

The Pukon Legislative Assembly

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HANSARD

Thursday, November 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; Public Service Commission; and, Finance.
Hon. Dan Lang	Whitehorse Porter Creek East	Minister responsible for Community and Transportation Services; Education; and, Government Services.
Hon. Howard Tracey	Tatchun	Minister responsible for Economic Development and Tourism; and, Renewable Resources.
Hon. Andy Philipsen	Whitehorse Porter Creek West	Minister responsible for Justice; and, Health and Human Resources.
GOVERNMENT MEMBERS		OPPOSITION MEMBERS
(Progressive Cons	ervative)	(New Democratic Party)

Bill Brewster	Kluane	
Al Falle	Hootalinqua	
Bea Firth	Whitehorse Riverdale South	
Kathie Nukon	Old Crow	

Klondike

Clarke Ashley

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		

			Don Taylor	Watson Lake
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(Independent)

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

Whitehorse, Yukon

Thursday, November 15, 1984 - 1:30 p.m.

Mr. Speaker: I 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?

TABLING RETURNS AND DOCUMENTS

Hon. Mr. Pearson: Pursuant to provisions of the *Interpretation Act*. I have for tabling a report entitled Report On Regulations For The Period February 24, 1984 to September 28, 1984.

Hon. Mr. Lang: I have for tabling a reply to a question asked April 24, 1984 by the member for Mayo.

Mr. Speaker: Also, the Chair has for tabling today a report respecting the deduction from the indemnities of members of the Legislative Assembly.

Are there any reports of committees?

Petitions?

Introductions of bills

INTRODUCTION OF BILLS

Bill No. 39: First reading

Hon. Mr. Pearson: I move that Bill No. 39 entitled First Appropriation Act, 1985-1986 be now introduced and read a first time.

Mr. Speaker: It has been moved by the hon, government leader that the bill entitled *First Appropriation Act*, 1985-1986 be now introduced and read a first time.

Motion agreed to

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

Notices of motion?

NOTICES OF MOTIONS

Mr. Kimmerly: I have a notice of motion to allow Mr. Lang to vote for Mr. Philipsen's new bill.

Laughter

Mr. Speaker: Are there any further notices of motion? Statements by ministers? Any questions?

QUESTION PERIOD

Question re: Cyprus Anvil closure

Mr. Byblow: I have a question for the minister of Economic Development. Yesterday, the minister said, "What is the reason for the mine being closed right now? The mine is closed because there is a labour dispute, and who are the people involved? The people of Faro are involved".

¹⁰² The minister is clearly laying the blame for the closure of the mine on the people of Faro. Is he now prepared to retract that allegation?

Hon. Mr. Tracey: No, and the inference that I am laying the blame on the people of Faro is not true. The reason I raised it in that context was that the member across the floor — if he wants to read further ahead in the Hansard — makes mention of all the things that the people of Faro are doing for the opening of the mine. That is why I made that comment. But the people of Faro are the people who are affected by the closure of the mine and, as we stated yesterday, I asked Cyprus Anvil to get back to the bargaining table, and I am also asking that the people of Faro get back to the

bargaining table.

Mr. Byblow: The minister did say that from his discussions with Mr. Forgues that if the lock-out is not resolved in the next two weeks — this lock-out that he is blaming on the community — then the mine will close indefinitely, at least until next summer. This constitutes...

Mr. Speaker: Order please. The hon, member is being argumentive. Would the hon, member please state his supplementary question.

Mr. Byblow: I would like to ask the minister if he is prepared to apologize to the people of Faro for the innuendo, the insinuation and allegation that they are to blame for the mine closing.

Hon. Mr. Tracey: No.

Question re: Hillcrest-McIntyre subdivision

Mr. Penikett: I would like to put a question to the minister for Community Affairs. As the minister is well aware, the planning of the Hillcrest-McIntyre subdivision several years ago involved considerable public input which resulted in ideas for the type and mix of housing and services to be located in the area, as well as considerable community satisfaction in the process and the result. Could the minister tell the House why no such public process was held prior to its recent decision to change the nature of the subdivision by signing an agreement to begin relocating the Whitehorse Indian village there?

Hon. Mr. Lang: The member opposite is putting full responsibility on my shoulders for the decision that was taken, and I will bear my portion of the responsibility. But I should point out to the member opposite that the city of Whitehorse was very much involved, and rightly so, and also the Government of Canada. I want to say that I feel that it is in the best interest of the village that it be moved. I have lived in Yukon longer than the member opposite, and I have always felt that the situation in the present village has always been very intolerable for the people living there, and for Whitehorse as a whole.

⁰³ My understanding is that this is not changing the utilization of that particular area as far as use is concerned. It is going to be a residential area. The general laws of application will apply; the area was available and subsequently the decision was taken.

Mr. Penikett: Is it now the position of this government that no further public input or consultation, as is customary in changes in local government arrangements or local plans, will be sought in the case of developments in this subdivision?

Hon. Mr. Lang: The member opposite is making the assumption that major changes have taken place. I do not agree with that assumption. If there were to be hearings, I would assume that it would have been the responsibility of the municipality as opposed to the Government of Yukon. The member opposite is very good at accusing me of trying to run the city and now he is saying that I should run the city. Maybe the member opposite could make up his mind which way he wants to go.

Mr. Penikett: If I had my way, he would be running neither the city nor the territory.

