff at, but it certainly does raise the question of why the EDA keeps reducing and what is really going on in the negotiations towards the procurement of these funds towards maximizing economic benefit for Yukon.

s In all fairness, this government has to be complimented, and one specific area I would like to do so relates to the transportation study that it asked the Canadian Transport Commission to do.

While that preliminary report seems to raise more questions than it answers, I still feel that, perhaps, we ought to be taking more initiatives in this matter and on this subject. If you, for example, compare the current impasse over the road-rail option for tidewater access to the scenario of a year ago, where we had a potential permanent closure of the Cyprus mine, I think you could see a comparison. It would seem to me that a resolution of the tidewater question is going to take much more of an effort than a debate at the federal level by interested parties.

I am not sure what the answer is. In Question Period today, the government leader responded to his government's position on the problem — and I appreciate as much as he does the complexity of the issue and the confusion over the economic data base surrounding the decision-making process — but I submit to this government that a decision has to be forced very soon. The preliminary report that we have had given to us seems to be unable to adequately resolve just what the economic feasibility of rail versus road is. I would certainly welcome an opportunity to debate the merits of the road-rail option during the sitting of this legislature.

I would like to say to this government that it has to recognize the depressing uncertainty in my community over the past two years — Certainly, it has not reduced in the last couple of months — over the transportation issue. My community is reduced by at least half — estimates are even more — and the remaining people in Faro are struggling to make what they can of a shattered community. As this transportation question remains unresolved, so does the uncertainty grow.

Our caucus recently met — at some length, in fact — with Cyprus Anvil officials, and I believe the government met with them that afternoon, as well. While we may not have agreed completely with some of their corporate objectives, it was apparent that the transportation issue is being treated with some major significance, with respect to the reopening of that mine. I believe that this government has the resources, it has the personnel, it has the political will and it has taken steps to be influential in this issue, and I encourage that. The economic importance of that mine to the territory is too critical to be left to the decision-makers in Calgary and Ottawa.

The Throne Speech also talked about initiatves relating to Beaufort oil and gas. I must say that we are encouraged that our demands that we made last fall regarding job and business opportunities — regarding training, regarding consultation with effected parties in the development area — are, in some measure, being listened to. I might say, also, that our caucus met with Gulf officials recently — some two weeks ago — and among other things, we were fascinated by their complete rejection of sandstone island building. Some members on the side opposite will recall that only a few weeks ago in Juneau, a number of Alaskan officials in the commerce, economic development and, I believe, national resources departments, never heard of the Kiewit sandstone proposal. On top of that, state officials pointed out their own reserves of sandstone less than 100 miles inland from the Beaufort.

So, in my mind, it raises a lot of feasibility questions about that Kiewit proposal, and certainly questions are to be raised about the marketability of that resource. If the government has any answers to that, we would certainly be pleased to hear them.

I am sure that my colleagues will, in the course of this debate.

continue in some detail on aspects of economic development that interests them, but I do wish to say that I believe governments must take more participatory roles in the economy. I think governments should provide more of a directional influence in the way that the economy develops and, certainly, stability must be encouraged through commitment. In most instances, that means dollars.

Yukon megaprojects, for the most part, are not materializing and we have to look, I believe, at secondary industry, at renewable resource development, smaller scale and within our capability to initiate and carry through.

Again, recently, our caucus toured the Yukon Native Products Parka Factory, and it has to be a success story by any measurement. I do not believe that we are taking enough advantage of our potential to encourage the development of the resources we do have. And certainly, along with secondary industry development, regardless of whether it is in forestry and lumbering, or in manufacturing, we are clearly not doing enough. I think we must visibly commit ourselves to the long-term goal of economic self-sufficiency and work towards that.

The Throne Speech also spent some time outlining education initiatives, and I must make a few observations.

v I am sure the minister will be listening closely.

As she will recall, our caucus announced last fall — and that is nearly poetic — its formation of a task force with the intention of visiting all Yukon communities and discussing present and future educational concerns. I believe the leader of the opposition made some reference to the minister's initial hysterical reaction on that announcement, but I must say that, within a few weeks of public meetings and submissions, the minister responded much more favourably.

As I recall, highlighted in our early meetings, among other things, was how far behind our educational system was in the area of student technological preparation. Lo and behold, unprecedented and after years of stagnant technological growth — and in the middle of a budget year — this government announced a quarter-million dollar computer program in the schools. I said, "Great". I said, "Task force, one; students, ten; yeah, government, one".

As the task force continued its deliberations, it became apparent that rural schools had some major concerns in the area of programmes, in the area of counselling, in areas of supplies, in departmental communications, in adult education, as well as in facilities; the list continues on to include busing. Within three months, again after six years of meandering and floundering, the educational department announced three things: career counselling was under review, rural education was under study, and alternative programming was under examination.

Well, I think that is terrific. I do not know what the minister will announce tomorrow. Maybe she will ask me to be minister. But I say: task force, 10; students 40; government, 3 or 4.

I am delighted with the educational fruits of our task force. I am delighted in contributing to any improvement in our educational growth in the territory. To be a catalyst is an excellent position to be in, and I think that any reasonably-minded government would agree that there has been usefulness.

In fairness, again, I would like to recognize the tourism initiatives towards wilderness travel and the interpretive centres announced in the Throne Speech, but I would like to caution the minister to be very mindful of the past years of cooperative effort that this territory has developed with industry. I would hope that this relationship is permitted to expand in the common interest of tourism growth and development,

MI will leave to my colleagues a number of other subjects raised in the Throne Speech. It would be sufficient to conclude by saying that a number of economic and educational initiatives are welcomed by this side. We would prefer to see a greater commitment, economically, by this government, but I guess that is a difference in philosophy.

Thank you.

Applause

Mr. Falle: I move that debate be now adjourned.

Mr. Speaker: It has been moved by the hon. member for

Hootalinqua that debate be now adjourned.

Motion agreed to

Mr. Speaker: May I have your further pleasure?
Hon. Mr. Philipsen: I move that the House do now adjourn.
Mr. Speaker: It has been moved by the hon. Minister of Health and Human Resources that the House do now adjourn.

Motion agreed to

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

The House adjourned at 3:47 p.m.

# The following Sessional Paper was tabled March 14, 1984:

84-4-2

Auditor General of Canada Report on "Any Other Matter" for the year ended March 31, 1983 (Taylor)