



# The Yukon Legislative Assembly

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Number 3

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25th Legislature

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## **HANSARD**

**Thursday, March 15, 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	Kluane
Al Falle	Hootalinqua
Kathie Nukon	Old Crow

## OPPOSITION MEMBERS

### (New Democratic Party)

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

### (Independent)

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

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

**Whitehorse, Yukon**  
**Thursday, March 15, 1984 — 1:30 p.m.**

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

*Prayers*

# INTRODUCTION OF VISITORS

**Mr. Speaker:** I would like at this time to draw to the attention of members of the House the presence in the Speaker's Gallery, today, of His Excellency, the British High Commissioner and Lady Moran.

*Applause*

**Mr. Speaker:** Lord Moran served with the Royal Navy during World War II and, in 1945, embarked on a very distinguished diplomatic career. He became High Commissioner to Canada in June of 1981.

We are indeed honoured that they could attend these proceedings this afternoon, and I am sure all members would wish me to express to Lord and Lady Moran our warmest welcome to these Chambers and that we trust that their stay in Yukon will be both pleasant and informative.

# DAILY ROUTINE

**Mr. Speaker:** Are there any documents for tabling?

# TABLING RETURNS AND DOCUMENTS

**Hon. Mr. Pearson:** I have for tabling a Report on Regulations pursuant to section 37(1) of the *Interpretations Act*.

**Mr. Speaker:** Are there any further documents for tabling?

**Hon. Mr. Pearson:** I have for tabling an appendix to "Yukoners Deserve a Fair Deal" - A Land Claims Information Package.

This is in response to an order issued from this Assembly during our last sitting. I want to apologize to you, Mr. Speaker, and to other members, if I inadvertently misled them yesterday. When I said yesterday that I thought we had tabled everything that we could table, I really did mean it. I thought that I had tabled this at the last session, but my memory was jogged very quickly yesterday afternoon. It was pointed out to me that we did adjourn earlier than I had anticipated and I did not get it tabled at that time.

**Mr. Speaker:** Also, from the Chair, I have for tabling, a report from the Clerk of the Assembly respecting the *Legislative Assembly Act*.

Are there any further documents for tabling?  
 Reports of committees?  
 Petitions?  
 Introduction of bills?

# INTRODUCTION OF BILLS

## Bill No. 11: First Reading

**Hon. Mr. Pearson:** Mr. Speaker, I move that Bill No. 11, entitled *Interim Supply Appropriation Act, 1984/85*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the hon. government leader that a bill entitled, *Interim Supply Appropriation Act, 1984/85*, be now introduced and read a first time.

*Motion agreed to*

## Bill No. 3: First Reading

**Hon. Mr. Tracey:** I move that Bill No. 3, *Employment Standards Act*, be now introduced and read a first time.

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

*Motion agreed to*

## Bill No. 18: First Reading

**Hon. Mr. Tracey:** I move that Bill No. 18, *An Act to Amend the Transport Public Utilities Act*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the hon. Minister of Renewable Resources that a bill, entitled *An Act to Amend the Transport Public Utilities Act*, be now introduced and read a first time.

*Motion agreed to*

## Bill No. 6: First Reading

**Mr. Ashley:** I move that Bill No. 6, entitled *Miscellaneous Statute Law Amendment Act, 1984*, be now introduced and read a first time.

**Mr. Speaker:** It has been moved by the hon. Minister of Justice that a bill, entitled *Miscellaneous Statute Law Amendment Act, 1984*, be now introduced and read a first time.

*Motion agreed to*

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

Ministerial statements?

# MINISTERIAL STATEMENTS

**Mr. Ashley:** I would like to advise the members of the House of a new bail supervision program which this government will be entering into beginning next Monday, the 19th of March.

It is a pilot program which has been worked out in cooperation between the Salvation Army here in Whitehorse and the Adult Probation Services section of the Justice Department. This program, which has essentially been adapted from existing and similar programs in some provinces, requires an accused person to report to the Salvation Army during his or her pre-trial release period. This program is intended to help those who lack the necessary financial or social resources to ensure their pre-trial release, and are considered reliable to appear in court as required, given proper supervision and assistance.

The bail supervision program is not, of course, intended for those who would not have been placed in remand custody in the first place, nor is it intended for those who are assessed by the court as being too dangerous for public release.

I am happy to say that the Salvation Army has been most cooperative in helping set up this pilot program and I would like to extend thanks to the Salvation Army for their assistance and interest in this program.

**Mrs. Joe:** In response to this statement release, I would like to say that members on this side of the House are indeed pleased to see this type of program. I remember, quite a few years ago, meeting with members from the Salvation Army with regard to programs that they had been involved with in other parts of the country; this was one of the programs that we talked about at that time. We are very happy to see that it is now taking place.

**Mr. Speaker:** Are there any further statements by ministers? This then brings us to the Question Period.

# QUESTION PERIOD

## Question re: NCPC head office move

**Mr. Penikett:** I have a question for the government leader. The Minister of Northern Affairs has announced that the head office of the Northern Canada Power Commission will be moved to Yellowknife. Has the government leader any information that would indicate whether the decision not to relocate to Whitehorse was affected in any way by the poor relationship between this government and the government in Ottawa?

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

**Mr. Penikett:** Although the government leader and the federal minister have, from time to time, exchanged harsh words — especially in the last few months — I would like to know if the government leader made any personal representation to Mr. Munro to the effect that, in view of the relatively poor state of the Yukon

economy as compared with the Northwest Territories, that Whitehorse's need for this head office was greater than Yellowknife?

**Hon. Mr. Pearson:** What happened with respect to the move of this head office from Ottawa to Edmonton some years ago, was that this government, at that time, supported the move to Yellowknife. When the decision was taken to move to Edmonton we, of course, along with the people in the Northwest Territories, voiced our objections very, very strongly and said that we thought they should move somewhere to the north. We supported Yellowknife at that time, because some 75 percent of the work that NCPC does is centred in the Northwest Territories and not in this territory.

We have advocated for a long time the splitting of NCPC, and that has always been the thesis that this government has put forward to the federal government: that NCPC should be split, that the Yukon component should move to Yukon, and that the NWT component could then stay in Edmonton, or move to Yellowknife.

The Penner Report advocated the same thing. The day that the Minister of Indian Affairs and Northern Development came to Whitehorse to so graciously meet with us, we had people appearing before the Penner committee — the Standing Committee on Indian Affairs and Northern Development — that was dealing with the Penner Report in Ottawa. They were putting the case forward to strengthen Penner's report, and were advocating a move to the north. Specifically, that the corporation be split and that the Yukon section come to Whitehorse and the NWT section go to Yellowknife, if that is what the NWT decided they wanted to do.

The minister did not seek anyone's advice, respectfully. He made this decision very arbitrarily. He had had reports from a number of consultants, as well. I was not privy to those reports. I do know that after receiving the last one, he made the decision. Our stand has always been very, very well known to the federal government.

**Mr. Penikett:** I am curious about another point: not only about dealings with this government, but a future federal government or potential federal government. I am curious to know whether the government leader has had any encouragement from either the leader or the deputy leader of the federal Conservative Party on this question. Has, for example, either of these gentlemen promised, if elected to government, to reconsider the decision by Munro? Have they offered to split the headquarters between the territorial capitals, or have there been any indications from that quarter that they are inclined to implement the Penner Report referred to by the government leader?

**Hon. Mr. Pearson:** I do not think there is any doubt about it, that if there is a change in government and when there is a change in government in Ottawa, certainly, that government is going to be much more sympathetic to the aspirations of the people of this territory. I want to assure the members opposite that that is a political fact of life; they will be very much more sympathetic.

I must say, though, too, that the leader of the opposition should not lose sight of the fact that the minister did say, in this transfer, that the Whitehorse offices of the Northern Canada Power Commission were going to be increased, in that they were going to move some of the purely Yukon functions here to Yukon. So, there was some encouragement from that point of view.

#### Question re: Expo '86

**Mr. Byblow:** The last comments by the government leader may also be interpreted as political campaigning.

My question is to the Minister of Tourism on the subject of Expo '86, in Vancouver. The minister has announced the intention of Yukon to participate and that a Yukon pavilion will be constructed as part of the celebration. Can the minister advise what planning process is taking place to prepare Yukon's participation?

**Hon. Mrs. Firth:** We are presently reviewing applications — I believe most of the applications have been reviewed — to hire an Expo coordinator. Once we have the coordinator position in place, we will be looking at some more detailed examination of exactly what the agenda is going to be.

**Mr. Byblow:** My next question was asked of me, so I would ask it of the minister: is it the intention of this government to hire or contract any services from ex-Yukoners, now in Vancouver,

for work related to the preparation of the Yukon pavilion?

**Hon. Mrs. Firth:** The possibility is always there that we may do that.

**Mr. Byblow:** I do not have many questions, but I will ask if the minister can advise, in approximate terms, because I understand exact figures would be impossible, what the estimated cost to the Yukon government would be of the Expo '86 participation?

**Hon. Mrs. Firth:** I would anticipate that it could be anywhere within the range of \$1,000,000 to \$5,000,000.

#### Question re: Alcoholism

**Mr. Kimmerly:** To the minister responsible for alcoholism and drug abuse. Last Saturday, the president of the Yukon Medical Association publicly stated that alcoholism is Yukon's number one health problem. Is it the government policy to now treat alcoholism as its number one priority in the health area?

**Hon. Mr. Philippsen:** The Department of Health and Human Resources has a budget somewhere in the neighbourhood of \$854,000 allocated to the treatment of alcohol and drug abuse: to the Detoxification Centre and to the Crossroads project. I think that would indicate a fairly large responsibility being shown by the government in the area of alcohol and drug abuse.

**Mr. Kimmerly:** Has the minister identified alcoholism specifically as the number one priority in the prevention area?

**Hon. Mr. Philippsen:** I have not identified it personally myself.

**Mr. Kimmerly:** In February, Alcohol and Drug Services lost a person-year. Will this person-year be returned after April 1?

**Hon. Mr. Philippsen:** It is my understanding that the person-year was shifted to another program for a period of time.

#### Question re: Constitutional Conference

**Mr. Porter:** My question is to the government leader. At the conclusion of the recent Constitutional Conference held in Ottawa, a representative of the Inuit Committee on National Issues stated that the failure of the conference to achieve an amendment to the Constitution rests on the shoulders of the Yukon government as well as the extreme provinces. Does the government leader, and his government, accept the charges that this government was a major contributor to the failure of the Constitutional talks?

**Hon. Mr. Pearson:** The extreme provinces? I do not know. I thought that the Inuit, at that point in time, had put us into some pretty good company. I do not expect for a moment that it was the fault of this government or any one of the provinces or, for that matter, anyone at that conference, if there was any feeling of failure. I think that there was a fair amount accomplished at that conference.

Certainly, some of the Indian organizations did not get everything that they wanted, but one of the major problems, from my perception, was that the Indian organizations could not agree on what they wanted. I mean, after all, we could not even get an agreement on the clarification of the clause with respect to equality. All of the provinces and territories agreed without hesitation to that.

**Mr. Porter:** Contrary to what the government leader has just said, the national organizations did come to an agreement on accord with respect to aboriginal self-government.

This government has had several months to examine the report of the Parliamentary Committee on Aboriginal Self-Government. Has the government forwarded a position on this issue and to whom?

**Hon. Mr. Pearson:** No, because the preamble to the report is very explicit; it does not apply, and it was not meant to apply, north of 60 in Canada.

**Mr. Porter:** Again the government leader is incorrect. That was never a stated objective of that committee. At the present time the Federal government, COPE, the CYI and the representatives of the people of Old Crow are in Ottawa and very close to signing an agreement of reciprocity with respect to the overlap of aboriginal rights between COPE and Old Crow. Should the parties conclude an agreement, would this government be prepared to support such an agreement?

**Mr. Speaker:** The question would appear to be purely hypothetical.

**Question re: Artifacts leaving Yukon**

**Mrs. Joe:** I have a question for the minister responsible for heritage and cultural resources. The minister has stated in this House that heritage legislation would be introduced some time in the future and I look forward to that, but could she tell us what her department is doing at present to prevent Yukon artifacts and other related material from leaving the Yukon?

**Mr. Speaker:** I would ask the hon. member to be brief, in as much as that sounds like a very broad question.

**Mrs. Firth:** It does require a very long answer. If the member would like me to give it to her in writing, perhaps that would solve the problem.

**Mrs. Joe:** I look forward to receiving that from the minister. Since much of this valuable material is part of our heritage and has already left the Yukon, could the minister tell us if her department is doing an inventory of those articles with the possibility of returning them to the Yukon sometime in the future?

**Mrs. Firth:** I believe some of that work has been done. We have also had discussions regarding Yukon artifacts coming back to Yukon. It is a bit awkward for us to receive any artifacts back, or consider keeping our own here in view of the fact that we do not have an adequate facility in which to house the artifacts. However, we are working on that with the federal government.

**Mrs. Joe:** I would also like to ask the minister if there is an inventory being done of these articles and artifacts that are already in the Yukon so that we could have a list of what we do have?

**Mrs. Firth:** I believe there is some record of that. I am not sure how thorough or accurate it is, however, I can check with the Yukon Historical Museums Association and confirm that for the member.

**Question re: Banking services in Mayo-Elsa**

**Mr. McDonald:** The government leader is aware that United Keno Hill Mines in Elsa was unable to successfully negotiate the provision of banking services for the Elsa-Mayo district with the Imperial Bank of Commerce. Can the government leader say what negotiations have taken place this last summer between this government and the bank to give banking services to the Mayo riding?

**Hon. Mr. Pearson:** I will go a little further, I think, and advise the member that, at the present time, we have contacted all of the banks that do business in the territory and we have asked them for proposals to provide a banking service in Mayo. Now, we are doing this without prejudice. We are asking each of the banks to go to some expense to put together a proposal for us. Hopefully, there will be one that I can feel I can take to my colleagues to justify putting some banking services into that part of the territory, because we recognize the dire need.

We have had considerable discussions with our banker, the Canadian Imperial Bank of Commerce, on this matter and those discussions transcended — although a lot of them were going on at the same time, but they actually did transcend — the discussions that were being held by United Keno Hill with the bank, as well. We felt that it was time to terminate those discussions, as there was nothing that was going to happen. So, we are trying this route now. We are trying to get banking services in Mayo that, at least, the people of Elsa would be able to avail themselves of.

**Mr. McDonald:** Besides soliciting proposals for Mayo banks in Whitehorse, can the government leader state exactly what the government is prepared to do for, or prepared to offer to, any particular bank to get the services to the Mayo riding?

**Hon. Mr. Pearson:** No. Frankly, I am on a shopping trip. I am trying to find out what they are prepared to offer, as well. Certainly, this is something we are going to have to buy but, at this point in time, I cannot tell you what this government is prepared to pay for that service.

**Mr. McDonald:** Rather than preparing to pay anything, is the government prepared to say that it will only bank with an institution that provides basic banking services in established districts, such as the Mayo-Elsa-Keno-Stewart Crossing district?

**Hon. Mr. Pearson:** Well, we do now. The Canadian Imperial Bank of Commerce provides banking services in most of the major

communities in the territory. The exception happens to be, at this point in time, Mayo.

**Question re: Commissioner of Yukon**

**Mr. Penikett:** I am sure the government leader will welcome a non-combative, non-controversial question from myself on a matter of great constitutional importance.

In law, the Commissioner of the Yukon Territory enjoys considerable powers of government in Yukon. I would like to ask the government leader what, in practice, is the relationship today between the cabinet and the commissioner? For example, how often does the government leader meet with the commissioner to discuss government business?

**Hon. Mr. Pearson:** The commissioner is a very, very busy man, and so am I. We meet on occasion. We do not have regularly scheduled meetings because we found out very early in our respective careers that they were not going to work. We converse with each other often on the telephone. Our offices are less than a block apart and we do meet often.

The relationship, of course, of the commissioner to the Government of Yukon is very important in that he, in law, does have the responsibility for signing all of the documents that have to be signed, and so on and so forth. I might say, I also seek his advice upon occasion and that is part of his job; to give me advice.

**Mr. Penikett:** In other jurisdictions such as Canada, for example, the Queen's representative routinely receives cabinet documents so that the vice-regal person can be kept properly informed about public affairs. I would like to ask the government leader: what is the practice in Yukon? Does the commissioner receive all cabinet documents, any cabinet papers, or only cabinet decisions for signature?

**Hon. Mr. Pearson:** No, he does not receive cabinet decisions for signature, but he does receive cabinet documents and he does receive cabinet agendas. As far as I am aware, we follow a practice that is virtually normal all across Canada.

**Mr. Penikett:** On the same point, could I ask the government leader if the Commissioner of Yukon functions in any practical way as a medium between the two levels of government, federal and territorial?

To what extent does his office enjoy any intergovernmental role under the present arrangements?