Could the minister tell the House what studies he sought from the Department of Education, for which he is now responsible — also now his portfolio — about the possibility of constructing a new school in Hillerest now that the subdivision is being filled up. In other words, what has changed about the scheduling of the new school?

Hon. Mr. Lang: This is why I have to take exception, sometimes, to the questions that the member opposite asks. We have six or seven homes going in there and the member opposite wonders whether we are going to build a school. The answer to the question is no.

Mr. Penikett: Thank you.

Question re: Kwanlin Dun relocation

Ms. Joe: I have a question for the government leader. As we all know, the Kwanlin Dun Band has planned for years to relocate the Whitehorse Indian village to the east side of the Yukon River next to its main land claims selection. Can the government leader tell us at what point his government became involved in persuading the

band to move to the empty MacIntyre subdivision in Hillcrest? Hon. Mr. Lang: Though it is not directly my responsibility, discussion ensued approximately, I believe, a year to two years ago. It was considered as a possible option, in view of the cost which would have been incurred by building across the river, which would have required a bridge and various other public infrainstructure that was not in place in that particular area. The proposition was put forward as an idea, by the territorial government, in conjunction with the city, that here was another option, a viable option. It was an area of the city that had water and sewer. It was available and could be utilized with very little inconvenience to everyone involved.

1 am very pleased to report to the House that we did reach an amicable agreement among the chief and the band council, ourselves and the Government of Canada in respect to the move that the member opposite speaks of.

Mrs. Joe: I would like to ask the Minister of Municipal Affairs what the relationship was, of these negotiations, by the Department of Community Affairs to the ongoing land claims negotiations?

Hon. Mr. Lang: The only area we were very concerned about was that the principles that the general land claims were going to take would also be incorporated into the principles of the agreement we had agreed to sign with the Indian band and the City of Whitehorse. I am pleased to say that the general laws of application are intended to apply. It would be a residential area in Whitehorse and I think it is to everyone's best interest.

Question re: Kwanlin Dun band agreement

Mr. Porter: I have a question for the government leader with respect to claims. Could the government leader explain what restrictions the agreement by his government and the Kwanlin Dun band puts on land claims negotiations with the band for certain land selection needs and its local government aspirations?

Hon. Mr. Lang: It does not make any restrictions as far as the negotiations for land outside the area we speak of goes. It was to be separate and apart from the land claim negotiations, which I think was probably very good in view of the breakdown of the land claims process as it presently now stands. We are now seeing some actual definitive action being taken as opposed to strictly having meetings and nothing happening. I think the people in the band deserve a lot of credit for taking the steps they decided to take in conjunction with the City of Whitehorse and the Government of Yukon. If the member opposite disagrees with the steps taken, I would like to hear from him.

Mr. Porter: Have the land claims sub-agreement in principle been negotiated with the Kwanlin Dun Band that places their urban land selection in the Hillcrest area as opposed to the east side of the Yukon River?

Hon. Mr. Lang: Not to my knowledge, but I do not have the particulars of those negotiations, and to my knowledge they were not completed. It is my understanding that the resolution of this issue was outside land claims other than the fact that the principles inherent to the land claim agreement-in-principle at large would apply to the move. The band and the chief signed that with the full knowledge that those principles were to be incorporated.

Mr. Porter: If the band is not legally bound to move to Hillcrest and decides to relocate elsewhere, what will happen to the six lots covered in the agreement with the territorial government? Hon. Mr. Lang: There are provisions for the land to revert to the Government of Yukon Territory, if I recall correctly, but I would caution the member opposite; he said "if" in his question, and I assume that is a hypothetical question.

Question re: Kwanlin Dun agreement

Mr. Penikett: Could I ask the same minister in what ways the tripartite agreement recently signed by the Yukon government and the Kwanlin Dun Band to begin the relocation limits the powers the band now enjoys under the *Indian Act*, or would have under the land claims Agreement-in-Principle?

Hon. Mr. Lang: The beauty of the agreement is that the Government of Canada would not be calling the shots as they have in the past under the reserve system where ultimately the

responsibility lies. It would lie with the people in that particular area. They would be under the general laws of application as far as the territorial or city laws are concerned. My understanding is that if the general land claims were to go through as per the agreement-in-principle that has been signed up to now, there would in all probability be a ward system and there would be representation on city council. There are certain provisions linked, if you like, over the agreement-in-principle in general, but the key to us was that the general laws of application would apply. We do not believe that two systems of government should exist within the City of Whitehorse. Neither does the City of Whitehorse, incidentally, who concur with us on that principle, but we also see that they can play a major part in the community and we have put everything into effect to make that happen.

Mr. Penikett: I take it from what the minister is saying then that the band is a political entity that will, in essence, be wound up and be absorbed into the city. Could I ask him how he intends to deal, in this particular case, with the situation that will exist. I understand, because the houses are on federal land, therefore the laws of general application of the municipality and the territory may not apply?

Hon. Mr. Lang: I guess one could get into an area of semantics as far as words are concerned. It should be pointed out that the Government of Canada, who will be signing this agreement — I understand it is on the minister's desk — effectively says, even recognizes that the senior level of government will not put themselves in a position to be dictated to by the junior level of government, that they will adhere, where reasonable, to the general laws of application. That is all we can ask. We are going in with a certain amount of trust with the two parties involved, and in good spirits, and with all good intentions.

