



The Yukon Legislative Assembly

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HANSARD

Thursday, November 29, 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 Phillipsen	Whitehorse Porter Creek West	Minister responsible for Justice; and, Health and Human Resources.

GOVERNMENT MEMBERS

(Progressive Conservative)

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

OPPOSITION MEMBERS

(New Democratic Party)

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

(Independent)

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

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

Whitehorse, Yukon

Thursday, November 29, 1984 - 1:30 p.m.

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

Prayers

INTRODUCTION OF VISITORS

Hon. Mr. Philipsen: I would like today to announce and introduce the winners of the poem, poster and essay contest held earlier this month as part of Crime Prevention Week in Yukon. These contests were open to school age children throughout Yukon and were aimed at increasing awareness of ways to prevent crime in our communities. Almost 1,000 students participated in the contests for which nine prizes were donated from by local businesses. Mrs. Flo Whyard judged the essay contest while Mr. Jim Robb served as the judge of the poem and poster entries.

The winners of the contest were presented with their prizes today at a special luncheon. I would like to introduce these young people to you now.

In the essay contest, which was open to students of the age of 13, the first prize winner is Tanya Yardley of Porter Creek Junior High School.

⁰² The second prize winner is Elizabeth Hoath, who also attends Porter Creek Junior High School. The third prize winner is Heidi Koschzeck, of F. H. Collins Secondary School.

In the poster contest, which was open to students under the age of 12, the first prize winner is Barbara Haton, of Christ the King Elementary. The second prize winner is Christy Gates of Selkirk Street Elementary School, and the third is Tamara Emsley, also of Christ the King Elementary.

In the poem contest, open to students aged six years or younger, the first prize winner is Sean Pond, of Selkirk Street Elementary School. The second prize winner is Patrick Hearty, of Watson Lake Elementary, and the third, Fred Hasselburg, also of Watson Lake Elementary.

Mr. Speaker, on behalf of the government and those involved in Crime Prevention Week, I would like to congratulate the winners and also thank those who participated in the contest. I know that the judges were impressed with the quality and originality of the entries.

I also wish to thank Mrs. Whyard and Mr. Robb for their assistance and the Yukon businesses who so generously contributed to the contest prizes.

We are pleased with the success of Crime Prevention Week in Yukon and look forward to congratulating more young Yukoners in future years for their role in this important public awareness activity. Thank you.

Applause

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

TABLING REPORTS AND DOCUMENTS

Hon. Mr. Lang: I am tabling the Motor Transport Board, 1983-1984, Annual Report.

Hon. Mr. Philipsen: I have for tabling pursuant to section 8(1) of the *Hospital Insurance Act*, the Annual Report of the Health Services Branch.

⁰³ I also have for tabling the annual report for the Department of Justice, 1983-84, pursuant to section 4(1)(f), of the *Corrections Act*.

I also have for tabling the annual report for the Workers' Compensation Board, pursuant to section 10(1)(9).

Finally, I have for tabling the annual report of the Yukon Liquor Corporation, pursuant to section 13 of the *Liquor Act*.

Mr. Speaker: Are there any further documents for tabling? Reports of Committees?

COMMITTEE REPORTS

Hon. Mr. Philipsen: I have the honour to present Fifth Report of the Standing Committee on Rules, Elections, and Privileges.

Mr. Speaker: Petitions?

Introduction of bills?

Notices of motion for the production of papers?

Notices of motion?

Are there any statements by ministers?

MINISTERIAL STATEMENTS

Hon. Mr. Pearson: I rise today in my capacity as having responsibility for the Public Service Commission, to advise this House of the steps that are being taken by this government with respect to health concerns which have been raised in relation to the use of video display terminals and video display units.

With advancing technology in this area, an issue of employee and public concern has been raised with respect to the safety aspects of individuals who use VDTs and VDUs as a continuing and frequent part of their job functions.

In recognition of these concerns, while keeping in mind that scientific studies are continuing in this area, I wish to inform this House that Yukon Government has adopted certain procedure directives to monitor the health standards of VDT and VDU operators.