**Hon. Mr. Pearson:** He does do some intergovernmental work. Primarily, the intergovernmental work that the Commissioner of Yukon does for this government is predicated upon his own personal knowledge and his expertise in his particular field of communication and transportation and so on, and, also, with respect to the people he knows personally in Ottawa or in the provinces.

**Question re: Business promotion tour to Alaska**

**Mr. Byblow:** I have a question for the Minister of Economic Development about the business promotion tour to Alaska in April. I understand that the trip is partially funded by the federal Department of Regional and Industrial Expansion. To what extent is this government financially supporting the tour?

**Hon. Mr. Lang:** I do not have a total breakdown for it. We are availing ourselves of the program that the Government of Canada has in place and available for the provinces. Basically, what it does, is pay 50 percent of the plane fare plus up to \$150 per day for expenses for those people who participate.

We are very much involved, as you know, in organizing the trip — I do not know if we could put a dollar value on that — plus the time of at least one individual in the department and we will be picking up, at least in part, his costs when he accompanies the tour for the purpose of touring those various Alaskan centres.

I would have to wait to see what the final outcome is to give you an idea of the actual breakdown of costs.

**Mr. Byblow:** I thank the minister for his answer. Part of the tour is geared to commercial marketing of Yukon arts and crafts, something most welcomed by businesses and individuals in this field. Other than this trip, what programs does this government have in place now towards the development of secondary industry

in the area of Yukon manufactured products?

**Hon. Mr. Lang:** I could bring the budget forward and discuss it with the member opposite and we could take a look at some of the cost-sharing we did through the Special ARDA Program.

As indicated in the Throne Speech, we are looking at a small business loan fund and there are numerous other things that we are looking at with respect to helping small business to the best of our capabilities, within our financial limitations.

I would say, as far as the tour is concerned, that we hope to take, in part, the various programs that the federal government has, if they are available, and utilize them for that purpose. We had a trip down to Calgary and Vancouver, on which I had the opportunity of accompanying a number of business people, and I felt it was very successful. I think if the member opposite checked with those people who did participate, they would concur that it was very worthwhile. In some cases, I believe they even got some contractual arrangements with various oil and gas and, perhaps, mining companies, depending with whom they were dealing.

So, it is a first step as far as marketing is concerned. To date, it has gone well. We are going to assess how things go and, if we have to change to some degree what we are doing, that is fine, too. But, overall, I think we have the full support of the various small businesses in what we are attempting to do on their behalf.

**Mr. Byblow:** The minister does not have to persuade me about the need or importance of expanding our service or secondary industry base, as well as marketing.

I would like to ask the minister, however, with respect to the April tour to Alaska, is anyone other than an official from the department accompanying the tour representing the government?

**Hon. Mr. Lang:** I have not had an opportunity to ask the department, in the last day or two. It is just in the process of being organized to see whether there is enough interest to warrant a tour, in conjunction with the Chamber of Commerce and ourselves. Once we have looked at the numbers then we will know whether or not it is to the benefit of everybody to go. Once I get those numbers, I will report back to the member opposite.

I hope there are enough people applying to go, because I think it is really in their best interest. I recognize the member opposite would love to go, but I am very pleased to see he has another commitment.

#### Question re: Land claims

**Mr. Kimmerly:** To the government leader about land claims. Yesterday, I asked about the agreement-in-principle and the answer was that of the various sub-agreements, a lot of them were being brought back and changed. Is the Yukon negotiator a part of this current process?

**Hon. Mr. Pearson:** Yes, we have to be careful to make sure we are talking about the same thing. The current process, the negotiation of the Yukon Indian land claims, yes, the Yukon negotiator certainly is a very integral part of those negotiations. We have, after all, an agreement in place that says that they cannot be changed without the Yukon negotiator being there; without the Yukon government being represented.

The COPE-CYI-federal government thing that is going on right now in Ottawa, we are not involved in. Now, we do not know what the parameters of that agreement might be. We do not know whether they will be proposing changes to the Yukon agreement but, if they are, then those changes are going to have to be dealt with in the normal process.

**Mr. Kimmerly:** Again, about yesterday's answer, the government leader stated that when the CYI and the federal government were satisfied that the agreements were in the format that is suitable to everyone, they will be made public. I would ask for a clarification. Are the agreements, in fact, being rewritten, or is there a signed agreement-in-principle?

**Hon. Mr. Pearson:** I felt sure that the member for Whitehorse South Centre was quite aware of this. There are some 65 sub-agreements signed now; they are signed. Some of them are being looked at again by people from the federal government, from this government and from the CYI. Wording is being cleaned up in some cases; "it's" are being crossed, "i's" are being dotted. I

reiterate once again, I anticipate that what is going to happen is that when this multitude — and there may be another one or two agreements yet — of agreements has all been signed and all of the aspects that can be foreseen have been agreed to, then I anticipate that those 63, 65 or 68 documents are going to become an agreement-in-principle. Once again, it will be the Government of Canada and the Council for Yukon Indians that will decide when that is going to happen; not this government, because the negotiations are, in fact, between the Government of Canada and the Council for Yukon Indians.

**Mr. Kimmerly:** Yesterday, I asked about ratification and, because of the answer, I would ask this further question: when the agreement-in-principle is finally tabled here, will there be a debate in this House on the agreement-in-principle as was promised in the past?

**Hon. Mr. Pearson:** There is bound to be debate because it is going to require a tremendous number of legislative changes to our legislation. It is going to require a tremendous amount of debate in order to get those legislative changes made. I do not think there is any doubt about that.

#### Question re: Grizzly kill programme

**Mr. Porter:** The minister responsible for renewable resources should know that I cannot go two days without asking a question.

The 60 bears that are to be destroyed in the government's grizzly kill programme could, according to the department's own figures, represent anywhere from 20 to 80 percent of the grizzly population in the control area. Can the minister indicate what proportion 60 bears actually represents of the total bear population?

**Hon. Mr. Tracey:** Yes, the 60 bears represent somewhat less than one percent of the bear population of the territory.

**Mr. Porter:** Can the minister tell me how many moose were taken last season, by hunters, in the areas affected by the grizzly reduction program?

**Hon. Mr. Tracey:** No, we do not have that information. We do not require hunters to report where they make their kill.

**Mr. Porter:** Can the minister tell me how he collects data with respect to determining hunter/harvest figures?

**Hon. Mr. Tracey:** We do get reports from hunters; we ask hunters to reply and we extrapolate those replies over the balance of the hunters of the territory, the same as would be done in any other statistical survey.

#### Question re: Courtworker services

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

During the northern conference on justice in Yellowknife, it has become evident that Yukon is seriously lacking in its courtworker services. Does the minister recognize the problem, and if he does, will the department take action to improve the situation? I write my own questions.

**Hon. Mr. Ashley:** This report of lack of staff in the courtworker service has come out of the northern conference. We will be monitoring the conference to find out what they are saying over there. I would like to inform the House that both Nova Scotia and New Brunswick do not have courtworker services. It is different all across Canada. We look at our own areas, and we do what we feel is right here. It is always a matter of dollars, also.

**Mrs. Joe:** Since the Native Courtworker program in Alberta has five times more native courtworkers per capita than the Yukon, and has been successful, due partly to the recognition and support from its own government, could the minister tell us if his department will take steps to consult with those groups with the view of improving the courtworker program in Yukon?

**Hon. Mr. Ashley:** I would like to inform the member opposite that we are always open to suggestions. If we can improve our system, we certainly will.

**Mrs. Joe:** He did not answer my question.

Has the minister, or his department, made any effort to find more funding for the courtworker program in Yukon so that these services can be more available to those people who need them?

**Hon. Mr. Ashley:** That will be discussed in the budget when it

comes up next month. There are only so many dollars available.

**Question re: Elsa school committee letter**

**Mr. McDonald:** I have a question for the Minister of Education. On January 5 of this year, the Elsa School Committee sent a letter to the Department of Education, and I quote, "expressing the uselessness felt by the committee regarding the spending of the \$75,000", money that was promised by the minister on a cabinet tour last September. Has the minister or her department answered the letter, and could she explain exactly what the \$75,000 is for?

**Hon. Mrs. Firth:** I knew that we should have taken that \$75,000 back when we were debating it last session. I guess we did take it back, actually, according to the leader of the opposition. He feels that we work that way. About the \$75,000 in the letter that the member is speaking of, I know the department was in consultation with the school committee in Elsa, and made arrangements as to where the \$75,000 would be spent, and what it would be spent on.

I do not know if the letter has been answered or not; I would have to find out for the member.

**Mr. McDonald:** A very critical part of that question was just completely ignored by the minister and I would like to just reiterate it one more time. What exactly is the \$75,000 to be spent on, and is it the same as the spending initiative that was originally announced last September?

**Mrs. Firth:** That \$75,000 was to be spent on fixing up and renovating the school facilities. It is a very old school, I believe some 25 years old, and was in need of some repair. The school committee brought to our attention that they wanted the money spent on something else. I will reiterate to the member that the school committee had been contacted. I believe the member was at a meeting that I attended with the school committee when we all discussed renovations to the school and could some monies possibly be identified. Then when we identified the monies, the school committee and the member opposite obviously changed their minds as to what it was to be spent on. So, we have been in consultation with them again to find out exactly what they want renovated: whether they want a day room built, whether they want carpeting, the stairs fixed, or painting. It is their wishes.

**Mr. McDonald:** This will be a very interesting revelation for the Elsa school committee. Certainly Elsa has been battered much by this government recently.

Last session the minister promised she would search her files for the names of the persons she consulted within the community before making the spending announcement. Can she tell me now who these people were.

**Mrs. Firth:** I know the member for Mayo was at the meeting and Mrs. Dickson, I believe was the chairperson of the school committee at the time, and there were two other individuals there whose names I do not have at the tip of my tongue. If the member for Mayo would like those names, I will bring them for him.

**Question re: Wildlife management program, impact on tourism**

**Mr. Byblow:** Further to my colleague's question on bears, I want to ask about the impact on tourism of this government's wildlife management program. Can I ask the minister of tourism how her department is addressing the concern of the industry that our tourism image, translating into tourism dollars this season, may be seriously hurt by the wolf and, proposed, grizzly kill program.

**Mrs. Firth:** We have been in direct contact with an area in the states, I believe it is — I can not remember exactly where — and talked to them about the problem that it was creating for tourism in the United States, and we talked about certain predator control programs in other areas of Canada. I have not received a memo from the department as to exactly what the recommendations were from these areas but I am anticipating that I will receive some communication. So we have been in contact and we are seeing what other areas did that confronted similar problems.

**Mr. Byblow:** I appreciate the minister's response. I would like to ask her how she responds to the apparent contradiction in this government's policy to encourage the development of Yukon's wilderness on the one hand, and stifle it on the other hand by the

wolf and grizzly kill program?

**Hon. Mrs. Firth:** I hope the member for Faro does not lose sight of the fact that it is a very fine line we walk in Yukon with wilderness and tourism, because the outfitting business in the Yukon Territory also generates a tremendous amount of revenue for the territory. In order for that outfitting business to be kept healthy and viable, the game populations in Yukon also have to be healthy and viable.

So, the Department of Tourism is in consultation with the Department of Renewable Resources and we are monitoring the situation. We have also been in contact with the Yukon Visitors Association to discuss the issue. The Minister of Renewable Resources has discussed the issue with the Wildlife Advisory Committee and with the outfitters, I believe. Maybe I can just reassure the member for Faro that we are trying to define those areas and do the best we can for Yukon, for tourism and for Yukon renewable resources.

**Mr. Byblow:** I am concerned that the minister keeps insisting that there is no conflict or detracting from tourism over this government's wildlife program. For the record, has the minister or her department received any objection from tourism interests or operators about the wolf and grizzly program?

**Hon. Mrs. Firth:** No, we have not.

**Mr. Speaker:** We will now proceed to Orders of the Day, address in reply to the Speech from the Throne.

**ADDRESS IN REPLY TO SPEECH FROM THE THRONE**

**Mr. Clerk:** Adjourned debate, Mr. Falle.

**Mr. Falle:** I am glad to have the opportunity, today, to speak on behalf of my constituents and the people who elected me.

Yesterday, I sat here and I heard the leader of the opposition state that the people in the backbench were muffled. Well, maybe we do not say a heck of a lot but, when it comes to stifling us, I do not really think he knows. We do our business in the government chambers. I guess that is called an exercise in democracy. We are well-heard and we are appreciated, I am sure, by our colleagues. I do know they listen to us. If there is anyone who was stifled, they did not do a very good job of it last year, on this child act, because I was noisy. I did not like it, then; I do, now.

I think what the Minister of Health and Welfare has shown to us is his ability to listen to the people of Yukon. He went around — not with a select committee, he went around himself — to hear what the people had to say. He went around to 26 different communities; he stood there and listened to probably the same thing over, and over, and over again. Yes, we did get the messages and, as you see by the act in front of you, he heeded the messages. The most important thing to me in the child act was accountability. People I talked to were not too worried about what we thought, as politicians, about the act: they were worried about how the department and social workers were going to interpret the act. They wanted a second chance; they wanted a chance, if they did not agree with them, to go to court. The minister has opened that door to us.

I think, in my opinion, I have heard more arguments and concerned people talking about this child act before us, and I am quite happy. I can now say that, in my opinion, there is accountability. I know we are not going to please everybody but, as far as I am concerned, the minister has shown that he can listen. This government does listen, and backbenchers are not muffled; that did bother me.

The second thing I would like to talk about is agriculture. It concerns my riding and I share, very much, the concerns of the member for Mayo. A short while ago, there was absolutely no agriculture in Yukon. Any person who talked about agriculture — well, that was something they did down south; it was non-existent in Yukon.

Thanks to the Livestock Association and some hardworking people, this government has created a start in agriculture. The Agriculture Development Board has been established and we have an agriculture advisor on staff, which I think will be of great asset to Yukon and, especially, farmers.

What we have so far shows promise but, in no way, do I consider that to be the end-all. It is a start; we need much more in the field of agriculture. I think the most important thing we need now in agriculture is assistance to get the land cleared and some crops in. With the economic development of the territory, I think it will turn into an industry; maybe not a big industry, but an industry that many people will appreciate.

I think loan guarantees are needed by this government. I do not think it is a costly item, but it will give agriculture the break that it needs. We have sort of a problem with our policy right now. It is a problem area that I see, where farmers go out and get the land — 160 acres of land — and then have to clear a certain portion of that land. They cannot borrow any money on the land until they have it cleared or until they have the title, which is sort of a catch-22, and something, in my opinion, has to be done about it. Farmers do have to have the money to get going.

To me, after we have the land in production, farmers will be able to have seed and crop and, from there we will really see agriculture take a great leap forward. I think that the Yukon will be much better off, especially when it comes to stabilizing food prices.

I believe that that is what we all had in mind when we started agriculture. Maybe in a few more years we will get to it.

The third concern I have is placer mining. Placer mining contributes greatly to our economic development and the economy of the Yukon. It is not only that, it is the heritage on which Yukon was built. Last year, the placer mining guidelines sent shock waves right through Yukon, especially the industry. People were worried that their industry was going out the door. We were watching environmentalists and fishery people creating policy for miners. I have yet to sit on a fishery board where there is not a whole lot of experts on fish or an environmental group creating environmental policies, or where all the people on the board are not environmentalists.

The federal government saw fit, last year, to create a board with absolutely no expertise in mining whatsoever, who were creating the mining policy for Yukon. That showed, to me, their sensitivity.

Thanks to this government, we did have some input and they did listen a little. There is still a heck of a lot that has to be done for the industry. The major concern for the industry, in my opinion, is the technology of water standards. People go around with a little bottle at the end of a tailing pond and they look at it and they say that that does not meet the standard. None of them anywhere has shown us how, economically. We can create a whole pile of things to bring the standard down, but that, in effect, would knock every miner out of business. I think this government has to take a step forward in that area. We have to have some technology in that matter.

The quartz mining area is another area where we have to be prepared. Someday, maybe sooner than later, the responsibility of mining in general will be transferred to the Yukon. I am not fooling myself; I do not think I am trying to fool anybody else. That day will only happen when the government in Ottawa changes, and when they see fit for the people of Yukon to handle their own destiny. The government that we have in Ottawa now, obviously, does not.

Many arguments can be put forth pro and con, but I believe that we are elected representatives of the people of Yukon, and I do believe the buck stops here.

Thank you, Mr. Speaker.

**Mr. Porter:** I would like to begin by recognizing the visit the Canadian Men's Olympic Volleyball Team have paid to Whitehorse. They played here Monday and Tuesday night, and I can say, without question, they provided some of the finest volleyball that this territory has ever seen. I would like to, in that vein, acknowledge the efforts of the local organizers for bringing that kind of high calibre volleyball to the City of Whitehorse.

