



The Yukon Legislative Assembly

Number 32

4th Session

25th Legislature

HANSARD

Tuesday, May 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 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, Recreation and Culture
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
Tuesday, May 15, 1984 - 1:30 p.m.

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

Prayers

DAILY ROUTINE

Mr. Speaker: We will proceed with the Order Paper.
 Are there any returns or documents for tabling?
 Reports of committees?
 Petitions?
 Introduction of bills?
 Notices of motion for the production of papers?
 Notices of motion?
 Ministerial statements?
 Oral questions?

ORAL QUESTIONS

Question re: Teslin Band funds seized by Revenue Canada

Mr. Porter: I have a question for the government leader.

On May 7th, the government leader stated that his government had no choice but to turn over to Revenue Canada compensation dollars owed to the Teslin Band. Yesterday, officials of the YTG admitted this government may have made an error in the decision to pay the money to Revenue Canada. Can the government leader confirm that this government made a wrong decision by turning the Teslin Band compensation funds over to Revenue Canada?

Hon. Mr. Pearson: We do not know yet whether we made a wrong decision. However, because of the question that was raised by the member for Campbell, we did take another look at all of the documentation. There has been a question raised as to the connection, be it legal or not, between the Teslin Indian Band and the Teslin Indian Band Slashing Company Limited. As a result of that question being raised, we have undertaken to contact Revenue Canada and raise the same question with it. We anticipated getting a letter or an answer back sometime today. It has not yet been forthcoming. I was hopeful that we would have an answer from them. I am hopeful that they are going to say "yes, there is a question and you should not have paid that money to us and here is the \$75,000 back to do with what you will". We will at that point immediately forward it to the federal government as we are required to do.

If Revenue Canada says it does not think there is a mistake, then I am quite prepared to suggest to my Cabinet colleagues that there has been this question of doubt raised and that I would think that this government should make good our commitment to the Government of Canada and the Teslin Indian Band. Then we will get into the argument with Revenue Canada with respect to recovering that money.

Mr. Porter: The government leader just about made it all the way.

I would like to ask him one further question. Should the Yukon government not be able to recover the funds from Revenue Canada, will the Yukon government pay from other funds the \$75,000 to the Teslin Indian band?

Hon. Mr. Pearson: If the member had been listening to the end of what I said, I said I was prepared to go to my Cabinet colleagues and try to seek their concurrence to do that very thing, if we find that Revenue Canada balks at the suggestion we are making that there is a legal difference between those two organizations.

Question re: French language program

Mr. Byblow: I have a couple of questions for the Minister of Education, in an effort to firm up some clarification about this government's policy on the French language program requests from Franco Yukonais.

Very specifically, does this government, irrespective of the funding, the numbers, or the nature of the facility support in

principle the concept of a French language school in Whitehorse?

Hon. Mrs. Firth: I have indicated to the members opposite and to the public, through the media and in this House, that this government recognized that it had a constitutional obligation to the francophone people in Yukon to see that they were provided with education in their language, and that is the position of this government.

Mr. Byblow: I am sure, in all of that, the minister did not make it clear whether they support, in principle, the concept of the French language program.

Mr. Byblow: Let me seek further clarification. Is it still a position of this government to support the establishment of such a program by the beginning of this coming school year in September?

Hon. Mrs. Firth: I recognize that the party opposite, the NDP Party, would give the French school immediately, had the request been made to them. However, we would like to see what our options are, whether we have to provide the program cadre or if there are some other options that we have. I recognize that the member for Faro is, in some way, indicating that we are stalling and that his party would have made the decision immediately and given the program cadre, but we are not. We are simply trying to make a responsible decision for all Yukoners so that when we say to these people, "we can provide this program for you or this program", we feel that we have done all our homework and we have taken into account some of the long term implications that this request may have.

Mr. Byblow: My party is the New Democratic Party, or the NDP, not the NDP Party. I do not think the minister is in any position to state what our position is. We will do that.

Mr. Speaker: Order, please. Is the hon. member wishing to propose a question?

Mr. Byblow: Yes I am. I am still seeking clarification of this government's policy position on the French language question. Is it still a position of this government that absolutely no YTG funds should be used for the establishment of such a program?

Hon. Mrs. Firth: We have never said that. I have indicated to the member for the NDP that we recognize that we are going to have to assume costs, as we have with the French immersion program and with the adult French language program. I have also indicated to him that we would like to get a more firm commitment from Serge Joyal as to what funding they are prepared to give us. Is it going to be for three years, is it five years; are they going to say here is a lump sum and then it is all your responsibility. That is how the federal government typically works; they establish a program, then before you know it the provincial or territorial government is assuming the cost for the whole program. For us to make a responsible decision as to funding that is going to be identified for French language education and English language education, I would like to have a little more fact.

Mr. Speaker: Being no further questions then, we will proceed to orders of the day.

Motion to extend sitting hours

Hon. Mrs. Firth: I move that the Legislative Assembly sit on Tuesday, May 15, 1984 during the hours of 8 PM to 11:30 PM in addition to its established sitting hours.

Mr. Speaker: It has been moved by the hon. Minister of Education that the Legislative Assembly sit on Tuesday, May 15, 1984 during the hours... Mrs. Firth, is that the hours of 7:30 PM to 11:30 PM -

Hon. Mrs. Firth: The hours of 8 PM.

Mr. Speaker: ...from the hours of 8 PM to 11:30 PM in addition to its established sitting hours.

Motion agreed to

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

GOVERNMENT BILLS

Bill No. 33: Second Reading

Mr. Clerk: Second reading, Bill No. 33, standing in the name of the hon. Mr. Pearson.

Hon. Mr. Pearson: I move that Bill No. 33, entitled *Third*

Appropriation Act, 1984-85, be now read a second time.

Mr. Speaker: It has been moved by the hon. government leader that Bill No. 33 be now read a second time.

Hon. Mr. Pearson: This is the number one capital supplementary estimates for the fiscal year 1984-85. In these estimates it will be noted that spending is up by \$19,854,000, but, at the same time, it must also be noted that recoveries will be up by \$14,117,000, for a net increase of \$5,737,000.

The primary purpose of all of this is a result of the employment program that we had during last winter. During that time, some capital was originally budgeted for 1984-85 and it was brought forward and spent in 1983-84. These expenditures, \$192,000 worth, are now being deducted from the spending authority for 1984-85. In other words, we spent that money in 1983-84.

Of the \$19,854,000 that has been requested, \$11,895,000, or a full 60 percent, is for expenditures related to the Engineering Services Agreement for work we are doing, under contract, with the federal government and it is fully recoverable. Of the \$7,959,000 remaining, \$4,589,000 represents revotes of money approved in 1983-84, but not spent due to adverse weather conditions or excessive costs that would have been incurred had the projects proceeded in the winter.

Highlights of the new monies allocated within this budget are in the Department of Education: \$500,000, for capital purchases associated with the educational consulting program and computing program and \$465,000 for dormitory conversion at Yukon College. In Health and Human Resources, \$100,000 is allocated for the roof replacement of Macaulay Lodge; in municipal and community affairs, \$844,000 for land development, principally for country residential and industrial purposes and \$557,000 for the community assistance program. In addition, in this budget is \$900,000 for Porter Creek "C" repairs, largely a relocation of funds from the Haines Junction sewage lagoon. In economic development, we are asking for a line item authority for the Economic Development Agreement and the Hydro Development Program.

¹⁰⁷ In addition, there is \$300,000 for the internal retrofit program and the Northern Oil and Gas Action Program, both of which are recoverable from the federal government.

In Justice, we are seeking \$31,000 for minor modifications to the Whitehorse Correctional Centre. In Highways and Transportation, \$285,000 for the construction of the weigh station at the Cassiar junction; \$60,000 to begin the move of the Mayo workshop in Liard; \$166,000 for the Klondike Highway north, primarily for crushing and stockpiling; and, finally, for Government Services, \$200,000 for the asbestos removal and the insulating program in territorial garages and \$65,000 to conduct a study of alternate heating systems for the correctional centre and Takhini School, necessitated by the planned closure of the Takhini steam plant by the federal Department of Public Works in December 1984.

Mr. Penikett: We have, on this side, enough questions about this measure that it is our firm desire to want to speed it into committee so that we can put those questions.

Motion agreed to

Mr. Speaker: May I have your further pleasure?

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

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

Motion agreed to

Mr. Speaker leaves the Chair

COMMITTEE OF THE WHOLE

Mr. Chairman: I will call Committee of the Whole to order. We shall now go back to Bill No. 3, the *Employment Standards Act*. We are on page 31 and on clause 80.

Hon. Mr. Tracey: We are on clause 87 Mr. Chairman.

Mr. Chairman: We are on page 35 and we shall try clause 87. Is that a little nicer, Mr. Tracey?

Hon. Mr. Tracey: Much better, Mr. Chairman.

Bill No. 3: *Employment Standards Act* — continued

On Clause 87

Mr. McDonald: There seems to be some problem with the concept of a panel as expressed in the act.

¹⁰⁸ The chairman of the Employment Standards Board has the power to establish a panel of one or more members. Technically the chairman of the board may establish a board of one member who shall be permitted to rule on any matter. He shall have the power and authority of the board in any matter that comes before the board.

The chairman has the right to delegate this authority to a one member panel. If you look ahead, just briefly, to the next page you will find that the decision of the board or the panel is final and binding. Here we have a situation where a representative, perhaps a single employer representative or a single employee representative, may rule on any matter that comes before the board if the chairman of the board delegates that issue to the single member panel.

I wonder if the minister would like to comment on the reasoning behind the panel, the reasons why the minister allowed the panel to be made up of only one member who may represent either the employers or the employees, and why this panel has the right to make a decision that is final and binding?

Hon. Mr. Tracey: Certainly the chairman of the board would not be convening a panel consisting of one member if he was dealing with anything that would be perceived to be a decision coming from that member that was detrimental to anyone or any group of people, whether they be employees or employers. These panels could be established to do some investigation, to do some research or such things as that. They are not even conceived to be making decisions about employees and about employers in regards to labour relations. I think that perhaps the fears of the member across the floor should be alleviated somewhat by that. It is not our intention that one member of the panel or one member of the board or even two members of the board should act as the board. The only reason for this being here is that if the board is doing any investigations as has been seen earlier on in the act, the board has the powers of a board of inquiry. If one person is delegated to gather any information for the board, he has the power of the board in order to do so. It is not to sit as an appeal board or to set the minimum wages of the territory.

¹⁰⁹ **Mr. McDonald:** The minister takes it as an article of faith that the chairman will only delegate non-controversial matters to a one-member panel. I am not sure whether that article of faith is something that is shared by other people in society. The minister suggested that, perhaps, the one-member panel will only deal with such matters that involve some sort of investigation or some sort of research. That, too, is an article of faith, because there is nothing in the act that stipulates that restriction.

The kind of investigation we may be dealing with could quite conceivably be the investigation surrounding the issue of a minimum wage and, in that case, it would be highly desirable for a panel to consist of at least two members, whereby representation is guaranteed to both the employer and the employee. There is no provision, as you will note, that states that the decision of a panel, one member or more members, has to be ratified by the board as a whole. So, there simply does not seem to be any sort of safeguard in this provision.

The panel, quite conceivably, could be dealing with any number of issues, including some sort of investigation or some sort of a research project, but could also be dealing with issues involving matters of dispute between employers and employees or between the board and an allegedly offending employer. In those cases, it would be highly desirable that the panel consist of a representative from the employer and a representative from the employee. I think that is a reasonable assumption to make.

We are leaving a great deal of leeway, in decision-making power, to the chairman. The chairman's powers are extremely broad in this article.

Hon. Mr. Tracey: I suggest that the member go back and read

the act to see what it says. In section 93, it allows the board to reconsider any motion or any decision of a panel. The section that he is talking about, section 94, it says "subject to subsection 77(5)", which allows anyone to appeal that decision within two weeks. So, there is a provision to overcome the problem that the member has expressed.

Mr. McDonald: Of course, the board may reconsider its own decisions and, of course, the board is only one stage. After you deal with the board, you have the option to have your case reviewed by a court of law. That is unquestionably the case. However, the issue here is that, if the panel is going to be such powers as are equivalent to the board itself, and the panel is going to be charged with doing some significant pieces of work, the board certainly does have the right to reconsider over time, but that, in itself, would mean delay, of course. It would seem to me to be much more reasonable under the circumstances for any panel of the board to have its decisions either ratified by the board as a whole, or ensure that the representation of any particular panel includes, as a minimum, the representative of the employers and a representative of the employees.

This would be one way to ensure that investigation of a complaint or the investigation into a research project would be done in an impartial way. There is very little that a board does that is not of interest to both the employers and the employees; whether it be advising the minister, whether it be investigating a complaint or whether it be investigating the issue of minimum wages. There is nothing, I would suggest, that would not be of interest to both the employers and the employees. I would suggest that the minister consider either ensuring that the panel has representation by at least one employer representative and one employee representative or to ensure that there is a provision here whereby the panel's decisions should be ratified by the board before coming into effect.

Hon. Mr. Tracey: I do not know where the member has been all the time. Certainly the panel member is not going to make a decision that the board objects to, or does not agree with. I think we should show some common sense here. The chairman sets this panel up to make a specific investigation. We are dealing with the wage certificate system here. The board chairman sets this panel of one or two or three to do some investigating and they report back to the board. Subject to the board agreeing to it, that decision is final.

Mr. Penikett: The minister is getting into a snit about this, but the language in the sections that we are dealing with here seem to be incredibly broad and it is, in fact, not limited and specific in the ways that the minister suggests in his own remarks.

"The language here says that the chair, not the board, may appoint a panel, but the chair, acting on his own, by himself, without consent of the board or without the authority of the board; on his own authority, which is given to the chairman. This is unusual, because there are many bodies that can establish subcommittees or panels, but it is usually done on the authority of the whole board. Then it says, that when the chairman of the board refers a matter to the panel - a matter, not a matter specified or limited in any way suggested by the minister - the panel has all the power and the authority of the board in respect of that matter, okay? It does not talk about wage collection, it talks about all matters.

The minister has previously referred to section 77 and to 94 or 92, one of the others that comes up about the board reconsidering and the question of the appeal of the courts. It does seem to me that there could be in the minds of reasonable people some alarm bell will go off at the language in those two clauses. It does not talk about the board establishing a subcommittee, it talks about the chair of the board establishing a subcommittee, or establishing a panel. It talks about the panel having all the power and authority of the board in respect to the matter. It does not say what kind of matters. It talks about any matter before the board.

The problem it seems to me there is that you could conceivably have some reasonable fears in the minds of reasonable people about the fairness of such a procedure. Most people may look at the structure of the board and say, okay, if you have two employee representatives and two employer representatives in dealing with the matters where those interests may be in conflict, that is fair. As long as the chair is the right kind of person you can resolve it.

The difficulty here is that you are going to have a fear that the chair can appoint a panel of one, which he can do under this act, to deal with any matter, which may or may not be reconsidered by the board. For example, if you have a matter that might be of vital interest to the employee representatives of the board, this bill provides the chair with the power to appoint an employer representative to consider the matter.

The minister has also said that the board as a whole can reconsider. The employee representatives might be in a minority on this question. There is no power to reconsider. They can complain about it. All they can do if they objected to the unfairness or the - what they thought was - inappropriateness of the procedure would be to resign. It does not seem to me that the language is very reassuring either in respect of the fairness or the proper procedure or due process in respect to the decisions, nor is it clear in respect to limiting the powers or the jurisdiction of such a panel to matters as indicated by the minister.

Hon. Mr. Tracey: Contrary to the arguments put by the members across the floor, I believe there is ample protection and, if anyone feels very aggrieved about a decision of the board or a panel of the board, he can apply to the court. There is always the back-up of applying to the court.

I and my colleagues on this side of the House have gone through this act on more than one occasion and we see no problem with the procedure outlined here. All I can say is that if it ever turns out to be a problem, which I very much doubt, it can be addressed at that time. We feel that there is ample protection here for either side of a dispute.

Mr. Penikett: I must say, in passing, that I have some problem with this notion that the minister has alluded to before, that his caucus and his committee has studied this in private. Once again, I must emphasize it is the legislators whose job that is and whatever may have gone on before the bill got here, the debate does not conclude when the bill gets here, it begins when it gets here.

The minister says that there should be no cause for alarm and there is no cause for any apprehension about the fairness. I cannot recall his exact words, but there is absolutely no reason to raise concerns about whether something would be done unfairly. Where and how, in this bill, could someone who is aggrieved about the process by which a matter was going to be arbitrated by this panel, in a case where the chair had appointed a panel of one, who may have an interest on either the employee or the employer side, how does an employer or an employee, who is aggrieved by that process and the appointment of one, seek redress about the process?

Hon. Mr. Tracey: He can appeal to the board, but he has the option of going to court and appealing to the court.

Mr. Penikett: Is that not an unnecessarily clumsy process? Would it not be more simply to enshrine in law a very simple idea, that if there is a matter that involves a conflict or a competition between the interests of employees and employers, a panel formed to deal with such matters — and that would include a great many things that would be before this board — and should include two members, one of whom is an employer representative and the other one being an employee representative? I am quite prepared to grant the point made by the minister that, with respect to wage procedure or some other matter, a panel of one could conceivably be sufficient.

"However, it appears to me that where those are competing interests, there is going to be a tax on the process or the machinery right from the start rather than having automatically a process which is universally regarded as acceptable and fair and which will therefore enjoy the confidence of both parties to the dispute that it will be resolved fairly.

Hon. Mr. Pearson: I have heard the leader of the opposition twice or three times in the two times that he spoke refer to the appointments by labour and by employers on this board. I have some experience dealing with these kind of boards and I can relate that experience to this very House. We were all elected to represent specific groups of people in this legislature, but once we are here, we are all legislators and we represent all of the people. All of us represent all of the people. I respectfully submit that when the labour representatives go on this board and the employer representa-

tives go on this board, although those are the groups that they are sent from, they represent everybody on the board and particularly they represent the other board members, particularly when they are in fact asked to perform a function such as this. This is not extraordinary. It is done. It is done often. It is a method for the board to be able to do its investigation work. It is a commonly used method and one that there should be no fear about at all.

Mr. Penikett: Just let me wrap this up. I do not want to join the government leader now in a long debate about the structure of boards and committees. I am quite prepared to admit that this kind of board we are imagining here is a bit of a bastard child, that its parentage is mixed and confused. The trouble is, it is a board that is going to be given powers. It is going to be, in some cases, a tribunal. In some cases it is going to be an investigative body. In other cases it is going to be an advisory body to Cabinet. But nowhere in the bill, in respect of the terms of reference of the board, do I see any suggestion that, like judges in the Supreme Court, the minute they become appointed they suddenly suspend or end their previous associations whether with a union or with the business community. In fact, it is not suggested at all in the bill that, like Supreme Court judges, they stop being Liberals or Tories on the day they are appointed. What is quite clear is, in fact, the opposite case, that they are there as representatives of the business community and the labour community as well. If that is not the case, then the government will have to do some considerable work in explaining it. I quote here from a document published by the Chamber of Commerce of Whitehorse. I wish I could date it. Unfortunately, it is a Chamber of Commerce memo announcing meetings on May 27th and joint Chambers of Commerce meeting on 25th and 27th May.

"There is a section here on the *Employment Standards Act*. It goes on about the Chamber expressing concerns, regarding the legislation, to the minister. It then goes on and says — and I quote this to the government leader — "...the names of Norman Rudolph and Tony Wincup have been submitted to the minister for consideration, as representatives of the business community to sit on the Employment Standards Board".

It seems to me, in plain English, that those members of the business community will see themselves as having a mandate on that board of representing the interests of the business community. That does not alarm me, in any way; it does not alarm me in any way. It does not suggest that those people will stop being fair-minded citizens, if they are fair-minded citizens, no, but it does suggest that they are there to represent a certain interest in the community.

The fact of the matter is that, when you are dealing with matters governed by this act, those interests, the interests of employers and employees, are sometimes in conflict. They are sometimes in competition. If you are going to have any kind of tribunal, or any kind of panel, which is going to arbitrate between those interests in any way, most citizens, most fair-minded people, would want the composition of that panel to be balanced. They would not expect that the representatives on that panel suddenly stop being a representative of the business community, stop being a representative of employees — that is not tradition in labour practices, anyway. In labour arbitrations, you sometimes have a neutral chair and then you have a representative of business and a representative of labour. The fact of the matter is that they will expect the panel to be balanced.

What the minister has not provided for in this bill, in matters where those interests are in conflict, is any kind of guarantee of balance. That is what concerns me.

Hon. Mr. Tracey: I have also written letters to labour organizations and asked them to recommend people to serve on the board. Section number 86 says what the board consists of: two members representative of employers and two members representative of employees. It does not say that we are looking for a radical employer representative or a radical union representative; we are asking for representatives of people who can make sound and wise decisions.

It seems to me that every time someone reads a section of this act, he are looking for the bogeyman, somewhere, or that someone

is going to do a number on somebody. There is always the appeal to the board and, after that, the appeal to the court. If you feel aggrieved with the decision that is made by a panel of the board, you certainly have the option to appeal to the court.

I am certain-sure that the chairman of this committee is not going to appoint a panel of one union representative or one employer representative if it is some hot debate that could be appealable. There has to be some common sense used, as well, in all of this.

Mr. Kimmerly: I think I can add a word or two that may be useful to the debate. I think there are two issues that are being talked about here. One is the possibility of appeal, either to a board or ultimately to a court, especially the concept of an appeal to a court, which is the subject of the immediate debate. Also, the issue of the representation of the particular members that is, in response especially to the comments made by the government leader, that the members represent all people in the territory regardless of whether they are employees or employers, or whatever lies in between or in combination.

Concerning the issue of the court, the minister prefaced that comment by saying that we were looking for some bogeyman in the legislation. That is figurative language that essentially means that we are looking for potential abuses that could occur in the legislation. I submit that is a very responsible exercise. We should be doing exactly that, to look for potential abuses and to write the legislation in such a manner that the potential abuses are at an absolute minimum.

That is one of the jobs of a responsible opposition, to look at the legislation and consider it probably from a different perspective than the government members look at it, and even to speculate about potential abuses because good legislation has an absolute minimum of potential abuses. Legislation can be written so that the abuses are absolutely minimized and in some cases non-existent. It is our view that what we are doing in pointing out possible flaws or looking for and pointing out the bogeyman in the language of the minister, is part of the job that we are doing as opposition members. I am glad we are doing that quite well.

The minister then says, if a party feels aggrieved he can always go to the courts. He can appeal to the courts. That sounds as though it is a real protection. I submit in this case, it is not a protection. If a person goes to the courts and complains about the process or a decision that is reached by an abusive process, such as is technically possible, the courts are clearly bound by the legislation. They are instructed by it.

They will look at the legislation and say, well the chairman appointed a person, the person acted, it is within the jurisdiction of the board — that is, it is a matter upon which the board can act. That is the end of it. It is not competent for a court to look at every decision of the board and substitute a decision that the courts like for a decision that the board made. They could only interfere.

If there was a clear error on the face of the record or if the board was acting without jurisdiction, the courts are not an appeal process such as the minister seemed to suggest. To give an example, it is technically possible — now, I fully agree it is very unlikely — that the chairman could appoint a member of the board to do research and make recommendations to the minister on the issue of minimum wage in, for example, Dawson or Old Crow or on the North Slope. That is quite possible. The member makes the recommendation. I submit that that is within the jurisdiction of the chairman and of the member and of the minister within the act. The court would have no jurisdiction to interfere, and there is a decision about minimum wage, for example, on the North Slope that has never really gone to the board. There was a chairman who appointed another member who simply decided without consulting his colleagues on the board, or her colleagues on the board. That is possible, and in reading the legislation and determining the possibilities, if we can rationally and reasonably point that out to the minister, the minister should consider it very carefully and should consider that that would be an abuse and put a safeguard in the legislation to correct it. That is all the member for Mayo is asking. It is perfectly reasonable and I encourage him to continue.

Hon. Mr. Tracey: It is not accurate. There is no way that that member could make a decision and make a recommendation to the

minister without the other board members knowing about it, and the other board members have two weeks in which to reconsider that decision. So, it cannot be done without the other board members being aware of the decision that was made or the recommendation that was made to the minister. I could disagree entirely with the argument put by the member across the floor.