I should point out that the preface to his remark, that the band would just wrap up, that is not correct. My understanding is that eventually the land could well be held by the band itself, or a corporation of the band, once the final agreement is reached. But it will still be a band council, the way I understand it, as far as the people involved are concerned.

The general law and applications would apply to the City of Whitehorse. Is the member opposite saying he does not agree with this? That is the question, because I think prior to this type of line of questioning, the member opposite clearly has not taken a position one way or the other, and I would like to hear if he is. He could preface his remarks in the next question, because I am sure this is going to be the topic for the remainder of Question Period.

Mr. Speaker: Order please. Of course, as the hon. minister knows, it is not possible to debate in Question Period.

Mr. Penikett: I can only say, if the minister is tired, he should go home.

¹⁰⁶ I want to ask the minister, since he seems to be indicating that the band is a political entity, it will have no authority whatsoever over the local government matters, including the matters it now has control over in the band area, if under the agreement that he has signed the band will exercise any special power over its lands in the Hillcrest area different from the laws of general application covering the other lots in the Hillcrest area?

Hon. Mr. Lang: We are following the general laws of application from the city of Whitehorse. If the member opposite does not agree with that, please stand up and say so. The band, I understand, would have certain responsibilities. I do not have them outlined here in from of me, but for example, other lands are going to be selected through the land claims process — if we ever have a land claims settlement. Their responsibilities would include those particular areas as well. I do not have a definitive breakdown. The point is, one of the principles that they agreed to and that the Government of Canada agreed to, is that the general laws of application would apply. When you get two different sets of rules, it almost makes it impossible for the people in the general area to understand who is responsible for making the rules, and who enforces them.

We will be working with the chief and the band council towards this end, and I am pleased to see the results that we have today.

Question re: Kwanlin Dun agreement

Mrs. Joe: The Kwanlin Dun band is unique in Yukon, being located in a large urban area where band members are greatly outnumbered by non-natives. Can the minister tell us if the recent agreement signed by the Yukon government, the band and the city will allow for any special measures such as might be negotiated under land claims to protect the band's distinct community in Whitehorse?

Hon. Mr. Lang: There are provisions between the parties to discuss various issues as they arise. I should point out that the member opposite did not hear properly what I had said in respect to representation. I hope, down the road, when the village is moved, that the ward system can be implemented so that there is representation within the city council for this particular area of the city. It would have to be recognized that it is a distinct part of the

Mrs. Joe: Will the band be allowed to manage its urban lands in Hillcrest as it does in the present village, and as the other bands will do under a land claims agreement, or if these lands in Hillcrest will be integrated into the City of Whitehorse?

Hon. Mr. Lang: It will still be a part of the City of Whitehorse. Is the member opposite indicating that she wishes it not to be?

Mrs. Joe: I was asking him the question. Would the minister table the agreement in this House?

Hon. Mr. Lang: I do not have a problem. This is an open government.

Question re: Kwanlin Dun agreement
Mr. Porter: You said that the Indian Act will not apply, but can the minister explain to the House if the local government provisions of the land claims agreements that affect other bands, will be applicable in the Hillcrest area should the band decide to move there? Will those agreements that respect local government, as negotiated in the agreement-in-principle, apply to this band.

Hon. Mr. Lang: Things are subject to change. The agreement was signed with the understanding that everybody expected a land claims settlement would be settled and agreed to — it is unfortunate for Yukon that that did not come to pass — and there are major changes that we are going to have to look at. I would hope that there would be. This government needs and wants a government system, with representation from the native population, but at the same time it has to be under the roof of one government, in fairness to the taxpayers and to the people who are going to be administeringunder that structure. I would hope and desire that that is the spirit with which we went into that agreement between the City of Whitehorse, ourselves and the Indian band. There would be a one-government system within the City of Whitehorse which would be to everybody's benefit, including the people who would be living in that part of the city.

of Mr. Porter: Be more specific. Will the provisions of the land claims agreement that respect guaranteed participation on the local town planning boards apply to the band?

Hon. Mr. Lang: That has yet to be determined.

Question re: Faro services

Mr. Byblow: I have a question for the same minister in his capacity as Minister of Education. Yesterday, in response to a question about the maintenance of the services in Faro in the event of a shut-down, the minister said that it was the intention to maintain generally all services, so long as the numbers of people using the services warrant it. For the record, will the Minister of Education state clearly that, so long as there is even one student enrolled in a course at the Faro school, this government will not be lifting teachers, nor will it be cutting programs before the end of the current school year next June?

Hon. Mr. Lang: The member opposeite is asking me that if there is one student in that school, and there are three gym teachers or two gym teachers and a home economic teacher for Grade 10, and it is a Grade 1 student there, that those positions would carry on? We would really have to assess that.

I would say that the question is irresponsible. I say to the member

opposite that if there are major changes and shifts in the population. then it would be my responsibility to go to Faro, speak to the school committee and speak to the mayor and council, with respect to what they perceive happening within that community. I hope that does not happen, Mr. Speaker. I have no doubt in my mind, that even with a temporary shutdown of the mine, there will be enough people there to warrant overall programs to continue, but that remains to be seen. I think the member opposite would agree with me that the question is, in most parts, hypothetical and is very difficult to answer.

Mr. Byblow: I appreciate what the minister is trying to say, but guess because of his allusion yesterday that there were certain limits to which programs are warranted, I wanted to find out exactly what those limits were. With respect to courses and programs, in a general response, is the minister saying it is not the intention to limit programs, reduce them, or to cut teachers.