I would also like to extend to the citizens of Fairbanks, to the State Government of Alaska, and to the organizers of the dog race known as the Yukon Quest. I think that in terms of the long term goal of tourism, the long term goal of stable economy with respect to what we can do here ourselves, the Yukon Quest is a good idea. It is going to bring a lot of attention to the Yukon that is going to bring a lot of people here because of that particular race and I

would like to commend the citizens of Alaska and the businesses of Alaska for supporting that particular race, which will have tremendous gain for us here in the Yukon as well. I hope that for next year's race the business sector of Yukon and the Government of Yukon will give equal consideration and support to that particular race.

Like the member who spoke before, I would like to commend the Minister of Human Resources, who is not here at the present time, and I would like to say that although he does not dominate the higher planes of debate in this legislature, what he has done with respect to his very short term in office with respect to the *Children's Act* is very commendable. I travelled with the minister and participated in three of the meetings that he held, and I chaired two of those three meetings, and I can say that both him and his deputy minister represented this legislature very well in the communities. I would say that if he continues to do the kind of job that he has been doing, with respect to community and people participation in government, that his efforts will be recognized by myself.

Moving on to the substance of our discussion here today, which concerns the Speech from the Throne delivered by the government, the words that can best describe the Speech from the Throne is bland, unimaginative and totally devoid of any real substance.

Yukoners expected more. Yukoners deserve more than they got in the throne speech delivered in this legislative assembly. Yukoners look to this government for leadership, to lead the way back to economic recovery. Unfortunately, Yukoners did not get the kind of leadership that we so desperately need in this critical juncture of our history. Instead, what Yukoners got in Tuesday's throne speech, was a rehash of the same old, dried up mush that we have been hearing from this government ever since they have been elected.

Everyone, it seems, except this government, understands that the revitalization of the mineral sector is the key to economic recovery in Yukon. We must have a realistic understanding of the existing state of affairs and we must recognize the clear economic importance of the resource industry here today.

With respect to the member from across the floor interrupting my speech, I would like to point out to him that under the order and decorum of the rules at this government's houses, under subsection 6 it states, "when a member is speaking no member shall interrupt him except to raise a point of order or question of privilege". It is difficult to understand the European society sometimes. They create this huge cathedral of wealth and power, they make all the rules, and then they do not even abide by them.

To continue on, without a healthy resource industry, one has no choice but to envision a bleak future for Yukon. Clearly, the industry's economic influence is profoundly important, but there are a number of ancillary factors that also warrant consideration. These include the development of the territory's energy, transportation, and settlement infrastructure; the protection of northern lifestyles and cultural heritage; the maximization of jobs, training, and business development; the issue of the environment and renewable resource sector; and, the interest of aboriginal people must be recognized and protected. Most importantly, resource revenue sharing with the federal government must be agreed to.

In cumulative terms, it is extremely difficult to assess the full impact on Yukon of the development of our natural wealth. Nevertheless, we must all recognize that its influence is pervasive; that it permeates the social, economic and political life of Yukon and, in many senses, the future of Yukon is inextricably linked to the future of the resource development industry. Inherent in these realities are certain unavoidable implications in terms of the existing disposition and the control of the Yukon's non-renewable resource reserves.

I believe that a fundamental restructuring of the status quo is needed to accurately reflect the legitimate rights and interests of the people of the north. It is obvious that the existing arrangements are hopelessly obsolete, no longer bearing any justifiable relationship to the rights of northerners.

Given all the pervasive influence of resources on the economic, social and political facets of territorial life and given the relationship between our quality of life and the development of our



natural wealth, it should be more than apparent that northerners do not currently have the jurisdiction required to participate in decisions that would affect basic facets of life in the Yukon.

Responsible government can only exist until such time as northerners secure substantial control over the resource industry. I believe that the route to achieve more direct involvement in the management of Yukon's resources is the development of the Yukon resources policy. In working toward the development of this policy, I believe it is absolutely critical that the rights and interests of all northerners be fully accommodated and given clear expression. Following the development of this policy, the next step would be to establish a negotiating forum with the federal government. The purpose of that forum is to bring about a greater degree of control over northern resources by northern people.

Not only should this government be working toward the development of policy for the mineral sector, but it should be concerned with the development of a policy with respect to the hydrocarbon industry, as well. It is not good enough to tell us what "could have been" with the approval of the Kiewit proposal.

Let us examine for a moment the Kiewit proposal, as the member asked for. It demonstrated clearly the need for policy guidelines. This government proved, in that instance, to be in a reactionary position. They were willing to grab the first deal, not necessarily the best deal. As we stand here today and discuss Kiewit, I ask you: where are the markets for the Kiewit rock? I have talked to all of the senior oil companies that were identified as possible clients, and not one of them demonstrated, or expressed, a need for the rock that Kiewit proposed to quarry out of the North Slope of the Yukon. So, in fact, we were talking all along about a development that did not have a market.

For this government to stand before this legislature and say they worked hard for the implementation of the stripping program at Cyprus is simply not good enough for Yukoners. Let us be very clear who in these Chambers was the driving force behind the cooperative effort that resulted in the establishment of the stripping program at Faro.

It was my colleague, the member for Faro; it was the unions; the company and the federal government, and the people of Faro. I do not remember events occurring as the government would see them, in their minds, as having occurred. I did not see this government leading the way. As a matter of fact, I would say they followed the lead of others, such as the member for Faro.

On the immediate question of the reopening of the Faro mine, the critical issue is the cost of transportation. Again, I ask, on behalf of all Yukoners, what is the definitive position of this government? I ask: where is their policy on transportation for Yukon? It is not good enough for this government to say they have contacted the CTC and that the CTC has agreed to set up an inquiry into the matter. Will the CTC be holding a public inquiry to allow for consensual resolution of the question of transportation costs? Will the CTC allow for a forum to which the technical experts can submit evidence and be prepared to accommodate cross examination?

These questions, and others, arise because there exists a leadership vacuum, a role that this government should be providing.

I put it to this government: it could have established a select committee to deal with this very important issue. The select committee vehicle could be used to coordinate and bring together in one central forum all of the interested parties. Had this government pursued this initiative, it would have been seen as doing its job. As it is, they have chosen to abdicate their responsibility and put the matter into the hands of a federal agency.

I ask you, is this what our government means when it talks about demonstrating responsible government? If it is, then I say that I do not want that form of responsible government, and I am sure Yukoners do not want it. What we, as Yukoners, need and want is a government that is prepared to lead; not follow. What we need and want is a government that is willing to take control, not a government that is prepared to abdicate its responsibility to a federal agency the moment that it is faced with difficult decisions. We want and need decision-makers, not fence-sitters.

Most importantly, we need, from this government, a comprehen-

sive policy on transportation in Yukon. One has to ask: what is this government waiting for? Are they waiting for the mayor of Whitehorse to take action? I, for one, applaud the mayor's efforts to attract industry to Yukon. I thank the mayor for meeting with the Japanese and discussing the future of Cyprus Anvil. The mayor of Whitehorse is obviously doing his job. I ask: is this government doing the job it was elected to do?

What is this government waiting for? Are they waiting for a national Conservative government before they begin to take some of the critical issues that face this territory? If they are waiting for a change of national government, then I suggest, they may be waiting for a long time. You only have to look at the recent political polls to see the inherent danger of the strategy of waiting out the current government.

I would suggest that it would be a terrible mistake for this government to ride on the coattails of the national Conservative Party. It is time for this government to strike out on its own, and establish its own position and policies. It is time for this government to take action. It must tackle the difficult decisions that it has been elected to make. This government should be putting forward substantial proposals aimed at economic recovery.

This government should be in the business of putting Yukoners back to work.

I am supportive of the initiatives put forward in the area of tourism development. I have always held the view that selling tourism on the gold rush theme would eventually bottom out. The beauty and splendour of Yukon's wilderness is the key to future expansion in the competitive tourism market.

The reason that people visit Yukon is because of what the Yukon has been and what it is today. They come to enjoy our magnificent scenery, highlighted by some of Canada's highest mountains. They come to challenge our wild rivers and to paddle over vast numbers of lakes. They come to view our wildlife in its natural habitat. Most importantly, they come to see the people of Yukon; they come to share with us our great land and all its resources.

If there is a single regret held by the tourists whom I have talked to, it has been the lack of involvement of the aboriginal people in Yukon's tourism industry. I had hoped that the Speech from the Throne would have addressed this neglected issue. I firmly believe that only when the aboriginal people become full participants in the tourism industry can we be saying that we are fully utilizing all our resources.

I know that the Minister of Tourism shares the view of involving aboriginal people in Yukon's tourism industry. I know that the minister has met and encouraged representatives of Yukon's aboriginal people. I would like to express my support for the continuation of the minister's initiative in this area. I sincerely hope that, over the entire life of this legislature, the minister will come forward with policies and programs directed at involving the participation of Yukon's aboriginal people in the tourism industry. We, in Yukon, have been entrusted with a tremendous gift, passed on to us by those who went before us. We have been given Yukon to care for and protect for those who will come after us.

I must remind the Minister of Tourism, however, that she should keep a close eye on her colleague, the Minister of Renewable Resources. He just may chase all the tourists out of Yukon with his wildlife policies. Once again, the Department of Renewable Resources finds itself in political hot water and I ask: when are we going to get responsible management in that particular department?

Let us review the past performance of this particular department in the life of this legislature. The first session of this legislature opened with criticisms of mismanagement and morale unrest in the Department of Renewable Resources. These charges were quickly followed by the minister's decision to poison wolves, which was quickly cancelled because of the public outcry that ensued.

Let us not forget the three poisoned animals found on the shores of Kluane Lake. To date, that issue has never been satisfactorily dealt with. Suspicions of a cover-up still linger in the minds of many.

Last year, we watched this government begin a wolf reduction program, carried out by shooting the animals from aircraft. Today, we are faced with the prospect that this government will be

permitting the killing of a significant number of the territory's bear population. The Department of Renewable Resources is undertaking this latest program with no solid scientific evidence. If such data exists, it certainly is not telling the public about it. As a matter of fact, the department has decided, independent of this legislature, to withhold information from the general public on its wolf kill program. Where does the minister get the authority to act in such a dictatorial fashion?

22 I ask, do our wildlife resources not belong to the people of Yukon? Does the public have the right to know how this government is managing the people's resource? Obviously the Minister of Renewable Resources thinks otherwise. If this government and the people of Yukon allow the minister to continue to act in the authoritarian fashion that has characterized his management of the department, then I suggest that we are all going to suffer.

We have been given evidence that the minister's actions may have a direct impact on our tourism industry. The Yukon desperately needs every tourist dollar it receives. If the tourists start boycotting the Yukon because of this government's wildlife policies, the effects will be felt throughout the territory. The small business community, the backbone of our economy, will be the biggest losers. Is this government, and is the Minister of Renewable Resources, prepared to accept full responsibility?

And, in conjunction with that, I am informed that the Minister of Tourism has received a letter from the Yukon Association of Wilderness Guides complaining about the government's policies and suggesting that it is indeed affecting the tourist market. My quote from that letter: "There are most alarming indications that the Yukon's image is suffering severely. Two days ago, one of our members was contacted by a reporter from the *Toronto Star* who stated that a large international wildlife organization, with offices in Toronto, Washington, D.C. and California is gearing up for a campaign to boycott tourism here." This is something that is not needed at this particular time in the Yukon.

On the bear removal program, as I stated earlier, there is no hard scientific evidence to support the government's position. As a matter of interest, we hear that some of the government's own biologists are not in agreement with the minister's decision. A number of years ago, a bear biologist stated that the Yukon grizzly bear population was in grave danger. Have conditions, I ask, changed so drastically that in a few short years we can afford to knock off in casual fashion more than 60 bears?

The Yukon Conservation Society is concerned. The Yukon Fish and Game Association is concerned, the tourists are concerned, the professional community is concerned, and the people of the Yukon are concerned. I ask, is this government concerned about the latest actions in respect to wildlife policy?

For the minister to stand in these chambers to state that he cannot back down on this issue because he has already issued the big game permits is simply not good enough. It does not justify implementing a program without supporting scientific data. If the minister does possess the necessary facts to support his decision, then I invite him to table in this legislature the relative documents. For the minister to do anything less would be, in the minds of Yukoners, a statement of indifference. He would be saying to Yukoners they have no right to be kept informed; that they have no right to know what is being done with respect to the management of their resources. To do anything less would be a direct insult to this legislature and to all of the people of the Yukon, and the minister can be assured that I will continue to press him until he starts to come forward with the relevant data and begins to answer many of the unanswered questions with respect to wildlife policy in Yukon.

Another issue that the Throne Speech failed to address is the issue of native unemployment in Yukon.

23 If this government is truly interested in being perceived as a responsible government, then it must be able to demonstrate that it is responsible to all of the people of the territory. I am very disappointed that this government has not announced any programs aimed at curtailing the massive unemployment that exists in the aboriginal communities of Yukon. I raised this issue in the last session and I will continue to pursue the matter until the government responds in a positive fashion.

If this government continues to ignore the aboriginal people of the territory, it should not be surprised to hear the aboriginal leadership say that this government does not represent their interests. They should not be surprised if some of the aboriginal leadership say they want to explore a distinct order of government for themselves.

It is time that this government started demonstrating its good intentions. It is time that this government began to address itself to the neglected and pressing needs of aboriginal people in Yukon. It is time for the government to demonstrate in a concrete fashion that a one-government system can work in Yukon. To pay lip service to, and to ignore the needs of, the aboriginal community will only result in their further disillusionment with this government. Because of its inaction, I would suggest that the aboriginal community may strike out on their own and institute positions that are in direct contradiction to the theme of one government for all Yukoners.

I cannot understand the government's reluctance to embrace the constitutionalization of the concept of aboriginal self-government. What was being proposed at the recent Constitutional Conference held in Ottawa was the constitutional entrenchment of the concept of aboriginal self-government and to also entrench a process set up to define the extent of these rights agreed to by aboriginal people and governments.

I take issue with the government leader's statement that his government could not support the inclusion of aboriginal self-government because they did not know what it means. That statement is nothing short of a cop-out, an abdication of government responsibility. It was a statement that was continuously used by the extreme provinces to not come to grips with deciding on the particular issue.

I take issue with the government leader's notion that the Constitution is a process by which there is a definition of the specific rights. That is totally contrary to the efforts undertaken to bring about the entrenchment of aboriginal self-government. You entrench the concept, you entrench the process, then you set the process of negotiation to determine the specificity of those particular rights.

There can be no turning back on the issue of aboriginal rights. For the first time in the history of this country, we have embarked on a serious course to deal with this outstanding issue. It would not make a difference if the government in Ottawa changed tomorrow. The question of aboriginal rights will still be there, for aboriginal rights is recognized and affirmed in the supreme law of this country, the *Constitution Act*.

It may be just a question of time before there has to be political mobilization of the citizens of this country to bring about the full expression of aboriginal rights in the Constitution, but I am confident that we will see that day, because I believe that the vast majority of Canadians support the concept of aboriginal rights and support the fight of aboriginal people to bring about final resolution of this issue and have this issue clearly identified and given the protection of the Constitution.

24 The question of this government's image has to be of concern to all Yukoners. To people outside of Yukon, we are perceived as being animal-killing, foaming-at-the-mouth right wing extremists. I suggest to this government that they have done nothing to discourage this image and they should embark on a concentrated effort to truthfully depict the real people of Yukon. We are not all reactionary, dictatorial, extreme people. Yukoners, I would submit, see themselves as a hard working and fair people. We see ourselves as a responsible people caring for the rights of all.

Unfortunately, the government leader and the member of Parliament for Yukon did not demonstrate that when they responded to the resignation of the prime minister. As a matter of fact, I recall that the member of Parliament for Yukon stated that he was the worst prime minister in history. The government leader here stated that he did not even know that the north existed. This is in direct contradiction to the statements made by your leader in the House of Commons. He recognized the positive efforts that the prime minister had contributed to the country.

We are talking about class here. We are talking about responsibility. When the man who has given 16 years of leadership to this

country leaves, you take that opportunity to recognize his positive efforts for this country. I suspect that the government leader and our member of Parliament would expect nothing less from all people of Yukon, from all sectors of Canadian society, to recognize the efforts that they have put into this process when they step out from public life.

I remember in the conference, he approached him and shook his hand, smiled at him, patted him on the back —

**Mr. Speaker:** Order please. I would ask the hon. member to address the Chair, as in the record it would appear that I have done some very terrible things.

**Mr. Porter:** Mr. Speaker, I remember, very clearly, the government leader approaching the prime minister and shaking his hand and telling him, in all probability, what a good guy that he was. This was captured and taped on video.

In summation, and conclusion to the remarks I have made here today, I think that this government has been totally remiss in its responsibility. I think the people of Yukon expect them to do the job that they were elected to do, and that is to lead the people in these difficult times.

They should be looking at policy with respect to resources, policy with respect to mineral resources, the hydro carbon industry. If the Government of the Northwest Territories can do it, why can this government not do it?