Mr. McDonald: A number of arguments have been put forward to support the claim that the panel is accorded a great deal of authority without any sort of protection that there will be equal representation by both the representatives of the employers and the representatives of the employees. The case happens to be that, should the board wish to review the decision of a one-member panel, a majority decision will have to be made by the board.
 17 Now, to give you an example, perhaps the minimum wage is to be reviewed and there is some sort of investigation that must be carried out in order to establish whether or not we want to increase the minimum wage. The director charges an employee representative with the duty of reviewing the minimum wage and the employee representative, over a period of time, through thorough and exhaustive research, determines that the minimum wage ought to be \$6 per hour.

Now, for the board to review that decision, the board must have a majority to send the issue back to the board for a review. Therefore, the two employee representatives can decide that the panel's decision was sufficient, without the employer representatives every becoming part of the decision-making process, at all. That is a potential abuse and that may be a problem.

The government leader suggests that the member representatives will represent all the people in the community and we would hope that that would be the case. However, the act itself acknowledges that we must take representatives of employers and representatives of employees — this is quoting from the act. These people represent employers and employees. Hopefully, they will act in the best interests of all the people but, nevertheless, they will have their minds set — to use common popular jargon — maybe that of employers and employees.

That is why we called for representatives of employers and representatives of employees in a board such as this. That is why you called for, in the case of a workers' compensation board, representatives from the employers and representatives from the employees. That is why you do not call for merely three people from the public or five people from the public. You ensure that the two groups have representation and you would hope the groups, wherever possible, would find a combination such as would take into consideration the general public interests.

The minister, initially, said that a panel would never make a decision that the board would not agree with. Obviously, amongst the minister's other qualities, he appears to be a clairvoyant. There are still no assurances, no assurances whatsoever, that a panel will automatically make a decision that would, as a matter of course, be accepted by the board.

The wording is quite explicit. If the panel makes a decision, it is binding. In order for the decision to be reviewed by the board, there must be a majority decision by the board and, obviously, there can be cases where either all the employer representatives or all the employee representatives may not have an opportunity to review the decision because they may be in a minority situation.

18 So we suggest that there be some safeguards instituted in the act to allow for panels to either be made up of two members at a minimum, one representative of the employers, one representative of the employees. It also must ensure that all decisions are ratified by the board as a matter of course. This will go some distance to alleviating any potential abuse should a panel decide, for some reason, inadvertently or advertantly, to not act in the best interests of the public. This is an assurance that both employees and employers would expect. Otherwise, the chairman of the board will be accorded significant powers to influence and direct the course of events.

We would urge the government and we would urge the minister to reconsider the size of the panel to ensure that there are representatives from both the employers and employees in any panel reviewing any decision.

Hon. Mr. Tracey: That is something that we can consider at a future date. While I am on my feet, I would also like to state that the leader of the opposition quoted two names of people who were recommended by the Chamber of Commerce. One of those persons is an employee. They were recommended by the employer's association.

Mr. McDonald: The minister suggests that if there is a problem in the future, then we will deal with it in the future. The problem for me is that any problems that may arise as a result of this wording, may not surface publicly for some considerable time. There may be periods where abuses are made that the public, perhaps even the minister himself, will not be fully aware of.

We are according certain rights to an appointed person and to five appointed people, and especially to the one appointed person — the chairman of the board — which are quite extensive and there may not be the mechanism to determine whether abuses are forthcoming. What the minister is suggesting is that we may have to wait until abuse becomes so grievous, so deadly that it becomes public and we make a political issue out of it. Then we will change the act.

19 What we are suggesting is that we make sure that that does not happen. We make sure it does not happen now. That minor amendment — obviously the minister does not want to admit anything in this act, apart from his own initiatives — it is a minor amendment. It will ensure to a large extent that abuses will not take place and we will not have to worry about a political flare-up some time in the future that will bring this once again to our attention. We do not have to waste the time of a legislature in the future. We can deal with it right now. Why do we not deal with it now?

Clause 87 agreed to

On Clause 88

Mr. McDonald: This again is a problem for us. Here we are talking about the quorum of a board of this nature where the quorum amounts to a simple majority. What essentially this means is that the majority of the board, say, the director and two employee representatives, can rule on any number of matters as a board without the other representatives even being present. What we would like to suggest and urge the minister to consider is to ensure that the quorum of the board shall include at least one employer and one employee representatives, so that the regular, standard business of the board will not be conducted without at least one employer representative present.

Clause 88 agreed to

On Clause 89

Clause 89 agreed to

On Clause 90

Clause 90 agreed to

On Clause 92

Mr. McDonald: On subclause 3, is the minister at all considering putting in legislation the right of either the person alleged to have contravened the act or the complainant to have an advocate come before the board and to state the case? It says in this particular clause that the board may specify other persons who may appear before it, but there is no guarantee that the complainant himself or the person alleged to have contravened the act himself will have the right to have somebody he trusts speak for him. Is the minister prepared to ensure that either party has the opportunity or the right to name a representative to speak on his behalf?

Hon. Mr. Tracey: They are certainly not precluded and if they apply to the board to have someone represent them there, that is a decision for the board to make.

20 **Mr. McDonald:** I can see that in the act, however, in such acts as the *Workers' Compensation Act*, there is provision whereby the advocates acting on behalf of the employers or the employees, have certain rights. It states, specifically, in that particular act that the employee can assign certain of his rights to his representative, so the representative can act on his behalf. Why can we not do that in this case, here?

Hon. Mr. Pearson: Because it is not necessary. With respect to workers' compensation, you are dealing with very, very highly confidential documents and information and it is just not the case in this particular act.

Mr. McDonald: When we are talking about the *Workers'*

Compensation Act, there are some highly confidential medical documents. I do not see, in dealing with a situation perhaps coming before the board, why not some proceedings may be confidential, as well. That, in my mind, is irrelevant.

If the complainant, or the person who contravenes the act, wishes to have a representative speak on his behalf in hearings that require extensive technical expertise, perhaps we should give him that right in the legislation and not leave it up to the board's discretion, as to whether or not they will permit the person to speak more eloquently or articulately, or have somebody else speak more eloquently or articulately on behalf of the complainant or the person alleged to have contravened the act. Why can we not state in the act that a person has the right to permit an advocate of their choice to come before the board and to state the case?

Hon. Mr. Tracey: I can see one very good reason. It is because the board is not dealing with anything as complicated as it could be in a workers' compensation case. Either the employer has a complaint or the employee has a complaint and the board sits there and reviews that complaint, listens to both sides of the argument and renders a decision.

Mr. McDonald: I would certainly admit that there are few acts that can be as complicated as the *Workers' Compensation Act* and the policies pursuant to that act.

However, even in situations where, for example, in a union, where there is a grievance of limited complications, there is still the right in those basic cases to have a representative speak on your behalf. You might recognize that some people do not have as strong a command of the English as others and they feel more comfortable having their case stated by a person who may not even be a lawyer but, perhaps, is a person who is more competent in one of Canada's mother tongues. Perhaps the case does involve some minor complications that can be better expressed by a person who can better express himself in English.

Or, for example, a person who understands this legislation better than does a worker who has no facility with legislation, or no facility with the terms of this particular act and therefore, will be able to present the case in a better and fairer manner. Because the *Worker's Compensation Act*, as an example is more complicated and its policies are more complicated does not suggest in any way that in this act the complainant or the person alleged to have contravened the act may not require or desire a person to act on their behalf. All I am suggesting is that we allow them that right, as their right, so that they can be absolutely assured that their case is being put fairly and openly before the board as best as can be stated. I do not see why we cannot put that provision in the act. I do not see why we cannot put that in the act.

Clause 91 agreed to

On Clause 92

Clause 92 agreed to

On Clause 93

Clause 93 agreed to

On Clause 94

Mr. McDonald: Is that a typo after the word "board"?

Hon. Mr. Tracey: The word should be "or" instead of "of".

Mr. Chairman: Is it agreed that that is a typo?

Some hon. members: Agreed.

Clause 94 agreed to

On Clause 95

Clause 95 agreed to

On Clause 96

Clause 96 agreed to

On Clause 97

Mr. McDonald: This is a clause that deals with what is commonly referred to as the fair wage schedule. The question that I have to put to the minister is whether or not he can define what is a public work in the territory. Is the term "public work" broadly defined to include more than construction work?

Hon. Mr. Tracey: Yes. It is all work that is performed in the territory.

Mr. McDonald: So, we can establish, then, that, according to section 97(1) of the *Employment Standards Act*, that should service contracts be let by the government as public work, there would be a

fair wage schedule attached to that act to ensure that industry rates are instituted in all public service contract tenders.

Hon. Mr. Tracey: Yes, that would be one thing I would consider we would certainly have. It is to do with all public work in the territory. If the government were to put out a tender, it would be for those people, as well as anyone else. The only people who would be excluded would be actual government employees, who are working under the *Public Service Commission Act*.

Mr. McDonald: That is very reassuring news, given the statements made previously by the minister responsible for government services.

Clause 97 agreed to

On Clause 98

Mr. Kimmerly: I would raise a question about 98(1). It would be possible, here, to leave a person stranded in a remote place, where there is regularly scheduled transportation services. For example, in Old Crow, there is a regularly scheduled transportation service. If a person is employed in Whitehorse and is sent to the North Slope and is laid off, it is obviously appropriate to transport the person back to Whitehorse, not to Old Crow.

Now, responsible companies would certainly do that and the larger companies would certainly do that, but it appears to me that the potential for abuse is there. A better test would be the choice of the employee, at a place with regularly scheduled transportation service, or the place of hire. At the choice of the employee would be fair more fair.

Hon. Mr. Tracey: I cannot agree with the member across the floor. The reason it is put in like this is because you will see a lot of cases where an employer takes an employee out to some area and the employee ends up quitting two or three days later. Under the proposal of the member across the floor, it would be the obligation of the employer to then provide transportation right back to the point of hire.

That is all right in a union agreement, but a union agreement is something negotiated between the employer and the employees and that is all calculated in their cost or whatever. However, what we are trying to do is to make sure that the employee is not left to try to find his own way back. He is going to have to be taken to the closest transportation.

Mr. Kimmerly: First of all, if the minister read section 98(1), in the first two lines again, he would realize his argument is wrong. It clearly says "where an employer terminates the employment of an employee or lays off" and does not say where an employee quits. In fact, if an employee quits, it is not covered in 98(1) at all, so the argument is wrong. However, even if it were right, it raises a very interesting policy question, for example, if an employee is on a ship or in the bush in a remote camp. To be consistent with our policies against slavery, and considering it is a free country, a person could quit and bear the penalty of lack of notice. I mean, that should be a possibility for employees and there could be a section to cover that. However, in this case, we are not talking about employees who quit at all. It is simply not addressed in the section. This is only employees who are terminated and it says "terminate or redundantly lays off". It appears to me that it opens a potential abuse. For example, if a person is hired in Whitehorse and is working in the bush near Beaver Creek, he could be laid off and transported to Beaver Creek, or it could be Old Crow, or virtually any community in the Yukon, as almost all of them have regularly scheduled transportation services, either by plane or bus. It is a potential abuse and potentially unfair.

Hon. Mr. Tracey: I do not think it is unfair. It is all right if you have an agreement with your employees that you are going to provide transportation back to the point of hire. But unless you have that agreement, there is nothing unfair about this. All it does is protect the employee to make sure he is going to get to a point of transportation. You can call it unfair if you want, but it is not unfair. There is no agreement. We are not forcing the employer and the employee to make an agreement or the employer to provide transportation back to point of hire. It is not written in this act. What we are trying to do is protect someone who is in a remote area and guarantee that he will be given transportation back to a point where there is a transportation system available to him.

Mr. Kimmerly: It is my expectation that the large companies would have no trouble with this and I know for a fact it is their policy to return laid-off or terminated employees to the point of hire. As responsible employers, they are perfectly aware of that duty, and I would expect that where it is relevant in union agreements that for organized labour there would be absolutely no problem. The potential abuses are going to be in the smaller companies.

For example, consider a fairly small mining operation that mines in the bush in the remote rural Yukon and the closest community is Beaver Creek or Dawson, or Old Crow. It is quite possible that through no fault at all of the employee he could be stranded in a remote community when he was hired from Whitehorse or some other community and transported by the employer into a remote area. In those cases it is certainly our policy that it is fair that where an employee is terminated or laid off that he be returned to the point of hire or such other place of the choosing of the employee that entails no greater expense to the employer.

Clause 98 agreed to

On Clause 99

Clause 99 agreed to

On Clause 100

Mr. McDonald: This clause 100 deals with fines. I have a couple of questions. First of all, I would like to ask the minister what led him to make the policy decision that when a person contravenes the act he would be subject to a fine not exceeding \$1,000. Why the figure \$1,000? Does the government feel that, for example, a big employer who contravenes the act by not giving notice of layoff of three or four hundred employees would feel at all worried about paying a \$1,000 fine? Do they feel that the \$1,000 fine is sufficient?

I wonder if the minister could give us some indication as to how he came to that decision?

Hon. Mr. Tracey: I know of no employers in this territory who have 300 or 400 people who are not covered by a union agreement.

Mr. McDonald: I told the minister this yesterday that the provisions in this act are much better than the provisions in any union agreement if the notice of layoff is to be given to the employees. The minister said yesterday that, in the case of notice of layoff, that notice of three or four months will be given to the director and would not be made public.

Let us take the example of Cyprus Anvil. Cyprus Anvil, let us say for the sake of argument, has 400 employees. It may wish to terminate its employees, or lay them off permanently, or whatever. They have, in their union agreement, a clause that stipulates that they must give the employees two weeks' notice or 80 hours of pay in lieu thereof. In the act, it states that, for them to lay off or terminate permanently their 400 employees, they must give 16 weeks notice to the government.

Now, irrespective of whether or not they have a union agreement, what makes the minister feel that a \$1,000 penalty would be a sufficient penalty to encourage them to give a four month notice of layoff to the government? What makes him feel that the \$1,000 is sufficient?

Hon. Mr. Tracey: It is an arbitrary figure. What would you have us do? In order to cover this possibility, would he have us put a \$10,000 fine on some little businessman or some little employer who contravened the act?

We were trying to balance things out here. We are trying to provide something that is a deterrent to most people who would be the type of people who would contravene the act. Certainly, it is not going to be the Cyprus Anvil's of this world, it is going to be the little guys, and those are the guys that this act is designed to cover.

As for the notice to employees, if that is his concern, it already states in here that companies with trade unions are exempted from that provision of notice, except to the government. They only have to provide notice to the government.

If it turns out that it becomes abused by large corporations, such as Cyprus Anvil, then, at that time, the government will have to take another look at it and, perhaps, put another clause in to cover that potential situation. Yes, it is a potential situation, but we do not expect it to happen.

Mr. McDonald: Again, we are only dealing with a company, irrespective of whether or not it has a union agreement. A union agreement with an employer in the circumstances I have mentioned is irrelevant. We are talking about the notice provision required by government of an employer so that the government may know when a certain number of employees will be laid off. I am not a lawyer, but I think I understand the nature of maximum penalties.

The clause here states that the fine will not exceed \$1,000, which suggests that perhaps for the smaller company or very small business who can little afford \$1,000, may be subject to a lesser fine. This is the maximum fine. I understand that this is a maximum fine. What we are dealing with a maximum fine, so perhaps we should be dealing with one of the worst possible cases that we can think of. That would give us the amount of leeway to cover all instances.

The minister suggested that if there is a demonstrated problem, we will look at changing the act in the future. There is one way where we can help to avert the potential problems of the future and that is by dealing with the issue right now. One question that I have is why the \$1,000? The minister said that it was an arbitrary figure. Why this arbitrary figure? There must have been some reason to suggest that the \$1,000 would be sufficient.

Hon. Mr. Tracey: If you read that first section it also deals with any other person, including an employee. If you read on farther you will see that if it is a corporation, that the directors are also liable and they could go to jail for three months as well. I do not think any director of any corporation wants to go to jail. There are other deterrents. This section deals with not just large corporations, it deals with everyone in the territory.

Mr. McDonald: I say again that this is the maximum fine to deal, presumably, with the worst case. If an employee contravenes the act, perhaps he should not be subject to the maximum fine and perhaps he should be. There is no latitude here to deal sufficiently with those persons, or those corporations, or those employees, whatever, who contravene the act in a major way.

The minister seems to feel that we have to wait for the worst case to happen so that we can rectify the situation in the future. In rectifying the situation, we cannot deal retroactively with any problem that may come up in the meantime. The minister's answer is not an adequate answer. It is not a sufficient answer.

Clause 100 agreed to

On Clause 101

Clause 101 agreed to

On Clause 102

Mr. McDonald: On subclause (3), again we have the penalty provision. Can the minister go to some length to explain why he feels that \$50 a day is sufficient penalty for a large employer who ignores the decision of a court?

Hon. Mr. Tracey: It is the same argument as on the last one.

Mr. McDonald: It is the same inadequate argument as the last time we discussed this issue.

Clause 102 agreed to

On Clause 103

Clause 103 agreed to

On Clause 104

Clause 104 agreed to

On Clause 105

Amendment Proposed

Hon. Mr. Tracey: I move that bill No. 3 entitled *Employment Standards Act*, be amended in clause 105(1) at page 41 by substituting "seventh day" for "third day".

The reason for this is that it is felt that with the mail service that we have in the territory nowadays, three days would not be ample time to guarantee that a person has received any mail. It might not even be cleared out of the post office in Whitehorse yet. So, after representation made to us, we have proposed this amendment.

Amendment agreed to

Clause 105 agreed to as amended.

On Clause 106

Mr. McDonald: I would just like to register our opposition to this particular clause, as stated many times before in debate.

Clause 106 agreed to

On Clause 107

Mr. Chairman: In subclause 2, there is a typo: "extend" should be "extent". There should be a "t", instead of a "d". Is that agreeable?

Some hon. members: Agreed.

Clause 107 agreed to

On Clause 108

Mr. McDonald: In 108(1), the chairman will know that, in the old act, there was a provision calling on employers not to permit miners in mines to work longer than the regular workday of eight hours. That is not in the new act and I am wondering if the minister has provided any sort of protection for those people who are working in mines, where fatigue is a considerable safety problem, or whether or not they are going to consider any provision to include the situation of mines in this act, or in a health and safety act in the fall?

Hon. Mr. Tracey: It will be addressed in the occupational health and safety act.

Mr. McDonald: That is reassuring, for the time after the occupational health and safety act comes into effect. Of course, in the meantime, over the course of the summer, it is open season, apparently, unless the minister does something about it.

Before we clear this out of the committee, I have another question. It is not exactly relevant to clause 108(1), but there is one question of some importance, to me, regarding the issue of double penalty for persons breaching the act.

The minister will remember that we just dealt with a penalty provision in the act which requires that persons who breach or contravene provisions of the act will be subject to a \$1,000 maximum penalty. This particular provision is one that deals with breaches throughout the bill. In the body of the bill, the Chairman will remember that there was provision that where a person failed to give notice of termination of employment that person would be subject to a forfeiture of pay. Is it the intention of the minister that a person will be subject to not only forfeiture of pay but perhaps to a thousand dollar fine for contravening a provision of the act?

Hon. Mr. Tracey: No. That is a specific provision put in there for not giving the termination notice, and that is exactly all it deals with. It does not say that it is against the law not to give termination notice. All it says is that if you do not give termination notice this is what you will have to pay for.

Mr. McDonald: There is a provision in the act that singularly says that an employer or an employee should give one week's notice of termination to his employer. Later in that same section it talks about a penalty provision for that breach; a penalty provision. It does not say that we are dealing with the penalty provisions in the addendum to the act; it does not say that there is no possibility of the stacking of penalties. Can the minister give us any assurances that no doubling or stacking of penalties can occur?

Hon. Mr. Tracey: Yes, I can give my assurance, because it is all dealt with in one section of the act. The provision is in that section and the penalty is in that section and that is all it deals with: notice of termination.

Clause 108 agreed to

On Clause 109

Mr. McDonald: When does the commissioner and executive council plan to bring this act into effect?

Hon. Mr. Tracey: When we get all of the regulations prepared. It will certainly be a little time yet before it comes into force.

Mr. McDonald: Will it be this summer?

Hon. Mr. Tracey: Yes, I hope it will be some time this summer.

Clause 109 agreed to

Clause 1 agreed to

On Title

Title agreed to

Hon. Mr. Tracey: I move that you report Bill No. 3, *Employment Standards Act*, out of committee with amendments.

Motion agreed to

Mr. Chairman: I declare the *Employment Standards Act* carried from the Committee of the Whole as amended.

We shall now recess until 3:20 and when we return we shall go on

with Bill No. 12, *Second Appropriation Act*, and we shall go on to Justice.

Recess

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

We are now on the *Second Appropriation Act, 1984-85*, and we are open for general debate on the Department of Justice.

Bill No. 2: *Second Appropriation Act, 1984-85* — continued

Hon. Mr. Ashley: I would like to highlight the major changes in the budget before we proceed into discussion of the individual programs in detail.

In legal services, we shall be commencing a project for the consolidation and revision of the Yukon statutes. \$150,000 has been allocated for this current year. The project is expected to take some 18 months to complete, rather than the 12 months I advised the member opposite, when he asked, in Question Period, about it.

Technological changes and advances are such that, while this is a task of some magnitude, at this time, because of the lengthy interval since it was last carried out. In future it will be a simpler and relatively inexpensive task. Two person-years have been added, one of which is a librarian, who will be hired for the Law Library, a position that I am sure the hon. member for Whitehorse South Centre and the hon. member for Whitehorse North Centre will both agree is a welcome and necessary addition. The other position, a clerical one, has been added to public administrator, in recognition of the steadily increasing number of current files and increasing complexity and frequency of reporting required under the *Income Tax Act*, with respect to estates.

In corrections, a provision has been made for the operation of a trailer complex. We shall be looking to gain operational experience in this project and to iron out any bugs that may surface. For this reason, they will, initially, at least, be restricted to the Whitehorse area. My officials will be actively seeking suitable projects for future consideration.

My officials made a commitment to the Public Accounts Committee to supply statistical information and information on cost-sharing arrangements with regard to the RCMP. The printed information, because of space restrictions or constrictions, is somewhat sparse, sparser than I would have wished and would therefore ask, in keeping with the commitment, that these documents be distributed to the hon. members for their perusal.

With that, my notes are all laid out in logical formation throughout each line item. I will discuss some things in general, the rest I will discuss under the line items.

Mrs. Joe: I have a number of questions that I would like to ask of the minister in general debate, before we go into the line items. I am sure that - maybe this thing is not working - the member for Whitehorse South Centre, what I do not ask, he will. We could be here for a long time depending on the kind of answers we get. If the answers are quite straightforward and we get good information, then we will not be long at all.

Last year there was a lot of talk about the justice department not really keeping on top of things. It appeared to us and a number of other people that the justice department could have been doing a lot more than they have. We attributed that to the fact that we did not have a deputy minister.

The administrator, Tommy Duncan, was doing the job of 2½ people, or whatever. Now we have a deputy minister and the minister, Tommy Duncan, has gone back to do his own job. So, we are hoping that in the year coming we are going to be able to get things done within the justice department. I am certainly hoping that we are, because we have been concerned about a number of things.

There was talk last year that the minister's department was going to hire a consultant to help until the time the deputy minister arrived, and I do not know if that took place.

I would like to ask the minister questions as we go along, because I could go right through the whole department and then what would happen is that the minister may possibly forget some of the questions I had asked him. I would like to know now if the deputy minister is now working and will be here. What happened to the consultant who the

minister talked about? What happened to the consultant who was going to come in to work until the deputy minister arrived?

The other comments I would like to make while I am still on my feet are on that \$150,000 the minister had indicated was going towards the Yukon statutes. Was it \$150,000? He said it was going to take the period of 18 months rather than 12 months, I think. The good news was the librarian; that is a much needed service and I am glad to see that position is going to be filled or has been filled up until this time.

³³ About the one clerical staff for the public administrator, is that one extra person in that office who we did not have before? The minister had mentioned that they were going to be hiring one more person-year.

Hon. Mr. Ashley: First, in case you do not know and have not met him, Mr. Bill Byers is in the Gallery right now. He is our new Deputy Minister of Justice.