Hon. Mr. Lang: I want to assure the people of Faro that it is not our intention to go in and indiscriminately cut programs if the mine and the stripping project is closed for the rest of this winter. I want to assure the people of Faro that we recognize our responsibilities and, if that happens, and there is a major departure or exodus of the people from Faro, we will go in and assess the programs and do what we believe is in the best interest of the people there, as well as for the general taxpayer in Yukon.

Question re: Cyprus Anvil closure

Mr. Kimmerly: To the same minister and, again, about Faro: when Uranium City was closed down under similar circumstances. there was a relocation fund established by both the federal and provincial governments. Have any negotiations occurred with the federal government concerning a relocation fund?

Hon. Mr. Lang: Not at the present time. I think you have heard the Minister of Economic Development. In my opinion, he has been unduly chastised for trying to get the two parties to go back to discuss the lock-out situation as far as the Faro community and the mine's stripping project are concerned. From my perspective, we have not approached the Government of Canada on this because we do believe that, in the long-term, as far as Yukon is concerned, Cyprus Anvil is viable economically if the cost factors of mining comes down in relation to what they are selling their ore

on No, we have not taken that step. If we had taken the step, the member opposite would criticize us because we had looked ahead and said that the mine is going to be closing forever. We do not happen to believe that at the present time.

Some Hon. Member: Let us open it, then.

Mr. Kimmerly: Not true at all.

Has any consideration or planning been given to the possible exodus of people from Faro to Whitehorse, and therefore resulting in a tax on the existing services of Whitehorse?

Hon. Mr. Lang: No, there has not been any planning, as far as the community of Whitehorse is concerned. I do not understand what the member is looking at. The member is putting a very difficult proposition to us, because we do not know how many people would leave the community of Faro if certain things happened, and where they would go to. If that happens, we will have to deal with it accordingly, but I think we are dealing with a hypothetical situation, which we are really not in a position to comment on at the present time. The member opposite believes that I am very capable and I appreciate the confidence that he has in me.

Mr. Kimmerly: In the same vein, but to the minister responsible for social services: Are there any efforts or planning or a program for any relocation counselling in the community of Faro

Mr. Speaker: Order please. I believe that the original question had to do with the educational facilities and services in the community.

Some Hon. Member: Relocation.

Mr. Speaker: I see, all right, I will permit the question. Hon. Mr. Philipsen: We still continue to hope that there will

be no problem of this nature in the Faro area. Other than that, any person wishing to seek any assistance from the Department of Human Resources through the capable people who are in the department now is quite welcome to do so, and I am sure that we can help in that area if it is necessary.

Question re: Agriculture industry development

Mr. McDonald: I have a question for the minister responsible for agriculture. While attending the Northern Resources Conference, a representative of the Alaska state government told me that Yukon's minister for Economic Development has suggested that Yukon should open up its consumer markets to Alaskan fariners. Does the minister know whether or not such a move will have a detrimental effect on the development of Yukon's agricultural industry?

Hon. Mr. Tracey: All I can say is that at the present time my agricultural products are coming in from the south. It may be cheaper for them to come in from the north, and if Alaska can provide them to us, then more power to Alaska.

Mr. Speaker: The question would seem to me to be out of order in that it is asking an opinion.

Mr. McDonald: I am asking questions about the possibility of Yukon's agricultural industry, and I am looking to see whether or not the minister has any feelings on that subject alone.

Did the minister give the Alaskans any indication what portion of the consumer market he would be prepared to open up, or he would be prepared to have Canada open up; for example, dairy products, feed grains, et cetera, or did he simply give them the indication that the Yukon market was an open house as far as this government is concerned?

Hon. Mr. Tracey: I raised as one area that Alaskan people could consider exporting products to Canada and Yukon in particular. We require feed-grain, for example, for our horses and various other animals. Hay is required. They could export milk. There are many possibilities of Alaska exporting to Canada and until we reach the capability of supplying for ourselves and they can supply a cheaper or a better product to us, I expect that we should take a serious look at taking those products and using them.

Mr. McDonald: Has the government conducted any surveys of the consumer market and agricultural development potential to determine whether there is room for competitors in Yukon?

Hon. Mr. Tracey: We do not have anyone producing it here now. How can he talk about more competitors? We are talking about the Alaskans exploring and doing the research to find whether there it is possible for them to export to the Yukon Territory. That is one area that I identified that they could possibly look at.

Mr. McDonald: : This is a new question. I used up my final supplementary on my last time.

Mr. Speaker: Order, please. Perhaps there is another member who has a question he wishes to ask at this time?

Question re: Alaska farm monetary support

Mr. McDonald: On the same subject, the minister is surely aware that the Alaskan farmers have benefited from massive monetary support from the state government and is thus in a very good position to move comfortably into a relatively undeveloped Yukon market. Is the minister planning any programs to assist Yukon farmers prior to any entry into the local market by Alaska producers?

Hon. Mr. Tracey: Yes, we are entering into some of them right now. We are, for example, funding feasiblity studies for people who are involved in agricultural pursuits. We will be looking seriously at funding programs for those projects. All it is is another small business and, as the members can see by consulting their capital budget that has been tabled, there is a million dollars in one program for small business. Yes, we are doing a great deal to help these people as much as possible. We will be doing more in the future.