Mr. Speaker, I think that they all should look at a clear policy statement with respect to transportation and energy. If they are going to attract industry to Yukon, then they had better do their homework and clearly indicate to industry what exactly is its position with respect to development in this territory. I would hope that over the life of this legislature that they do recognize their responsibility and get on with the job.

Thank you very much.

*Applause*

**Hon. Mr. Tracey:** I will respond to the member who has previously spoken in just a few minutes but, as with most other members of the House, it is not my intention to dwell on my constituency in the reply to the Speech from the Throne. I believe my constituency has fared fairly well in the last couple of years and has managed to make it through the winter. It has not suffered any crushing economic hardship or massive unemployment. This is mainly as a result of the employment stimulation programs that we brought in last fall, and most of them are still carrying on in my constituency. My constituency is faring fairly well.

It is regrettable, however, that the land claims have not proceeded toward a final agreement-in-principle through the federal cabinet's acceptance and ratification by Yukoners, both native and white. The Little Salmon Carmacks Band and the Selkirk Indian Band at Pelly Crossing could benefit greatly, both culturally and economically, from the settlement, as could all other bands in the territory.

The one-government system would have many benefits, not the least of which would be a major reduction in jurisdictional disputes and subsequent questions of financial responsibility for projects or programs in native villages. Many of my constituents asked for programs to be instituted that were projects to be done without the realization that it is not our jurisdiction or our responsibility and, consequently, we may not be able to fulfill their wishes because of the financial problems that we run into and the jurisdictional problems with the federal government, although we may wish to bring those programs in.

Financial responsibility goes hand in hand with jurisdiction, and even though we may wish to answer their wishes, we do not have the financial capability to do so. This would change with a settlement of the land claims and the subsequent transfer of monies to us to pay for the implementation process.

I believe that most, if not all, of my constituents believe the settlement is long overdue. For the past 11 years, some of the white population has been suspicious of native desires in the claims process and natives have been distrustful of positions expressed by whites: one believing he may be getting far too little and the other believing he may giving far too much.

Since the involvement of our government, we have accomplished much. We have been successful in that. Along with the CYI

negotiator and a fair, capable federal government negotiator, we have reached an agreement-in-principle, but not without some name-calling, some deservedly so and some not.

There have also been instances when one side or the other has felt it was necessary to stay away from the table in order to express a strongly held position on one or more issues. We have now reached an agreement and I say let us get on with living in the territory, let us get on with living together and build a better Yukon as Yukoners; not as them and us, not as separate governments — as some would propose — but as Yukoners working together to build our country into what we want it to be.

I heard the member for Whitehorse South Centre saying, yesterday, that we have come a long way in the last five years towards responsible government and I agree with him. I feel some sense of pride in being one of the people who has managed through perseverance in adversity to bring us to where we are today.

» We are not done yet, we still have a far way to go. We are determined to get there in spite of the road blocks that are continuously placed in our path by members of the opposition as well as the federal government and various other groups within and without the territory.

I would like to comment on some of the remarks that were made yesterday by some of the members. First of all, I would like to address the comments made by the member for Kluane. He mentioned the road from Carmacks to Haines Junction. I would support him 1000 percent. I believe that it would be an excellent road for us to build. It is unfortunate that we are not the responsible jurisdiction to make the choice where roads go in the territory. We would have to justify to the federal government the expense of putting that road there, and I am not sure we could do it at this time, although I would very much like to see it go. Not only for the mineral industry, but also for the tourism industry in the territory. It would be a great boon to the tourism industry to have three or four more circle routes where people could travel around the territory.

Mr. Penikett made some remarks about cabinet control of backbenchers. I think the member for Hootalinqua has adequately answered that statement. There is very little control of backbenchers. I think the members across the floor, although I think they realize what the parliamentary system is, as long as they are in opposition, feel they could benefit more by having select committees or having everyone argue against one another, it would be more beneficial to them. Except, when they become the government, as they have in one or two provinces of Canada at one time or another, they have acted exactly the same as every other government in this territory or in this country. The member from Whitehorse South Center has spoken about 1000 years of parliamentary government. Yes, we have had 1000 years of parliamentary government. We have had six years now of party politics and parliamentary government in the territory here. We have come a long way. I hope that we continue to progress. I would like to see more control of our own actions in the territory, more control over the resources of the territory, and we are not going to get that without facing adversity especially from the federal government in Ottawa and the bureaucracy who puts up consistent road blocks against us.

The leader of the opposition also made some derogatory remarks about me yesterday. The fact that there were some pictures of me in the Tantalus School in Carmacks, I feel very proud that those people and those students felt that I had done such a job for them that perhaps my picture should be in there. If they feel that well about their MLA for the area, I feel very, very well and very satisfied that they would think enough of me to have my picture in the school. There has been no order given to any one of them to have it there; it was done on their own account and I thank them for it.

The member for Old Crow mentioned that people believe that COPE may be misleading their constituents. I would agree with her very much. I believe that COPE has misled not only the people of Old Crow, but a lot of other people in the territory, including a great many of the other native people in the territory with regard to their claim to the north Yukon. I think that as long as the native people of the territory agree and go along with the proposals made by COPE, we are all going to be the worse for it.

The member for Whitehorse South Centre made the accusation yesterday that the cabinet is controlling the government in the territory. All I can say is that we are in the parliamentary form of government here. The cabinet ministers are responsible for putting acts before the legislature expressing the position of the government. They are debated. The opposition members have ample opportunity to put their positions forward on the floor. If they can convince us that we are wrong in our positions, then we would be expected to change them.

We get constant proposals from the opposition that we form select committees so that they could have another forum. We believe that we have the forum right here. This is the constitutional forum, the parliamentary forum that was set up to have everyone express their opinions and I would hope that they would do so.

The member for Whitehorse South Centre also raised the *Legal Profession Act* yesterday. He spoke about confidentiality. I released some draft legislation to the legal profession last year in order to get some feedback from them. We are answering a request from the legal profession giving them an opportunity to set up their own organization to control their own society and to discipline their members. In order to facilitate that for their benefit, I gave them draft legislation in confidence. In my opinion, the member for Whitehorse South Centre has broken that confidence. He not only raises the issue in the House, but he suggested I should release all of this information to the public. In the way I view the parliamentary system, I think it is my responsibility, when I have legislation prepared, to allow them the first look at it. I do not believe that I should be releasing acts into the general public before the opposition members have an opportunity to look at them, regardless of what the member for Whitehorse South Centre says. I believe that he has broken a confidence that I expected him, as a member of the legal profession, to accept and I will give very serious consideration before I ever do that again to the member across the floor, under any circumstances.

He has made accusations that we, as a cabinet here, are gathering all the power of the government in the hands of the members here. We, as the cabinet, are trying to do our best to have this territory function to the best benefit of everyone in the territory. We are not concentrating power. We have a job to do. We do it to the best of our ability and, regardless of what the members across the floor think, I believe that the general public in the territory is fairly well satisfied with the job that we do, as is evidenced by which party forms the government.

The member for Faro made the comment that this government is often preoccupied with holding back, cutting back and restraining, and I think that that results in more stifling of the marketplace. This government has gone through some very tough economic times. I know that the philosophy of the members across the floor is give, give — whenever you stand up fill their hand full of money — but that is not the philosophy of this party and this government. We believe that people have to take some responsibility for their own actions.

I just heard the member for Campbell mentioning Indian tourism. There is someone else with their hand out. They want money so that they can develop Indian tourism. When are people going to take some obligation upon themselves? When are they going to do something to develop themselves, rather than have the government do everything for them? I have said in this House before, and I will say it again, every time the government gives somebody something, it takes away some of their freedom. We have constantly talked about freedom here, but you never get anything for nothing and you lose your freedoms along with taking the handouts.

The member for Faro also mentioned, yesterday, the visit to Alaska and the sandstone quarry of Peter Kiewit. He made a remark that Alaska has lots of sandstone, itself, 100 miles from the coast. I do not know where the member across the floor comes from, but if he had anything to do with economics or had any idea of what it cost to move materials, he certainly did not show any knowledge yesterday when he said that Alaska has its own material. It is much cheaper to move sandstone seven miles and put it on a barge and move it 100 than it is to haul the rock 100 miles. It takes millions of tons of rock to build these islands —

**Hon. Mr. Lang:** What about the environment?

**Hon. Mr. Tracey:** Oh, they do not question the environment. The environment does not mean anything when you are in opposition and all you are trying to do is make points.

I notice that the member for Campbell has exited himself from the Chamber. I suspect that he felt that I was going to have a little bit to say about what he had to say just a few minutes ago.

He says that economic development is the key to the Yukon Territory's problems. Well, that is a motherhood and apple pie statement. I guess it is the key to the problems in the territory. Economic development is the key in any country of the world.

He mentions that we need a better economic development policy. Last fall, when we were dealing with the Peter Kiewit proposal, the members across the floor voted against it. They were against economic development in the territory at that time. All of a sudden it has come full circle. Now they are all for it when it is too late.

He says that we should establish our own policies in Yukon. I can remember, a year and a half ago, that we had a land use policy bill in this legislature, and that the members across the floor did not support it. That was one of the most important policies that we have ever brought into this territory; a land use policy that would allow us control of our land resources in the territory. The members across the floor did not support that either, Mr. Speaker, and now they are saying, "Let us have some policies in the territory".

He raises the issue of transportation in the territory. He says that we do not have any expertise and we need a select committee so that the opposition has another forum. I guess they are the experts on transportation. We have asked the CTC, who are the experts on transportation in Canada, to give us their opinion so that we can form a transportation policy for this territory. We went to the best, but that is not good enough for the members across the floor. They think that they, themselves, as a select committee, can make better judgments than a committee of experts.

He raised the issue of the wolf poisoning and the game management. It is obvious that he is not speaking for his constituency. I hear the chief from the Teslin Indian Band, for example, on the radio, supporting what I am doing and what the department is doing to enhance the game in the territory. I have letters from Indian people. In fact, I saw one in the paper last night from a very well known native person from Carcross supporting the program. Obviously, he has jumped on the other side of the fence because it is politically expedient for him to do so in this regard.

I am not a hunter. I have not had a hunting licence for over 20 years. I think it is my responsibility as the Minister of Renewable Resources to try to make sure that there is ample game, both predators and prey, for all the predators in the territory, which include humans.

I have an obligation as the minister responsible for renewable resources to try to maintain a stable balance in the territory that will allow hunters and the predators to remain here. The reason for the program that we are in right now, and the reduction of the wolf and bear population, is to try to maintain the moose population of the territory, of which not only the member for Campbell and all of his constituents, but also his broader constituency, the native people of the territory, rely on a great deal. But all of us also rely on it. It is very important to us in this territory to have moose and caribou populations here. There is a great deal of it that is used every year by the people of the territory.

He made some disparaging remarks about the poison program. We instituted poisoning in the territory because people who lived in Hootalinqua, people who lived in Whitehorse, Porter Creek, had wolves killing their dogs. We were trying to answer a pressing need for wolf reduction in order to have that stopped. Although it was unsuccessful, I must say that poison is probably the cheapest and most effective way of reducing predators in the territory. It always has been and it always will be. Perhaps it is not acceptable to a great number of people, but when you balance the cost of reducing predators by airplanes or any other method that you want to choose, poisoning is by far the cheapest.

He mentioned Kluane Lake, trying to intimate that the government was trying to cover something up. My department did a great deal of investigation to try to find out what happened there, and to

lay charges if it was deemed necessary. There was not enough information for us to lay charges and I resent very much the implication from the member across the floor that we would try to cover anything up. Poisoning by people other than the government is illegal in this territory and if we can catch anyone who is committing an illegal act, we will be very stern in our treatment of him.

I think even more serious is the accusation that he made that my department would be withholding information. I think that my department and I have been more free with information on this project and with the problems that we have had with the moose and the wolf, over the last year and a half, than any other department at any other time in this territory. We have never withheld one iota of information, it has always been made available. For him to try to make political points out of something like that is a real surprise to me. In order to have my department operate efficiently, there are people there who have a job to do, and that job is not to answer the telephone and speak to reporters every few minutes of every day. We are not withholding any information. That information is available through the right channels. They can get it whenever they want. It has never been withheld.

I believe that we, as a government, have done a fairly competent job of managing this territory. I am really surprised to hear members, such as the member for Campbell, talking about Indian self-government. If there was anything more detrimental to this territory and to the inhabitants of this territory, it is comments such as that we should have Indian self-government, or separate communities and separate governments. What we are talking about is South African homelands, for example. Is that what we want in this territory, or do we want to live together, as Yukoners? I say, I would like to live together as Yukoners.

Perhaps the members across the floor do not believe in our democratic system of government. They want a separate system. Well, I feel sorry for them. I feel sorry that they would even stand over on the other side and propose such a proposal to this House.

#### Applause

**Mrs. Joe:** Thank you for allowing me to reply to the Speech from the Throne.

It has been almost two years to the day since I sat in my office as a justice of the peace and considered running as a territorial candidate. The two years since that date have been an education. In that time, I have seen this Conservative government try, day by day, law by law and regulation by regulation, to put the control of Yukon into the hands of the Conservative cabinet.

We, in this House, would like to believe that we are living in a democratic society and so would all Yukoners. What I have watched the Conservative government do in this legislature has made me wonder if the Conservative cabinet shares the belief in democracy.

Again and again we, on this side of the House, have asked for select committees made up of members from both sides of this House to study complicated and controversial legislation. If select committees were formed, Conservatives and New Democrats could together hear the concerns of the people of Yukon, listen to their proposals and, together, make suggestions for amendments and improvements to proposed government legislation. Again and again, the Conservative government has turned down these requests. Again and again, the elected members of the legislature, who sit in opposition or on the government backbench, have been denied an opportunity to express the views and concerns of the people they represent in the cooperative forum of select committees.

I believe that the select committee process would work for the betterment of all Yukoners. It would allow more of the elected representatives of Yukon, of the people of this territory, to have more of a say about the laws that govern us all. At least six of the 16 elected members of this House disagree with that. The six members of the Conservative cabinet have a different idea of who should have a say about the laws governing Yukoners.

The cabinet members across the floor have often talked about their democracy. They make statements like: "We are the government and it is up to us to make the laws"; or "The people

get their chance to vote every four years"; or, the one that I kept hearing over and over again, "I only want people I can trust".

We are happy that our opposition to the original *Children's Act* caused the government to withdraw it. It gave people an opportunity to study the act and make suggestions for improvements, but that did not happen without a lot of shouting first. If the government had permitted a select committee when we first pointed out some of the problems with the bill, we could all have worked together to put together a better bill.

Instead of the minister mounting a one-man road show, MLAs, who met their constituents to discuss the act, anyway, could have pooled their knowledge of the concerns of people and their ridings all over the territory.

I only hope that the minister heard what people have to say about the act and that the new *Children's Act* answers their concerns. A select committee could have saved a lot of time, money and conflict. I would like to, at this time, commend the Minister of Health and Human Resources for the work and time that he has put in in hearing the voices of all people of Yukon, even if it did not include listening to us on this side of the House.

Democracy is important to all of us. There are issues which are of particular concern to my constituents. The government is currently trying to unload one of the leftovers of the pipeline dream of a few years ago. Many constituents, who are members of the Kwanlin Dun Band, are worried about the government's plan to sell the unwanted Hillcrest lots to the Kwanlin Dun Band. There are many unanswered questions about this sale and what would follow. Would a Kwanlin Dun Band located in Hillcrest be able to govern itself? The Yukon government's position on Indian self-government is not encouraging. Will the Hillcrest relocation affect the band's land selection under the land claims process? Are the sewer and water facilities in the Hillcrest subdivision, the services that make the location attractive, in good condition? I will be pursuing this matter during the coming session.

As critic for heritage and cultural resources, I am dismayed by the government's inadequate attempts to protect Yukoners' heritage. The pieces of our past are part of our identity as Yukoners. The minister stated that heritage legislation would come forward in the fall session of 1983. It did not. I am encouraged, though, by the circulation of a paper on heritage resources. I hope that the comments and suggestions that the minister is receiving will be reflected in the act when it is eventually tabled in this House.

I was disturbed by the theft of articles from last month's native art display in the library gallery. I trust that the disgraceful security provisions taken to protect those irreplaceable artifacts is not a symptom of a lack of regard for Yukon's heritage by the department pledged to preserve those resources.

The minister has stated that there was adequate security there, as there always is. I was at that native art show, and there was not another person around, so anyone could walk into that place and take anything he wanted. I will be questioning the government on the measures it has taken to evaluate and protect Yukon's heritage resources and I will be asking the minister what steps are taken to repatriate the artifacts of Yukon's past, which have found their way to cultural store houses in the south.