Second to that, the consultant you must have been referring to would have been Mr. Bill Hamilton, who came into help us during last summer and that was all it was ever intended for. We had hoped, at that point, that we would have a Deputy Minister of Justice shortly thereafter. What he was doing was to help to reorganize the solicitor's area of the Department of Justice and that took place and the work was accomplished. He also assisted in the administration duties of the department.

I have already touched on the Law Library and you have, as well. The other question you asked me, I believe, was what I mentioned in the opening address about the clerical position of the public administrator. That is a new position, if that is what your question was.

Mrs. Joe: I would like to ask the minister how many solicitors he has in his department, now? There is a budget amount here for \$506,000, for 1984-85; could he let me know what is happening with the solicitors, right now, and how many there are in the department?

³⁴ **Hon. Mr. Ashley:** There are at least four - no, three - solicitors in the department. Two junior solicitors and one senior solicitor. The deputy minister is also a lawyer.

Mrs. Joe: The minister mentioned, I believe it was yesterday, that he had either hired or had got some solicitors or other people to do the study on victims of crime. I think what he said is that we had a whole pile of people who were working on it. I had asked him where they came from. I would like to know who those people are. Are they the solicitors you have already in the department who are working on this study on victims of crime? Did you gather them from other departments within the department?

Hon. Mr. Ashley: First, I had best correct what I just said. There is a senior solicitor, a legislative council solicitor, which I had left out, and two junior solicitors; and three clerical support staff in that area.

The one who will be working on that victims of crime committee is one of the department's solicitors.

Mrs. Joe: I would like to know how many people are working on that report. It has been over a year now since the Yukon McLaughlin Report was finished. It has been over a year since the federal report on task force of victims of crime has been finished. The minister has indicated that the Yukon people working on the study have been working on it since last October. I wonder if he could indicate to me who those people are who are working on that study. He must have a general idea about when it is going to be finished. Are we looking at a year down the road, or are we going to have it done by next session so that we might have some information about it? I ask that in all sincerity because I am concerned about those victims. As the study goes on, those victims are being harmed in some way.

³⁵ **Hon. Mr. Ashley:** The people at the workers' compensation board who administers the program for justice for the criminal injuries compensation is also made up of justice representatives and a health and human resources representative. The committee was waiting for input from Ottawa from the overall study that was done. I believe, by the solicitor general's office. There were three departments involved in that one as well, federally. I believe they have just received the information now as to what the outcome of

the federal one basically is. There is nothing really substantive in that, though. The feds are still working on it, from what I understand. So, as soon as we have more information, the committee will be meeting on that. Hopefully, they will have something this summer done on it. They will be working this summer on it.

Mrs. Joe: I have had a copy of the federal report on victims of crime for quite a number of months now. Does the minister want to say something?

Hon. Mr. Ashley: The federal report on victims of crime we have had for months as well. That is not what I am talking about. The federal department's answers to what they would like to see and initiatives being taken from that report is what I am talking about and what we are waiting for to see exactly what they are going to do. As soon as we have that, we will be working on it and coordinating it within our own areas.

Mrs. Joe: I have a press release dated April 18th in regard to the initiatives from the Department of Justice in regard to victims of crime, and I guess that is what the minister was talking about.

I would like to go on to something else right now, in legal services, and that is the Women's Bureau. The minister has indicated during Question Period that he was going to answer a number of questions that I had asked in regard to the Advisory Council, women in the labour force, and a number of other things. Since we were elected two years ago in June, I have not seen an awful lot of changes take place. There has never been a large amount of money budgeted for the Women's Bureau and I have before me the structure of the Women's Bureau. It has become smaller and smaller and smaller, and it has sort of moved around quite a bit. I have here the mandate for the Yukon Women's Bureau and I have a copy of the mandate for the Advisory Council. Now, if you are going to have a women's bureau and a women's bureau that is going to be effective, there are many concerns, and many issues, that the women of the Yukon have. Many hardworking men and women are working towards changing the system for women; changing laws, setting up programs and doing a number of other things in order to improve what is happening with women in the territory.

³⁶ I have been very concerned, since we have been sitting, about the lack of response I have been getting from the minister, with regard to the Women's Bureau. The advisory council was set up "to do such things as advise the minister on such matters related to the Status of Women, that the minister refers to the council for its consideration or that the council deems appropriate, and bring before the government and the public matters of interest and concern to women". It says the council, in carrying out its functions, "may receive and hear petitions and suggestions from individuals and groups concerning the status of women; undertake research on matters relevant to the status of women; and suggest research areas that can be studied by governments, voluntary associations and private businesses; recommend and participate in programs concerning the status of women; and propose legislation, policies and practices to improve the status of women".

That is the mandate of the Women's Advisory Council and that is a pretty heavy mandate. I think that in order to have the Women's Bureau like any other department or bureau or council, or board, or whatever it is, that the government has to have that kind of a body to help and to advise. Since this present minister has been the minister, the council has been inactive; it has not done anything.

I just wondered if there is going to be any change, at all? Are we going to see a copy of that study of women in the labour force? Are we going to see the reactivation of the advisory council to the Women's Bureau? What are we going to see within the Women's Bureau, this year? Are we going to see nothing?

Hon. Mr. Ashley: First, I would like to make a brief statement. Basically, the Women's Bureau has not shrunk down to nothing, it has maintained the same level. Actually, it has done a few more things than it was doing when I first took office.

I will give you an overall view of it. Because of my concerns and this government's concerns, regarding all aspects of the Department of Justice, a consulting study of the department was commissioned and recently completed. The study recommendations have been

endorsed and we are now in the process of implementation. Particular attention was paid to, and some recommendations made specifically regarding, the Women's Bureau. Those recommendations will be addressed.

While the proposals for reorganization within each section required further analysis, it is likely that an additional personnel resource will be available to address issues under the purview of the Women's Bureau. As well, we have recently hired a very senior person to work on departmental objectives. The Women's Bureau has been specifically included in this project. We expect the first phase of the project to be completed within a few weeks. Following this task, we will, in the coming months, be reviewing the structure and mandate of the Bureau.

I want to stress that these initiatives have been undertaken because of the importance we place on the activities of the Bureau. We are acting on our commitment towards improving the position and opportunities available to women in all areas of society. I will now give you a list of what the Women's Bureau's activities are or have been over this last year.

Now, the Women's Bureau current and ongoing activities include an involvement in coordination of interdepartmental activities of particular relevance to women, including the *Charter* review, work toward the development of human rights legislation, particularly the Green Paper Committee submission to Pension Reform Review, co-chairman of the Yukon Steering Committee on Wife Battering, coordinator of government report to Federal Provincial Territorial Committee on Wife Battering, plan submission to upcoming hearings of the committee to study pornography and prostitution; serves as a focus for intergovernmental participation in addressing women's issues, sits on the Canadian Association Statutory Human Rights Agencies, which is CASHRA, and particularly the subcommittee addressing the Convention on the Elimination of All Forms of Discrimination Against Women; continuing Committee on Officials Responsible for Human Rights; Women's Employment Committee of the Canadian Association of Administrators of Labour Legislation; Federal Provincial Territorial Status of Women Continued Committee. It also assesses and maintains knowledge about issues, programs, policies, and legislation relevant to women both in Yukon and throughout Canada in order to provide the information, advice, and recommendations to the Government of Yukon, which would include recently attending the People's Law Conference sponsored by the Federal Department of Justice at which issues including effective enforcement of maintenance orders, mediation of family disputes, unified family courts, and domestic violence were discussed.

In conjunction with the legal services branch, it is examining impact for proposed changes to the *Canadian Divorce Act*. It also maintains a resource centre information bank for women's issues and the stats for women in Yukon. It also provides funding to, and assists with, the coordination of increasing public awareness of an attention to women's issues. For example, it annually provides funding to support the Women's Conference, specifically by absorbing the cost for rural delegates to attend. It regularly contributes a column to the Yukon Women's newspaper *The Optimist*. It recently provided funding to the *ad hoc* committee on family violence for the conference on men who batter, and has developed a booklet on legal information for women that is distributed to the public. Copies were available at this past week's law days displays.

On your question of the women in labour force study, the background to this is that in 1981 the Women's Bureau was located in the Manpower and Labour Branch of the Department of Consumer and Corporate Affairs. Priorities for the Bureau focused on employment and training. When the Women's Bureau coordinator went on maternity leave, some of her salary dollars were used to hire a contract researcher to do a study of women in the Yukon labour force. The study was to provide a perspective on the subject of women and worked by gathering information and conducting some general analysis to identify the issues of challenges, opportunities, and barriers affecting women with respect to their participation in Yukon labour force. The process involved a data search review of studies from other jurisdictions, a review of related

Yukon studies such as the then current training interest inventory, and interviews with individuals anticipated to have relevant input. It was hoped that the project output would be a catalogue of issues, programs, problems, and opportunities, along with detailed references that could be subsequently used as a program planning tool.

The person who was contracted to undertake the study resigned approximately mid-term without submitting a report. Although a final report document was not produced, the information gathered was used in subsequent planning activities, including specifically, for example, the development of new human skills courses at Yukon College and the move to include maternity leave provisions in the revised employment standards legislation. Certainly, it was not necessary to have a formal final document to identify and attend to relevant issues in ongoing planning.

Almost simultaneously with the coordinator's return from maternity leave, the Women's Bureau separated from the manpower and labour branch and was placed in the Department of Justice. The activities of the Bureau began to focus more on legal and social issues affecting women, i.e. human rights and battering, rather than on issues relating more strictly to labour and employment. The manpower planning function in the government now rests in the advanced education and manpower branch of the Department of Education. This branch attends to a number of labour force issues in program and labour market planning. Priorities are varied from time to time, with the most recent focus being on facilitating economic recovery. Programs are often designed for particular target groups such as women or Indians or rural residents.

At present, the branch is working to develop a new labour market information system that could possibly account for differences by sex, although it must be acknowledged that almost no hard data exists to assess the Yukon labour force by sex, so that it is not necessary to rely on expert opinion and extrapolate from studies based in other jurisdictions with more statistics.

It should be emphasized that although the original study did not produce a formal final report, results of the study were acted on. That is the first thing you have to remember. Attention to labour force issues is a purview of the Department of Education, advanced education and manpower. We maintain contact in a cooperative relationship. It may be appropriate to formally encourage consideration of specific attention to women as a labour market as the system is developed.

Since the original study was undertaken in 1981, the situation for women in the Yukon has changed. It may be appropriate to re-evaluate the merits of a specific study of women in Yukon and the Yukon labour force. Such an evaluation might be included in the review of the Women's Bureau goals, objectives and directions planned for this summer.

Mrs. Joe: I would like to thank the minister for that information that he has given me. I do not know who is doing all the work but it appears that there are some things happening in that department. I was just looking at this page here and it says "to advance the equality of women in society". I just want to comment that the government has taken a step backwards yesterday by saying that it did not believe in equal pay for work of equal value. I am hoping that the women of the Yukon become very aware of that, because that is one great big step backward, as far as the government goes, in putting that into *The Labour Standards Act*, and as they did in *The Employment Act*.

What status does the report on battered women, which we have been talking about this Session and last Session, have right now? What is happening with it and when can we expect some kind of final report on it? Maybe it is even ready and we do not know it.

He also mentioned the human rights legislation, which is also something we have been waiting for for a long time. It does not appear that we are going to be getting, this Session, any kind of a paper on it. I would like to know the status of that.

He also mentioned something about pornography and prostitution. I did not get what that was, or whether there was a study being done on it? If there is a study being done on pornography and prostitution, I would just like him to clarify that and what is happening with it.

With regard to the resource centre, how available is it? He

mentioned that there was a resource centre within the Women's Centre: what can one do when one gets there? What can one see?

Hon. Mr. Ashley: First off, it is the member opposite's opinion that equal pay is a setback to the women of Yukon because of the provision we have just put in our new *Employment Standards Act*. I am certainly not of that opinion.

In answer to the question on the study of battering, it is going to the ministers' conference in Niagara-on-the-Lake at the end of this month; that report, or part of it, at least, has gone. There is an overall report coming out from 11 jurisdictions in Canada: one jurisdiction did not send one in — the NWT, I believe. However, all the rest of us have sent one in and there will be an overall report coming out, and that information I will make available to the member opposite, if she would like it.

Pornography and prostitution we have looked into it, to some extent. It is not a major problem in Yukon, number one. It is not our jurisdiction and that is the first thing that the members opposite have to realize, and must realize. It is a *Criminal Code* responsibility and it is not our jurisdiction. As far as prostitution is concerned, that is also not our jurisdiction, but I do not foresee it as a problem in Yukon.

The resource centre in the Women's Bureau has a multitude of books and pamphlets and there are a number of things that are available, even for handing out, if I remember correctly. I believe that they are also available at the general Information Desk. Also, certain things were done a year ago, under legal education, divorce, marriage breakdown, and that sort of thing.

Mrs. Joe: In regard to pornography, I just disagree with the member that it is not his jurisdiction just because it is in the *Criminal Code*. The Yukon government makes laws all the time to deal with things within the government, provincial-territorial laws. Is there not a possibility that that could be done? He says there is not a problem. We know there is a problem. I do not know if he realizes some of the videos that are available to people, some of the things on First Choice Pay TV, and some of the books that are being sold and are available to the kids. Tell me why a law cannot be made in the Yukon. You make laws for everything else.

Hon. Mr. Ashley: We are very careful in Yukon not to overextend our jurisdiction. That is federal jurisdiction. The *Criminal Code of Canada* is federal legislation. It is their purview, not ours. That is why we cannot just make a law. That is all I really can say on that other than to ask how could it be regulated? As far as the bookstores and sales go, that would be through licensing. That would be done through a municipality rather than through us. Either way, it is not our jurisdiction.

Mrs. Joe: It appears to me that there were some laws that were changed under the *Motor Vehicles Act*, in regard to impaired driving, or added; more laws or different fines or whatever.

Hon. Mr. Ashley: Yes. That was within our jurisdiction, within licensing aspects and that sort of thing. Not within the *Criminal Code* mandate, which is a federal jurisdiction.

Mr. Penniket: I have a couple of simple questions that I am sure will be kid stuff to the minister after the serious questions that have been put to him by my colleague.

I ask the minister to cast his mind back to November 22, 1982, a memorable day in the minister's life I am sure. At that time, I reminded the minister that one of the goals of the institutional services branch was to "provide a safe and humane environment for persons who are sentenced to custodial punishment or to be kept in the custody of the courts to provide inmates with an opportunity to improve their behavior and return to the community as law abiding citizens".

⁴¹ The minister and I were having a very enjoyable discussion about that. I asked the minister if he would give an undertaking to put on the statistics page of his departmental information estimates containing information about the recidivism rate in Yukon — that is, the frequency of repeat offenders — because, I suggested at the time, that that would be the only performance criteria under which we could adequately judge the government's success, according to its own goals. I was, therefore, very pleased to see, in the 1983-84 estimates, a single line that said "Inmate Recidivism, 1979-81 conclusive, male, female" and then it had figures for admissions,

recidivists and the rate, which was measured, for males, as 50 percent; females, 20 percent.

When we have discussed it, in the past, we all agreed that that would be the key statistic in the entire estimates of the department, that indications that that rate was going down would be the one thing that the minister could point to with great joy and triumph and, in this House, get up and talk about how well justice was being administered in the territory and what a great job he was doing. However, — I will not say suspicions are being raised, because I am not a superstitious personality but — certain kinds of questions occur, naturally, to me. On the equivalent page in the operation and maintenance estimates for 1984-85, under the Department of Justice's statistics, this single most important, most valuable statistic is completely missing. Could the minister tell us what the recidivism rate for the year 1981-82 is and could he also tell us why he chose not to include it in the estimates?

Hon. Mr. Ashley: I believe it has just been left out. I do not know what the rate is, right now. I can certainly get back to the member on it.

Mr. Penniket: I would ask the minister to give us two undertakings: one, that he will get back to us this week, if possible, with the information, since I am sure it is available; and, two, will he undertake to make sure that it is in the estimates next year?

Hon. Mr. Ashley: Yes, I think I can undertake that.

Mr. Kimmerly: This is not my critic area, but I was invited, by the critic, to get into the debate and, after being so good yesterday, I decided that I would spend a little time in this area.

I looked at the main estimates for all of the years in which this minister has been minister, that is, since the last election. I notice, in the first year, the departmental objective was one line.

⁴² It was, and I quote, "to develop the systems and programs required to administer justice in Yukon". Considerable discussion occurred in the debate that year about that objective and the minister, I think very responsibly, agreed that it could be better stated and could be stated for the purpose in which it was intended, i.e. to provide a direction or a criteria by which the efforts of the department can be measured and evaluated. In the next year, which was last year, the objectives expanded into the four points; they were fairly well stated and it was the subject of comment as I remember it last year. Now, this year, the objectives have changed and, in looking through the objectives of the various departments and of the various programs, some are the same and some have changed. I am interested in pursuing the very general question about these objectives. It is perhaps particularly appropriate to spend a little time on it as we are all eager for a renewed effort and a renewed vigour in this department because of the senior staff changes. What role has the minister taken in the changing of these objectives?

Hon. Mr. Ashley: All of the objectives of departments are done in management board and they have to be broad enough to be able to cover whatever is needed to be spent in the line items within the department.

Mr. Kimmerly: Of course, the primary purpose of the objectives is so that the programs can be related directly and so that the proper audits or evaluations can be made. I understand they go to management board and that it is, at least in part, a political process. I would ask the minister if he would explain as briefly as is possible the necessary changes. I would ask him if he could explain what the purpose of the changes are, i.e. from last year's to this year's objectives?

⁴³ **Hon. Mr. Ashley:** As I stated, it is just to make sure that any spending within the department is covered under the line item. First the department recommends to management board, and then management board sets in the objective. Under each line item, there is another objective set; a program objective, as well.

⁴⁴ **Mr. Kimmerly:** I am not satisfied with that answer. I will ask a very specific question. If you look in last year's objectives, I am reading from page 141 of last year's mains. The objectives that are primarily concerned with jails reads as follows: "To provide facilities for the custody of persons apprehended or sentenced by the courts and develop programs which will assist such persons on their return to society."

This year, the objective is more simply and generally stated and it is as follows: "To provide facilities for the custody and rehabilitation of persons apprehended or sentenced." The concept of developing programs assisting persons on their return to society appears to be changed somewhat. Would the minister explain why that change has occurred?

Hon. Mr. Ashley: If the member opposite will turn to page 188 in the current budget, the one we are discussing now, and look at program objectives for corrections, he will see that it says under that program objective, "To provide the protection, care and welfare of the individual in custody, and to attempt to bring about positive changes in the attitudes and skills of individuals; and to promote the prevention of crime and rehabilitation to the offender." It is done in a different manner than what it was done last year. We have broken it out. We have an overall basic objective, a departmental objective, at the beginning, then under the program we have gone to a program objective.

Mr. Kimmerly: I take it the answer then is that the objective of the corrections department has not changed from this year over last year.

I would ask if there is any effort in providing programs to promote rehabilitation after a convicted person is released from jail? This is the concept of a program promoting re-entry into society after incarceration.

Hon. Mr. Ashley: We have been looking at such things. It would be done, I believe, under probation services, and that sort of thing, and we are looking in that area now. We just have a new, as of, I believe, November, person added to the staff, a chief probation officer, and he has been working in that direction, since then.

Mr. Kimmerly: I am going to ask about general issues. It is appropriate to ask in general debate, because it relates to a number of lines at the same time.

Of late, I have been extremely concerned — indeed, alarmed — about the quality of legal drafting coming out of the government. I have commented in the past, I suppose, especially concerning *The Children's Act*, but also about other acts. The statutory instruments committee, from time to time, also comments about the regulations. I am aware that some of the drafting is done in-house and some of it is contracted out and this has been commented upon, in the past. I am interested, now, for, especially, the next year and especially considering the very significant problems that have occurred in the last year.

What is the policy, now, concerning legal drafting? Is the direction going to be that almost everything or everything is drafted in-house, or that more will be contracted? What is that policy now?

Hon. Mr. Ashley: There will be no change. We will get the drafting done however we have to get it done, whichever method we have to use. Normally, in-house is the method we prefer to use but, if there is special expertise needed, certainly, we will get that, as well, as we have done in the past and will continue to do.

We did not have a Deputy Minister of Justice who was a lawyer. We had an acting deputy minister who was not a lawyer. The legislation will be flowing through that area, so there will be one more check and, if there has been problems, that is where it will be caught.

Mrs. Joe: I just want to get back to legal services, for one second, with regard to solicitors. Are you using any solicitors that you have in court to deal with any child welfare matters or acting on behalf of the government in some other way?

Hon. Mr. Ashley: We have started using our solicitors on those cases that we had been putting out to the private Bar. I believe that is what you are asking me.

Mrs. Joe: What I used to see before is that, in the matter of a temporary custody order, very often the government would have a government-employed solicitor representing that child in court or presenting the document in court, and I just wondered if you were still using one of those solicitors and, if so, who is it?

Hon. Mr. Ashley: It would depend on the deputy minister assigned to the task.

Mrs. Joe: So all of your solicitors you have on staff can do work in our courtrooms?

Hon. Mr. Ashley: The only one, I believe, who would not would be the deputy minister.

Mrs. Joe: I would like to go on to court services right now, if I might. If my colleague from Whitehorse South Centre has any questions in regard to that area, which I have not filled in, then I would appreciate those questions also.

Last year and the year before, we talked a lot about our new courtroom or courthouse or whatever it was. I would like to know if the minister can tell me what is happening in regard to the plans for the courthouse? I understand the government has obtained some land. Quite a while ago it had an artist's drawing of the courtroom and plans and other ideas on what was happening with that. I just wondered if he could tell me. Then, I would like to ask a few more questions in regard to the registry in the courtrooms and things like that.

Hon. Mr. Ashley: It is still our intention, my intention, to as soon as possible have a new courthouse sitting in the territory. It is actually a matter of the capital budget, though, rather than the O&M budget.

Mrs. Joe: A while ago, we were concerned about the positions in the registry because, as a matter of fact, two Christmases ago I had challenged the minister to come and sit in court with me on a docket day one Thursday — he still has not done it — and at the same time be able to see how the court registry operated because it was sometimes a rat race. The people who were working there were quite efficient; it was just that they always seemed to be disorganized and the reason for that in many cases was because there was an empty position that had not been filled. I had asked the minister, in regard to that, if they were working any quicker at filling those positions rather than having to wait until a person quit and then advertise for the position and have to wait for a few more weeks for the person to come back. I wondered if that problem had been solved in regard to upgrading the services available in the court registry. I was only down there a couple of weeks ago and it did not appear to look that well organized.

The other question that I would like to ask the minister is in regard to the mediators, the JPs who are being used as mediators, I think, is the term that is used. Are the JPs being used to do that and what are they doing?

Hon. Mr. Ashley: One thing that member the opposite must understand is that until we have a position vacated we cannot advertise for another one, for that same position. That is where the timelag does come in. It is illegal to do it. We cannot do that. What was the other one? Would the member opposite please ask it again?

Mrs. Joe: If a staff member from the executive council office put in a resignation — gave a month, or two weeks, or whatever — and then she left, they could not advertise for another person to fill that position until after that person left?

Hon. Mr. Ashley: That is correct.

Mrs. Joe: That is totally unbelievable. How does this government operate efficiently when it has policies as crazy as that. There is a big problem in the court registry because the people do not stop coming in just because there are positions that have to be filled. It is a very deep problem. I find that very hard to believe that you cannot advertise until a person is gone. I thought that was one of the reasons why there was notice given, so that you would have an opportunity to advertise for that position and possibly have it filled when that person left.

Hon. Mr. Ashley: We cannot advertise and fill a position until it is vacated. It is illegal to do so.

First off, on the Supreme Court Registry I will just give you a brief background. The present clerk of the Supreme Court has had that position for seven years. The deputy clerk has held this position for one and a half years. The clerk 3 has held the position for three years.

The turnover of staff at this registry is not too rapid. However, when a vacancy occurs there is usually a three-week delay in filling the position. As I have stated, these delays can be caused by the incumbent giving short notice of departure. The job description cannot be advertised until notice is received. The closing date is normally two weeks. When a suitable person is hired, that person, if working, must give notice of departure. I do not feel that that is

too excessive a wait.