Mr. McDonald: Has the government already made overtures or communicated its position to the Canadian government as far as a review of agricultural imports in the north is concerned?

Hon. Mr. Tracey: I think the member across the floor is under some misconception. I did not tell the people of Alaska to bring

their goods into the Yukon Territory. I identified areas where we do not produce enough of our own agricultural products and that they should, perhaps, investigate the ability or the capability of whether they could provide it to us cheaper then we could get it somewhere else. It is up to the people of Alaska to find out whether they can export into Yukon. It is not up to us to ask them to bring it in here.

Mr. Speaker: There being no further questions, we will now proceed to Orders of the Day under Government Bills.

GOVERNMENT BILLS

Bill No. 39: Second Reading

Mr. Clerk: Second reading, Bill number 39, standing in the name of the hon. Mr. Pearson.

Hon. Mr. Pearson: I move that Bill No. 39 entitled First Appripriation Act, 1985-1986 be now read a second time.

Mr. Speaker: It has been moved by the hon, government leader that Bill No. 39 be now read a second time.

Hon. Mr. Pearson: It is my pleasure to introduce the capital budget for the fiscal year, 1985-86. The total gross expenditures proposed for the year are \$48,207,000. After deducting estimated recoveries of \$4,513,000, the net expenditures will amount to \$43,694,000.

As has been our practice since the 1980-81 presentation, the 1985-86 capital budget is being introduced at the fall session of the Legislature preceding the fiscal year for which the budget applies, thereby allowing sufficient time to do the necessary preparatory work during the winter months.

There is one significant change in the presentation of the capital estimates for 1985-86 that should be brought to the attention of the House. When the capital estimates for 1984-85 were presented to the Legislature, at the fall session a year ago, the comparative figures for the previous fiscal year were those that appeared in the main estimates for that year. The reason for this is that at the time of the fall session a year ago, there had been no supplementary capital appropriation for 1983-84.

In the capital estimates for 1985-86, the comparative figures for 1984-85 include a supplementary appropriation passed at the spring session. As a result, the 1984-85 figures, which appear in the document being presented today, include both the 1984-85 capital main estimate figures, and the amounts in last spring's capital supplementary. To illustrate the significance of this, hon, members should look at the Department of Community Transportation Services, under the item Engineering Services Agreement. At this time of year we do not know how much will be required for 1985-86. Consequently, all we can show in the new budget is an item of one dollar.

To obtain a proper comparison between levels of expenditure anticipated in 1984-85 and 1985-86, it is important to look at the net total for each vote. As in the past, the Engineering Services Agreement figures will be submitted to the Legislature in a supplementary appropriation bill when the figures become known.

A major feature of the year's budget is the continuation of assistance to the Yukon economy by carrying on the stimulative measures of the previous year. This will be accomplished by specifically increasing the total capital expenditure and allocating funds to major long term projects. To this end, you will note that the net expenditures budgetted for 1985-86 are approximately \$15,577,000 higher than those budgetted for the current year. A large portion of this increase is for the construction of the justice centre, a young offenders' facility and the beginning of a new Yukon College.

Another interesting aspect of this budget is that it incorporates the first operation year of our new capital planning system. This system will allow the government better allocation and control of its capital funds by rationalizing the long term planning process through the establishment of capital planning priorities.

The development of a capital plan for Yukon began in earnest about one year ago. With the successful completion of the plan, Yukon government is in a position, for the first time, to ascertain its overall capital requirements in accordance with precise standards.

Furthermore, it will enable us to project anticipated financial requirements over a five-year period. This will not only allow us to improve forecasting planning but will also provide a more realistic basis for the financing of our actual needs.

I would like to now address some of the more significant individual projects that you will be asked to approve in these estimates.

The increase in funding of approximately \$3,500,000 for the Department of Economic Development and Tourism includes additional monies for the very successful loan assistance program for small businesses introduced by this government last year. These monies are in recognition of the vital importance of small business to the economy of Yukon and the well-being of our citizens.

Energy issues also continue to be one of our priorities. Therefore, funds are included in this budget to continue the Yukon energy alternatives and energy conservation fund programs.

A major, new item included in the department's request is an amount of \$2,000,000 for construction of the Yukon pavilion for Expo '86 in Vancouver. Expo '86 presents a unique opportunity for Yukon to gain recognition and acceptance as a world-class tourist destination, and as a distinct region of Canada. The publicity that will accrue to Yukon as a result of our participation in this exposition will benefit all Yukoners.

The capital funds that you will be asked to approve for the Department of Education, Advanced Education and Manpower, include \$2,900,000 to begin construction of a new Yukon College in Whitehorse. This new college will result in a large number of jobs and contracts for Yukon residents during the four- to five-year construction period. The facility, when completed, will clearly reflect this government's commitment to quality advanced education in Yukon.

Continuing progress towards our goal of providing the most modern curriculum to Yukon students is evidenced by the sums of money being budgetted for instructional computers. Also included in the education budget are significant amounts for the continued renovation and upgrading of various schools.

In order to improve the efficiency of government operations, an increase of \$422,000 is being sought for the Department of Government Services. These funds are allocated to the long-term program of improving our computer services. Our ultimate aim is to produce an information system that is capable of providing our managers with the most up-to-date and accurate information possible.