As opposition critic for Yukon's justice system, I will once again, this session, work hard to pull answers from the Minister of Justice. The Northern Resources Conference in Yellowknife this week has revealed that Yukon's system has many shortcomings. Jurisdictions such as Alberta have five times the number of courtworkers per capita as does the Yukon, as I mentioned today during Question Period. Our neighbours in the Northwest Territories, with approximately twice our population, have more than four times as many courtworkers, and this program is not even as old as ours. I think the answers I received from the minister today with regard to the courtworker program in Yukon were not adequate. They did not answer the needs of what is happening out in the communities.

I think that the minister will very often come up with an answer by telling us that we do not have the money to do what is necessary to help those people in need of the courtworker services. I do not think that answer is good enough.

"The minister has to find the money to improve the system so that those people who are needing the services will get them. I will not accept the fact that there are not funds available. There has to be funds available. The minister has said that the Yukon's court registry is running smoothly. It is not. Those who deal with Yukon's justice system know that this is not true. Registry clerks who leave are not being replaced for weeks, leaving work to pile up and clerks to do the work of two or three people. The minister has said in this House that those things are being taken care of. They are not. The thing that happens in the court registry is that a person leaves a position, the position is not advertised until that person is gone, and then there is a wait of sometimes up to six weeks before that position is replaced, and I think that that is absolutely disgraceful. I think that if you are going to have a court system that works then you are going to have to have people to do that work.

Months are also going by before trial dates are set. There are many criminal cases and there are many family violence cases that are coming into court where people have had to wait up to nine months. I am just wondering if that is part of the improvement that the minister was talking about that was going to take place in the courtroom.

Yukon, like other parts of the north, has high rates of incarceration. There are worse places to be than jail when you have little money and no job.

There are more than 1,600 people in Yukon today who are able and willing to work, for whom there are no jobs. The Canada Employment Center in Whitehorse has listings in February for 63 job vacancies, some of which will not be filled by Yukoners, especially in this government. There are hundreds of other people in Yukon who have lost their entitlement to unemployment insurance. There are at least 25 unemployed people for each available job in the territory, contrary to the hon. government leader's remarks of two days ago, citing September unemployment rate of 9.8 percent, using Yukon's government workforce figures for December of 1983 and up to the minute unemployment figures. Yukon's real rate of unemployment today is at least 14 percent.

Before closing, I will give the minister notice of some questions about the women's bureau. I will be asking him to detail the bureau's recent accomplishments, and to inform this House of the activities of the advisory board. What are they doing? What has happened in that department since we last asked questions in this House?

I understand that there is going to be a leave taken in that department by the sole worker who we have there and I understand that leave is going to be a number of months. I would like to know from the Minister of Justice before this session is over if that position is going to be replaced, because I think that he has not put a high priority on the women's bureau. I think that the women of the Yukon demand that he does.

I hope that this session will be productive. I hope that we will see the formation of select committees to deal with some of the complex matters that will come before us in the next weeks. I am hopeful that we can do more by working together in this House, because we do represent all Yukoners and not just the Tory population.

I thank you, Mr. Speaker.

*Applause*

**Hon. Mr. Ashley:** Today, I am very pleased to respond to the Speech from the Throne. I am especially happy to speak as the member for Klondike.

A number of the government's initiatives have had a direct benefit to Klondike, but I would like the members to know that I am always very proud of the contribution that Klondike made to this great territory. As you know, Yukon would be nothing without Klondike. Some of my colleagues may object strongly to that comment but, as everyone knows, the greatest single impact on this territory was the gold rush and that was centred in Dawson City and the Klondike River valley.

The Yukon Territory is known throughout the world for this famous gold rush. Whenever the word "Yukon" is used, everyone, from school children to retired people, thinks of the word Klondike and visualizes shining gold. It is for this reason that the Yukon

government has embarked upon ambitious marketing programs to entice tourists to Yukon. While my colleague from Klwane implores me to acknowledge the potential attractions of his constituency and to see first hand the rest of Yukon's potential, it is still Klondike that is the major drawing power and provides the most variety of attractions and services to our visitors.

At the same time, I am glad to see that the visitor attractions are being developed throughout Yukon. From my own experience, I know this can only help all of us. Even during the world-wide recession, tourism proved to be Yukon's economic mainstay, with expenditures now mounting to some \$80 million dollars. Although Klondike is the romantic and historic magnet of Yukon, more and more people are coming to experience adventure and peacefulness, which initially captured the imagination of so many people who live in Yukon today.

The recent initiatives of people in the Mayo area to organize the Silver Trail Tourism Association and the recent developments of Yukon-based outdoor adventure and tour operations, accompanied by the aggressive marketing of these attractions, can only help throughout all Yukon. They serve to complement the lion's share of tourists that Klondike brings.

Not only was Dawson City the agent in getting Yukon started as a modern community, it continues to keep Yukon going as a modern community.

I mentioned Klondike's contribution to the tourism industry, and this benefits everyone, but I want to talk, also, about Yukon's number one industry, mining. When all of the major mines are closed, Klondike placer mines continue to work and bring money into Dawson City and other Yukon communities. I am not suggesting Klondike is the only active placer area in Yukon, but it is the largest and most developed region.

While Whitehorse Copper closed and Cyprus Anvil and United Keno Hill shut down, throwing hundreds of people out of work, placer mining continued, despite the grasping of insensitive and short-sighted federal bureaucrats and the enormous drop in the value of gold. The tenacious miners continued to work, employing Yukoners and buying products and services from other Yukoners. In fact, in 1983, the industry employed over 750 people and produced over \$400 million in gold.

At this time, gold mining prospects continue to look good. Klondike gold production continues to contribute significantly to Canada's production and world production.

Despite a steady decline, the price of gold has stabilized and has risen strongly over the past several months. It is presently hovering around \$400 US an ounce, the price that makes so many of the operations viable. It is because gold mining plays such a key role in the economy of Yukon that the Yukon government must continue to support the placer mining industry. The problems caused by the proposed federal guidelines in mining must be resolved. The Yukon government must continue to pursue the initiatives it started in support of the mining industry; that is the continuing analysis and lobby to establish realistic guidelines, the development of mine roads and the development of other aspects of Yukon mining policy. Activity in Yukon's North Slope, although a long way from Dawson City, continues to benefit its residents. A number of Yukoners were employed in petroleum exploration activity and Klondike residents have enjoyed the spin-off from these exploration dollars.

The Dempster Highway has always had an impact on Dawson residents. Klondike residents find direct employment opportunities because of the highway. I am pleased to see that the government will be spending money for future reconstruction of this highway.

Settling of the Yukon Indian land claims has taken a long and rocky road over the last 11 years. Despite the recent comments on national aboriginal concerns, I believe the Yukon claim is very close to resolution. Only this week vice-chairman for the Council of Yukon Indians, in addressing members of the Whitehorse Chamber of Commerce, expressed his optimism for an early implementation. He outlined how, over the last couple of years, agreements have been reached on the details of numerous sub-agreements. Very few issues remain unresolved. All Yukoners, and I know those in Klondike, are looking forward to resolution of these final few issues



so that efforts spent in negotiation and debate can be redirected to both economic and social development in communities.

I want to say that on behalf of the Klondike constituency, I am pleased to see that the government is also concentrating on social programs. Constituents in my area are keenly aware of the importance of improving the quality of training and education programs. We need to provide our young people with the necessary education and training skills, as well as a positive attitude, in order to reach that level of self-sufficiency that they aspire to. Although there are many opportunities in the Dawson area and north Yukon, many of our young people are looking further afield to programs and opportunities in other parts of the country and the world. People from the Klondike area want to make their contribution to other regions just as they have in Yukon.

Before I close, I will address a very misguided statement made by the leader of the opposition. The ludicrous statement that was made is actually a very serious accusation of me as Minister of Justice interfering with the independence of the judiciary and the principles of the separation of powers between the executive and judicial estates of our Canadian democratic model of government. He has also accused, and put a slur, on this one justice of the peace and the members of the judiciary council, who are other JP's, a territorial court judge, the chief judge, the supreme court judge, and two lay citizens of Yukon. It is very unacceptable, and the leader of the opposition should apologize for all of this.

To speak to the accusation that I appointed as a JP, my campaign manager, just because she was my campaign manager, is absolutely and undisputably one of the most ludicrous statements I have heard the member, opposite make. Obviously he does not understand the process that must be gone through for a justice of the peace appointment.

<sup>36</sup> We now have the Judicial Council but, prior to that, when the appointment was made, we had the JP Council. I will advise the opposition again on how the system works, so please listen.

An application is received by the JP Council secretary. They do their checks, and an RCMP check is done. Then, the Council reviews the information it has gathered and either rejects the application or recommends it to the minister who, in turn, takes it to cabinet for consideration, at which time cabinet either accepts or rejects the recommendation. The minister alone cannot, and does not, appoint justices of the peace. I have, in no way, interfered in the system, and especially in this case that is being very unfairly mentioned for their perceived crass political gain. It was not my initiated suggestion that this appointment be made. The recommendation came from a very credible, non-political source. Although I agree with the appointment, I did not initiate the recommendation. If the member will honour the confidentiality of the information, I can prove this to him.

I hope this clears up the misguided thoughts that the opposition has. Also, I would like to advise the opposition that we, in general, and I in particular, on this side of the House, are very much aware of the principle of separation or independence of the third estate. I work with it daily, Mr. Speaker.

*Applause*

**Mr. McDonald:** I would like to thank the government side for its applause.

I think, to start, I would like to respond to a few comments made by various members on the government side. The first and foremost is the claim by the minister for justice that the Yukon would be nothing without the Klondike. I notice the screwed-up faces from the members sitting behind him, so I think, in all fairness, I should briefly respond to this. The people in my riding, of course, have turned right at Stewart Crossing for years with nary an interest in travelling to Dawson. When they do go to Whitehorse, of course, they do turn left, just to clear up any ideological confusion.

The member for Kluane has suggested that the Kluane area is the main attraction in Yukon and now we hear that the Klondike and the Goldrush is a cornerstone. The member for Porter Creek thinks that Porter Creek is another cornerstone of Yukon society. There is enough confusion; perhaps there is a cornerstone for every location in Yukon.

I think somebody ought to put a plug in for — and I think it has

been done by this side of the House — the history prior to the Klondike goldrush. I think that there were people here, and a culture here, and a society here, long before people came up looking for some gold and a quick buck.

The member for Faro would like me to plug the first white explorer through the Campbell corridor, and that is done.

<sup>37</sup> Mr. Speaker, there is history everywhere.

I would like to respond to the member for Hootalinqua who did discuss one of my favourite subjects. He said we share common concerns about agriculture, which may well be true, but it is not clear if these same concerns are shared by the minister. I think the two of us are going to have to goad the minister into saying something significant on that subject.

The member for Hootalinqua claims that he has created a start in agriculture. I would like to submit that that is probably a poor choice of wording, but we shall discuss later in my speech what the actual development in agriculture emanating from this government actually is and whether we have similar views when the time comes.

He suggested that there was no agriculture before the Yukon Livestock and Agricultural Association.

That probably, too, is a slight mis-statement. I think that there was agriculture here for some time. My area, for example, has farms that were started in 1920s, certainly before the YLAA was developed, but certainly the YLAA has made some accomplishments that are unparalleled, certainly in comparison to that done by the government.

He called for assistance to get ground cleared and the crops in. I am interested in that idea. I think it might be a very good idea. I am not sure to what extent the member for Hootalinqua is looking for grants here, or whether it is low interest loans, but we can certainly discuss that with the minister, if the minister would agree to discuss it in a rather informed manner.

The member for Hootalinqua said that loan guarantees are needed for this government — I do not know if he meant for this government or from this government — but I think that that may well be an option that we could pursue. Unfortunately, we know already that there is some \$4,500,000 sitting in the Department of Indian and Northern Affairs for several years now because the Yukon government and the federal government cannot get together on how to deliver it to small businesses. I think we are going to have to, in some manner or other, develop a good, solid program that could help the farming community.

The member also suggested that farmers need money to get going and I think that is true and I think that this kind of assistance is long overdue, and I take note that the minister finally got around to sending a letter to the federal Minister of Agriculture, Eugene Whelan, this last January, after two years of questioning in the House. I am sure that is called expeditious action within the interpretation of the word by this government.

He said finally, Mr. Speaker, that farmers need to plant seed, gather in a crop and then farming will really get going. I am sure that that is true. That may even be a tautology, but that, at the same time, should not be construed that we are only dealing with planting seeds and collecting crops. I am sure there are a whole range of agricultural pursuits that we would like to respond to in the territory.

<sup>38</sup> I would also like to respond to some of the things that the member for Tatchun has incited me to respond to. He has a habit of doing that. He spoke of parliamentary democracy and his interpretation of parliamentary democracy differs somewhat from that of the member for Porter Creek East. The member for Porter Creek East, of course, thinks that democracy is the election once every four years.

The member for Tatchun believes that democracy is that which is exercised once every four years, but it also entitles opposition members to a desk and a pay cheque. At the same time, he bemoans the fact that the opposition is still throwing up roadblocks to cabinet initiatives by asking questions and providing a critical examination of government initiatives, when the cabinet itself deigns to make such initiatives public. He suggests that the opposition is not being particularly grateful for their pay cheque because they are not keeping quiet, or something or other.

The member for Tatchun suggested that the NDP has ample opportunity to debate bills. I would like to draw to the minister's attention the *Public Sector Wage Restraint Act* that was introduced on a Tuesday, received the Commissioner's ink on the Thursday, which leads me to believe, I guess, that his interpretation of time to debate only counts for the time taken to speak about the bill, but not the time to study it and not the time for the public to review it.

He certainly misrepresented the NDP economic philosophy, which I will not respond to now. There will be plenty of time to respond to rubbish of that sort later on.

He mentioned, briefly, the Peter Kiewit proposal, on which I am sure the Minister of Economic Development has hung his hat, in order to maintain any sort of credibility. We, of course, had some reservations about a project that had no definable market, at the time. We had, of course, reservations about a project that needed to be performed at the public expense, to the tune of \$110 million. We, essentially, voted against the absence of job guarantees and business opportunity guarantees and no mention of resource revenue-sharing and so, essentially, we voted against a government that was not doing its job.

The member for Tatchun further says that the NDP always moans about select committees. It is interesting that the deputy leader of the Progressive Conservative Party, federally, regularly harangues the Liberal government for not having more committees, for not being more democratic and for being more autocratic. It is obviously a line of debate that has been completely missed or ignored by the member for Tatchun.

Tuesday, we heard the government say that Yukoners' inherent strength and ruggedness of character prevailed over yesterday's problems and are ready to meet tomorrow's challenge. However, there is a great deal of evidence to suggest that yesterday's problems are today's problems and the government, both federal and territorial, plan to meet tomorrow's challenge with yesterday's answers.

« The sobering message from the Throne Speech, after you slice through the fog, is that Yukoners have no reason to really believe that the future will be brighter than the past. I listened with some amusement yesterday, as Conservative government members tried to finesse their way through their traditional critical generalizations of government without actually criticizing themselves. It is a fine piece of theatre, and I could easily look forward to seeing this now traditional dance at the Guild Hall.

My constituency does not look upon this government with a great deal of favour at the present time. They can only visualize cabinet members with scuffed shoes, they have been dragging their feet so long.

For the Mayo district, the government is going to have earn its way out of the people's bad books. Issues such as the banking services, rural busing, tourism development, capital funding for all communities, including Elsa, campground development, chip seal for the Stewart/Elsa Road, and many others, are just some of the issues that are going to have to receive some reasonable attention.

At this point I would like to key in on a few of the issues and pursue more of them during the session. I had not planned to discuss the situation with the Elsa School until Question Period this afternoon, but I think it deserves some comment.

There was a school meeting last summer at which the minister and her executive assistant were in attendance. I was in attendance and the school committee was in attendance. At that time, there was some mention made of much-needed minor repairs — not to the tune of \$75,000 at the time, but they wanted some minor repairs done — and there were a list of other things which they could have submitted if they had thought such a proposal would be at all accepted by the government.

Then, last September, during a cabinet tour, there was a public mention of \$75,000, and the people of Elsa were told, after considerable questioning, that it was for a playroom for the children. I shall say, too, that upon considerable questioning of my own constituents, I did not find anyone who had been consulted about this expenditure of \$75,000. I am still interested in the cabinet minister's response to that.

During questioning in the House, the minister said that she did

not know who was consulted, on cross-examination. She did not know what the money was for but she would get back to me. Then, in January of this year, after a great deal of delay, while the people in the area were waiting for an answer, the Elsa School Committee sent the Department of Education a letter that said something to the effect that since last summer when YTG announced it through the media, the school committee first learned about the sum of \$75,000 and it was to be spent on the Elsa school, and that they had been trying to learn how the money was to be spent. They said that the department was extremely silent. They said that they thought that there was a lack of concern on the part of the department towards the school committee. They wanted to know why the playroom proposal was dropped after a departmental official investigated the prospect, even to the extent of consulting an architect.