In the territorial court registry, during 1982, five registry employees resigned and it is estimated that the time lost to the registry - time between the date the employee departed and the date replacements commenced working — amounted to between one-third and one-half man-year. That was in 1982. In 1983, only one employee resigned. That person departed on the 2nd of December, 1983. This position was not filled until the 13th of February, 1984. During that interval we were able to hire local justices of the peace to assist in the registrations. This arrangement not only was of benefit to the registry, but was also an assistance to the justice involved as it made him more aware of the registry functions.

« On the 10th of February, 1984, an employee, who had submitted her resignation caused a vacancy that ended about February 29th. I am advised that this position is filled and, during this period, we have been able to employ a local justice, as well, to assist in the registry and, indeed, he is most needed.

In 1979, the second judge was appointed in the territorial court. At that time, the manpower in the registry was increased by one, a third deputy clerk. Although the registry has assumed some additional duties, since 1979, such as trial scheduling, there are insufficient stats to justify any increase in registry manpower, at this time.

Mrs. Joe: The minister is telling me that you cannot fill a position until after that person is gone, but you can fill it with a justice of the peace or with a casual person? Is that what you are saying? Until you can get a permanent replacement for that position, you can use a justice of the peace or, possibly, some other casual?

Hon. Mr. Ashley: That is correct. If the person can fill in that position, as a JP, it is good experience.

Mrs. Joe: Hopefully, you are always going to have those JPs available to fill those positions, until they are permanently filled, because it is a big problem. I would hate to see the court registry go along, for the next 10 years, with the same problem.

Have there been any plans to have some kind of legal representation in the communities where they hold regular JP court? I have spoken to him and asked him, during Question Period, about this problem, because, very often, the accused does not understand what is happening and, sometimes, the justices of the peace may think that the accused understands and, sometimes, they do not. I think it is just as important for the accused in the communities to have some kind of legal representation available to him, through a courtworker or some other person who can do it, because they are entitled to it as much as people are in Whitehorse where those resources are available.

Hon. Mr. Ashley: First, courtworkers are not legal representation; they are not lawyers. Number two, there are only so many dollars in our programs to be able to supply lawyers, so we supply them through legal aid and on the court circuits. That is how we actually supply the lawyers, but only on the circuit courts of the judges when they are travelling.

Mrs. Joe: I understand that the native courtworkers are not legal representatives, as lawyers are, but they do have a general knowledge of what is expected in the courts and how they can help that person who is before the courts.

Very often, you do not even have that and people are appearing in court without any assistance of any kind. Not everybody goes into the court fully understanding what to expect. I think that, in a lot of cases, if they do not, they are asked to wait until the court circuit comes down, but they do hold regular JP court in Watson Lake, for instance, and Dawson City for instance, and very often will deal with a case.

« When it is over, the accused would have been told that some other thing could have been done if he had known. I think they are entitled to that assistance, whether it is through a native courtworker or through some kind of telephone communication to somebody in town. It is something that has been a problem for a long time. The minister continues to say we have no money, and that is also a problem. It is something that the courtworkers have been talking about for a long time. If we had more money we could go into part-time volunteer courtworkers, or something similar, to help the

accused in the communities, especially Watson Lake.

Hon. Mr. Ashley: We can throw all kinds of dollars at problems. That does not necessarily solve them. The member opposite's opinion is that it would help. I do not know if it would or not. I am not against the native courtworker program. I would like to first say that. But that may or may not be the way to solve it. We will be looking at it in the department now that we have a fully staffed department. This is one of the things we will be looking at, because I believe that we do need a lot better legal education service out there to help facilitate this. I will be working on that. It may or may not be the way to go; through a courtworker service.

Mrs. Joe: How many deputy judges we have in the Yukon?

Hon. Mr. Ashley: I believe there are 10 at the present time.

Mrs. Joe: Wow. That is a lot of judges.

I have another question I would like to ask the minister in regards to the courts. It has been a problem for a number of years, and that is the fact that there are only two washrooms available, and each has a key. If the government leader was standing in line, I do not think he would be laughing very hard. It is very difficult to get the key from the registry and on a Thursday or any other day of the week you have at least 30 to 40 people in the hallway and one washroom that the staff uses for the men and women. I think that has been a problem that has been around and is still here, and I just wondered if there was any thought to building some more washrooms?

Hon. Mr. Ashley: That is one of the reasons, though not the major reason naturally, that we are pushing very hard for a new justice centre.

Mr. Penikett: Notwithstanding the mirth opposite, I would like to join my colleague in this matter of washrooms. I have received complaints myself from people who have been in the corridor about the washroom situation and it is not a frivolous matter.

« As I understand the way it used to operate, it used to be possible to get a key from the registry for people waiting there. Now, people there, whether they are on jury duty or up on charges, sometimes have to wait a long time. It is also, I expect, appearing in court, a fairly nervous experience for everybody except the lawyers. For them it is a matter of positive delirium, I am sure.

However, it is likely, in those situations, that people want to use the washroom. The problem is that those are also the headquarters of a number of federal government employees, who have been more inclined, I gather, in recent months, to regard those washrooms not as public washrooms, but as staff washrooms and, therefore, have become much less inclined to hand out the keys or let the public use them. I gather there is some ongoing dispute about whether they are public washrooms or staff washrooms.

I would just want to add to the comments of my colleague that, in fact, it is not a small problem and that I have had a number of complaints about the situation of washrooms there, particularly for people who are appearing in court.

Hon. Mr. Ashley: I have not received a single complaint.

Mr. Penikett: I will send them to the minister.

Mr. Porter: I would just like to ask the minister if, in his opinion, does the fact that people have to wait in a long line for a long period of time to use a washroom fit in with his government's idea of Yukon justice?

Mr. Kimmerly: I am not going to ask a further question about washrooms, but I would make absolutely sure that the minister is aware that I wrote a letter to the editor about the subject, on the complaint of a person in the community who was seriously grieved by the problem. The problem is that not only for accused people, but for witnesses who are, by order of the court, there, they are required to wait and a substantial indignity is put on them.

Although it is, potentially, a minor matter in considering an \$11 million budget, complaints have come, a letter to the editor was publicized, and it has been an ongoing debate among the staff in the building. Perhaps it is appropriate that attention be brought to it and the minister be forced to deal with that particular problem.

« I would like to get back to the general area of legal drafting, which I was speaking about before, to extend the comments that I made about legal drafting to the area of the regulations. The statutory instruments committee, under the excellent chairmanship

of the member for Kluane, is doing a very good job of bringing to the attention of the public and the legislature that significant problems have occurred. It has developed over the last two years, or so, that the committee's recommendations, which constitutionally have always been supported by this House and are, therefore, the statements of opinion made by this House, have not been followed as directions by solicitors in the Department of Justice. That is an intolerable situation. We will raise it again, I am sure, under statutory instruments.

I am particularly interested in bringing it to the attention of the deputy minister as a matter that he should be aware of and make the appropriate decisions on that particular matter.

Now that I have done that, could the minister follow up on a statement that he made to the member for Whitehorse North Centre concerning public legal education. I was going to ask a series of general questions on it and the minister has already raised it. What is the minister doing to take advantage of the recent announcements of the availability of federal dollars in this area; that is, public legal education?

Hon. Mr. Ashley: With regard to the question on public legal education, the justice steering committee is, I believe, looking into that situation right now. We may even have a program, for which we have applied for some funds through the Solicitor-General office of the federal government. They are looking at certain programs that may very well apply there. We are aware of Yukon Plea — I think — the new program that has started up. I have had representations from them and we are looking in that direction, as well, to see what can be done.

Mr. Kimmerly: Are the funding proposals from the justice steering committee and what the minister called the Yukon Plea, in competition with each other? Are they competing for the same pot of money?

Hon. Mr. Ashley: No, they are not competing for the same pot of money.

Mr. Kimmerly: I have been particularly interested in the last six to eight months to look at the new initiatives in this area. The objectives, as stated by the statute in the new *Legal Professions Act*, give a role to the law foundation in this area. The objectives under the budget have clearly a role in this area and the native courtworkers have clearly an objective in this area. It now appears that the justice steering committee has a proposal. *The Legal Aid Societies Act*, which is on the order paper for this committee, has a statutory objective that is related to public legal education, and it appears that all of a sudden there is a proliferation of initiatives, at least in the sense of goals or objectives, concerning public education. I am interested in a policy statement, if the minister can give us one, as to what role he sees the department taking within the whole scheme of public legal education in the Yukon?

Hon. Mr. Ashley: I see it as enhancing whatever is available from the private sector, mainly, because the initiative is there and I am not ever going to compete against initiative. I will try to enhance it.

Mr. Kimmerly: I will take that as a general statement of policy that, if organizations like that take an initiative that the minister agrees with, he will support it as opposed to initiate a government program that may be in competition with it. I will be asking a question about the same general area concerning the role of the native courtworkers and the objectives in the new legal aid bill as there is an area of confused jurisdiction there that I will be very interested in the minister's comments about.

The minister has come under criticism, especially from the member for Whitehorse North Centre, concerning taking advantage of federal funding in the area of victims of crime. I was recently very pleased to listen carefully to the comments that the minister made at the recent JP conference where he supported the concept of mediation. I have been advised that there was an initiative brought to the minister to take advantage of federal dollars for a mediation program that the minister either did not agree with or did not send along to the feds, and I would be interested in a comment about that.

The question is really two questions: we are aware that there was

federal funding available to sponsor a conference in the area of victims of crime, and we are aware that there was or is federal funding available in the mediation area.

« Would the minister explain his reasons for not supporting those two initiatives that the minister has not taken advantage of in the last year?

Hon. Mr. Ashley: First, it would depend on what those initiatives were, whether they would assist us or not or help us, in any way. If we had no way of really taking advantage of them, it would be senseless to take the money.

Mr. Kimmerly: It is a very general answer to a fairly specific question.

I will not pursue the question about the victims of crime, because the minister has already put on the record that the real reason is he does not want people's expectations to be created or extended in the area where he feels there may not be money to follow through with programs. I will ask about the mediation effort.

It is my understanding that there was a proposal to take advantage of federal funding concerning the expansion of mediation in Yukon. Why did the minister consider that not beneficial?

Hon. Mr. Ashley: If I am remembering the program that was put to me, the main reason for its not being beneficial is because we are not ready for it, yet. We are just in the first stages of mediation. I am all for it and I backed that program 100 percent, but one can only do so much at one time.

So, how I perceive the program to work is to try it out first. They have had 45, I believe, mediations, to date, in the last couple of months. The program, I think, is going to work, but I do not want to blow it all out of proportion and then have it all fall apart with no backup. We need the people to be trained and solid in what they are doing.

That is the way I feel, so I am not going to send them all out, all over, until we do have a solid base to work on. Then, yes, I fully intend to expand it, if possible.

Mr. Kimmerly: The statement that we are not ready for it yet, the minister will recognize as a controversial statement. There will be substantial disagreement about that. Perhaps, I will simply make the proponents of the program aware of the minister's statements, not directly, but I was informed that they were not aware of the reason. I will send them a copy of *Hansard* and, if they wish to take it up in the future, I am sure they will. I would like to ask a general question about pornography, because it was raised before.

« The minister stated very categorically that pornography was not in our jurisdiction and that we are very careful to stay within our jurisdiction here. I certainly raised the issue in debate on *The Children's Act* and also in Question Period. I raise it again here because I think it is most appropriate here.

Certainly the pornography laws are federal laws and that is quite clear. Under the policing agreement, the minister has a clearly stated consultative role. Also, practically, and it has been stated by both levels of government, the minister has a consultative role concerning the Crown Attorney, or Attorney-General function of government. I want to be absolutely clear that this is a political opinion that I hold as a member of this Assembly: it is my political opinion that electronic media material, readily available in Yukon and print material, especially in magazines, easily available in numerous Yukon stores, is pornographic and it violates the current community standards in Yukon, specifically concerning Whitehorse. It is my opinion that the Minister of Justice should consult with the police and the Crown attorney concerning the community standards here and direct them to at least pay attention to the pornographic materials available and it is my opinion that prosecutions are in order here, now. I say that as an expression of my political opinion.

I would also say that there is clearly and definitely a territorial jurisdiction in the general area of pornography; not in defining pornography as is done by the *Criminal Code* and ultimately the courts and individual cases, but in the area of censorship for films coming in to the territory. There is a clear territorial jurisdiction. This government has not done anything about that and it should.

I said I was going to ask a question. I got carried away and made a speech. I seldom do that, but I do not apologize for this one. I will ask a question, and it is my last one in general debate, or my last series of questions.

There is a new deputy minister and we are very pleased to see him and the minister and the deputy minister have obviously consulted about all sorts of things. I am not asking about anything confidential or anything private. I am asking if the minister would reveal to us what can be responsibly revealed as to be priorities of the deputy minister in the next year. I am asking for general statements here.

What is the political direction that is given to the deputy minister that can be made public? Is it the minister's direction that a priority is to get a new courthouse, and the deputy minister's attention ought to be focused on a courthouse, or the courthouse has a high priority; or is it dealing with the legislative drafting problems in the past; or is it with establishing a clear policy for jails; or what are the political directions that can be made public that are presently given to the deputy minister?

Hon. Mr. Ashley: First off, the deputy minister has been here a week, I believe, and I have been in the House most of the time, so I have not had a lot of time to talk to him. One of the major objectives, of course, of the department is the reorganization of the department, and that is getting it running effectively and functioning properly; that is the first and foremost thing. It is imperative that we get a new courthouse. We all realize that the facilities there are just not adequate. That is what the major initiative is.

Mrs. Joe: I have a number of other questions that I would like to pursue in general debate in regard to the justice department. I talked to or asked both ministers in regard to a workshop that was held by the RCMP, by one of their members who spoke at a workshop for human resources, and there was quite a debate on who was responsible for what. There was, I guess, information that I had named the wrong person. So I would like to table in this House right now a copy of a letter from Chief Superintendent A. J. Toews in regard to that incident. I also have another one here — a copy of a letter from the Yukon Indian Women's Association to the RCMP; I would also like to table that in the House. We talk about having cross-cultural workshops, and what this fellow had done at that time, Staff Sergeant Holmes, was to go into a workshop and speak at the workshop. There were a number of human resources people there, and he gave them some information that was given to him by somebody in British Columbia. But, our problem here is that, when you have somebody coming in from the outside to hold cross-cultural workshops with the RCMP and some person is picking up information on the way up here and passing it out to people in the Yukon, then, as I mentioned before, that kind of information can be very damaging. I sincerely hope that it does not happen again. I feel very insulted that this thing happened. There are a number of people who are not Indian families who were insulted that that thing happened.

I do not know if the government leader is shaking his head because he was insulted or whether he agrees with it, but I just have to say one more time that I do not agree with that kind of thing, and if the government member's family was slighted the same way I am sure he would feel insulted, instead of sitting there making smart-aleck remarks.

So, in regard to cross-cultural workshops, with the RCMP or within human resources, those people who are going to be coming in and are going to be talking about Indian culture, we are hoping that they know what they are talking about when they come in. I hope that I never ever have to hear about something like that happening again. The RCMP apologized, and they should have. There was no reason why they should not have, because they could have gotten into a lot of trouble just for doing something like that.

I would like to talk a little bit more about legal aid except that I think my colleague from Whitehorse South Centre and I will save that until we come to that.

³⁶ I am going to be asking questions with respect to that and in regard to the *Legal Services Act* and how that ties in, because I am not really quite sure. There has been an allotment, now, for \$416,000 for legal aid services and I do not know if there is going

to be an additional amount to set up this legal services program, or whether we are going to be using some of this \$416,000.

One thing I would like to mention, right now, is that each year there is so much money budgeted for legal aid and, each year, it is always so much more. We do not like to see people who are in need of legal aid go without and I guess that is one of the reasons why we keep going over budget. I can only hope that, throughout this fiscal year, that there are not people at the end of the year who have had to suffer because there was not that money available. I cannot understand a government that would allow that to happen.

I will talk about the courtworkers as we get into that area, because nothing has changed. I did hear some rumour that there was a position being looked at for the Yukon Native Courtworkers and that money was allegedly coming through some training program. The minister did not mention anything about any new courtworkers, so I am not really sure whether the government has a hand in this.

I understand that, in probation, they are hiring a person of Indian ancestry to train, under the Northern Careers Program. I do not know whether the YTG is paying any of those costs, but I do know that Northern Careers is involved in it. Whether it was the initiative of that one department — the department within the department, probation — or whether it was from the top, I do not know, but I suspect that it was right from the probation department and that they are using and looking towards hiring and training Indian people to work in those areas. I think that something like that should be encouraged and I am glad to see that it is happening.

However, I have one question, with regard to probation. Concerning the contract that Joanne Bill is doing. She is in a contract position, right now, and she has been for two or three months. I am just wondering what kind of a study or report she is writing?

Hon. Mr. Philipsen: In order to correct the record, the Department of Health and Human Resources did not ask the RCMP to come here and conduct a cross-cultural workshop. The RCMP conduct their own cross-cultural workshops for all members in the territory. When space is available, space is offered to the Government of Yukon to fill the space and that is what happened, not the other way around.

Hon. Mr. Ashley: There is not too much I can comment on, other than when we go line by line, through the items of the budget. ³⁷ It is an objective of the department to try and have native representation throughout the department in probation; in the RCMP, the special native constable program; and in our JP program, we try and get as many natives as possible. It is an object of the department to try and have that representation there.

Mrs. Joe: The information that the Minister of Health and Human Resources has just given to me was information that I was aware of. The problem that I have is the information that is given by the so-called experts on Indian culture that I object to. I do not know what the members across the room are mumbling about. I do object to it, and I am certain that if it was something that happened that affected their culture or their families, then they would be very angry, as I am. It is not a laughing matter.

The minister had mentioned that they do take advantage of training people within the departments. In most cases, it appears that the different departments are the ones that take that initiative — for instance, the territorial courts - to train Indian JPs under the Northern Careers Program. The probation department does the same thing for probation officers. I do not believe there has ever been that initiative from the jails. There may have, but I am not aware of any and I have talked about it in the past to officials from corrections. I do not know if that is happening, but I think it would be of benefit to some of the inmates who are in there who are of Indian ancestry, because there are a large number of them.

The minister had mentioned something about the recidivism rate of the inmates and promised to give us some kind of statistics - I am not quite sure when. I know that they were asked for a long time ago. He has also mentioned today that the trailers would not be going out into the communities. He did mention that they were being tested in town and would be tested until they were found safe. Then maybe they could find projects in the communities to go to.

The one question that I would like to ask is, and I asked the

minister before in Question Period, was about the study that was being done for corrections by Elizabeth Lane. Is the minister aware of that study that is being done or the report that is being done for corrections by Elizabeth Lane, and if he is, could he tell me about it? She is doing another one.

Hon. Mr. Ashley: Corrections is not having a study done by Elizabeth Lane. That is something I would like to correct the record on. The study is not commissioned by the Department of Justice and it did not relate to the incarceration rates, which I believe the member opposite is talking about. The case management study is being commissioned by the Public Service Commission in response to an interest expressed by Yukon government departments — lawyers, correctional centres — included in this study as a means of improving the effectiveness of their case management procedures through systematic assessment evaluation and research. Elizabeth Lane has been engaged by the Public Service Commission to research, develop and present to Government of Yukon departments a case management model with parallel applications in corrections, social work and residential facilities.

The project commenced on March 19 and will be completed some time during this summer, I believe. The case management manual of the Correctional Service of Canada is being examined as a model for the purpose of this study. The federal correctional service is aware of this study, has given permission for use of the manual as a source document, and is interested in the results of our study. A one-day presentation to staff from all departments doing casework will be made following completion of the study, and the Whitehorse Correctional Centre has identified the following areas to be addressed in the development of parallel applications: reception and orientation, the live-in unit system, psychological services, individual program planning, case management reporting and recording, case management forms. And, in addressing these areas, the case management policies and procedures of the Whitehorse Correctional Centre are being examined and several key case management staff have been interviewed.

Following the presentation of the case management model, a decision will be made by the officials of the correction centre as to which elements of the study are adaptable to the needs of the correctional facility.

So, I have no real knowledge yet as to what is going on in this until the study has been completed, and it is done under the auspices of another department totally.

Mrs. Joe: I thank the minister for that information. I would like to pursue the facilities for the young offenders. I am concerned, as are other members on this side of the House, and people in general, with incarcerating young offenders in the same building, different cells, with adult inmates. I try to figure out in my mind how those two are separated. For instance, in the RCMP jail cells downtown, I am aware of how they are structured down there. How far away from the adult inmates are the young offenders, because those young offenders are as young as 12 years old? I am also aware of the structure of the correctional centre and I would like to know from the minister if he can tell me where the young offenders are going to be kept if there are not any in there yet. Where are they going to be kept in the Whitehorse Correctional Centre? How far away from the adult inmates are they going to be? It is a concern. I know it is going to cost an awful lot of money to have separate facilities for those young people and I would also like to know if the minister has any indication as to how long it is going to be before he is able to get the funding from the federal government to set up those separate facilities for young offenders.

Hon. Mr. Ashley: We have a bill before the House to try to get some of the money, but that is mainly for implementation of the program and some of the sub-work that will be done for the young offenders' facility. We do not know. The negotiations have not been completed, yet, as to how much or what funding we are going to receive for capital projects towards that end.

We will be doing our best to keep them separate, within the facility that we have there. Members opposite have been through the facility and know what we have to work with, and that is all we can do. The federal government knows exactly what we have there and has sanctioned what we have. It is they who have to come up

with the funding for it.

Mr. Kimmerly: Just on a point of information, in answer to the last question, I believe I acted on the most recent case, where a young offender, who, incidentally, was 14, was in the police cells. He was housed in the women's section, as there were no women there at the time. The intention is that if there are women incarcerated, the young offender would be at the opposite end of the block of cells from the adults. In the correctional centre, I believe, it has not occurred, to date, but it undoubtedly will in the future.

The minister stated that, in the correctional centre, the young offenders would be kept separate. I would raise this concern that keeping a person separate is like solitary confinement. Practically speaking, it has the same effect and that would not be a controversial statement among people who are familiar with jails.

I would sympathize with the government, concerning the particular constitutional problem and the funding problem, which is a problem, I believe, in either all or almost all of the provinces, as well. However, the situation simply must be corrected, as soon as possible, as the minister well knows.

Hon. Mr. Ashley: There is not much more I can say to that, except that, under the law, we do have to keep them separate. The federal government does know that and does understand that. All the jurisdictions in Canada are facing the same problem — all but Quebec, I believe — except that we are a bit different because we are a territory. So, they do have to come up with the funding for it, since they have imposed this on us.

Mrs. Joe: I also mentioned, during Question Period, about the riots — or quiet riots — that have occurred in the centre. A number of these disturbances are happening and I speak about them now because I hear, probably, more than is reported to the minister about these disturbances at the centre.

In most cases, when they do have a disturbance, somebody is disciplined in some way, and I just wondered if the minister is aware of how many of those disturbances they do have at the jail, and the disciplinary action that is taken. Do they keep a record or statistics on those, because we keep hearing about minor things happening there? The reason why I talk about it now is because I am afraid of the effect it would have on the young offenders, who could be very closely incarcerated with them, maybe in the next cell at the RCMP or maybe down the hall, at the centre.

Those people are all going to have to spend time outdoors. Are they going to have a separate section outside for the young offenders and another section for the adult inmates? Young children, as young as 12 and as old as 17, are very susceptible to that kind of thing happening. Very often they look upon something like that as something that they would like to do. I worry about that. I just wondered if the minister has anything documented with regard to those disturbances at the jail, and other incidences.

Hon. Mr. Ashley: What the member opposite calls a riot, and what I call a riot, are two totally different things. A quiet riot or riot is the same thing to me. I know that the dollar figure involved in that disturbance was under \$1,000. I do not know how you can have a riot without a lot of damage being done. That is what a riot is. So it certainly does not constitute a riot.

There are disturbances that do happen in any place of confinement, where people are confined. Certainly the discipline committee does keep records of what they do. That has to be documented. It is certainly looked at quite often, all the time. The director goes through it; the deputy minister will be going through it. This is all part of the system. Also, the Department of Justice, through the legislation, will be tabling a report that corrections has figures in as well. I am not positive if those figures are in it, but there are certainly the incarceration rates and that sort of thing.