An increase of \$1,978,000 is being recommended for the Department of Health and Human Resources to begin construction of a secure facility for young offenders. This expenditure is necessitated by the federal Young Offenders Act, which came into effect on April 1, 1984. This facility will ensure that young offenders are segregated from adult offenders. It will also provide an important source of employment for Yukoners during the construction project.

A number of new initiatives are also proposed for the Department of Community and Transportation Services. Included in this department's spending proposal is an increase of approximately \$1.200.000 for continued improvements to the Klondike Highway.

In recognition of the importance of mining, exploration and recreation to the Yukon community, we have provided for additional funds in the amount of \$1,615,000 for recreation and mineral access roads.

The largest, single component of this is \$1,060,000 to upgrade the Annie Lake road. As well as providing important recreational access, this road will become increasingly vital for the future development of the Erickson Gold Mines venture at Mount Skukum.

12 This budget also reflects the continuing importance we attach to basic services and infrastructure in our communities. In this regard, \$2.840,000 has been allocated for various facilities throughout Yukon. At the community level, a further \$2,730,000 is being requested to operate roads, streets, sewer and water facilities. These expenditures will benefit community residents in the short term through job creation, and in the long term by increasing general recreational amenities, as well as improving health and safety

standards.

The Yukon government recently announced approval of the construction of a new justice centre. This new centre will replace inadequate court facilities currently leased from the federal government, and will consolidate offices of the Department of Justice. The construction of this centre will provide a significant amount of employment for Yukoners, and be an economic stimulus to local business and contractors. The project is expected to be completed within two years.

I mention the preceding items specifically, because they are new or significant due to their size and impact on our economy. In doing so, I would not wish to minimize the importance of other programs and projects in areas affecting tourism, housing and renewable resources. These items form a vital part of Yukon's economic scene and are of great social benefit to our citizens.

I commend this budget to the favourable consideration of the House. I and my colleagues will be pleased to answer any questions that the hon, members may have. Thank you very much.

Applause

Mr. Penikett: I move the debate on the motion adjourn.

Mr. Speaker: It has been moved that debate on the motion be adjourned.

Motion agreed to

Bill No. 36: Second Reading

Mr. Clerk: Second reading, Bill No. 6, standing in the name of the hon. Mr. Pearson.

Hon. Mr. Pearson: I move that Bill No. 36, entitled An Act to Amend the Loan Agreement Act (1982) No. 1, be now read a second time.

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

Hon. Mr. Pearson: The authority for the Yukon government to borrow money comes under the federal Yukon Act and the Yukon Loan Agreement Act. The federal government, by way of an order-in-council under the Yukon Act has authorized the borrowing of up to \$10,000,000 for territorial, municipal or local purposes. The Yukon Loan Agreement Act authorizes the borrowing of this same \$10,000,000 for the making of loans to municipalities and for the development of land for sale.

The wording of the Loan Agreement Act is narrower than that of the order-in-council, and restricts the purposes for which money can be borrowed by Yukon. With this amendment, the Yukon government will be able to borrow for any purpose within its jurisdiction. The purpose of this amendment to the Loan Agreement Act is to remove this inconsistency, and to expand the authority of our own legislation. This amendment represents a logical progression in the constitutional evolution of the Yukon, and makes our financial responsibilities consistent with the rapidly developing movement for greater self-government. Thank you.

Mr. Penikett: I shall be brief. We had a fairly serious debate at the time you last debated the Loan Agreement Act. I guess we were welcomed to the world of deficits by the government at that time. We are now fully part of that role. The change that is proposed in this Bill is, in terms of the language, a very small one, but quite significant in terms of its impact, since, as the government leader indicated, the expanded authority really does involve considerably the scope of the government's borrowing authority.

13 It is not appropriate at the second reading debate to explore with the government the kind of items to which this increased borrowing capacity will be put, but by way of notice, I should like to indicate to the government that I will be looking for some indication, if he is in a position to give it, during committee stage, as to the immediate purposes to which some of this borrowing might be directed.

Motion agreed to

Bill No. 37: Second Reading

Mr. Clerk: Second reading, Bill No. 37, standing in the name of the hon. Mr. Philipsen.

Mr. Philipsen: I move that Bill No. 37, the *Denture Technicians Act*, be now read a second time.

Mr. Speaker: It has been moved by the hon. minister of Justice

that Bill No. 37 be now read a second time.

Mr. Philipsen: This act recognizes and establishes the right of persons qualified in the field of denture mechanics to carry on their occupation in Yukon, thus offering to the public an alternative denture service. Licensed denture technicians will be allowed to manufacture complete dentures without dental or medical supervision. They will also be allowed to construct and fit partial dentures providing they have obtained the necessary training in this area, and have received written, required referral from a dentist. We are aware that there is considerable controversy as to whether or not denture technicians should be allowed to work with partials.

A partial denture is a sophisticated prosthesis that must work with the existing tooth structure and soft gum tissue. The purpose of a partial denture is as much to maintain remaining teeth as to replace lost teeth. Because of these features, dental, medical skills are required in order to diagnose the desired treatment. It is therefore imperative that in the interest of good, oral health care, denture technicians receive a written referral from a dentist.

Provincial statutes that allow denture technicians to fit removable partial dentures require that authorization be obtained from a dentist. We have been advised by provincial authorities that in many instances this requirement is being ignored. Denture technicians claim that dentists refuse to sign the authorization certificates, while dentists say that most dentists have never been asked to sign the necessary form.