« The modified portable playroom was not the first choice of the committee, but they did not want to, in their words, look a gift horse in the mouth. They were certainly appalled at the prospect that the minister, because she was questioned about the \$75,000, would consider withdrawing the \$75,000. Now, she says that the community was confused, that they did not know what they wanted and, for heaven's sake, she said all of this without blinking an eye.

That is not the only education issue of some consequence in the Mayo riding. I am sure the minister is aware that school busing has been a problem and a sore point for some time. People from Stewart Crossing, Mayo, Elsa and Keno, from parents to school committee people, to principals, to mine management, to coffee shop owners, to small busing contractors, have all wrestled with the problem for better than three years and the issue itself, in its present form, has been with us for much longer than that.

The common goal is to find realistic ways to get rural children to school, to tackle the high dropout rate caused, in part, by some children from early age onwards having to board in a distant community — away from their families, from their mothers and fathers — in order to attend school. These children are not so isolated that they cannot commute from home to school, it is just that they have no bus service to perform the task.

Stewart Crossing, specifically, is an established community in Yukon. Children in that community and en route to Mayo have been bused to Mayo in the past. As an established community, it has every reasonable expectation for that service to continue. Instead, what has happened for the past two years is that the service has been withdrawn. Families have been forced to move to Mayo so that their children have a better chance for a decent education.

Families who wanted to move to Stewart Crossing and to the farms on the Stewart-Mayo Road, have decided against the move or have indefinitely postponed the move, simply because of the government's policy regarding school busing. In effect, the free development of my riding is being adversely affected by this same government busing policy.

Last spring, the Minister of Education encouraged, at a public meeting in Mayo, Mayo and Stewart people to focus their concerns and come up with more concrete suggestions — I say more, because I had already come up with some suggestions prior to that — and submit them through the existing channels of communication; that is, the school committee, the education council and, finally, through the annual school committee conference.

The people — showing great patience, in my opinion — did as requested, against their better judgment, as this would clearly have delayed a solution to this problem for another entire school year. Two resolutions were offered and submitted to the annual school committee conference and were passed unanimously. One called for a fragmentation of the umbrella busing agreement, breaking up the busing monopoly and thereby encouraging small contractors to bid on the small rural contracts. There was every reason to believe that the small contractor could provide the service more cheaply and as dependably as the monopoly contractor. The other resolution called for the resolution of bus or van service from established communities where a demonstrated need existed, i.e. Stewart Crossing.

« It was felt that the two resolutions, together, could provide more extensive service within the same busing budget and provide more economic benefits to the rural communities.

What we find now is that the minister feels the issue is a very



complex one and requires further study. We have been studying this issue for years. Every permutation of every argument conceivable has been raised. Stewart Crossing is fast becoming, and is promising to remain, an adult highway camp for singles only. Family farm development on the Stewart-Mayo Highway is being stifled.

No solutions are forthcoming. There are still many open questions in the minister's mind, and I am getting a sick feeling that we are going to be living with this same situation for yet another school year. We should tackle the problem this session and debate the issue thoroughly this session and end the uncertainty.

The other constituency issue I would like to briefly touch upon is the issue of capital funding for Elsa. I will discuss this only very briefly, because it will undoubtedly be a prominent subject of discussion in this session.

Yesterday, the minister said that the community would get no capital funding, not just for the foreseeable future — as has been suggested in the press — but never. Somehow, Elsa residents must prove their worth before the government will treat them fairly. They must, like no other residents in any other community in this territory, prove their existence and guarantee revenue for this government. They are going to have to guarantee payment to this government for a long period of time, into the future. They have to pay in advance before this government will spend any time and consider them.

The question, of course, is consider them for what. The minister made it clear that it was not to be capital funding, which, in the greater scheme of things, I would think, would be minor assistance. Instead, he suggests that, should the company be willing to move Elsa to Mayo, he may turn his head in the community's direction.

While he says that the government would not give funding to help build a small, seasonal swimming pool in that community, and while he recognizes that the company and residents may have a bit of a difficult time getting money for the pool together, he then counsels some undefined persons to spend millions and millions of dollars to move Elsa to Mayo. Because Elsa does not conform easily to this government's legislated definition of a community, everybody must pack his bags in Elsa, pull up roots, spend millions of dollars and move 30 miles down the highway.

That simply is ridiculous. It would make a lot more common sense to distribute a little capital funding to the people of Elsa. The company will turn over the requisite land for recreational facilities to the local recreation association or to the government; and we would just be done with it.

Elsa residents are not telling the government that they will withhold their taxes for 20 years until they see whether or not the ore body will last beyond the year 2,000. The government should, therefore, not withhold its attention and shared responsibility for 20 years until they see whether the ore body will last.

I understand the minister may have some reservations about allowing the MLA for the area any credit for finding satisfactory solutions for this issue. The minister has, after all, come solidly down the wrong side of this issue and will have difficulty climbing out of the deep hole, but I am prepared to make the minister a deal. Before leaving on my camping trip this summer — if I should have time to go — I will inform the minister, if he wishes, of my departure time and my return time and he can make all the announcements he would like, cut all the ribbons he would like and do all the glad-handing he would like. He could glad-hand to his heart's content, but he will have to reconsider this government's position because Elsa, and many sympathizers, many Elsa sympathizers in this territory do not only exist only for the purpose of making this government wealthy, they also exist during elections.

Now I would like to touch briefly on a few other items, one being tourism development in the riding of Mayo. The Throne Speech spoke of the Silver Trail Tourism Association as being an added attraction in upcoming years. I think all members will find that this widely represented organization will constitute more than just an added attraction. It is an organization that knows it has to move mountains and will act accordingly.

The Mayo-Keno district is no thin excuse for tourism development. Nothing can be truer than the platitude that this area has

potential. It already has much raw attraction to make it a worthwhile destination for visitors. Both placer and underground mines are preparing to give the tourist, this summer, an experience they will not forget. In the case of underground mining, from my own experience, I am crossing my fingers that all will be well. The mine tours are being organized. The Keno mining museum is very active. Small business tour operators are planning for the influx of visitors. Our six-slot campground, the government's maximum effort, is to be cleaned and prepared. There is a role for this government, which is clearly defined by the residents of the area. Everyone will have to monitor closely the government's commitment to tourism outside the traditional tourist corridor. I guess that is enough said. We will deal with that issue during the budget discussion.

Now, agriculture. What really is happening? I was told recently that the government was preparing to hand down its long-awaited agriculture policy. This is puzzling, as I was told that it had already shown its policy in daylight some years ago. Obviously I had just jumped the gun last year by asking what the government policy was regarding things like marketing, open ranging, health standards, lands dispersal, et cetera. What I should have asked them is if they had a definition of the word policy, and I am not sure what words we are going to be handed this spring. To be perfectly fair, it is a term that is equally and haphazardly tossed about by the federal officials who control most of the land, therefore, it greatly affects the future of the industry in Yukon. They say they want the Yukon government to come up with a policy before they are willing to turn over federal land. And they do so before finding what kind of policy it is they want. And the Yukon government, for their part, says that it has a policy before it knows what it is and before it knows whether it is enough.

Let us see what the Yukon government has actually done for the last couple of years. We have a piece of legislation that sets up a Conservative-appointed advisory council, a council that can advise the government on nearly everything that affects agriculture in the territory. The only other thing the legislation actually says is that there are regulatory powers that permit the government to do whatever it wants with agriculture at the ministerial level, away from this House, away from other elected members and, judging by past experience, out of the public eye generally.

We have a very simple land dispersal policy, which is being developed as we go, and hopefully it will be made fully public by the time all the good agricultural land is given away. The value of this policy is a different matter altogether and should be discussed much further in the session. We have a minister, who answers nearly every question pertaining to agriculture by advertising the existence of the soil pedologist, on temporary loan from the federal department of agriculture, and the respected agronomist on short term contract. All in all, we have lots of big talk and little substance. We have a big bun, a big bun, but where is the beef? We should look to identifying priorities, whether they be health standards, grazing, marketing, and identify a policy, for at least the short term. We do not need, nor do we expect, a policy for every aspect of agriculture that will stand a test of 500 years time. We need to take policy development in manageable bits, identify pressing issues and publicly discuss them, and one forum being, of course, this legislature. We must work out a written, specific arrangement with the federal government on the transfer of agricultural land and we must seriously and immediately discuss land use planning now.

We have a long way to go with agricultural development, and this government's efforts must give the farming community a higher profile, and must immediately take more initiative, and provide more leadership, in order to truly grapple with the issues at hand. I am willing to do that this session, with the cooperation of the minister.

By way of conclusion, I should also say that there are many issues of significance to the people of my riding and to the territory generally, and I hope they get a fair hearing this session.

*Applause*

**Hon. Mrs. Firth:** There's the beef. Old McDonald is a ham, I think, Mr. Speaker.

Mr. Speaker, I have chosen today to respond to the Speech from the Throne, not in my usual manner when I speak at great lengths about education and tourism. The members in opposition have spoken at great lengths about education and tourism today. Instead, I have chosen to bring a message forward to Yukoners about our members in opposition, and I am going to talk about the economy and democracy, according to the NDP opposition.

For two days, we have had to endure the socialist lecture on the economy and democracy. It is interesting to listen to the leader of the opposition pontificate on and on about democracy, and how its growth has been stunted in Yukon, and I find it particularly interesting to listen to the member for Faro talk about the economy.

I want to talk about the economy for a few minutes, and in particular about the NDP economic policies, and what the NDP economic policies are.

I am sure the leader of the opposition, in his capacity as President of the National NDP will support these economic policies that I am going to be speaking of. I think we should take a look at what solutions would be, and put it on the public record for all Yukoners to see.

I am going to be quoting from a very lengthy report, and I believe the leader of the opposition said that 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. Well, Mr. Speaker, she is prepared to lay it on the table.

The name of the report is "Taking Stock", and it is a report that was given to the NDP federal caucus on NDP economic policy, and it was done by a man called James Laxer.

"The report is a very recent one. It was done in January of 1984. After two years as a NDP research director, James Laxer concluded that the party's economic analysis and program suffered from very real inadequacies. This is a conclusion that he believed is shared very widely in the NDP party and caucus. The NDP economic analysis, which evolved in the 1950's and in the 1960's, 'is now so seriously out of keeping with the reality of the 1980's that it has become a serious impediment, a barrier to appropriate action, rather than a guide to it. The touchstone of NDP economic thought has been encouragement of consumption rather than production. In an era in which the nation's productive system is rapidly disintegrating, the message is very dated.'"

I believe that is what the member for Faro is talking about when he talks about "tinkering in the economy". "Tinkering" is the word he used, I believe.

To quote some more from the report, "an endless succession of tactical adaptations to the social democratic thought of the past has left the NDP with an economic analysis of little value and an economic program that is a hodge-podge of contradictions and dead-end solutions. The central idea of current NDP economic thought is that the Canadian economy suffers from a severe case of insufficient economic demand. Insufficient economic demand, the theory goes, results from too low a level of spending power in the hands of consumers and leads to the inadequate utilization of the country's productive capacity which, in turn, results in high unemployment."

This report is very interesting. I believe I referred to it as the smorgasbord on NDP economic policy. To continue with some of the identifications, Laxer said that by identifying several NDP policies, all of which were demand-related, which would increase the deficit, and then questions this approach to the economy, "Internal borrowing, to increase the federal government deficit, takes away from Canada's capacity to reduce its gigantic dependence on foreign borrowing. Since foreign indebtedness is the chain that ties this country to external dominance, this is no small matter."

I find it very distressing to have the opposition criticize the economic incentives of this government. The member for Faro talks very knowledgeably, according to him, about this tinkering with the economy. He also criticizes major initiatives and major stimuli that this government is taking and refers to them as more than just a federal prompting. I think he better take a look at his own party and his own party's policies and maybe they had better get their own house cleaned up before they start overly criticizing the initiatives

that a government is taking when they are conscientiously trying to carry out a job that was given to them by the people of Yukon. "I want to leave the economy for a bit now and move on to democracy because I have quite a bit more to say about democracy than I do about the economy. The fundamental principle of democracy, the dictionary definition, says that it is government by the people, that form of government in which the sovereign power resides in the people and is exercised either directly by them or by officers elected by them.

We have evolved into a form of government best described as a parliamentary democracy. It is a form of government that best suits the needs of our time while still preserving the most admirable principles implied in that most basic definition of democracy, which is the will of the people. I want to go now to a book called, "The Canadian House of Commons" and if my colleagues in opposition will bear with me, I would like to give us all a refresher about parliamentary procedure. It is unfortunate that the leader of the opposition is not here to hear this.

In Canada we have sessions of legislatures and parliament and they always begin with a speech from the throne. In the speech from the throne, the governor-general or lieutenant-governor, on behalf of the Queen, declares why the parliament or the legislature is being held. It also shows that members have been summoned so that they may consider the financial requests and any legislative proposals to be put before them by the Queen's ministers. The decisions as to what bills will go forward in a session, and what the basic scheme and detail of each of those bills will be, are made outside the legislature or outside parliament, by the Queen's permanent and political servants.

The legislature oversees the work of the Crown on an annual basis by examining the spending estimates. It concerns itself with administrative policies, with administrative acts, with the details of administrative performance and with the conduct of the ministers and their subordinates. Even if it had nothing to do as a law-making body, it would have plenty to do annually as an inquest into the activities of the Crown.

The power of the House or the legislature to influence the policies of the Queen's government is political not legal. The House alone cannot give binding commands to the government. To go on, to describe a bit of the minister's responsibilities in the cabinet, as the opposition refers to us, the ministers participate in the two elements: the legal and political. They are the servants of the Crown and, at the same time, members of parliament. This kind of system is known as responsible government.

To elaborate further, and to take in all members of the legislature, each member has three distinct standings. First, legally, it is simply the House is a body composed of persons summoned from the constituencies in which they were elected.

"Legally, each member is nothing more and nothing less than a free and independent representative of his constituency. Secondly, because under responsible government, the ministry is dependent upon the support of a majority, constitutionally the House is not just a simple aggregate of discrete members, rather, on each occasion, when it deals with government business, it divides into two groups or sides: those who support and those who oppose the ministry.

Thirdly, the members are divided politically, between or among political parties.

I know there have been some comments made by the members in opposition, the member for Whitehorse West, the leader of the opposition, and the member for Whitehorse North Centre, in reference to the backbenchers on the government side of the House. For their information, and probably just to refresh the memories of the backbenchers, so that they are given some credit for being individuals as well, I would just like to quote from the Canadian House of Commons procedure and reform book. This is in reference to the back benchers, "They act not only as members free to vote as they wish and not simply as supporters or opponents of the ministry but as members of a highly organized political team. These teams have their own internal structures and constitutions. By their own private methods and means they select their leaders, their policies, and their strategies and tactics. They are not only active in the House or in the legislature but in the country at large."

So, the back benchers do have a say and they do have an opportunity to express their concerns. Whether they agree or disagree with the cabinet, they have an opportunity to express those concerns.

Now, the democratic process in Yukon means that Yukoners have elected a majority of members of the same political party to the legislative assembly and that majority forms the government. What is left over is the opposition. I get a kick out of referring to them as "leftovers", Mr. Speaker.

I know, myself, usually when I have leftovers, I can do one of two things with them. I can put them in the fridge and a couple of days later I can pull them out and warm them up, and sometimes they taste better than they did a few days ago, or I can just feed them to my pets; feed them to the dogs.

The member for Whitehorse South Centre talks about democracy — on, and on, and on; he talks about democracy — and I believe he said yesterday in the legislature that the evolution of party politics in Yukon is very young and it has taken a wrong turn. I would say that it had taken a right turn, not a left turn, and, Mr. Speaker, I do not think that is a wrong turn. I think that is being reflected all across North America.

This government has proven itself to be a democratic government in its processes and, because the electorate did not elect a majority of NDP members to form the government, that does not necessarily reflect that it was a wrong turn.

I have some examples of how the government has demonstrated its democratic reasons.

<sup>47</sup> The first one that comes to my mind is the process that we use for advising us, in the Department of Education, through the school committees and the Education Council. We had given a commitment, when we were elected, to listen to the school committees and to listen to the Education Council and to use their recommendations and suggestions when it came to direction in education and in forming government policy.

I think we have made a tremendous effort to do that. We have had extremely healthy communications with the school committees and, had we not been carrying out that function as we had committed ourselves to do, I could see very well why the members in opposition would have wanted to establish a task force, if they felt that the government was not serving the people.

I want to remind the members in opposition that the members to the school committee are elected. It is a democratic process. There is absolutely no interference by the cabinet or the government, as alleged in other areas. The members of the Education Council are, in turn, elected by the school committees and they are made up of members who are on the school committees. So, that is a democratic body that has been chosen by the people, as well.

We have some 26 school committees in Yukon and an Education Council with some 14 or 15 members. I think that represents a good cross-section of Yukon people who are having an input into education.