Mrs. Joe: I do not think the issue here is what you call them, whether they are called riots; whether they are called disturbances. My concern is the effect that those kind of things will have on a young offender. That is what I am asking the minister. What are they supposed to do with them? It is very easy to ignore problems. What I am asking is, how do you separate them? Is there a plan to have a trailer set aside at the correctional centre? Is there a plan to use the women's jail cells at the RCMP jails, or are we just going to ignore it?

Hon. Mr. Ashley: The plan is to keep them separate, if possible. As separate as possible. If the women's dormitory at the correctional centre is vacant, then that is where they will be put. If they have to be in another wing, then that is where they will be put. Until we have a new facility to look after them, that is out and separate and apart, that is what we have to do. We are stuck here. So is every other government in Canada.

⁶¹ **Mrs. Joe:** I asked the minister a question about what Joanne Bill was doing with probation and he did not tell me.

Hon. Mr. Ashley: Sorry, I do have note on that. Joanne Bill is doing a research project on community justice workers and the living and hiring of the same in the communities. She is looking at a pilot project with one or two native workers. The final report is expected May 23rd and it will deal with community justice workers and probation, legal education and courtworkers programs.

Mrs. Joe: I am glad to see that the minister is very familiar with what is happening in his department. What is this report going to do when it is finished? What is it going to tell us and what will we be able to do with it?

Hon. Mr. Ashley: As soon as we know what the program and what the research project shows us, then that is when we will all know.

Mr. Chairman: If there is no more general debate, we will go on to programs, page 170.

On Legal Services

On Solicitors

Mr. Kimmerly: I have a question about the jurisdiction. I am aware of the new people who were hired. I am aware, generally, of their job descriptions, insofar as the newspaper advertisements told us. Will the minister provide a copy of the job descriptions of the new solicitors?

I am interested in the jurisdiction, as between the new solicitors here and the Crown attorneys. The minister has already told us that, in child welfare matters, the solicitors here will be doing the work in the future. I am aware that prosecutions for territorial offenses — for example, the *Wildlife Act* or the *Liquor Act* — will be done by these solicitors. Is it the intention that applications under the *Mental Health Act* be done here or by the federal Crown or by somebody else?

Hon. Mr. Ashley: There will be no change, so far as what we are doing, other than we will be taking back over what we have given to the private bar, over the last year or so. Our objective, of course, is to take over totally from what the Crown does and that is what we will be working towards.

As far as the mental health question goes, I will have to discuss that with the deputy minister and see if we can handle it or not.

Mr. Kimmerly: Is there a rough timetable? I realize it is ultimately a political question, but is there a plan to gradually build up the department and, eventually, take over the federal Crown office?

Hon. Mr. Ashley: Yes, most definitely, but the federal government is the one that has to release the reins.

⁶² **Mr. Kimmerly:** Is the minister expecting to do that within the life of this legislature, i.e. before June 1986?

Hon. Mr. Ashley: I would love to, but that is totally up to the federal government.

Solicitors in the amount of \$506,000 agreed to

On Public Administrator

Public Administrator on the amount of \$215,000 agreed to

On Land Titles

Land Titles in the amount of \$108,000 agreed to

On Women's Bureau

Mrs. Joe: I would just like to mention once more that we will be looking into the Women's Bureau and we will be watching what is happening within that department as a result of all of the information that the minister has given us today. We have had promises before. They have not been fulfilled, and I am hoping that they will. But, as I said before, the government took us a great big step backwards yesterday by not recognizing equal rights; equal pay for work of equal value.

Hon. Mr. Ashley: I have already stated that I disagree with the

last statement from the member opposite. I am not aware of promises we have made that we have not carried forward in that area. I have already described today what the bureau is doing: it is very active and very busy.

Women's Bureau in the amount of \$60,000 agreed to
Legal Services in the amount of \$889,000 agreed to

On Court Services

On Supreme Court

Supreme Court in the amount of \$370,000 agreed to

On Territorial Court

Mr. Kimmerly: Has there been any reconsideration of the travel policy in the territorial court, i.e. is the projected amount for the cost of the travel the same as last year with inflationary adjustments, or is it something different?

Hon. Mr. Ashley: It is basically the same as last year, with the inflationary adjustment. It is the chief judge who sets what he feels is necessary for travel.

Territorial Court in the amount of \$749,000 agreed to

On Sheriff

Mrs. Joe: I would just like to know what the increase is for, from \$156,000 to \$173,000.

Hon. Mr. Ashley: Half a man-year was transferred from administration and travel costs and rental of a four-wheel drive vehicle. These were the expenditures that increased that amount.

Mrs. Joe: What was the four-wheel drive vehicle used for?

Hon. Mr. Ashley: It is for serving papers out in remote areas where the roads are not very good.

⁶³ *Sheriff in the amount of \$173,000 agreed to*

Mr. Kimmerly: On the Supplementary information that is on the next page, 174, under the territorial court, there are statistics given as to the 1982-83 actual. Is that the fiscal year and can the minister explain or can he get back to us at an appropriate time, as to why the 1982-83 actual is \$950,000 and the 1982 estimate which is not found here, but is found on page 147 of last year's mains was \$6,263. There is obviously a significant difference in the numbers and I am asking for an explanation or a justification.

Hon. Mr. Ashley: I am not sure if the member opposite has read the bottom of the page where the asterisks are. It states the statistical gathering method changed from calendar to fiscal 1982-83 year. Comparable information not available for 1981-82.

Mr. Kimmerly: The minister is absolutely right.

Mrs. Joe: I have a question in regard to the statistics. For the territorial court there is a list of 8,253 adult charges and 278 juvenile charges and 32 wardships. I wondered if the minister has a record of how many of those cases were heard by a justice of the peace. Do you keep those kinds of records or can those records be made available.

Hon. Mr. Ashley: Yes, we do have the records as to what the JPs hear and what the territorial court hears. I do not have them available today. I can get it to the members, I guess.

Mrs. Joe: I would be interested in having those statistics, if I could.

Court Services in the amount of \$1,292,000 agreed to

Mr. Chairman: We shall now recess until 8 p.m., is that correct?

Recess

⁶⁴ **Mr. Chairman:** Committee will come to order.

We will go back on to Bill No. 12, *Second Appropriation Act, 1984-85*. We are on line item Legal Aid, on page 176, Department of Justice.

On Legal Aid

Mrs. Joe: I just wondered if the minister might have a brief explanation as to legal aid, right now, or can we just go ahead and start asking questions?

Hon. Mr. Ashley: There is a big decrease of \$279,000, I believe, from the 1983-84 forecast. The main reason for this, of course, is the anticipated savings from the legislative and operational changes due to the new *Legal Services Society Act*, which we will

be dealing with in the next day or so.

Mrs. Joe: Is the \$416,000 just for legal aid services? Does it include the new program under the *Legal Services Act*?

Hon. Mr. Ashley: This is for the total year's expenditure, what we are projecting.

Mrs. Joe: What I am asking, because I do not understand, is about the *Legal Services Act* that is before the House right now. That is set up and there is going to be money included in staff and the boards and a few other things. Is that going to be completely separate from this \$416,000?

Hon. Mr. Ashley: That is the \$416,000, or what is left of it, once we are through the year.

Mrs. Joe: What the minister is telling me then is that this \$416,000 includes the new program under the *Legal Services Act* and so whatever is left over once that has been set up, is all going into Legal Aid?

Hon. Mr. Ashley: Basically that is right. It all depends on how far along through the year we are before we actually are able to implement the new act. The new society then takes over the legal aid duties. It all depends on how far along. That is what we budgeted for this year.

Mrs. Joe: So we have already taken the drop of 40 percent in legal aid. What is happening now is that part of this \$416,000 is going to go into this new program that will pay staff members and will possibly pay honorariums for the board when they meet. I understand that there are going to be, according to the act, some indication that they were going to be hiring a director and other people.

Hon. Mr. Ashley: The member opposite maybe does not understand what the *Legal Services Society Act* is. They will be constituted a society under our legislation. They will be given a lump sum of money and they will supply the service that we agree with them to provide for the dollars that we give them.

Mrs. Joe: I understand that. What I am asking right now is once this society is set up and you have a board that is looking after this program, there is some indication in the act that there will be other staff hired. Not only that, but there will be a board set up with, I believe, eight people and there is also provision in that act to pay those people when they met. There are other expenses that will be brought about, as a result of having these extra services and people.

Has the minister a general idea about how much it is going to cost this to set up new program and to hire a director, because there is provision for that in the act, and possibly, other people to run the program? How much is that going to take away from the \$416,000?

Hon. Mr. Ashley: I am trying to think of the best way to explain it. What happens is this amount of money is transferred, basically, to the Legal Services Society. They then hire their own people. Whether they hire their own lawyers or they are staff lawyers or whatever, they can make major savings. That is what our anticipation is. That is what all of our facts show us, from the systems that are used elsewhere in the country. This is the best way to go, the cheapest way to go and still maintain good service.

Mrs. Joe: I certainly would like to see the legal aid system run in a proper manner. I believe that it could be run in a proper manner under this new system. My concern is the drop of 40 percent in the money budgeted for legal aid. How much of that will actually be used to pay to people who apply for legal aid and do get it. Once that money runs out, what is going to happen to those people who are applying for it and there is not any money left?

Hon. Mr. Ashley: That is what the agreement will state, once we have negotiated that agreement with the legal services society. They are contracting legal aid services from the government. That is exactly what is happening.

Mrs. Joe: There was some talk during the Public Accounts meeting about the native courtworkers and the legal aid services being combined in some way. I am under the impression now that that was not done. I am not really sure. I would just like the minister to let me know if, in fact, there has been some consideration to use the courtworkers a bit more than they have already been used in the courts. There are certain things that they can do that does not require a lawyer.

Hon. Mr. Ashley: The courtworkers have no part of the legal aid system. They are not any part of it. Where that comes from I am not sure. I know it was looked into. I may even have a note on it here.

"I guess the member opposite was referring to testimony given in January of 1984, by the acting deputy minister? No, that one did not assert that there was going to be any study going into that but, I guess, in November, there was also a Public Accounts Committee meeting and Mr. Duncan was the acting deputy minister, at that point.

They looked into it and, I guess, Mr. Duncan advised the Public Accounts Committee that the question of continuing separation of legal aid and the courtworkers program would be looked into. The use of the Courtworker Society and those legal aid people in British Columbia were checked into, mainly, and the response from both were strongly negative. Consequently, they certainly decided to go no farther with that.

The main problem is that the courtworkers would have been left out after the legal money had run out. There would have been no more money for the courtworkers, at that point, so there would have been no more courtworker service. That was the major reason why both societies said, "No, leave us alone. Keep us separate".

Mrs. Joe: I am not sure about what the minister means when he says that the courtworkers might be left out. Is he saying that they had, at one time, anticipated the legal aid and the courtworkers putting their money together and using that?

Hon. Mr. Ashley: That is what happened in Public Accounts, at the time the discussion came up, so I am advised. It was decided, at that point, that they would check into it and see if it was viable or not, or feasible. It was found not to be, because the one would lose out, then, totally, very possibly.

Mrs. Joe: In the case of a native courtworker, or any other courtworker, there are services that they do provide in a courtroom. Very often, if there is some chance of a person going to jail for a second impaired driving charge, which is a compulsory jail sentence, usually what occurs is that they will get a lawyer, through legal aid, because of that chance of going to jail.

Usually, what happens at that time is that there can be no way that that sentence can be changed, because it is an automatic minimum of 14 days or something like that, to the best of my knowledge. The lawyer will then act on behalf of that accused person and present his case to say the kind of a person he is, the kind of job he has, just the ordinary things that a judge may not ask.

That is a job I have seen courtworkers do, on the odd occasion, when they were asked to do it and they have been able to do it very well. With the further training that they have had and the length of time that they have had, those things, I would think, could be combined with legal aid, which would cut down on the legal aid money going to a lawyer, for instance.

"The courtworker continues to work under the courtworker program and using that money that he gets as a salary. It works very well when they do it. It also works very well in Alberta and it works very well in the Northwest Territories, where they are using their courtworkers to that extent. I just wondered why that was not considered a little bit further than the minister has explained to me.

Hon. Mr. Ashley: It was not considered further because it was not a viable situation, as I have already said. The way the monies flow, it would not work. The DIAND pays for 50 percent of the native courtworker program and justice pays for 50 percent, up to \$220,000, of the legal aid. They are totally different federal departments that we have to work with. If you had expended all your monies in legal aid, where would the courtworkers be then? There would be no money left to pay them.

That is why it is just not a feasible situation to try to work with. It is a lot better to work with the system, at least we think it is, the way we are presenting it now. As for the courtworkers, I have already discussed that. We will be looking at legal education in a much broader sense and we will be looking at and deciding which way we are going to go with it.

Mrs. Joe: I cannot see the problem. If the courtworkers were getting their same salary from the same budget as they have in the past, but would do a little bit more in the courts than was usually

done, as I mentioned before, it should work. They do a little bit more in the courtrooms in Alberta. They do the same thing in the Northwest Territories, where their courtworker program is years ahead of ours. The courts use them a lot. They depend on them a lot.

Rather than spending that legal aid money to pay a lawyer for something that a courtworker can do, it would be one way of cutting down on money. That is what I am saying. I am talking about leaving the separate allotted money to the courtworkers and the legal aid money where it is now, and possibly using the courtworkers a little bit more to speak on a sentence. A very well trained courtworker can do that quite well. That is the thing that I was asking about. I do not see why that would make a difference and why the minister says it is not feasible. I have seen it done and it works, without any money changing departments.

Hon. Mr. Ashley: That actually comes under another section, under courtworkers, where we should be debating it. As I have advised the members opposite, I fully intend to have the department looking at it. There are many different ways we could go with it such as trial coordinators, which is one thing we are trying in the court right now; trial information officers, that sort of thing. They are basically along the same lines as a courtworker, but not quite the same.

" We will be looking at all of these things and seeing which is the best to implement.

Mrs. Joe: Is the person-year the legal aid clerk?

Hon. Mr. Ashley: Yes, that is the legal aid clerk.

Mr. Kimmerly: The suggestion to combine legal aid and courtworkers is a very responsible one. The quality of the justification for not doing it is extremely poor. I recognize the considerations about the sources of funding. I recognize that, but the suggestion of looking at an umbrella management for the two programs in the Yukon is an extremely responsible one. The minister has said that a bureaucrat has looked into the BC situation but, without putting too fine a point on it, the capabilities of the bureaucrats to look into the system in the sense of their own expertise in the past year is extremely limited. BC is absolutely the last place to look into in considering legal aid, as the situation there is absolutely abysmal now and is probably the worst in the country. The situation in the Northwest Territories is closest to ours and the way the system practically works in the northern end of the western provinces and Ontario is close to our situation.

I simply do not accept the explanation that one of the programs would lose out. The courtworker budget is very inflexible. It is the salaries for three people, the office overhead and travel expenses. It is a very simple and very tight budget. It would be impossible to take any money away from the courtworkers without reducing the staff there. It can be administratively secure to include that budget, or that program, under an organizational umbrella that is coordinated with the legal aid administrative umbrella, or the administrative vehicle that provides legal aid.

The two services are complementary to each other. A separate management for both of them simply does not make any administrative sense to me.

" The way they are funded from the two federal departments is, certainly, an important consideration, but I am sure that if everybody sat down together, that a more efficient operation could be run than is run now.

Approximately six or seven years ago — maybe a little longer — the federal Department of Justice did an exhaustive study into the Northwest Territories' situation and looked at legal aid and the courtworker service and the characteristics of the private bar and made interesting recommendations. Our particular situation is different, but the recommendations made there — I believe it was called the Cowey Report — are relevant here. To simply ask BC and get an answer that it is not a good idea is an extremely poor justification to turn aside that constructive suggestion for administration efficiency. I should state, as I do every year, that I should declare an interest in this particular vote, as I am a practicing lawyer and accept legal aid clients.

I would ask the minister a question or two about the nature of the funding, as it will exist under the new act. This is, of course, not

the time to debate the new act, but the funding, of course, is the more important consideration.

The minister will be aware that legal aid funding is not perfectly predictable from year to year. I remember one year, I believe it was 1977-78, where there were six murder trials all in one year. Things like that can occur, in Yukon, because of the relatively small numbers and, because of the nature of the program, the funding is not perfectly predictable.

I would ask about the flexibility under this new society. We are perfectly aware of the situation, in years past, where, if the plan or the program goes over budget, it is necessary to vote a supp. I would assume that the same situation would exist, under the new society, and I would ask the minister to simply reassure us that, if the society ran out of money and there was two months left in the year, or four months, what would happen? I am sure that a contingency has been thought about.

" **Hon. Mr. Ashley:** It would totally depend on the agreement that we had with the legal services society at the time as to what would happen at that point.

Mr. Kimmerly: I am perfectly aware of that. Of course it would, I am asking what the position of the government would be? I recognize it is a hypothetical question in a sense, but it is a question that the planners or the administrators, or the minister, must have thought of. In past years, it would be necessary to go to supps and indeed that has occurred in, I think, virtually all of the past recent years. The estimates have consistently been way under and supps are necessary. Under this new agreement with the new society, it is going to be necessary to plan for that contingency. What are the parameters of that planning? I am sure the federal funders have discussed the question. I am sure the minister has considered it. Would you tell us what the contingency planning for that eventuality is? What kind of arrangements are you expecting in the new agreement?

Hon. Mr. Ashley: It will depend on the agreement. The onus is going to be put on that society. That, basically, is the bottom line. Aside from that, anything is hypothetical so it all depends on what we do negotiate in that agreement. The onus is going to be one of the main reasons for this. The onus is going to be on that society.

Mr. Kimmerly: The policy considerations are immense in all of this in that the society is obviously going to be making decisions, probably most of them in the next year, that are going to have extremely important funding implications; which are going to have extremely important implications to the client of legal aid, or the person receiving benefit of the program. The policy can be that the scope of the program is cut back in order to keep it within the budget, or the policy can be that the services are delivered in a different and, we would hope, a cheaper and more efficient way. Now, the government is essentially sidestepping all of those policy issues, and putting them within the jurisdiction of this new board. " It will mean that the new board is going to decide if there is a public defender system or not or if the services in rural Yukon are going to be contracted out or tendered out or delivered in the present way. Those policy decisions are extremely important to the funding of this program.

The adjustments are going to occur this year and, possibly, next, and it is entirely fair to put the minister on the spot and say "what are you doing to plan, financially, for those decisions? What are you expecting? Has the government got a policy in mind, considering the change or the possible change in the scope of the program? What is the contingency planning for the possibility of extraordinary events", which, it is correct to say, in some years, will happen — not that they might happen, but they will happen, in the long term future.

There are going to be years when there are five or six murder trials and years when there are none. The numbers are so small and the financing is so tight here that the planning cannot be precise, from year to year. The contingency plans, as for supps and the nature of the agreement, are questions that should be answered here, because they are clearly vitally important for the financing of the program in the next year.

Hon. Mr. Ashley: That is in the long-term future. That is why the society has the right to set its bank accounts up and collect

interest and term deposits, and all that sort of thing. It will have its own contingency plan built in, so that is where it is going to be looked after.

Mr. Kimmerly: Where is it going to get the money in the first year? I doubt if it can go to the bank and borrow it. It strikes me that what the government is saying, and this may be addressed in the bill, as well as to the —

Some hon. member: You have not read the bill, yet?

Mr. Kimmerly: Oh, I have read the bill and I am very well aware of the way the bill is a change from existing legislation, in that it says the society may deliver services, as opposed to shall, deliver services.

It is an extremely important political question as to what degree of funding is going to occur under this program, and the kind of services that are going to be delivered. I will ask the minister this: has the planning occurred to the point where it is the government policy that the society will be funded to a fixed dollar amount, and is it the policy of the government that even in an extraordinary year, or if extraordinary expenses are occurring that there will not be additional funding?

Hon. Mr. Ashley: The basic intent of the act is to put the onus on the society. That in itself, says that it is a responsibility. You give them block funding and they live within their budgets.

On the initial interim, this may not be enough money for this year, as I have already stated. It depends on when we turn it over to the society, how soon we can do that, whether there is enough funding for this year or not. We are going to just have to wait and see. We believe it is, but it might not be. I cannot tell you that at this point. It is the best guess right now, as any budget is. If there are extenuating circumstances, I am sure that will be worked out in the agreement. If something totally hypothetical arises that was just not foreseen, then we are certainly going to have to look at it.

Mr. Kimmerly: Is there a target date as to when the actual operation of the new society will be, that is after the act is passed and the agreement in place, and the jurisdiction transferred? What is the target date for that?

Hon. Mr. Ashley: We are hoping September or October, this fall.

Mr. Kimmerly: That is all absolutely clear. The minister is explaining that he is planning that the agreement between the society and the government will be in place and the society will actually be delivering service this fall. That is a laudable objective. I will be very interested in the fall to see just exactly what stage we are at.

The government has underestimated the actual expense for legal aid consistently in past years, as they used to do with social assistance. Is that a conscious policy of the government, to try and keep the funds very tight, or is it simply an accident?

Hon. Mr. Ashley: It is certainly not a policy to keep funds tight. We do try and remain in budget, but with the present legislation in place, there was no stopping it. It could go on forever.

Mrs. Joe: In Statistics, on page 177, listed are a number of cases where assistance has been provided. Does the minister have a record that could be available to us that would tell us not necessarily who those people were, but the amount of money provided for each case?

Some hon. member: (Inaudible)

Mrs. Joe: I am asking the Minister of Justice a question, Mr. Chairman, and I am expecting him to answer. Possibly, if there was not so much babbling on the left of him, I could get some good answers.

Could there possibly be a list of those cases available, with the amount of money spent on each one? I see no reason why there should not be, so I am asking the minister if there possibly is.

Hon. Mr. Ashley: We certainly have those figures. I am not sure how long it would take to pull out what the member has asked for. If it does not take a lot of the department's time to do it, it can be made available.

Mrs. Joe: The information is not out of curiosity. The information is to have a better understanding of how much money goes into legal aid and how it is spent; possibly, the amount of the different types of crime that is happening and who gets this money.

I think it would help us to more or less understand what goes on in legal aid. As I mentioned once before, there appeared to be some abuse in the legal aid in the past where thousands of dollars went to certain cases. Now, I do not know if that is still happening; it is very possible that it is. If those figures could be available to us, I would certainly appreciate it.

Hon. Mr. Ashley: As I have stated, if possible:

On Criminal and Civil

Criminal and Civil in the amount of \$416,000 agreed to
Legal Aid in the amount of \$416,000 agreed to

On Policing

On Police Service Agreement

Mr. Kimmerly: I have asked the minister, in Question Period, concerning the consultations with the police and the priorities of the policing, especially concerning impaired driving and the surveillance for that. Is the Minister of Justice going to ever answer us as to the political priorities of the government concerning policy priorities or is he going to continue to be evasive? Is there any point in persisting in this area?

Hon. Mrs. Firth: No.

Hon. Mr. Ashley: That is one of the reasons why I have the new deputy minister here. We are getting the department organized. This is part of what we will be looking at. Under the organization of the department, I will have a programs director and that will be part of his scope.

Mr. Kimmerly: I am not going to persist and ask the minister the same question.

I am going to put the minister on notice that, next year, in the budget, I am going to be asking about the political priorities of the minister, or the government, in policing the policing agreements. I am sure that somebody will ask, whoever is minister next year, about the political priorities concerning the policing agreements. I will be specifically interested in the expenditures concerning policing in the rural areas and the political questions or the political element of the questions concerning the priorities given to certain kinds of policing: for example, traffic control and impaired driving, drug abuse, traditional property crime and social issues such as spousal battering and child battering, where the police have an important role, as well as the director of child welfare.

I will be asking the minister what direction he is giving the chief superintendent of M Division concerning the priorities of those kinds of categories.

Police Services Agreement in the amount of \$5,500,000 agreed to
On Native Indian Special Constable

Mrs. Joe: I wonder if the minister might tell me how many of those native Indian special constables we have and where they are located?

Hon. Mr. Ashley: We have 13 of the native special constables in Yukon. I believe the sheet I just handed out earlier on M Division, has the localities of where they are at.

Native Indian Special Constable in the amount of \$237,000 agreed to

Policing in the amount of \$5,737,000 agreed to

Mr. Chairman: We will now go to criminal injuries compensation, on page 182

On Criminal Injuries Compensation

Mr. Kimmerly: There were recommendations concerning the publicizing of this program in recent reports. Is the minister able to give us the status of any of the recommendations concerning criminal injuries compensation?