I suggest that the written referral system is necessary. This can and should work with the cooperation of the individuals involved. In some provinces, denture technicians have been lobbying for the removal of the referral system. However, we are advised that legislative changes are not immediately forthcoming in this area. In fact, the Province of Manitoba recently in an act of legislation allowing denture technicians to construct and fit partial dentures only after a qualified dentist has seen the patient and authorized the procedure.

I am pleased to report that in Yukon both the dental technician and the dental profession support the principle of a referral system and have indicated that they will make it work. The qualification provisions are being established through regulations, thereby allowing us some licensing flexibility, should it become necessary. Initially, we perceive that our registration requirements will be similar to those established in the provinces, where this occupation has been recognized for some time, i.e. British Columbia, Alberta, Saskatchewan, Manitoba and Ontario.

There is a provision in the act to allow anyone who may be presently practicing as a denture technician in Yukon to carry on the practice for one year should he not meet the qualification standards.

However, this does not extend to partial dentures. Only those qualified and licensed in this specialized area may provide this service.

The disciplinary or complaint handling procedure differs significantly from those found in other professional acts. There are no provisions for establishing a board of inquiry. All instances of professional incompetence or contraventions to the legislation will be referred to a judge of the Supreme Court of Yukon. The limited number of persons who will be licensed to practice this occupation in Yukon precludes the possibility that they can be self-regulating or even partially self-regulating. We have discovered that it can be difficult to establish a board of inquiry, as members of this small community are often to sit in judgment of others. We suggest that his method may prove to be the most expeditious way of handling disciplinary matters.

In summary, this act establishes the right of denture technicians to provide denture services to the public and will ensure that those providing the services are qualified. The request for legislation was received from a local denture technician and the need for the legislation in this area is supported by the local dental profession.

Mr. Kimmerly: I am pleased to say that our research and enquiries have produced the same results as the government obviously has. We, as the official opposition, are clearly in support of this bill. It is not controversial in a political sense and we look forward to its speedy passage.

I would make a note of a couple of things. It is my opinion that

the proper consultations occurred here, and that was well done. That, of course, is welcomed by us. Something the minister, perhaps, left out, which I would draw attention to, is that the bill saves senior citizens, especially, money, and will save the taxpayers money, in that the dental technician's work is generally cheaper than the dentist's. It will now be possible under the extended *Health Care Benefit Act* to utilize and pay the technician. Also, the federal Department of Indian Affairs will probably take account of the statuatory qualification of the denture technician, allowing for the expanded use of the service in the community. The service will be, in general, cheaper, and savings will occur.

15 Motion agreed to.

Bill No. 38: Second Reading

Mr. Clerk: Second reading. Bill No. 38, standing in the name of the hon. Mr. Philipsen.

Hon. Mr. Philipsen: I move that Bill No. 38, Canada and the United Kingdom Reciprocal Recognition and Enforcement of Judgements Act, be now read a second time.

Mr. Speaker: It has been moved by the Hon. Minister of Justice that Bill No. 38 be now read a second time.

Hon. Mr. Philipsen: This Bill will implement the convention between Canada and the United Kingdom of Great Britain and Northern Ireland providing for the reciprocal recognition and enforcement of judgements in civil and commercial matters. At the most recent uniform law conference it was recognized and recommended that all Canadian jurisdictions should enact legislation under which this convention can be implemented. The main reason in negotiating this convention between Canada and the United Kingdom of Great Britain and Northern Ireland was the imminent coming-into-force of the 1968 European convention on jurisdiction and enforcement of judgements. That convention enables courts for the contracting state to assume jurisdiction and requires courts of other contracting states to enforce judgements on the grounds that are not otherwise recognized under Canadian or British law. For example, the nationality of the plaintiff. The convention has recently been executed by Canada and the United Kingdom and is in the process of ratification. It will overcome for Canadians a problem created by the United Kingdom's participation in a 1968 European convention; the problem being the undesirable vulnerability of Canadians with assets in the United Kingdom to enforcement there of judgements obtained in the courts of other European countries that are signatory to the 1968 European convention.

As a member of the European communities, the United Kingdom is obliged to accede to, and implement, the 1968 European convention, and in the absence of something like the recently-negotiated convention between the United Kingdom and Canada, the United Kingdom would have to enforce against Canadian defendants with assets in the United Kingdom judgements based on tenuous and undesirable grounds not recognized by Canadian or British domestic law.

Mr. Kimmerly: This is a technical law and it is often called a lawyer's law. It is clearly a property law and affects a very, very small class of property. It is uncontroversial, from our point of view. It is a good measure and should be adopted in all jurisdictions.

Motion agreed to.

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

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

Motion agreed to.

COMMITTEE OF THE WHOLE

h Mr. Brewster: I will call Committee of the Whole to order. We shall have a short recess and when we return we shall go on to Bill No. 36, An Act to Amend the Loan Agreement Act, and after that Bill No. 37, Denture Technicians Act.