School committee meetings are held regularly, at which time all parents and all other interested persons are able to go to the school committee and express their concerns and have them transmitted to the department, through the Education Council.

I was not the only one who reacted in an hysterical manner, as the leader of the opposition commented, when the opposition members formed the NDP task force on education. I believe some of the school committees reacted in a rather shocked way, as well. I believe the Education Council was a bit distressed by it. It was very interesting to see how the media reacted. They, also, felt that it — I believe the headline was, "NDP Ignores Hundreds".

We also have a very good record in the area of recreation, when it comes to utilizing democracy and the citizen participation process. Just recently, we had a doctor of recreology here in Yukon — he was an invited guest — to speak at the recreation banquet and to have some workshops with the recreation participants. He was very complimentary of this government, saying that we were the leaders in Canada, here in Yukon, in the area of recreation. The reason that we were the leaders was because of the citizen participation process we had gone through to develop our recreation legislation. He is a very highly educated individual, and a very well thought of man,

and his opinions bear with them a lot of credibility. It was our honour to have an individual of this calibre compliment this government for taking the lead in some direction in Canada.

<sup>48</sup> The government is going to continue with this public input. We are going to continue with it when we make our decisions regarding policy and when we make our decisions regarding legislation. We have had public input sessions on the heritage policy. We have had very successful meetings, a lot of valid comments coming forward. We will be having a discussion paper on human rights. The Minister of Justice is bringing that forward. The Minister of Health and Human Resources had public meetings on *The Children's Act*, which I am sure well over 500 people from the Yukon Territory had the opportunity to attend and express opinions.

I cannot see how the opposition can fault the government for initiating and utilizing that kind of public input. When I was a researcher for the Conservative MLAs, I had the opportunity to sit in on a select committee — these committees that the opposition speaks of so often — to see how the opposition uses the select committee process. There is very little public participation. They prefer to represent their constituents and their constituents' point of views all of the time. I do not necessarily feel that that is a healthy public contribution. I prefer the public contribution of 500 people over the public contribution of a few.

The Minister of Consumer and Corporate Affairs consulted the legal profession when the government was considering tabling legislation at their request to give the law society in Yukon some disciplinary control over their society. The dental profession also had concerns and came forward to the government, and they were consulted. How can a government be faulted for responding to the requests and the wishes of professional groups that come forward and express an interest in participating in the formulation of that legislation?

At first, I was alarmed at what the leader of the opposition said when he mentioned that democracy was dying in Yukon. As the hon. member spoke, I realized that it was not democracy that was dying, it was the NDP view of democracy that was expiring. Let us face it, an opposition, however able and effective, may never win an important vote; it may not even score many debating points, for able ministers will strive to find the points open to attack and by making improvements in advance, will leave the opposition with very little to say. I think that this has been demonstrated in the last two days.

This brings me to my conclusion and the message I wanted to leave with Yukoners. The message is that the NDP are more out of date and more out of touch politically and democratically than they are economically. They are out of keeping with the realities of the '80's. Democracy is thriving in Yukon. We, on this side of the House, encourage the opposition to embrace the concept, assume their role in that system and join us in meeting the challenges of the future.

Thank you.

*Applause*

<sup>49</sup> **Hon. Mr. Lang:** I shall rise to speak for a few minutes. Unfortunately, I could not be here yesterday, because of health reasons, but I had the opportunity to glance through the Blues this morning.

I can say I was somewhat disappointed with what was said by the members of the opposition, particularly the leader of the opposition, in that I felt that there was an opportunity for the members on that side of the House — who, obviously, have taken as their theme for this session, for their own purposes, the question of democracy as it still functions, to the nth degree — to use their rights and privileges in this House to put their point of view forward, as far as the economy is concerned, as far as many other issues that are facing us are concerned.

Before I get into that, I want to speak on behalf of Porter Creek East, which I have the honour of representing. I want to say to all members of the House that we are very pleased to see the completion of Mountainview Drive. With the provisions for some resurfacing of that particular access, as well as lighting and hydro-seeding, it definitely has been a benefit to all of us, no matter what part of the city we live in.

I would also like to note, for the record, that the people within Porter Creek are very pleased with the passing lanes that have been put in at Super A, the Wann Road and Crestview. It has definitely been a great factor, as far as safety is concerned, which was raised a number of years ago.

I also want to say that we are pleased to see the renovations to the Stan McCowan Arena going ahead, which the city is undertaking. It is going to be an asset for not only our part of the city, but also other parts of the city. At the same time, of course, we have the Guild Hall, which is functioning well, and I want to commend those people for the work that they have done, with respect to bringing the theatre not only to Whitehorse, but to Yukon.

With respect to the generalities of the city, I do not think that we look at the positive side of things enough. As you know, the new arena is in the process of going ahead, through the municipal government and, of course, that will be a great asset to all parts of the city. At the same time, as you know, the Lions Swimming Pool will be open, officially, within the next couple of weeks, but will be utilized as of tomorrow. I think it is a very positive step forward, as far as the everyday living of the people in the community of Whitehorse is concerned.

Since the member for Whitehorse South Centre, I think, failed to mention it, I would like to point out that we did go ahead with BST program within his riding. Perhaps he has not been up that way, but I would like to say that there have been a number of people to approach me and thank the government for the work that they did in conjunction with the City of Whitehorse. I am sure the member for Whitehorse South Centre, if he ever gets the opportunity, when he goes up there I am sure he will bring the necessary kudos to the legislature, as opposed to dwelling on the negative aspect of life, which he is so good at doing.

I would also like to take a couple of minutes since you, as the elected member for Watson Lake, do not get an opportunity to speak in this House as much as you would like. I think it is safe to say that Watson Lake has weathered a very difficult time, economically, over the past two years with both the consequences of the Cantung Mine being shut down for a long period of time, as well as Yukon Forest Products, of course, not operating.

I just want to say, that as a government, we are very pleased to see Cantung at least back into partial production and all things look very positive for the resumption of Yukon Forest Products, which of course forms a great segment of the economy of the community that you represent.

I indicated at the outset that I was very disappointed when I read through the *Hansard* and I saw what the leader of the opposition had to say. I thought he would have perhaps approached a number of the issues and perhaps given us some ideas of how we could approach some very major fundamental political problems that we in Yukon face. One aspect that comes up that he dismisses out of hand, and is not prepared to discuss unless it is raised by us in this House, is the question of the COPE land claim and the implications to the territory. I think we have to ask ourselves if we want to see Yukon as a region become an area with responsible government, eventual provincial status, or do we want to see it fragmented and segmented in such a manner that we are going to have various committees running the land base of the Yukon territory, whether it be the North Slope or whether it be the Watson Lake-Teslin area. Is this what we are looking at or are we looking towards the eventually, once the Yukon Indian land claim has been resolved, of the remainder of the land and resources being transferred to the Government of the Yukon territory?

I think that is a very fundamental principle and I put this on the table in all good faith for the members opposite to examine. If you analyze the COPE land claim, and it is signed tomorrow by the Minister of Indian Affairs and Northern Development, the people of this territory in total will be cut off from the North Slope. If that happens, we will not be able to get the benefit that I think all members of this House would like to get if there is some orderly development to take place, such as the Peter Kiewit project, or Stokes Point. Also, it would bring very much into doubt the question of off-shore rights. If that land and the regulatory controls are granted to the Inuvialuit of the Northwest Territories we will

have a situation where we will not be able to go forward with a legitimate claim that at least a portion of those off-shore oil and gas revenues should come to the Government of the Yukon Territory.

The member for Mayo yawns. I say to the member for Mayo that this is a very important point because, you, as the member for Mayo — forget political partisanship — have stood up and talked about revenue sharing. If the land base is given away in totality to various interest groups, who do not even live here, what claim do we have to ask for resource revenue sharing? I would submit to you we have zip claim if that is about to take place.

I think it is important that the members opposite assess that situation, and take a look at it, not from the national point of view of the party they represent, but from the regional party they represent and the people they represent, and look at the North Slope and say: is what they have done or what they are proposing in the best interests of Yukon and Yukoners, native, Chinese, you name it?

The question is: is it fundamentally right? Our side of the House has been consistent. We have said that it is not right. Why are 310 families going to have control over our North Slope? When you take a look at other sections of that particular proposed 10 percent preferential agreement, I must admit that I was very disappointed when the leader of the opposition came out publicly, and he may want to correct himself, — hopefully he is listening through the speaker phone — that he could not really see too much wrong with that because it would promote a joint venture. Well, it has gone a long way past that.

When we start dividing people by race, by colour, to the extent that the Government of Canada is now, we are going to have constant friction. The member for Tatchun made some very good points, and he concluded, if I recall correctly, that he wants to live here as a Yukoner, a Canadian — a Yukoner — and consider our ancestry as third. But, it really dismayed me when I heard the member for Campbell stand up and talk about European customs. Those inferences that came, not only through him, but were brought forward — and I heard it — at the First Ministers' Conference by a number of spokesmen for the native organizations, really disturbed me.

The constituency and the constituents whom I represent are not Europeans. They are Canadians. They are Yukoners and their ancestry, after that, should be taken into account. I think we are getting our priorities mixed up when we start discussing and getting into the depths of what the member for Campbell referred to as Indian self-government.

It disturbs me a great deal when I see someone who obviously has some political credibility stand up and make some of the statements that he has made with respect to the native population of the territory, as if he were the only one in this House who have people who happen to be of native extraction for friends. There are people on this side of the House who have people of native ancestry as friends, not because they are natives, but because they are nice, fine people. I think we have to be very careful. When a member brings these subjects to the floor and forces us to debate them, they are causing more disruption, more friction and, subsequently, divisiveness among the people we represent.

I submit that it would be much easier for us, and a much more positive approach, to talk about the commonalities. Old Crow has a health problem. How can we arrest that problem? Not because they are native, not because they are white, but the fact is that there is a group of people who presently have a major health problem that is threatening that community.

Or Upper Liard, looking at the problems they have — a road to a woodlot — there may be non-natives who use that road, but at least it would provide a common service to everyone in the area.

I want to say that there are many of my constituents who have come to me and said, "What? Half the time in this House, all you are talking about is a native and a non-native issue, as opposed to arresting the real issues". I would have preferred to see the leader of the opposition and the member for Campbell stand up and say, "Look, the North Slope project should go ahead, under certain conditions". But we do not get that, we get a situation where the opposition comes in and, if we propose something, they automati-

cally vote against it.

You talk about economic development. Unless you create a climate that says to those investors who are going to come into the territory, you are not going to get any investment unless you say "you are welcome", and then you sit down and say development will take place, in this specific project, under these certain conditions.

I find it a total, absolutely hypocritical statement for the members opposite to talk about economic development when they have opposed projects of this kind and this magnitude. If this House had been united on those issues, it would have put the Minister of Indian Affairs and Northern Development in a very difficult situation. At least there would have been a unanimous voice for the people of this territory.

Now, I see the member for Whitehorse South Centre shaking his head. One minute he was nodding no, now he is nodding yes. I recognize the member opposite sometimes has a problem making up his mind, but if it had been an unanimous decision then we, as the government and the representatives of this legislature on the government side of this House, could have said it was an unanimous decision.

But the members opposite, because they are opposition, chose not to support the project, even under certain conditions. They chose to oppose it. Of course, you could find a reason to oppose anything. There is always a reason. When you take a look over the last little while at the various issues that have come to this House — I just jotted them down, just at random. I did not have a researcher like the members opposite to go through and try and figure what issues had been discussed, I did it just on issues that had come to mind in the past hour, that we had debated in the past year or two — where the opposition took the tact that they were totally opposed.

If you take a look at the various proposals that were brought forward: you had the Peter Kiewit, the members opposite voted against that; you had the Stokes Point, the members voted against that; you had the COPE claim, the members voted for the people in Inuvialuit and forgot about the territory; we had \$75,000 identified for the school in Elsa. The Minister of Education, I am sure, wishes she had never heard of the \$75,000 because of the abuse that she has taken from the member for Mayo. Talk about biting the hand that is feeding you.

I would also point out the predator control —

**Mr. Speaker:** Order, please. Is the hon. member raising a point of order.

**Mr. Porter:** The member who is presently speaking stated that we have voted in support of the COPE claim. The member very well knows that there has been no such vote taken in this legislature and sided by this side of the House.

**Mr. Speaker:** Order, please. I would ask hon. members, in the thrust and parry of debate, once again to please not rise on points of order which, of course, are not points of order. The hon. member has just risen to state he has a problem as to a conflict of opinion between two members and there is no point of order as suggested by the hon. member for Campbell.

**Hon. Mr. Lang:** Thank you, Mr. Speaker. It is nice to know that, if anything, the member opposite is at least awake and, secondly, I am glad to see he is here.

I should point out the *Statistics Act*. We had the leader of the opposition standing up and asking for indicators and for all the statistics. We brought forward an act here a number of years ago, which would have provided us with the necessary mechanism to be able to be eligible to get into the vital statistics of Canada, for the purposes of our program that we are running in the Government of the Yukon Territory. The leader of the opposition —

**Mr. Speaker:** Order, please.

**Mr. Porter:** I believe I have a point of order and I refer the Speaker to *Beauchesne*, 316. It reads, "Besides the prohibitions contained in Standing Order 35, it has been sanctioned by usage that a member, while speaking, must not, under subsection (c), refer to the presence or absence of specific members". You have just heard the member for Porter Creek East raise that particular question and I would like to ask the Chair to make a ruling on the matter.

**Mr. Speaker:** The Chair did hear the comment made. I believe

the statement made by the hon. member was that he was glad to see the member here and I do not, by any stretch of the imagination, conclude that the member can be aggrieved under the section of *Beauchesne* that he has quoted. That is clearly my ruling in the matter.

**Mr. Porter:** I clearly agree with what you have stated. I would just like to cite the words again, "refer to the presence or absence of specific members". Thank you.

**Mr. Speaker:** As I have stated to the hon. member, the statement made, without having to go back through the long process, was heard clearly by the Chair as to say that he was very glad to see the member here. That cannot be construed in either way, as proposed by the hon. member, and I so rule.

**Hon. Mr. Lang:** I would be the last to cast aspersions on the member for Campbell. Who am I to keep a record of attendance of the member for Campbell? I would be the last one to even consider it. I would submit —

**Mr. Speaker:** Order, please.

**Mr. Porter:** I clearly do have a point of order by the continued discussions that the member makes, and again, I refer you to Section 316, which states "... refers to the presence or absence of specific members". The member has just mentioned the fact that he is referring to the attendance of myself and, clearly, that is not permitted by the rules that govern this institution.

**Mr. Speaker:** I would say, once more, that I wish hon. members, if they can dish it out, would learn how to take it, on both sides of the House, and stop using and abusing the rules of the House on supposed points of order, in order to enter into debate or for whatever reasons they are.

However, on the last question raised by the hon. member, I will take it under advisement and I will not put the transcription people to work to provide the Chair with what was said. Such a comment, as alluded to by the hon. member, was not heard by the Chair and, therefore, I will reserve my judgment on that matter.

**Hon. Mr. Lang:** I am very pleased that the member for Campbell has finally permitted me to stand and complete what I was about to say. I recognize that, at times, the truth hurts and I recognize the member opposite sometimes has a lot of problems with respect to the many issues that confront this House to be able to make a decision, basically on a regional basis for all people in this territory, as opposed to, say, some directions from some unnamed national organizations.

I think it is important to know that the *Statistics Act* was voted against by the opposition, and we did leave it on the order paper. Yet, at the same time, the members opposite continue to ask for that information that that particular bill would have provided for the purpose of dissemination to not only the members opposite but to the general public. The reason I am raising it is that this is another area where with one hand they ask for information, and they want the vehicle to get information, but at the same time they bring down a bill or policy in which we ask permission to go ahead and do these things, the members opposite always stand up and oppose.

If you take a look at predator control, that the member for Campbell referred to and the Minister of Renewable Resources referred to earlier, we had the member for Campbell standing up and saying we should not be proceeding with the predator control program. Yet at the same time he did not provide an alternative. What I am saying is that all he did was criticize the decision. He did not say "perhaps if you did your predator control in a different manner". The Minister of Renewable Resources not only indicated here but to the general public at large, if somebody had some other ideas how we can enhance our moose population, we are more than prepared to listen but, no, the member opposite would prefer to stand up, criticize the government, and come out of here as the great conservationist. Two years from now he will come in here and blame the Minister of Renewable Resources for the fact that there are no moose, if the Minister of Renewable Resources discontinued the predator control program. What I am saying is that you can not have it both ways. What would be the point of putting any of you on the opposite side on a select committee? You have disagreed with everything we have done. Your track record is complete. It is 100 percent.

They talk about consensus. The point is, somebody has to make a decision. There has to be some responsibility by the members of this House, all members of this House, no matter whether it be the opposition or government side of this House. I am saying to you it is your responsibility to bring alternate solutions to the problems we face. We do not get those solutions.