Hon. Mr. Ashley: The information of the program is available throughout all the detachments in Yukon and is dispersed right throughout Yukon. I believe, when I was discussing it with the RCMP, that the RCMP are advising people as well when they come in conflict or there has been a problem. That does not mean that people are filling out a form or whatever, but we are trying to tell the people as much as we can about it.

Mr. Kimmerly: I would like to make a statement as opposed to asking a question. I will be as brief as is possible. It is a very

important matter that I wish to speak of.

It strikes me that this is a very interesting program and is applicable in the area of spousal battering. It is possible to make a claim under the criminal injuries compensation for injuries whether or not the person who did the injury is charged or not, and whether or not he is convicted.

I would like to publicize that it is my view that battered spouses should be making claims under this legislation. I say that for two important reasons. First of all, the individuals who are eligible to make claims deserve something. Secondly, if sufficient numbers of battered spouses made claims, it would force action on this particular program. The money involved could be substantially greater than we spend now on this program. In my view, that would be a very good stimulus to the government of the day to improve the remedial steps to get at this problem.

I wish to publicize, and I will continue to do so, that battered spouses ought to be making claims under this legislation. It is easy to make the claims through the Workers' Compensation Board. It is not necessary to get a lawyer and MLAs should be dispersing this information to battered spouses who come to their attention in their ridings. It would be a useful change in the direction of this program.

Mrs. Joe: I wonder if the minister could tell me of the number of applications, under the criminal injuries compensation, if there were any that were rejected?

Hon. Mr. Ashley: I am going to have to get back to the member on that. I really have no idea.

Mrs. Joe: The Minister of Education has just told the Minister of Justice that there were not any that were rejected and I am just wanting to confirm that.

Hon. Mr. Ashley: I am advised that no claims were rejected. *Criminal Injuries Compensation in the amount of \$33,000 agreed to*

On Yukon Courtworkers

Mr. Chairman: We will go to page 184, Yukon Courtworkers.

Mrs. Joe: Under the program objectives of the Yukon courtworkers, it says "To render assistance where needed to persons who come into conflict with the law", and, of course, it is a very good objective.

I had received information, this week, with regard to the courtworker program. Somebody was looking for someone to work as a courtworker, under some training program. I do not think the minister was aware of this, or maybe he is, but I would just like him to tell me whether he is aware of this information or even if it is true — I do not know. I know that there are not any more funds for this program, so I cannot see where it would show here but, possibly, there could be somebody taking advantage of a northern career or on-the-job training, through Indian Affairs or some other program. The minister might let me know if he is aware of anything like that happening.

Hon. Mr. Ashley: I am not aware of any initiative, in that sense, although the Solicitor-General has a number of programs that they are trying to initiate across the country. So, there might be, but I have not heard of it.

Mrs. Joe: The Solicitor-General, each year, offers programs to groups across Canada and I would like the minister to tell me if, in fact, anyone applying for funding through the Solicitor-General for a program such as a diversion or extra courtworkers, such an application would have to be approved by the territorial government before the Solicitor-General allocated funding?

Hon. Mr. Ashley: Most certainly it would have to come through us first.

Mrs. Joe: I, in the past, have seen the groups apply for funding for good programs and, because the YTG did not approve of it, a good program had gone down the drain. I would certainly hope that in any future applications to the Solicitor-General or other departments of the federal government, the government would seriously consider some of the programs that have been applied for: some good programs. I have seen, in the past, where programs have been held back just because the government did not approve of them.

If there is some group that is applying for funding to hire more courtworkers and the government does not know about it, I find it just a little bit upsetting that that application could possibly would be turned down by this government.

Mrs. Joe: I know that there has been talk about part-time courtworkers in communities where they are needed, as I keep saying. If there is funding available and this government is not willing to put out any more funding then I would certainly hope that if that did happen, this government would approve of it. It is needed. If they did not approve of it, they would be letting go of a very valuable service that could be operated by private individuals.

Hon. Mr. Ashley: The department does not just offhandedly turn down offers. It certainly looks at anything that comes along. If we can use it, or it can be utilized within our resources, within our system to assist or enhance the system, we will certainly use it.

Mrs. Joe: If a group of people, a registered society, had applied for funding from the Solicitor-General's department to expand the courtworker services, and the federal government said, fine we will fund you but you have to get the approval of the government, what response would that group get? It is hypothetical, but what kind of response would this government give to some kind of an application like that, because it did not have control of it or whatever, but it was a viable program, and was much needed, as we know, and this government does not have funding? Say for instance, Skookum Jim Hall, or the CYI, or somebody wanted to help expand that courtworker program?

Hon. Mr. Ashley: That is exactly what I just finished saying. We would certainly review the situation and if it was within our parameters, enhancing one of our programs, and within our resources, I see no reason why we could not do it.

Mrs. Joe: In the past, it appears that whenever a good plan comes along, the minister and his in-House or interdepartmental committee is studying it. Everytime that they do a study it takes forever. It takes months, and months, and months. That is the fear that a lot of people have. We need something very quickly. There is a well-known need for it, and we are wanting to do a certain thing. I am hoping that now that the department is getting organized with a new deputy minister and other personnel, things will start looking up and things will start happening a little bit quicker than in the past.

Mr. Kimmerly: This is a question I have asked in several of the previous years.

Some hon. members: *(Inaudible)*

Mr. Kimmerly: I fully recognize that members across the way are impatient and are interested in getting out by this weekend...

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

Mr. Kimmerly: The courtworker program has remained stable for a good number of years and the budget is extremely tight, in that it covers the three staff people, their office overhead and their travel expenses and absolutely nothing else.

The courtworkers have attempted to take initiatives, in the past, concerning public legal education and especially legal education particularly relevant to native people in the territory and they simply do not have the funds for it. They travel around on the court circuits, but their presence in the community is no better than — or, I could say, as bad as — the presence of the circuit court.

In other areas of the country, where the funding, of course, remains 50 percent federal, the direction has clearly been to establish a presence within every community, especially a community where a circuit court goes, and to do some community public education concerning court services and legal services and about the legal system. Our program here has been stagnant for years. We have fallen away behind other areas of the country and it is necessary that the program be expanded here to include a substantial presence in the community.

Now, the way that is done is, obviously, a discretionary one, but there have been proposals, over the last years, of establishing part-time people in the communities and of carrying out legal education in the community administered, not by lawyers, but by native people, who are better able to do it in a culturally relevant way. Over the years, responsible suggestions concerning reorganization and efficiency have been put forward by the opposition and

it is my view that it is time that this line was seriously looked at. I would like to signal to the minister and the department that we are seriously dissatisfied in this area and look forward to a more efficient service in the future, which will probably entail greater funding. We will be looking for a presence in all of the communities in one way or another, aside from a courtworker simply travelling with the circuit.

On Yukon Courtworkers

Yukon Courtworkers in the amount of \$106,000 agreed to

On Administration

Mrs. Joe: I do not have any questions here, but I would just like to welcome the new deputy minister to the Yukon.

On Deputy Minister

Mr. Kimmerly: Last year there was a budget of \$121,000 and the actual forecast is \$199,000. I recognize that there was confusion in the department. I recognize that there was an expensive severance package for the former deputy minister. What is the reason why the deputy minister this next year is expected to cost \$69,000 less than last year?

Hon. Mr. Ashley: Last year, we also had the consultant who was paid out of that amount, Mr. Hamilton. That would knock it down to the amount that it is at now.

Mr. Kimmerly: What was the expense for the consultant, Mr. Hamilton?

Hon. Mr. Ashley: It was \$46,000 for him, and the other would be the severance package.

Mr. Kimmerly: That would have gone a long way if it were transferred to the native courtworker line. It is a shame that it was not.

Deputy Minister in the amount of \$130,000 agreed to

On Administrative Services

Administrative Services in the amount of \$310,000 agreed to

Administration in the amount of \$440,000 agreed to

On Corrections

Mr. Chairman: We now go to page 188, Corrections.

Mrs. Joe: On the trailers that we talked about in general debate, I would like to be a little bit more specific on them at this point in time.

¹⁹ Could the minister tell me what exactly they are being used for right now? Are they being used to house certain security level inmates? Are they being used for work camps? What are they being used for? The minister keeps saying that they are being tested. I was under that impression that they had started working on them last year. As a matter of fact, I toured them, and I saw what they were doing to them. I was under the impression, at that time, that they were going out into the communities.

The other thing that was also brought to my attention was the fact that there were problems with the personnel. It was not going to be quite that easy to send the personnel to the communities. I think that there was a problem with working hours and other related problems. There was also some consideration, I understood, that had been given to hiring local people to work at those work camps when they were in the community doing those special projects. Could the minister elaborate on that, if he has any other information?

Hon. Mr. Ashley: The inmates who are occupying the mobile trailer units are the ones who have earned the right to be there. They are the best ones of the minimum security inmates. They have to earn the right to go into those units. As I addressed the question in my opening remarks, they are being tested on location in the Whitehorse Correctional Centre this year.

Mrs. Joe: I also asked the minister a question with regard to the personnel up there and the problem that I understood was happening as a result of some of the guards having to go out into the communities when those trailers went out. There appeared to be a great concern in that area. Is the minister able to clarify that?

Hon. Mr. Ashley: There was a rearranging of staff to begin with, but that has been resolved, from what I understand. There has been an extra vote in the supps. I believe there was an extra vote to look after the operation of the annex trailer units.

Mrs. Joe: With regard to young offenders, I do not imagine there are any young offenders up there yet, because the young offender cases had all been adjourned. Can the minister tell me if there have been any specific plans to deal with those young offenders in the correctional centre? I am talking in terms of a different area where they could go outside to get their exercise; the possibility of putting them in a separate room, apart from the other dormitories where the adult inmates are; and, also, because they are so much younger than the inmates who are there, does the minister or his department have any plan in place to train certain people to work with those young offenders?

²⁰ I understand that the people who do work with those young offenders when they are in care have to have a certain kind of training. I do not know what their qualifications are, but you have to treat them a little bit differently than you do inmates who are adults and who have been through the justice system many, many times. In some cases, you are getting a first young offender. Does the department have some kind of a plan in place to deal with those young offenders in the correctional centre, at this point in time, before you have the facilities that are going to be needed?

Hon. Mr. Ashley: We have discussed what we are going to be doing there. We are hamstrung by the facility not being adequate for what that new federal legislation states. We can only do what we can do. There is only so much room there, so we can do no more than that. We handle them the best way we can, as I have already stated.

Mrs. Joe: The minister and the government knew for a lot of months that this was going to happen.

Some hon. member: Oh, no.

Mrs. Joe: Oh, yes, there was a young offenders act that was talked about for a long time. The government was aware that it was going to have to implement conditions under the *Young Offenders Act*. We have talked about it in this House for a number of months, now, so they were aware of the things that were going to be necessary in order to do things under the *Young Offenders Act*.

I find it totally unbelievable that the department does not have a specific plan in place to deal with those young offenders while they are incarcerated in the Whitehorse Correctional Centre along with adult inmates.

Hon. Mr. Philipsen: I do not know, but I suppose I should get into this debate, at this point in time.

The member for Whitehorse North Centre knows full well that the area she is now discussing is an area that comes under human resources. I have explained it on about three previous occasions. I do not know whether it would serve any useful purpose for me to go back over the ground we have covered, already, and explain it to her once more. If it becomes absolutely necessary, I will, but I think, on reading *Hansard*, the member will see the answer to her questions and I am sure she knows them already. The secure facility, the *Young Offenders Act* and the implementation dates have all been discussed and all are recorded in *Hansard*.

Mrs. Joe: I am aware of what I have been told right now, but I am asking it again. I can go back to *Hansard* and I can get the reasons for what is happening right now, but what I am asking is: what kind of a plan do you have in place to deal with young offenders who are incarcerated? I know that you are doing your best, but what is that best? Where are going to be putting them?

Are they going to wait until somebody goes up there and say, "Here, here is a 12-year old kid who has been sentenced to a month in jail". Now, are they going to stand there scratching their head and say, "Gee whiz, where am I going to put this kid?"

²¹ I asked a question: what kind of a plan do you have in place to deal with young offenders?

Hon. Mr. Philipsen: It is almost impossible to answer a question in here, they talk forever. They ask the same questions six times over. Ask a question once, we will answer it. The answer has been given in this House before. The answer was very specifically given in this House before.

The *Young Offenders Act* was implemented by the federal government. The federal government says that there is now one year to put up a secure facility. They said that in that year you may house young offenders in the same manner that you have been

doing in the past.

They realize the position they put the territory in. They realize the position they put the other provinces in. They were great discussions about the implementation of it because of the capital costs to the people of Canada. The Solicitor-General of Canada said he understands the capital cost problem and the problems that everybody is going to have. He said that philosophically everybody in Canada agrees it is a wonderful idea and politically it is a good idea. They are going into an election and that is what he is going to do, and you find the money.

I have stated in this House on a number of occasions that I personally told the Solicitor-General that the territory does not have one dollar to build a secure facility. I have since then gone to the Department of Indian and Northern Affairs asking for money to build a secure facility so that we can comply with the sections in the *Young Offenders Act* that have been imposed upon us by the Solicitor-General.

If you want me to go out, on my spare time, and start building a secure facility, you go out and raise the money and I will start building it.

The question has been answered in this House at least four times. Let us get on with this thing and stop asking redundant questions, because they have been answered in this House and there is no point in this.

Mrs. Joe: The question that I have been asking, I have not got an answer to. I know what they have done. I know what they are trying to do. I know that they are trying to make some agreements with the federal government. What I am saying right now is that I am not asking them to have that facility ready right now. What I am asking is what plan do they have in place to deal with those young kids right now; right now, what are you doing? Everybody wants to talk on the other side. What I am asking is what plan do you have in place right now to deal at present to deal with these young offenders? How are you going to separate them in the jails? How are you going to separate them in the area when they go outside for their exercise? Those are the things that I am asking. I know that they are looking for money. I know that they are looking to build a facility. What I am asking is what are they doing now?

Hon. Mr. Philippen: We can go under the same provisions we have been going under previously, if we wish, because we do not have a secure facility and the federal government realizes that. These questions should be asked of the Department of Health and Human Resources, not of the Department of Justice. We are dealing with the justice debate.

If there are no facilities available at the present time, they will try to separate them, which they do at the present time. They will do everything in their power to ensure that they are not together at mealtimes if it is possible. They will exercise away from adult offenders, if possible. Realizing the fact that we do not have a secure facility, we do not have a physical plant built in the territory, then they have to realize that we will make do the best we possibly can. That is the only answer that the member for Whitehorse North Centre is going to get on this subject. That is the only answer, until the money is here to build a physical plant and comply with the rules that the federal government has placed upon us, and which we cannot comply with because we do not have the money, because we are not allowed to have land; because we are not allowed to have resources; because we are not allowed to gather our own revenues, so we have to get our money from the federal government and, until the federal government gives us money, we will not comply. That should answer the question.

Hon. Mrs. Firth: Yea, Andy.

Hon. Mr. Tracey: Now you got Tony going.

Mrs. Joe: That was a great speech and I loved it. I got some answers. I actually did. He mentioned that they were going to separate them as much as possible when they went to eat. That was one question that he answered. He said we had no business asking for it under corrections, but you understand that the Whitehorse Correctional Centre comes under Corrections and that is why I am asking about that, at this point in time. I did get a couple of answers. I feel as if I have made progress.

Mr. Penikett: I was just curious, after the last minister got into

whether these kids were going to be at the jail and whether justice was running the jail. It just caused me to wonder, that is all.

Hon. Mr. Philippen: Obviously, I do not have to get up and go through the whole harangue again to explain the procedure. I am sorry that the members on the far side are having trouble understanding.

Mr. Kimmerly: I have just one simple little question to whichever minister wishes to answer. Before I ask the question, I would like to state that when I hear a certain kind of heckling, I am motivated to ask a very long question.

Hon. Mrs. Firth: Oh, we already know that.

Mr. Kimmerly: After saying that, I will ask a very short question. The federal government has given all the provinces and the territory one year. Now, the year started April 1st and I am aware of the building season in the north, as are the minister across the way, and it strikes me that it is very unlikely that a facility will be built by the first of April, 1986. This problem will be continually with us. I am sure. Is there any planning for this facility prior to the actual agreement with the federal government concerning funding? Is the target date of April 1st, 1986 still a realistic date?

Hon. Mr. Philippen: When threatened with a long question, there is the possibility that I may decide that I have, what, two hours, for a long answer. Maybe the time is coming that that is what we need in here: a little bit of an answer.

We still have about 11 months in order to build a secure facility. We are doing everything in our power to get funding to begin to build that secure facility. We are dealing, at the present time, with the Department of Indian Affairs. They are aware of the fact that the secure facility needs to be built. There is some implementation money when the agreement-in-principle is signed and that will allow for some pre-engineering work to be done. There is no good reason to believe, as yet, that it is entirely impossible to have a facility built by the implementation date. If we are unable to have it built by that date, then we are placed in that position by the federal government who are the people who have placed that imposition on us to begin with.

That then places them in the position of putting us in the position where we are in contravention of the law. At that point in time, it will be their problem, because we will have done everything in our power to comply.

I have already told the Solicitor-General of Canada that there is not room in Alberta, that there is not room in British Columbia, that no one in the western provinces has a place to put young offenders and, if need be, we will start sending them to Newfoundland and we will send them a bill for the people, if we are unable to comply and they insist that they are in secure facilities that are for young offenders. We are doing everything in our power and, hopefully, by the time we have to comply, we will be able to.

Mrs. Joe: The program objectives, number two, talks about rehabilitation of the offender. Of course, we all know that there has to be some kind of rehabilitation for these people who continue to go back to jail.

Can the minister tell me what kind of rehabilitation programs they have under corrections? I notice, on page 189, the cost of an inmate per day, actual, in 1982-83, was \$101; then, it went down in the 1983-84 forecast to \$91.04; the estimate for 1984-85 was \$99.20. Could the minister tell me about the fluctuation?

Hon. Mr. Ashley: We have a number of rehabilitation programs going there, through the Yukon College. They have a coordinator who runs a number of different programs, so that is the main direction.

Now, as far as the inmate costs go, there is a fixed cost that is built into the infrastructure of the guards, the whole works, and the food. Then, above that, there is a variable cost that rises on the amount of inmate count and that is where the difference comes in.

Mrs. Joe: So, the fewer inmates you have, the more it is going to cost per day. Okay?

The minister mentioned that one of the programs that they had, with regard to rehabilitation, was cooking.

Do they have other programs or do they have alcohol-related programs up there? A large number of the crimes up there are alcohol-related and I would like to know what other things they

have available to the inmate.

Hon. Mr. Ashley: Yes, we do have that and we have an alcohol worker program worked out with health and human resources. I believe. There is pottery and a number of things that they are doing in the resource centre in the institute.

On Probation

Probation in the amount of \$476,000 agreed to

On Corrections

Corrections Institute in the amount of \$2,480,000 agreed to

Corrections in the amount of \$2,956,000 agreed to

Mr. Chairman: Before we clear the department, have you any questions on page 190 or 191?

Department of Justice in the amount of \$11,869,000 agreed to

Mr. Chairman: We shall recess for 10 minutes, before we go on to highways.

Recess

Mr. Chairman: I call the Committee of the Whole to order. We shall now go on to the Department of Highways and Transportation. We are on general debate. I presume you want to talk, Mr. Byblow?

On Department of Highways

Mr. Byblow: I will ask the Minister of Highways a couple of quick questions to get them on the record.

Last Thursday, the minister and I cleared away a lot of policy questions. I have several issue questions that I gave the minister notice on. With some articulate answers, I am sure we can clear off general debate in a hurry.

The first question surrounds the Haines and Skagway roads with regard to the current plans in place for upgrading those roads. I ask this in the context of the CTC report and the tremendous amount of debate that is going on about the potential for re-opening those roads for heavy traffic. What is now in place, with respect to the plans for upgrading of those two highways?

Hon. Mr. Tracey: I think most members are aware of the Skakwak project, which is the project the Alaskan government and the federal government of the United States have put \$11,000,000 into. That is to do the section that they are working on this year to Blanchard River. The \$11,000,000 covers not only the construction but covers next year's job of paving it.

On the Skagway Road we are also doing 20 kilometres of BST that I announced earlier, I think it was even last fall or earlier in the session anyway, from Dan Creek to Dezadeash. We are doing some BST on it. Then there is the short section that Public Works Canada is funding; a dangerous section that we are going to be rebuilding. I am not sure exactly what kilometre that is.

As far as the Skagway Road is concerned, we are doing the 13 kilometres that is now under tender. Besides that, the federal government is also, I will say, playing around with the other 11 kilometres, I think it is, into Carcross. We are not sure exactly what they are going to do. They are talking about giving it out to native contractors, but the only native contractors capable of doing the job already have a contract with us. So, I have written to the Minister of Indian Affairs about that, but I do not know what is going to happen.

We are also going to be BSTing the Skagway Road, from the Alaska border back towards Carcross, the part that is not done, plus the construction that we did last year. So, that is what we are doing on both of those roads.

Mr. Byblow: How much of the Haines Road is left for upgrading to the border? Does the minister know?

Hon. Mr. Tracey: No, but that would probably be in the neighbourhood of 30 or 40 miles, I guess, somewhere in that area — maybe 50, even.

Mr. Byblow: When the Yukon government is putting into place the capital planning for the upgrading, which it does, I assume, in conjunction with the federal government, are both of those roads destined to be completed in upgrading in the next few years?

Hon. Mr. Tracey: Under ordinary circumstances they would

be, but you have to recognize that the federal government of the US and the Alaskan government are also involved in the Shakwak project. Unless they provide ongoing funding for the Shakwak project, it is not a major priority for us, or even for Public Works Canada, so, it is going to take the participation of the Alaskans and the United States government.

Mr. Byblow: What can the minister tell me about the load limits on those two roads? From what I understand they both are in the 95,000 tonne rating, which I think translates into 10,000 kilograms. Is that the current load limit on both of those roads, or does each road vary one from the other?

Hon. Mr. Tracey: They vary. On the Canadian portions of most of these roads the weight is either at 84,000 to 95,000. In some areas they are designated roads — well, not designated roads. The maximum would be 9,000 kilograms.

The problem is not the Canadian section of the road. We could increase the load limit anytime on the Canadian section of the road. It is the American section of the road, and they are down to, I think, 78,000 pounds on the Skagway Road. On the Haines road, I believe it is a little higher. Our load limits are above the Alaskan load limits.

Mr. Byblow: There is one thing I would like to understand about the use of both those roads, and that is with respect to the permit system of allowing heavy traffic to go through. For example, buses run the Skagway Road and they also run the Haines Road. Periodically there are certain types of freight runs up and down those roads. What is the policy, if you will, to permit heavy traffic on those roads?

Hon. Mr. Tracey: Any truck or heavy traffic can go on the Haines Road, as long as it complies with the Alaskan weight limits, because our weight limits are higher.

On the Skagway Road, it is restricted. We restrict the traffic on the Skagway Road and, if we did not restrict it, the Alaskan government would restrict it. There are permits allowing trucks to go in there. For example, we are allowing trucks right now to haul topsoil into Alaska and, the odd time, there are other trucks that are allowed to go in there. However, the trucks are restricted on the Skagway Road, but buses are not restricted. You mentioned buses: they are not restricted. The only restriction is on the Skagway Road and it is only for heavy trucks.

Mr. Byblow: The minister referred to 84,000 and 95,000 pounds per axle weight as a load limit on the Skagway Road. When permits are granted to buses and to other heavy traffic, is it a common occurrence to permit overweight vehicles to use those roads, as per those two guideline weight restrictions?

Hon. Mr. Tracey: No, and buses do not need a permit to go on the Skagway Road. Permits are to allow any heavy trucking to go over the road. Trucking is restricted over the road from Carcross to Skagway. The rest of the road is clear but, from Carcross to Skagway, it is restricted and they have to have a permit to go over it.

Mr. Byblow: The other subject I wanted to raise with the minister relates to the Campbell Highway. The minister told us, in Question Period the other day, that an engineering study was planned for that highway, I believe, next year. What is the intended level of upgrading for that road? I realize that he cannot answer that in any specific way, because that is why you do an engineering study. However, what is the long-term intention of that entire road, in terms of traffic use?