Recess

Bill No. 36: An Act to Amend the Loan Agreement Act (1982) No. 1

Mr. Chairman: We will now go to Bill No. 36, An Act to Amend the Loan Agreement Act (1982) No. 1. General debate. On Clause 1

Hon. Mr. Pearson: As I said at the second reading, and as was implied by the leader of the opposition, this is not a very big amendment. However, it is fairly far-reaching in that it does change our capability for borrowing money. Now, in anticipation of the question that the leader of the opposition gave me notice of, I have just checked with the deputy minister of Finance, and at the present time, we cannot think of a, nor do we have any specific, reason to borrow money for any other purpose than those that we have been borrowing for in the past; municipal services and land development. We do not foresee, right now, any necessity to go beyond that. It is just that we ran into a problem in 1982 when the Government of Canada changed the rules in respect to our borrowing from them, and we did not have the capability of borrowing. We do not want to run into that problem again. The federal government has given us the authority to be able to do this, and we feel that the territory is better off if the government can exercise that authority should it be required.

Mr. Penikett: I appreciate the answer given by the hon. leader. I wonder if you could just indicate to us something about the current level of borrowings, especially for the areas which are not covered by borrowings from the federal government. I was not clear why. Could he also indicate if it is a fact, as I think we understood it, all within the previously stated purposes which permit it?

Hon. Mr. Pearson: I am sorry, I cannot come up with the numbers exactly, but they are reflected in our loan repayments with respect to our budget that was tabled. Those borrowing levels are reflected there. I am sorry I cannot recall exactly what they are.

Mr. Penikett: Can I understand from that answer then that since we adopted the budget this spring there have been no major borrowings?

Hon. Mr. Pearson: Yes that is right.

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Title

Title agreed to

Hon. Mr. Pearson: I move that you report Bill No. 36 out of committee without amendment.

Motion agreed to

Mr. Chairman: I declare An Act to Amend the Loan Agreement Act (1982) No. 1 is cleared out of Committee of the Whole. We will now go to Bill No. 37, Denture Technicians' Act. Clause 1, Mr. Philipsen?

Bill No. 37: Denture Technicians Act

Mr. Philipsen: I am pleased to be able to bring the Denture Technicians Act before the Committee of the Whole and this legislature. It addresses an area that we feel was lacking until now and I am happy to report that both the dentists and the dental technicians are in support of the Bill we have before us, and I am happy that the critic on the opposition side of the House feels that it is not a Bill which will have much controversial debate and speedy passage may be the result of that.

NON Clause 2
Clause 2 agreed to
On Clause 3
Clause 3 agreed to
On Clause 4
Clause 4 agreed to
On Clause 5
Clause 5 agreed to
On Clause 6
Clause 6 agreed to

On Clause 7
Clause 7 agreed to
On Clause 8
Clause 8 agreed to
On Clause 9
Clause 9 agreed to
On Clause 10
Clause 10 agreed to
On Clause 11
Clause 11 agreed to
On Title

Mr. Philipsen: I move that you report Bill No. 37, Denture Technicians Act, be cleared out of Committee of the Whole without amendment.

19 Motion agreed to

Title agreed to

Mr. Chairman: I declare that Bill No. 37 *Denture Technicians Act*, has cleared the Committee of the Whole without amendments.

Bill No. 38: Canada and the United Kingdom Reciprocal Recognition and Enforcement of Judgments Act

On Clause

Hon. Mr. Philipsen: I will have to be very careful because I would imagine that I could go on for hours speaking about this subject. This is probably the bill that we have all been waiting for with anticipation and bated breath. I will have to state at this moment that if we get into any discussion of the legalities of this piece of legislation, I will have to defer to the member on the opposite of the House, and we will ask for his expertise in these matters. I thank him beforehand for any knowledge and help he should impart on this piece of legislation.

Mr. Kimmerly: I reciprocate and thank the minister for his very kind words. I understand the bill very well.

On Clause 2
Clause 2 agreed to
On Clause 3
Clause 3 agreed to
On Clause 4
Clause 4 agreed to
On Clause 5
Clause 5 agreed to
On Clause 6

Clause 6 agreed to

Mr. Kimmerly: I have absolutely no comments or questions, and neither do any members present on this side. Unless any government members have any questions or comments about this section, I would move that the bill is deemed to have passed the committee stage.

Mr. Chairman: Should the clauses be deemed to have been read and passed?

Remaining clauses of bill deemed to have been read and agreed

Motion agreed to Clause I agreed to On Title Title agreed to

Hon. Mr. Philipsen: I move that Bill No. 38, Canada and the United Kingdom Reciprocal Recognition and Enforcement of Judgments Act, has cleared the Committee of the Whole without amendment.

Motion agreed to

Hon. Mr. Lang: I would move that Mr. Speaker do now resume the Chair.

Motion agreed to

Mr. Speaker resumes the Chair

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

May we have a report from the Chairman of Committees?

Mr. Brewster: The Committee of the Whole has considered Bill No. 36, An Act to Amend the Loan Agreement Act (1982) No. 1; Bill No. 37, Denture Technicians Act, Bill No. 38, Canada and

the United Kingdom Reciprical Recognition and Enforcement of Judgments Act and directed me to report the same without amendment

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

Some Hon. Members: Agreed.

Mr. Speaker: May I have your further pleasure?

Hon. Mr. Lang: I move that the House do now adjourn.

Motion agreed to

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

The House adjourned at 3:01 p.m.

The following Sessional Papers were tabled November 15, 1984:

84-4-32

Report on Regulations, Feb. 24, 1984 - Sept. 28, 1984 (Pearson)

84-4-33

Report from Clerk of Assembly regarding deductions from Members' indemnities (Speaker)

The following Legislative Return was tabled November 15, 1984:

84-4-20

Air charter flights to Watson Lake on April 24, 1984 (Lang) (W.Q. No. 7)