I recall when we were discussing the *Municipal Act*, I said to the leader of the opposition, on one particular section, I will set this aside and if you can come forward with an alternative I am more than prepared to listen. What happened, just like any other time, was a blank.

So, what I am saying to the members of the side opposite is that if you want to have the influence that you are asking to have, I do not think anybody objects if a member puts forward a solid alternative to a problem. In other words look for a solution. What I am saying to you is, all you have done is collect your paycheque, as the member from Mayo has indicated, and decided to oppose every measure that has come in to this House that has any political connotation whatsoever, with the principle of trying to segment your electoral vote into groups, similar to what they do in the United States of America with the democratic party; whether it be labour, whether it be the native organizations, or whether it be a organization over here, as opposed to looking at the common good. I do not think it is good, the kind of principle that motivates the members opposite and I am asking you as a member of this House that you should assess that situation, that obvious political decision you have taken, to look, when an issue does come forward — such as the Peter Kiewit project — at it and not find an excuse not to support it.

"I do not think the general public is prepared to listen to the side opposite say that they are pro-development and, at the same time, when you have the opportunity to voice your opinion, and cast your ballot, for any purpose of development, you have voted against it.

I think that it does not speak well for you, and I would say to you, and I hate to do this — and I hope it does not sound facetious — with a little bit of political advice to members opposite, I think the next time we are dealing with a measure that could be of major benefit to this development, it would be very politically advantageous for you, for this House and for the people of this territory, if you supported it.

The member opposite talked about the lack of work that this government has provided in the various native communities throughout this territory. I want to point out that this government has spent, and is spending on an ongoing basis, a great deal of taxpayers' dollars — and I recognize the member opposite has never expressed the word "taxpayer" in this House, but they are taxpayers' dollars — in the various communities throughout the territory. If you were to look at the dollars that have been spent and the people who have been put to work in the native communities, whether it be Pelly Crossing or Old Crow — because the majority of people happen to be native ancestry — I think this government should be commended for the amenities that it has put into them, as opposed to the statements that have been made that we have done nothing. That is not an accurate statement and the member opposite full well knows it.

The member opposite should be looking at what more could be done in the communities throughout this territory, and perhaps coming forward with suggestions. The only suggestion we have had from the member for Campbell is to build a bunch of houses on a flood plain. That is not logical, Mr. Speaker.

Perhaps the member opposite could be looking at some other area in the close vicinity that is not under the possibility of flooding. It would be good for the occupants, it would be good for the homes and it would be good for the member opposite because he would not have to find the money when there was a major flood, so everybody would win.

When I take a look through our communities at the work we have done, through the *Municipal Act*, the work we have done as far as amenities are concerned — whether it be in Watson Lake, whether it be in Old Crow, whether it be in Beaver Creek, whether it be in Pelly Crossing — I think this government should be commended. The taxpayers of this territory should be commended for the number

of amenities and facilities that have been supplied over the last decade. There is no comparison between 1960 and 1984. I am sure, Mr. Speaker, you would be the first to be able to speak on the subject of the realities of 1960, and the politics of 1960 as opposed to 1984, and the actual amenities that are now in those communities.

I would therefore move that we do now have question on the motion.

**Mr. Speaker:** I do not think a motion to put the question is required.

It appears, though, that there is no more debate.

*Motion agreed to*

**Hon. Mr. Lang..** I would move that the address in reply to the Speech from the Throne be engrossed and presented to the Commissioner in his capacity as Lieutenant-Governor.

**Mr. Speaker:** It has been moved by the hon. Minister of Municipal and Community Affairs that the address in reply to the Speech from the Throne be engrossed and presented to the Commissioner in his capacity as Lieutenant-Governor.

*Motion agreed to*

## GOVERNMENT BILLS

**Mr. Speaker:** We will now proceed to government bills.

### Bill No. 15: Second Reading

**Hon. Mr. Philipsen:** I move that Bill No. 15, *An Act to Amend the Mental Health Act*, be now read a second time.

**Mr. Speaker:** It has been moved by the hon. Minister of Health and Human Resources that Bill No. 15 be now read a second time.

**Hon. Mr. Philipsen:** Since the last major revision of the *Mental Health Act*, in 1971, sections of it have created confusion amongst those expected to administer it. In part, that was due to unclarity within the act regarding the respective roles of the peace officers, physicians, the courts and approved institutions. Even more fundamentally, problems stem from the dual objects of the act, which are care and treatment of seriously ill psychiatric patients and property administration for adult incompetence. Other difficulties have been brought into clearer focus, as both in nature and capability of treatment resources that have changed in recent years. The addition of a clinical psychiatrist to the medical staff of the hospital, for example, has made it possible to treat more patients locally rather than sending them outside to institutions for care.

The development of new drug therapies has also largely replaced long term institutionalization in the large psychiatric treatment centers. Those institutions and the ministries responsible for them have also responded to recent developments by admitting fewer patients and discharging them much sooner than in the past.

As local treatment was not envisioned in the 1971 act, it is not surprising that the act focused only on the detention and outside placement of mentally disordered persons. One consequence is that nothing in the old act provides clear definition and direction to physicians and hospitals in the Yukon as to when it is lawful to treat patients, particularly in the absence of valid patient consent.

Partly because it was not seen as likely that any patient would be detained in Yukon for a period much in excess of 72 hours, treatment beyond minimal emergency care would not likely be given here, the act also has very little to say about patient's rights or the rights and obligations of the Yukon health care facilities. In effect, it was presumed the patients would be adequately protected by the provisions of the mental health legislation in the province to which they were sent for treatment.

Generally, there have emerged four key areas for concern: a poor definition of mental disorder, unclear roles, vagueness regarding patient rights and little direction on the issues of lawful restraint and treatment. In 1981, at the direction of the then minister, the hon. Meg McCall, the Department of Health and Human Resources began a thorough review of the state of the *Mental Health Act*. By the end of the summer of 1981, a number of regulatory changes were advanced, as well as a policy directive and procedural guidelines issued.



Consultations continued over the autumn of 1981 and spring of 1982, involving the Department of Justice, the Crown Attorney's office, the hospital, the courts and the medical profession, culminating in the request that the *Mental Health Act* be substantially amended. The then minister, the hon. Howard Tracey, approved contracting for medical-legal consulting work to be undertaken, including a thorough review of the legislation and procedures in place in the Canadian provinces. That report is available and my department would be pleased to provide copies to interested members.

In spite of the knowledge of the work underway, and the knowledge that all parties were doing the best they could to provide the needed care to Yukoners, some lawyers recently undertook to apply official pressure by challenging existing provisions and practices, while presumably believing such interference would be in the interest of the client and in the interest of justice. The effect was to see one patient imprisoned, instead of receiving treatment, and another to abscond.

I would like to quote from a letter from the Yukon Medical Council, dated 1984, first month, twentieth day. It reads in part, "It is nice that several lawyers in town can blow their horns about the great gains being made and the terms of patient rights. However, what we see happening is a significant disservice happening to a percentage of mentally disturbed patients". That disservice is all the more evident, as the department was, at the very time of those interventions, working out the amendments that you see before you.

Not all of the problems inherent in the *Mental Health Act* can be dealt with by means of amendment. For example, competency, property administration issues and those related to psychological analysis requires an adequate legislative base for the independent handling of those matters.

Currently, none exists; thus, it is the government's responsibility to bring forward such complementary legislation, permitting the enactment of the *Mental Health Act*, which relates solely to the treatment of the seriously mentally ill. The urgency of the need of the forum is such that the action of the *Mental Health Act* cannot be deferred until the next session. The House can deal with the complex issues of competency and trusteeship. Hence, I am now bringing forward interim amendments to address the major issue of immediate concern, with the intention of tabling wholly new legislation this fall.

We have then a two-stage process. Firstly, the several key amendments now before us; secondly, the development and introduction in the fall, of two new bills, a mental health bill and a competency bill.

Turning now specifically to the amendments before us: these are designed to address the following problems. One: original drafting errors and omissions and lack of specificity in provisions. Two: the absence of clear references to due process, court procedure and appeal mechanisms. Three: absence of direction to physicians and approved institutions on the issue of treatment. Four: lack of automatic review and follow-up on patients committed to treatment.

To understand them in context, I would like to briefly outline the provisions of the existing act and the intentions behind it. The reasons for the specific amendments should then become clearer to members.

The act was intended to allow for a court hearing held by a JP or a Supreme Court Judge into the question of a person's mental state. That hearing could occur after one of three possible things happened. One: a JP or judge issued a warrant after hearing an application from any person alleging another person to be mentally disordered. Two: a peace officer arrested a person who appeared to be in danger to himself or others on suspicion of being mentally disordered. Three: two doctors certify the person to be apparently disordered.

In all three cases, it is assumed that the allegedly disordered person would be given a medical examination and psychiatric assessment after being arrested on the court's warrant, or arrested without warrant by the peace officer, or involuntarily admitted to hospital on the basis of two medical certificates, but the act did not explicitly say so, presumably because it was making allowances for

the possibility of no qualified medical practitioners being available. That is amplified by the fact that the act explicitly authorizes the court to waive medical evidence if it deems it fit and proper to do so.

Likewise, the act did not instruct a court or the peace officer to take the apparently disordered person to a hospital or psychiatric facility, only to detain him or her pending the hearing.

Again, this was presumably the result of the recognition of Yukon's lack of appropriate facilities, similarly recognizing potential logistic problems within Yukon.

No time limitation was set for apprehension of a person to holding the hearing, with the exception that patients admitted involuntarily to the hospital could be held no longer than 72 hours.

In practice, expert medical opinion is always sought and, in practice, effort is always made to have the person admitted to hospital rather than detained elsewhere. Equally, hearings have been held as expeditiously as possible; however, the act did not quite say so and several of the amendments I have brought forward are to do just that.

Once in detention and awaiting the hearing, the question arises as to what authority exists to act, assess, examine and treat the patient. Historically, persons were locked up and physically restrained if necessary. It is unacceptable on both medical and humanitarian grounds. Moreover, the absence of specific authorization to examine and assess the person defeats the purpose of the detention period, i.e. a period to gather evidence as to the mental state and the health condition of the person.

These matters are also addressed by our amendment to it. First, "detain", itself is defined to include the reasonable use of physical and chemical restraints and, second, emergency treatment is both defined and explicitly authorized.

Equally important was the historic lack of direction on patient rights. Such matters as explanation of the proceedings to be taken, notices of hearing, right to appear in court, right to retain counsel and rights of appeal were not mentioned in the old act and shall be added by amendments.

Further, the old act permitted the conversion of voluntarily admitted medical patients to involuntary psychiatric patients by the decision of the chief executive officer of the hospital. That provision, and all others related to patients voluntarily seeking treatment, have been deleted by the amendments, leaving the act to deal only with the mentally disordered persons who refuse to comply with treatment.

Finally, the old act makes no provision for a review after the person has been found disordered. No mechanism was established to follow up on the placement of the person, nor to determine what applications, if any, ought to be made under the act. Again, these features are added by amendment in the form of the Mental Health Review Board.

I fully recognize that the amendments before you do not solve all the problems inherent in legislation of this kind. The definition of mentally disordered persons remains problematic, especially since it must continue to capture mental incompetence until such time as appropriate competency legislation is developed. Issues relating to capacity to consent and what is reasonable treatment need further development and so on.

However, I do believe that the amendments address the major deficiencies and are urgently required. Moreover, the amendments permit the opening of the legal, medical and policy issues for fruitful discussion among my department, physicians, the Law Society, the hospital and the public over the next few months and hence provide a necessary step for the development of the new legislation, as slated for this autumn.

Mr. Speaker, I believe all members of this Assembly can see the amendments for what they are, a constructive step in developing fair and progressive health legislation for Yukon.

Thank you, Mr. Speaker.

*Applause*

**Mr. Kimmerly:** Firstly, I would thank the minister for his offer to provide a copy of the report that he spoke of early in his speech and I would ask him for a copy. Also, he quoted from a letter about the activities of several lawyers and I would ask that a copy of that

letter be laid on the table pursuant to the rules, as I will be very interested in the contents of the entire letter.

The member has previously said, I believe, about *The Children's Act* that the legal framework is less important than the community network and the budgetary resources that are allocated to the particular problem. He was talking about child abuse, I believe. The same statements can be made about mental health. Indeed we could have an act concerning mental health as long and as involved as *The Children's Act*, and probably we should, although in the foreseeable future, I doubt we will.

What this act, and especially these amendments to this act deal with, is a very small part of the picture. And continuing with the same analogy to *The Children's Act*, the public attention and the legal attention is around the question of child apprehension whereas the real problem is child abuse. Here there is a similar problem. The laws we are dealing with and the principles we are debating today are around the question of the adversarial situation that arises when it is necessary to make an application for involuntary treatment.

Most people who receive mental health treatment from time to time do so voluntarily and that, of course, is the largest issue to deal with. However, there arise people who do not consent to what the medical profession deems to be the best treatment for them, and there are people who act in society in an obviously dangerous way. This occurs, from time to time, everywhere.

"I am aware of specific problems in smaller communities where there is no doctor, where a person starts to act strangely and to act in a manner that is dangerous to other people and, possibly, dangerous to himself. In times past, the only recourse available was physical restraint. Indeed, there is a very famous murder case in the Northwest Territories, arising on the sea ice, which is clearly a case of a member of a family group becoming mentally ill and, thereby, endangering the very lives of all of the other people in the immediate area.

Those problems do exist and there clearly must be a way to protect life from injury. The old act did that by means of arrest without a warrant and it is continued in the new act.

It is very important to recognize that the definition of mental illness has a very important cultural component in it. It has changed over time and it changes with a differing cultural perspective. The minister clearly recognizes that the definition is problematic and I am the first one to agree with him. The definition of mental illness is, perhaps, more difficult than the definition of the kind of mental illness that requires the community interest or the state or the common good to intervene for its own protection or for the protection of the particular person.

This bill includes in it — although I believe it is imperfectly stated — a very significant improvement over the existing law. That is that it will only be, as a matter of law, excusable or lawful to involuntarily treat or to involuntarily confine persons who are dangerous to themselves or to others. The old act did not state that and this act does and that is a significant improvement. We welcome it; we welcome it very, very warmly.

"There is another principle in this bill although, again, it is imperfectly stated, and that is that after an involuntary committal is made, there is a review of that every 60 days. Mental illness used to be defined in a religious context, and it used to be thought, and it still is by some people, that once a person is mentally ill, they are probably always mentally ill. There was perhaps a religious procedure that may change that, but I am talking about the concept of possession by devils. That is still seriously believed by some Yukoners, and it was clearly the medically-accepted definition for a good number of years.

The medically-accepted definition, now current, clearly recognizes that mental illness can be, and most often is, temporary, and not of a permanent nature, and especially the dangerous symptoms, or the dangerous consequences of particular mental illnesses are temporary. The procedure for a review substantially modernizes the bill; it is a substantial improvement in principle and we welcome it warmly.

For those two reasons alone, it would be enough for us to welcome this bill and support it in principle at this second reading

motion, and we do. It is clearly our position that we support the bill in principle, although we have reservations, which will be raised in the committee stage.

The minister identified several reasons for the bill, and he identified quite clearly, the reasons for the particular procedure of bringing these amendments forward before the complete package is brought forward in the fall, as it is promised. I support that, because it is my belief that the old legislation, or the existing legislation, is unworkable, and these amendments will help to make the legal process workable.

The minister stated some things about cases where some lawyers, I believe, exposed problems with the existing legislation. I am going to speak about those at some length, at this stage and in the committee stage albeit generally here.

**Mr. Speaker:** Order, please. I wonder if the member would allow me to interrupt? Due to the rules of the House, I would, in the next two to three minutes have to stand the House adjourned until next Monday and I do believe it is not the intention of the House to sit next Monday. Perhaps it may be that the hon. member might wish to adjourn debate on second reading, as a suggestion, so that I am not forced into adjourning the House until next Monday, if the House so wishes to do something else.

**Mr. Kimmerly:** I move adjournment of the debate, at this time.  
*Motion agreed to*

**Hon. Mr. Lang:** I would move that the House, at its rising, do stand adjourned until Monday, March 26th, 1984.

**Mr. Speaker:** It has been moved by the hon. Minister of Municipal and Community Affairs that the House, at its rising, do stand adjourned until Monday, March 26th, 1984.

*Motion agreed to*

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

*The House adjourned at 5:30 p.m.*

The following Sessional Papers were tabled March 15, 1984:

84-4-3

Report on Regulations: October 11, 1983 - Feb. 20, 1984 (Pearson)

84-4-4

Appendix to "Yukoners Deserve A Fair Deal" - A Land Claims Information Package (Pearson)

84-4-5

Clerk of Assembly: Report on Deductions from Members' Indemnities made pursuant to the Legislative Assembly Act (Speaker)