Hon. Mr. Tracey: As I told the member the other day, we will be doing an engineering study on that road. We will be upgrading that road, not to the same level as the Klondike Highway, naturally, but — I forget the number of the road that we designated it — it is less than the Klondike Highway, but it would be upgraded to a good road standard.

That will all be predicated on MacMillan Pass development. If the MacPass development does not go ahead, we will not be going ahead with the reconstruction of the Campbell Highway. We are doing some work, though, at the Ketza River Bridge, where we are replacing the bridge. Next year, we are projecting that we will probably do the Hoole River Bridge, but that is only a projection, so far. Of course, it is all subject to the budget and what is going to

happen, but it is all predicated on the development of the MacPass.

Mr. Byblow: It has been suggested in some studies that should the Mac Pass go ahead, it would be a volume to exceed that of Cyprus Anvil in terms of truck traffic. Now, Cyprus traffic has, in normal production times, been at a level of 60 trucks a day, which breaks down to a truck every 20 minutes. Should the MacPass development go ahead, it has raised the question of whether the traffic frequency could be handled on a standard artery. If for example, the MacPass development caused twice as much traffic as that from Anvil, you will have a truck travelling on that road every 5 minutes.

I suppose that raises a single question in my mind about the status and potential of rail extension into that area. We are really talking with a lot of unknowns at this time. I would expect that the minister's engineering and feasibility on upgrading that road will take all that into account, as well as the results of the report to come.

Several issues have been brought to my attention about the Campbell Highway. That is the absence of a number of guardrails and a lot of dangerous curves. At the same time, it has also been brought to my attention that there is a lack of receptical deposits for garbage along that road. There are pull-offs, but no recepticals for depositing garbage. There is a tendency for a lot of garbage to accrue on these pull-offs.

Recognizing that the minister is also responsible for renewable resources, which would mean campgrounds fall under his purview, could I just leave with the minister this constituency concern, if you will, and allow the minister any response if he will.

Hon. Mr. Tracey: Yes. The member just raised a question of the highway and the possibility of the trucks travelling that road. It is not perceived that the trucks from MacPass will be going down the Campbell Highway. That would be an artery to material in from the south. It is still perceived that any trucking coming out of the MacPass would come over the Campbell Highway and come to Whitehorse.

The number of trucks that you are talking about is also wrong. Right now, even Cyprus Anvil does not run 60 trucks a day; they run them in the neighbourhood between 30 and 40 trucks a day. Since they put the double containers on they have cut down the number of trucks significantly. It would not be that bad as far as the truck traffic goes.

The advantage of the Campbell Highway being upgraded would be to allow some of the trucking to come up from Watson Lake into the area, rather than have to come around through Whitehorse and Carmacks.

The guardrails that are on there now are sufficient for the level of traffic and for the type of road that we have there, while recognizing that if the road is upgraded, guardrails would have to be put in some of those areas.

As for garbage recepticals, I will make a note of that and will have my Department of Renewable Resources look at the pullout areas to see if we can put some garbage recepticals in some of the places where the people stop.

Mr. Byblow: I think the point about the Campbell Highway becoming a traffic corridor to serve the area of Carmacks and north is a very logical one, in terms of efficiency and cost. Of course, I would expect that it would eventually serve the Dempster, as well, as the shortest route to that development area.

An issue that was brought to the minister's attention at a public meeting in Faro, last year, was the problem at the town junction, on the Mitchell Road. The angle that the road comes down past the junction leading into town creates something of a hazard. The minister, at that time, said to the people assembled that that was something highways was going to be looking at. Could the minister report an update on that?

Hon. Mr. Tracey: Yes, we are aware of it and if and when Cyprus Anvil goes back to work, we will then put a turning lane on that junction, for safety's sake. We are well aware of it but, until Cyprus Anvil goes back to work, it is not a wise expenditure for the government.

Mr. Byblow: I would conclude that the government is not prepared to make any commitment about continuing the entire

Mitchell Road upgrading, as well. It might be worthy to note that that development of the Campbell Highway artery would also facilitate the proposed Tracey Park.

The recreation roads have, by government policy, received an increase in attention. Last year, there was some imposition of taxation on recreational properties and there was the intention to start snowplowing and providing some road service on the main roads leading into recreational property. Can the minister report to what extent this has been done, this past year, and if there is any reflection on either the cost or the increased amount of time?

Hon. Mr. Tracey: We have been doing it. We have maintained the roads during the winter. We even started to upgrade some of them, such as the Tagish Road, last fall and there were a couple of other roads we were working on. We will be maintaining them on a year-round basis, as traffic requires.

I am not sure if there is an increase in the budget on recreation roads — I suppose there is a slight one — but I do not know how much. I have not looked at the budget book.

Mr. Byblow: What is the policy that determines a road to be a recreational road? I raise this because there is some question raised by people living in rural locations who are, say, off a main highway and there is one common road leading into the general property development where there are a number of other cabins or homes. The tendency for highways is to plow a road wherever anyone requests it. Is there a policy that determines when highways will open a recreation road and when they will backcharge to the resident at the end of that road?

Hon. Mr. Tracey: Yes, we have all those other roads designated. They are called "other roads". Every one of them that we maintain, on a regular basis, is designated. The recreation roads, that you are talking about, we are talking about going into cottage lot areas. We also have recreation roads such as the road into the Pelly River Farm, which is called a recreation road. It is on our schedule as "other roads" and we maintain it. We grade it, I think, once a year and we snowplow it, I believe, once a year, also. There is a set schedule of maintenance for those roads. We do it every so often.

On recreation roads into cottage lot areas, it is a little different situation because of the traffic that is there. We have to do it on somewhat of an as-required basis.

Mr. Byblow: How does one find out whether a road leading to their property deserves to be plowed by highways? That is a question asked of me.

Hon. Mr. Tracey: I will read off the list of the roads and then you will know. Category five, which is gravel roads surface, dry blading twice per annum; gravel resurfacing to a maximum pit run. Category five: that is the Hanson-McQueston Road, Cowley Lake Road, Annie Lake Road, Fish Lake Road, Aishihik Road, Kusawa Road, Miles Canyon Road, Sydney Lake Road, community roads and subdivision roads.

Category six, which is the lowest maintenance standard on gravel roads, we do dry blading once per annum and no resurfacing. These are Kookatsoon Road and Marshall Creek Road. Those are the roads that we handle under those circumstances. Now, the cottage lot roads are something different. We maintain them because they go into cottage lot areas on an as-required basis.

Mr. Byblow: When the minister says that highways maintains them on an as-required basis, does that mean that they back-charge to the occupants?

Hon. Mr. Tracey: No. If they are paying the taxes and it is a cottage lot area, we maintain those roads. There are some people who live out in the boonies, wherever, and they want the government to

maintain their road. We back-charge the people for those.

Mr. Byblow: If I have any more specifics, I suppose I can go to the department and find out if there is a road that is eligible to be plowed and is not being plowed.

Regarding the signs policy, one of the areas that has arisen from the policy developed a few weeks ago relates to the restricted zones outside communities. What is the policy that this government is taking about those restricted areas? What latitude is the government allowing communities to have control over signs in their region?

Hon. Mr. Tracey: The communities do not have control over signs. We ask each community how much distance it needs on either side for signs, and we arrive at an area for signs. When it is decided, the government includes it in its regulations governing the erection of signs. In Faro, for example, because it is situated a few miles off the road and is the end of the road, we are going to permit a section on each side of the junction on the Campbell Highway for signing specifically for Faro. For the other communities, there is a designated area in which signs will be permitted to be erected.

Mr. Byblow: Would that unique situation that applies to Faro also apply to Ross River?

Hon. Mr. Tracey: Not likely, as Ross River is on the North Canol Road. If we were to allow every community to do the same thing, we would soon find that we were getting into a situation where the people in Mayo or Keno, which are some 50 or 60 miles from the junction, would want signs at the junction. We will have to look at Ross River very specifically and may, for a short period of time, allow it to put some signs at the junction, in conjunction with tourism, at least to advertise the area. Faro is in a unique situation, a few miles off the highway at the end of a road.

Mr. Byblow: I gave the minister notice that I had a question about quarries. I realize that the subject falls under municipal and community affairs, however I must raise a question about the need to remove soil, gravel or sand outside a municipality or highway corridor. What does a resident do if he wants to take 10 or 20 cubic yards from a lakeshore or gravel from a hillside?

Hon. Mr. Tracey: One would have to do exactly what the government does. Even in the highway corridor, if we want to use gravel, we have to apply to the lands branch of the federal government to get a permit to extract it.

Mr. Byblow: Then, it is strictly federal jurisdiction outside of territorial lands?

Hon. Mr. Tracey: That is correct.

Mr. Byblow: The question has been raised about what point in time a bridge becomes appropriate where, currently, there is a ferry? I recognize, in the Dawson situation, that that is a bit of a long-term dream, but we do have a situation where, across the Pelly River, at Ross River, is a ferry. Certainly, there is an increasing amount of traffic on that particular corridor. What is policy, in terms of that decision? I realize dollars and cents are involved. Who makes the decision and when does it happen?

Hon. Mr. Tracey: I would like to be able to say that I agree with the minister from Dawson and we would put the road across it, because it certainly would not hurt my business, which is established on that highway. It would be very beneficial for the tourism industry in the Yukon Territory, but the cost of building a bridge across at Dawson would be somewhat prohibitive, I think, for a few years.

The decision is made by the federal government, anyway. Although we are involved in the negotiations and we put our position forward, it is made by the federal government, exactly the same as it is at Ross River. There is a bridge proposed for Ross River, I believe, if the MacPass development goes ahead. The date for that bridge is in the neighbourhood of 1988 or 1989, somewhere in there, when they propose to build a bridge, perhaps 1987. I have the date, but I would have to dig through everything to find it. It is somewhere, 1987, 1988, 1989, that they propose to build a bridge, but that is only if the MacPass development goes ahead.

Mr. Byblow: There is, currently, a stepped-up program for the North Canol by this government and the feds. Every year, in the last several years, we have been pouring more money into bridges and reconstruction and culverts — I should not say bridges — and improvements to that road. Is there clearly a five-year capital plan

for the North Canol that is a stepped-up program of improvement?

Mr. Chairman: The federal government has a plan for that road. Yes, there is a plan for that road. However, it is all predicated on whether the development is going to go ahead, on the price of metals and whether the mines are going to open up. For example, this year, they are doing that one contract. I think it is a 25 kilometer contract that they are going to do over a two-year period.

The thing is, if it had not have been so far ahead in the development stage, it is very unlikely it would even have happened this year. No one knows for sure, yet, whether the MacPass development is going to go ahead or when it is going to go ahead.

Mr. Byblow: Still relating to that development, there is a question and a controversy, if you will, brewing in the Faro/Ross River area, over which way the road should go and how that development should take place. I am sure the minister is quite aware that there is —

Some hon. member: (Inaudible)

Mr. Byblow: I am sorry, I did not hear what was said.

Some hon. members: Watch your back.

Mr. Byblow: I understand.

I am sure that, since the minister is aware of that, he must also be aware that it will boil down, in the final analysis, to dollars and cents; the most economic development prospect is probably going to be the one that goes, in respect to corridors for resource extraction.

Not wishing to provoke anything in my back, I have a question brought to my attention. Current development of highways seem to have steeper shoulders than they used to historically. Is this an actual, real engineering thing that is happening or is it just a perception? In the context brought to my attention, the statement was made that it appears that roads are being built higher and have much steeper drop-offs. I also recognize the nature of the terrain in the territory and, certainly, it is quite unlike where I grew up where you had to make ditches as opposed to them being there for you. Is the minister aware of any shift in engineering policy about the construction of roads with a view to the shoulders?

Hon. Mr. Tracey: No. If the member thinks that there is something, it is perception. In fact, if anything, we are upgrading the level of road construction. Roads fall under certain categories and each category demands a different style of construction, or a better level of construction and a wider road surface. Roads such as the Klondike Highway are the top level of what we do in the territorial government. The Alaska Highway is even a higher level yet. The Klondike Highway is the highest level and we go down from there.

Regarding the access into the MacMillan Pass, I think the decision has already been made. It will be going through Ross River.

Mr. Porter: In his statements regarding the development of the MacPass area, the minister stated that the construction of a bridge and further intensive upgrading of the highway of the North Canol, specifically, would be dependant upon development activity in the MacPass area being given the green light. On what basis is that decision predicated? Is it simply based on the ability of the Amax Mine, located near the border, or is it based on a series of mines developing in the area before a bridge would be built and before there would be millions of dollars spent on that particular highway?

Hon. Mr. Tracey: I think we all recognize that the MacPass is going to go ahead sooner or later. It is not a case of it being that it is neither go or no go. They are working on the road. But, if all the mining companies say, "Well, we have put our production date off two or three years", the federal government is also going to put its requirements for reconstruction of the road off a year or two, or three.

That is what I am saying to you: it is predicated on when the mining companies say that they are going to be in production. Two or three years ago, it was looking like 1987 was the start-up date for Amax, for example. That production date has been put off at least a year, or two years. That relieves the necessity for the federal government to have that road reconstructed in that period of time. So, what is happening is that it looks like the federal government is slowing down on its projects and how much it is going to do in a

year, or even if it is going to do any. We will have to wait to see exactly what the federal government is going to do.

As I said, they have the one contract out now, 25 kilometres, which they are going to do over two years. After that, we will have to wait and see what they do. As I said, the bridge was scheduled for 1987-88. I would suggest to you that that is probably put off to, at least, 1989-90, somewhere in that area.

Mr. Porter: There are all kinds of deposits up there including Amax, the Barrett Mine, the Hudson Oil and Gas Properties. Given the scenario that should only the Amax deposit come onstream in terms of production, would be that incentive enough for governments to go in there and look at construction of the bridge, look at upgrading the highway, or would they simply do some preliminary upgrading of the highway and maintain the existing ferry system, which we have at Ross River presently, and simply go through processes of upgrading the ferry to take on the additional capacity?

Hon. Mr. Tracey: I am not totally aware of what the federal government's move would be in that situation. However, I would suggest that it is exactly as you said; they would do basic upgrading of the road and upgrade the ferry in order to handle Amax. They would forget about the bridge, and whatnot, until those other base metal mines were ready to go into production, and then they would carry on their project of upgrading.

Mr. Porter: I just have one further question with respect to the roads in and around Ross River. The minister mentioned that there was going to be some work done in terms of replacement of the Ketza River bridge. I assume that he is speaking of the Ketza River as it crosses the Campbell Highway south of the community of Ross River. There is an existing roadway that follows Ketza River into the mountains and to an abandoned silver mine property.

Recently, there has been renewed exploration activity within that area and we had a recent announcement of another very promising deposit located within that area. Are there any plans within the department to upgrade that road, because that road is not in very good shape. The maintenance that had gone on in the past had been largely at the initiative of the mining companies that were operating in that area. As a matter of fact, last year, you had some serious problems in terms of degradation of the road. You had the river cut into the roadbed quite deeply in certain areas. Are there any immediate plans on the part of the department to do any work on the Ketza River access road?

Hon. Mr. Tracey: That Ketza River road is not even on our schedule of roads, so a presentation would have to be made to the government, explaining the level of service that is on that road. Where it goes and all of those things would have to be made to us, in order to justify us maintaining that road. We would have to see that the level of use of that road would justify our upgrading the road.

There is a possibility, perhaps, that we could look at it and maybe go in and do some basic maintenance on the road, but whomever is involved in that area would have to come to my department and to me and put the presentation to us so that we know exactly what the situation is and we can back a decision.

Mr. Porter: While I have the attention of the chairman, I will exercise my prerogative and ask one more question.

It is with respect to the Albert Creek road, which is north of the community of Upper Liard. This particular road was initiated by the timber industry and it was primarily constructed to be an access to some of the merchandisable timber located in the Liard Valley. Over the years, the good timber has been logged out, largely, and what the road has turned into is a road for the residents of Upper Liard and the residents of Watson Lake to go into that area and get some good firewood, in the fall, primarily. The road is in not very good condition. It could use some basic gravelling and, possibly, some minor grading.

This issue has been brought to the attention of the government on a number of occasions. I am wondering if the Department of Highways has considered doing anything with that particular road, or would they consider doing anything in the future?

Hon. Mr. Tracey: We had not considered doing anything with it, mostly because it has been municipal and community affairs that has handled the situation up until now. I guess it is a firewood

access road or whatever you want to call it.

I am not aware of the road. I do not know where it goes. I do not know what kind of shape it is in. However, I would be willing to have our superintendent look at it to see if there is something we could do and how much it would cost us to do it. I would not, at this time, make any commitments that we would do it, but we would certainly be prepared to look it. Perhaps the department has already looked at it, I do not know, but I am willing to have it looked at, to see what the costs would be to us.

The same thing goes there: how much traffic is on the road and what it is used for, and is there a benefit to us to expend all those taxpayers' dollars? There are all those things that have to be taken into consideration before we would agree to do any work on the road. I think you have to recognize that it costs a lot of money, especially if we start taking gravel trucks in and start rebuilding a road, back in the bush. It is very expensive.

Mr. McDonald: I have a number of constituency issues that I would like to bring forward and would like the minister to address.

Before I get into that, there is one question, regarding the use of casual labour, which we will deal with more thoroughly, I hope, in the public service commission estimates.

¹⁷ While we are on the Department of Highways and Transportation, perhaps the minister can give us an accounting of the practice of hiring casuals. I understand, in the past, this department, rightly or wrongly, has used the use of casuals, and has used casuals as sort of a reserve of person years for free hiring.

There has been some abuse of the restrictions regarding the hiring of people within the government. There were a number of stories, for example, that persons were being hired year after year, six month period after six month period, with only a one day lay-off. Has the department brought this problem under control to the extent that the minister feels more satisfied or, at least, satisfied that the such abuses of casual hiring will be very rare or non-existent in the future?

Hon. Mr. Tracey: The Department of Highways is one department of government that does use a lot of casual hires and that still goes on; there are many casuals every summer.

The casuals you are talking about were the people who we have now put on permanent staff. In the main estimates, as the government leader has said, we have increased our permanent person-years and that was to put those people who were being constant casuals who were laid off for one day every six months and put back on staff. Those people who were more or less permanent with the government have been put in permanent staff positions.

However, the department, just by its very nature, requires a great many casuals every year and the hiring of casuals is going on; in fact, it is going on every day right now. There are a great many casuals being hired by the Department of Highways.

Mr. McDonald: Of course, we are all familiar with the need for the Department of Highways to hire casuals, when the bulk of the work is done in the summer or is done seasonally. I would like to deal with that more carefully. I suppose, in the public service commission estimates and, perhaps, we can leave it for that.

Just to get off the subject, perhaps the minister could tell us how many casual person-years are expected in the next year? As the minister will know, in the past, in the person-year establishment, there have been line items at the bottom of every departmental page that illustrates not only the permanent person-years, but the casual person-years. For some reason, this year, in these estimates, the number of casuals has been left off. This is rather significant, as we know the number of casuals is rather significant for the highways department, so perhaps the minister, for the record, can tell us how many casuals we anticipate for this year?

Hon. Mr. Tracey: The reason you do not see casuals on there anymore is because those casuals who were on there are the ones that we have not put on permanent staff. That was not the total casual complement that we used every year.

¹⁸ I do not have the actual figures of how many casuals we use every year in front of me. I would say that we use in the neighbourhood of probably at least 200 or 300 casuals every summer because of all the survey crews, road maintenance crews and surface crews. All of those people are casual employees.

Mr. McDonald: I think it would be a point in the future to illustrate the number of casualties that the department does employ, either in total, adding up the various periods of employment that the department may anticipate. I think that that would still be a worthwhile exercise, certainly from my point of view. I am encouraged to hear that the department is, in the minister's mind, doing its best to handle the problem that I mentioned. We will deal more thoroughly with that later.

I just have a few constituency questions. The minister briefly touched on the issue of junction signing. I was not going to get into that issue at all this evening, largely because the minister had been quite explicit in an answer in Question Period where he stated that no private signing would be permitted at junctions for businesses not located at the junction. The minister mentioned that the junction at Faro could be a very legitimate exception because Faro is at the end of a road. Of course, it also happens that Mayo, Elsa and Keno are at the end of their road and off the beaten track. One other qualification to add to the justification for the Faro exemption would be that the community happens to be very close to the junction. Is there any cutoff as to when businesses, not actually situated at a junction, can be given signing rights at the junction? Is there any cutoff concerning distance or mileage?

Hon. Mr. Tracey: Yes. The cutoff for a single business would be as outlined in the highway sign regulations. You are allowed, if you are within the boundaries, within four kilometres, to put a sign up on every highway. But, someone would have to be within about three kilometres of Stewart Crossing in order to put a sign up on the Klondike Highway. Yes, the reason for Faro being a unique situation in that respect is because they are the end of the road, they are not that far off the road and it would not be beneficial for the businesses to erect signs on the road if they had to only put them on the Mitchell Road; it would not be of that much benefit to them.

As I said earlier, we are quite prepared, in conjunction with tourism, to put a great big billboard up at the Mayo junction because I know exactly what you are talking about. I recognize the problems that people have there. I would certainly like to see the tourists go in there. We are prepared, in the Department of Highways, to do as much as possible to allow it to happen. We will build a pull-off, we will provide the area to put the billboard up, we will provide an area to put the kiosk up for individual advertisers if they want to advertise there, but there has to be something done in conjunction with tourism.

¶ I would hope that your Silver Trail Association gets together with tourism and comes up with a proposal to put to us for implementation.

Mr. McDonald: I do not think there is any percentage in pursuing the issue of exceptions to the rule. I think that the Faro exception is a very legitimate one.

I am encouraged to hear, of course, the minister state, once again, that they will do what they can to provide space on the highway easement at Stewart Crossing to allow for a billboard or a kiosk, or both. The minister may know that the Silver Trail Tourism Association has, in fact, located enough money to build, in effect, a kiosk for the present time and I am sure they will be coming to the department quite soon.

The next issue that I would like to briefly deal with is the issue regarding the Mayo airport. As you may be aware, the passenger terminal at Mayo is affectionately termed as "a shack on skids". It is, in fact, very much a shack on skids with a chemical toilet. This, to the people of my district, of course, is quite unjustified considering that the first scheduled air route in Yukon, over 50 years ago, was, in fact, the Whitehorse-Mayo run. The shack on skids has been in service for quite some time. It is a rather important airport in terms of refueling for the Beaufort runs for at least one local air carrier.

Another problem, of course, associated with the shack on skids is the fact that the building itself has to be heated by the air carrier. The air carrier, for obvious reasons, heats it only when it is actually using it resulting in the fact that, when people travel from 40 miles distant to the airport in the middle of winter, they generally have to stay in their trucks or try to bunk in the Ministry of Transportation building to stay warm. This is not an acceptable situation and it has

not been for some time.

The minister will know that the federal Ministry of Transportation has decided that this airport facility does, in fact, need upgrading and they have gone so far as to actually design a appendage structure to the Ministry of Transportation building to allow for passenger handling. Now, two years ago, I sent correspondence to the Ministry of Transportation and they said that they would do everything they could to ensure that they construction of the facility is constructed in the 1984-85 year.

¶ I wonder if the minister could tell us what efforts the airport branch has made to try to accelerate the construction stage schedule for this facility?

Hon. Mr. Tracey: I believe it is supposed to be constructed this year. I do not have the information with me and I would have to get back to the member on that, but it is my recollection that it is scheduled for construction this year. That is all I can say. I do not have the information with me, but I would certainly be prepared to let him know, as soon as possible, when it will be scheduled for construction.

I agreed with the member. I have been into Mayo on more than one occasion and I know that it needs a terminal facility there. I would like to see it there just as soon as he would.

Mr. McDonald: I am happy to hear that and I will ask the minister to inform me as to the schedule of that terminal, the sooner the better, obviously.

The next area has to do with the area of road maintenance, in general, in the riding. The minister will know, from my questions in Question Period, that this is of considerable concern to the people in the area.

The minister made mention that significant upgrading of at least the Stewart-Mayo or Stewart-Elsa or Stewart-Keno highway would not be in the works, in the near future. That would include, of course, the application of BST or chipseal, on that highway. Can the minister tell me exactly what priority the Stewart-Keno road actually has? I notice that it is numbered Highway 11, at the bottom of the list, but I would like to know if that also represents the priority rating of this highway, insofar as major upgrading and chipseal application?

Hon. Mr. Tracey: Yes, it is scheduled for material search in 1986; it is scheduled for engineering in 1987; in 1988, it is scheduled for the crushing of material; in 1989, it is scheduled for BST.

Mr. McDonald: Is the road that the minister is talking about the Stewart-Keno road, the Stewart-Elsa road, or the Stewart-Mayo road?

Hon. Mr. Tracey: I am talking about Highway No. 11.

Mr. McDonald: So, we are talking about the road that goes all the way to Keno?

Hon. Mr. Tracey: That does not necessarily mean that BST is going to go all the way to Keno. Starting in 1986, the reconstruction is scheduled to go from then up until 2004.

Mr. McDonald: I will be pretty close to retirement by the time this BST gets to Keno.

Hon. Mr. Tracey: I will be retired.

Mr. McDonald: The designation, in the estimates' book, highways branch, page 151, states that Highway 11 is the Stewart-Keno road. Perhaps, sometime, the minister could inform me as to what specific construction will take place

¶ That would be of some interest to me and certainly to the residents in the riding.

The minister mentioned that there will be some engineering work done on the tourism loop, the Duncan Creek-Mayo Lake Road. This, of course, is of great importance to the riding because this particular loop, this section of the road, is fundamental to promote the tourism objectives of the Silver Trail Tourism Association and the riding itself. Could the minister tell me, specifically, what amount of upgrading is anticipated for that particular section of the road?

Hon. Mr. Tracey: There is no significant amount of upgrading. What we are looking at is taking out some of the bad corners, clearing the brush back in certain areas and perhaps realigning the road in a couple of areas. But, I doubt that we would do much

realigning. It is mainly to take the bad corners out of the road in case of accident; especially if the tourism develops, which we hope it will. Basically, it is just putting the road back into a condition where people can travel the road in somewhat of a safe manner.

Mr. McDonald: Is there a dollar figure associated with that engineering work?

Hon. Mr. Tracey: No, that is why we are doing the engineering; to get an estimate of what the costs are going to be. It is so that we will have an estimate of how much it is going to cost us to put the road back into a shape that we think it should be in.

Mr. McDonald: Is the engineering work, the work to determine what needs to be done and how much it will cost, to take place this summer and then the actual upgrading to take place the following year?

Hon. Mr. Tracey: Yes. There may be some upgrading that will be done this year. As the member is aware, last year there was some right-of-way clearing and the road widened out in a few areas for better vision. What we are doing this year, mostly, is going in, looking over the road, taking some basic engineering studies for certain corners and whatnot, to see what the cost is going to be and what will have to be done in order to put it in a satisfactory condition.

Mr. McDonald: As I am sure the minister is aware, there are a whole series of recreational roads in the riding, some of which are maintained, some of which are not. There is one road in particular that has been of some concern to many Elsa residents I know; a recreational road that crosses over Galena Hill from Elsa through to the Duncan Creek Road. This is rather an old road. I believe it was initially established in the 1930s and was maintained up until the late 70s.

⁴² It was called the Williams Creek Road. Can the minister give me any indication as to why a road such as this would cease to have maintenance done on it? I know that the road is greatly used. It is widely used by persons who traverse the hill in the summer months, especially; not so much in the winter months. Can the minister tell me why roads such as this would cease to have maintenance done on them?

Hon. Mr. Tracey: For a very good reason. The road is not used that much and the demand is not on it. This year, we are working on the Duncan Creek Road. We will also be doing some engineering work and that on the Mayo Lake Road, which is a recreation area there. There is a limit to the resources of the government. The Williams Creek Road, which the member is talking about, has never been a high priority. It has never been raised before and the traffic level on it, perhaps, does not warrant the work that the member would like to see on it.

Mr. McDonald: The minister may have legitimately forgotten that I raised this issue either with him or the previous Minister of Highways, I believe, last year or the year before. This is the one road that is not being maintained that I hear the most about as a constituency MLA. Many different people come to talk to me about the maintenance of this particular road. The minister did mention at one point, I believe, some days ago or, perhaps, some weeks ago, that it was a policy of the government not to let old roads fall into disrepair. As this road is a rather significant shortcut to the other side of the hill, could the minister, at least, have his department review the maintenance schedule for that particular road even if only to cut back the trees that are beginning to overgrow the road?

Hon. Mr. Tracey: I will have my department look at it again. The member did raise it with me last year. I had my people look at it and the department has informed me that it is not high on the list of priorities. There is an access all the way around that particular area. They did not feel at that time that it was necessary to do any work on the Williams Creek Road. I will be prepared to have my department look at it again to see if they should reconsider what we should be doing in that area. There is already access all the way around that mountain. To spend a large amount of money on a road that happens to go across the mountain is not, perhaps, the most beneficial use that we could make of the taxpayers' dollars.

⁴³ **Mr. McDonald:** I do not want to belabour this issue to a large extent, but I would challenge the assumption that what is required for this road requires a great deal of money. I would urge the

minister to have his department review it, again. If they are depending on the information from a single source, then, perhaps, it might be wise to have them canvass more than the one single source they may be depending upon for a decision.

The one last question I would like to ask the minister is another constituency issue regarding the washing of calcium trucks. It has come to my attention that the department has, in the past, washed calcium trucks, from the highway camp in Stewart Crossing, in streams that are considered to be fish-bearing streams — Crooked Creek, for example. Local residents of Stewart Crossing have recognized a drop in the number of fish, because this is, apparently a fishing hole that they think is of some consequence. Can the minister give us some sort of indication as to what the policy is for that kind of situation?

Hon. Mr. Tracey: Yes, I can tell you that, if they are doing it, they are going to stop, immediately.

Mr. McDonald: Good news.

Mr. Penikett: I just have one question for the minister and I promise it is only one.

Last week, on the special day that we devoted to highways in Question Period, I raised with the minister an issue, I think, of significant importance, for the first time: namely, what is increasingly apparent to me is an unsafe situation at the turnoff into the airport and the possibility, with the modernization of the airport, of putting a turn lane in at that junction. The minister and I, at that time, discussed the relationship between the Yukon government and the federal government and the responsibility for the highways.

Just to elaborate, slightly — and I would appreciate a comment from the minister — as the minister knows, on one side there are two hotels, one of which is now expanding. There is a fair amount of truck traffic turning off into the yards there; there is now a service station there that did not used to be there; there is now a slightly or slowly expanding industrial road that goes in that core. Heading south, of course, then, you have the turn to the airport. The road is not very wide, at that point, the shoulders are not very good — in fact, they are crumbling.

I think it would be a useful representation to make, at this time, that, with the expansion and the development of the new airport facility, that we should very seriously make representations to get the means to put a turn lane at that point, because I have every reason to believe it is not going to get less busy. It is going to get more busy and I do not think it is very safe, right now.

⁴⁴ **Hon. Mr. Tracey:** I agree with the leader of the opposition. I have already raised it with my department and we intend to follow up on it.

Mr. Byblow: With respect to a 20-mile section of the Campbell Highway near Carmacks that received some poor surface treatment last year, the minister has advised me in previous debates that it is the intention of the department to resurface it beginning this spring. Is that still in the plans?

Hon. Mr. Tracey: Yes, it is still in the plans.

Mr. Byblow: What took place in the priorities of the budget planning for highways this year? Overall, there is a one percent increase in the budget. A little closer scrutiny shows that there is a 40 percent increase in administration and a two percent decrease in highways maintenance.

A two percent decrease in highways maintenance may not sound like much but it translates into \$740,000. Forty percent may seem like a big increase in administration, but it only reflects less than \$200,000. There is a tremendous increase in airports, and I am sure we will find out why.

As I perceive it, in an overall sense, we seem to be cutting back in highways maintenance, we have increased administration and we have allocated substantially more money in airports. Airports, as we know, are recoverable items, so it would indicate that from this government's point of view there is what could loosely be interpreted as a decrease in highways spending this year.

That may be an over-simplification. Perhaps the minister could respond to the overall priorities that this budget received in its planning. Why are we down by three-quarters of a million dollars in highways maintenance? We respond favourably to the increase in

airports. Why is there an administration increase? How did this budget receive those priorities?

Hon. Mr. Tracey: The reason for the maintenance going down is because we are getting more and more highway that has BST on it and it is cheaper to maintain. The reason for our administration going up is because we have put engineers on staff and we have put a systems analyst on staff to deal with our administration problems.

One of the problems that we had, up until lately, was that we did not have the capability in the department to do the amount of work that was necessary in order to put all the projects out. We are doing an awful lot of reconstruction and construction projects and we have to have the people on staff, the engineering staff and that, to be able to do it.

We are also taking over, as I said in previous debate — I think it was last Thursday — construction such as the Dempster Highway, which, up until now, has been done by the federal government. In order for us to do that, we have to take on more staff to be able to do the job.

In the airport division, we have put on increasing staff, as well. Instead of one person, now, in airports, we have two.

It is just the general growth and the direction the government is taking. Last year, we spent an extra \$4 million on construction projects in the territory. We do not do that without the staff to do it. If we want to take over the operation of all the roads in the territory and keep taking the direction from the federal government — for example, we are now starting to move on the North Canal Road. We feel that, in the next couple of years, we could probably take over the construction and maintenance of the Campbell Road — well, not the maintenance, but the reconstruction of the Campbell Road. If we do that, that is also going to require additional staff, perhaps.

The thing is, when we do that, we get more control over the situation in the territory, rather than the federal government having it.

Mr. Byblow: I appreciate what the minister is saying. It would appear to me that the reason for the couple of hundred thousand dollar increase in administrative staff is because this government is bringing in some expertise, with highways background, to help in the planning and engineering of the transportation corridors. The decrease in highways maintenance is reflected because of BST. So, those are the two general themes that seem to pervade the preparation of this budget. When we get to airports, I will have more questions. With the agreement of my colleagues, we are prepared for line items.

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On Departmental Administration

Mr. Byblow: The only question that I have relates to the person-year establishment. We reflect one person-year here. When we talk about general administration increase in costs, we must be talking about personnel throughout all branches, not this top level of administration?

Hon. Mr. Tracey: Yes. The person-year who is involved here is a systems analyst. We have now put most of our system on computer. You can recognize that we have a fairly big budget. We have a very hard time preparing our budgets and keeping control of the amount of dollars that we have. We have now computerized and we have to have a systems analyst on staff in order to keep everything up to date.

On General

General in the amount of \$524,000 agreed to

On VHF Trunk System

Mr. Byblow: Every year we come up with this one and every year we seem to be spending several hundred thousand dollars for this VHF system. What are we doing? Are we renting the equipment? Are we buying new equipment? What is happening to the old equipment? It is such an exorbitant cost. What is it for?

Hon. Mr. Tracey: It is very cheap for this government. The reason for the 43 percent increase is the need to replace the mountaintop repeaters. They are now reaching the end of their useful life. This is not just for the Yukon territorial government; the RCMP are on it and DIAND is on it. This is a contract among all of the government departments in the territory that utilize this system.

We maintain it. That is the reason that it is in our budget. We also charge back. Most of this money is recoverable.

Mr. Byblow: I should make it clear. In no way was I questioning its value, because I have been in instances where it has bordered on saving a serious catastrophe from becoming worse. The only question I had was that we are always, in every budget, capital and O&M, spending money on this system. It seems to be an elaborate system and its value is not questioned, but certainly the amount of money that we are spending does not seem to be justifiable. I know what a piece of equipment is like and it ought to last for years.

Hon. Mr. Tracey: There are a great many. There are hundreds of radios in the territory and the mountaintop repeaters have been there since the system was put in place. They are now wearing out and they need to be replaced. All of this work is chargeback, either internal chargeback to government departments or to the federal government. We recover most of the cost from outside of this department.

VHF Truck System in the amount of \$309,000 agreed to

On VHF Internal Chargebacks

VHF Internal Chargebacks in the amount of a reduction of \$208,000 agreed to

On Northern Exploration Facilities Grants

Northern Exploration Facilities Grants in the amount of \$30,000 agreed to

Mr. Chairman: Are there any questions about Inventory Write-Off?

Departmental Administration in the amount of \$655,000 agreed to

On Highways Branch Administration

Mr. Byblow: I do not have many questions because we covered a lot of the issues that may surround these line items in general debate. One has to be fairly cognizant of \$27,000,000 going in the next couple of minutes. I have a specific question relating to the recovery money from the federal government. I was of the understanding, from previous questioning with the minister, that there is an Alaska Highways services agreement, that the federal government also pays for the Haines Road and pays for the Dempster Highway upgrading and maintenance. When I add up those items from the list on page 151 in the budget, I come to some \$12,600,000. Yet, the recovery money, on page 164 of the budget, shows that we only recover \$11,400,000 from the federal government. There is an inconsistency there of about \$1,200,000. Is that because this government pays for a portion of the Haines and the Dempster?

Hon. Mr. Tracey: No. I do not know if there is any problem or not. The Engineering Services agreement and the Alaska Highway agreement are all recoverable at 106½ percent. I have either given you some inaccurate information or the mathematics have not been done right. I know the mathematics are right here. The Dempster Highway is funded by the federal government and we manage the contracts. I am not sure whether we are getting that back at 106½ percent but, at least, it is funded by the federal government. The Klondike Highway South is also funded by the federal government. On the maintenance and all of the work on the Alaska Highway and the Engineering Services Agreement, we recover all of the expenses plus 6½ percent administration fee.

Mr. Byblow: Just so that I can understand — and I can see the minister later on as to why I have a problem with the figures — is the minister telling me that the federal government pays for the cost of upgrading and maintenance of the Klondike Highway, the Haines Highway, the Dempster Highway and the Alaska Highway?

Hon. Mr. Tracey: Not the Klondike Highway. The Klondike Highway is the responsibility of the territorial government.

Mr. Byblow: The minister can get back to me after we clear the item but, when I add up the Alaska Highway, the Haines Highway and the Dempster Highway, it does not correlate with the recovery monies that show up on page 164. The minister can explain that to me later. There is a \$1,200,000 shortage and there must be an explanation.

I have another question relating to the Tungsten Road. When we

questioned with the minister the relationship between this government and the mine, we were told that it was at a current state of negotiations. What is the current status on that highway? Is that cost-shared between this government and the mine, or is the federal government involved also?

Hon. Mr. Tracey: The federal government is also involved. When that mine went into production, the federal government, the mining company and the territorial government entered into an agreement. Part of that agreement was that the federal government would put the airport facility in Tungsten and would maintain the first 27 kilometres of that road.

« It has now reached the situation where the mine, because of the cost of operation, wants to reduce their costs. So, they are trying to find any manner they can to get out of the maintenance of that road. The problem, as we see it, is the road. If we were to just take over the road, we would have to expend an awful lot of money in upgrading.

So, we are not prepared to take it over. And, part of it is also in the NWT. We are not prepared to take over the maintenance of the road, unless we can enter into some agreement with the mining company and DIAND to front the cost.

So, that is the situation we are in right now. We are negotiating, right now, if and how we can take over the maintenance of the road. Even if the mine were to pay the cost of operation, we could still probably do it cheaper, because of the size of the government and the roads that we maintain, versus the size of the mine and the road that they have to maintain. So, there is an advantage, even if they just paid us to maintain the road.

However, we are trying to go a little farther than that, to try to get the road on our schedule of roads, and get the money from DIAND and the mine to upgrade the road to a certain level and then we would maintain it from then on.

Mr. Byblow: The minister is bordering on a contradiction of philosophy, where it is cheaper for the government to maintain a road than by private enterprise, but I do not wish to get into that debate. What is the status, then, on the Cassiar Road? Why are we spending money there?

Hon. Mr. Tracey: There is, I think, only four miles of the Cassiar Road that is in the Yukon Territory; the rest of it is the responsibility of British Columbia.

Mr. McDonald: Back to the Tungsten road, just briefly.

Considering that the employees of Tungsten and the mine pay taxes to the Government of the NWT, does the Government of the NWT bear any liability for the maintenance of that road, which provides access, at least on the NWT's side of the border.

Hon. Mr. Tracey: Yes, I left out the NWT. It also has to be involved in the negotiations.

On Highways Branch Administration

Highways Branch Administration in the amount of \$721,000 agreed to

Mr. McDonald: Would the minister state what the two increased positions are for this branch?

Hon. Mr. Tracey: Yes, one position is an engineering technician, who does drafting; a draftperson. That is the existing situation. We are now putting a draftperson on staff and we are also putting a clerk on staff and the clerk is to assist the highway maintenance management in costing and cost controls, typing and all the general office work.

Mr. Chairman: We will now go to highways branch, maintenance, on page 151.

On Highways Branch Maintenance

« *On Alaska Highway*

Alaska Highway in the amount of \$9,238,000 agreed to

On Whitehorse Access Roads

Whitehorse Access Roads in the amount of \$177,000 agreed to

On Klondike Highway

Klondike Highway in the amount of \$4,848,000 agreed to

On Haines Road

Haines Road in the amount of \$1,501,000 agreed to

On Campbell Highway

Campbell Highway in the amount of \$3,001,000 agreed to

On Dempster Highway

Dempster Highway in the amount of \$3,121,000 agreed to

On Canol Road

Canol Road in the amount of \$1,163,000 agreed to

On Atlin Road

Atlin Road in the amount of \$291,000 agreed to

On Tagish Road

Tagish Road in the amount of \$291,000 agreed to

On Dawson Boundary Road

Dawson Boundary Road in the amount of \$548,000 agreed to

On Nahanni Range Road

Nahanni Range Road in the amount of \$439,000 agreed to

On Stewart-Keno Road

Mr. McDonald: Does the 12 percent increase in this particular road, which I do not bear any interest for, reflect a hold-the-line policy on this road or does that only include the natural cost increases plus the engineering for the Duncan Creek-Mayo Lake Road?

Hon. Mr. Tracey: Yes, I think the member recognized that last year we made an increase in the Stewart-Keno Road. This year, it is cost increases, plus the additional engineering work that we will be doing.

Stewart-Keno Road in the amount of \$931,000 agreed to

On Cassiar Road

Cassiar Road in the amount of \$83,000 agreed to

On Other Roads

Other Roads in the amount of \$1,516,000 agreed to

Mr. Byblow: Before we clear the entire item, the minister should be arguing that this is not a decrease. If one looks at the original estimates of last year, it was only \$26,000,000 that we intended to spend. During the course of last year, there was a substantial increase causing a little cutback this year.

Highways Branch Maintenance in the amount of \$27,148,000 agreed to

Mr. Byblow: Before we leave this item, in the person-year establishment, there are 110 person-years identified in highways branch maintenance. In last year's person-year establishment we had 190 identified. That is quite a variance. Does that relate to the question that the member for Mayo asked about putting casuals on permanent staff? Would that account for the 80 different in person-years? It relates to a question that I raised early in the debate about whether or not we are, in fact, reducing our numbers and are centralizing our highways department.

« **Hon. Mr. Tracey:** There were 106.5 person-years in this department last year. We now have 110. If it said 190, it was probably taking in some other department that has now been separated out. I am not aware. That is perhaps public works. It may have been in it in last year's budget.

On Airports Branch Administration

Mr. Byblow: My question was only to enquire what two additional personnel are coming into this branch? What is taking place in the relationship between the agreement this government has with the feds that would be causing this to happen?

Hon. Mr. Tracey: One is a clerk to relieve the manager of airports from doing all of the clerical duties. Because we have taken over the Arctic "B" and "C" and because we are constantly negotiating with the federal government to try to upgrade these airports, we are running into the situation where the one person — we only had one person on staff dealing with it — could not keep up with the workload. We had to put one more person on staff working in the airports administration branch, plus a clerk to do the typing and all of the office work for them.

Mr. McDonald: Has the other extra person, not the clerical person, been hired yet or when do we anticipate adding that new person-year into the department?

Hon. Mr. Tracey: I believe he is on staff now. I have not checked with the department, but I am fairly confident that he is on staff now. If he is not, he will be very soon.

Airports Branch Administration in the amount of \$155,000 agreed to

On Airports Branch Operations and Maintenance

Mr. McDonald: I have one residual question regarding the Mayo airport again. Has the government given notice to the LID that, perhaps, the LID in Mayo might take over the administration of the airport on a cost-plus basis? It is the new terminal facility that I am referring to. Has that been a consideration at all, by the department, in the past year?

Hon. Mr. Tracey: No. In fact, we do not have any local authority taking over the administration of any of our airports. We do contract with the LID in Teslin, for example, for the communicator-observer, but it is a little different situation in Mayo because the federal government is still greatly involved in the Mayo airport. The rate of expansion that goes on at the Mayo airport is predicated on what MoT will provide for us. But, MoT still has a great deal of involvement, especially in the Mayo airport and the Dawson airport; the ones where there is the federal government involvement. We do not have the option of contracting out with the local authorities.

Airport Operations and Maintenance in the amount of \$1,028,000 agreed to

On Recoverable Services

Mr. McDonald: Have the rates for snow clearing on third-party roads been increased in the past year? Do we anticipate an increase?

Hon. Mr. Tracey: I do not believe so. We have rates that are set for equipment and it is charged at whatever that government cost is for that equipment, plus a 10 percent administration fee. So, if it is \$30 a hour for a grader, they pay \$33. Unless we raise our equipment rental rates, which I do not believe we have done this year, there is no change.

On Third Party Services

Third Party Services in the amount of \$320,000 agreed to
Recoverable Services in the amount of \$320,000 agreed to

On Garage Operations

On Whitehorse

Whitehorse in the amount of \$2,998,000 agreed to

On Dawson City

Dawson City in the amount of \$350,000 agreed to

On Internal Chargebacks

Internal Chargebacks in the amount of a recovery of \$3,348,000 agreed to

On Transportation Services Branch

Mr. Byblow: We have a substantial increase here. It is related, no doubt, to the establishment of the board and some anticipated expenditure there. Perhaps the minister could just provide some opening remark for this and we may not have any more questions.

Hon. Mr. Tracey: The major increase in this department is the addition of \$58,000 for the new transportation of dangerous goods coordinators position. In conjunction with the federal government, we now have to get into the control of the transportation of dangerous goods. That is \$58,000 for the coordinator. The remainder also provides for a clerk-typist 2 to provide secretarial service to the chief of weigh stations and enforcement and to fill in during the absence of the clerk-typist responsible for secretarial services to the transport board.

We are also computerizing our licensing system. We are trying to get five-year licences in place, and an additional \$10,000 is required there. An additional \$50,000 is needed for the new series of licence plates. Next year, we are going to have four-year licence plates that are reflectorized. They cost us more money. Those are some of the additional costs that are incurred in this department.

Mr. Byblow: The minister identified the dangerous goods personnel. Who are the other two?

Hon. Mr. Tracey: There is a half-person-year at the weigh station, but I do not have the rest here. If the member wants, I will provide him with it later.

Administration in the amount of \$216,000 agreed to

On Driver and Vehicle Licensing

Driver and Vehicle Licensing in the amount of \$347,000 agreed to

On Weigh Stations

Weigh Stations in the amount of \$747,000 agreed to

On Weigh Stations Internal Chargeback

Weigh Station Internal Chargeback in the amount of a recovery of \$666,000 agreed to

On Public Boards

Public Boards in the amount of \$41,000 agreed to

Transportation Services Branch in the amount of \$685,000 agreed to

Mr. Chairman: Before we clear the final total, is there any question on page 164?

Mr. Byblow: It is the same question I raised earlier. The recoverable monies do not seem to be there.

Hon. Mr. Tracey: I will come back with that.

Department of Highways and Transportation in the amount of \$30,712,000 agreed to

Hon. Mr. Tracey: Mr. Chairman, I move that you report progress on Bill No. 12.

Motion agreed to

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

Motion agreed to

Mr. Speaker resumes the Chair

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

Mr. Brewster: The Committee of the Whole has considered Bill No. 3, *Employment Standards Act*, and directed me to report the same with amendments.

Further, the Committee has considered Bill No. 12, *Second Appropriation Act, 1984-85*, and directed me to report progress on same.

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

Some hon. members: Agreed.

Mr. Speaker: May I have your further pleasure?

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

Mr. Speaker: It has been moved by the hon. Minister of Education that the House do now adjourn.

Motion agreed to

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

The House adjourned at 11:27 p.m.