⁰⁴ With respect to visual concerns, all operators of such units will undergo an initial eye examination, followed by an annual examination to monitor for possible negative optometric effects. If more detailed examination is required in this area, an employee may be referred to an ophthalmologist by an optometrist or a qualified medical doctor. Cost for such examinations will be borne by the Public Service Commission. Furthermore, any employees suffering from eye related problems, such as visual-reflex epilepsy, will not be assigned operator duties.

One area of special concern, which has been voiced both in a national forum and in this House, is the issue of pregnant employees using these electronic terminals. Under the new policy adopted by this government, a pregnant employee may be exempted from working on VDTs or VDUs through the provision of alternate employment during the term of pregnancy at no loss of salary or benefits.

We will also be taking steps to promote the health, comfort, and efficiency of workers through proper planning for the adaptation of this equipment in the workplace. To avoid prolonged and sustained use at these terminals, operators will be required to take a 15 minute break following every two hours of continuous use.

I must say that our occupational health and safety experts have been working very closely with the Canadian Centre for Occupational Health and Safety, which represents the interests of government, labour, and the private sector in defining these new policies and procedures.

I am pleased to advise this House that the new policy and procedure directives adopted by this government in the area of VDT and VDU operation has been rated among some of the best in Canada.

In closing, I would just like to add that this government will continue to monitor medical and scientific developments in this area to ensure that the health and safety of our employees is protected.

⁰⁵ **Mrs. Joe:** It is interesting to note at this time that in January, 1983, a committee was established to study the health hazards of VDTs. I understand that 11 months later a report was forwarded to the department and we are not really sure what was included in that report. However, during the last spring session of this year, we were told in this House that there was no evidence that VDTs create any health hazards to operators and that the major problem that employers and governments are having is that there is a perceived hazard. Members on this side of the House welcome the news that the government has recognized that there is, or could be, a very big problem with VDTs and are taking the necessary precautions and measures to deal with them. We certainly hope that they will

continue to monitor those problems.

Hon. Mr. Philipson: I rise today to advise this House that the Government of Yukon has accepted the recommendations of the Yukon Employment Standards Board to increase the minimum wage in Yukon from the present level of \$3.60 to \$4.25 per hour effective January first 1985 with the proclamation of the *Employment Standards Act*.

I would like to add that the board was unanimous in its decision to make this recommendation and this government was also unanimous in its acceptance.

The minimum wage in Yukon has not changed since May 1, 1980. During the past four years, Yukon has fallen to the bottom of the scale in relation to our provincial counterparts. To increase to \$4.25 per hour represents an annual increase of approximately 4.5 percent per year of the 1980 base rate over the four years from 1980 to 1984.

The minimum hourly wage throughout Canada raised from \$3.50 federally, to \$4.25 per hour in both Saskatchewan and the Northwest Territories. We feel that due to the higher cost of living in Yukon, the establishment of this new minimum wage, which would now put Yukon in a leading position in Canada, will be welcomed by all Yukoners. We believe that there are very few employers in Yukon who are still paying the minimum wage. For those who are, we are providing 30-days' notice that the minimum wage will be increasing by 65 cents per hour.

Mr. McDonald: We, on this side of the House, have been recommending for some time that the minimum wage be increased to better reflect a reasonable minimum living standard for Yukon residents. Of course we do not need to be reminded that Yukon has fallen to the bottom of the scale in relation to our provincial counterparts. You will notice that the board's recommendation of \$4.25 per hour in late 1984 is greatly different from the early 1982 recommendation of \$6.00 per hour by an all-party committee of this House. I for one would be very interested in understanding what formula was used to create a minimum wage which amounts to \$170.00 per week. I would be interested in learning the board's rationale for this rate and the government's acceptance of this rate. Do they, for example, feel that this is a rate which can support a single person living in Whitehorse or Mayo? Do they feel that it will support a family of three in Whitehorse or Dawson? Do they feel it is sufficient to encourage people on Unemployment Insurance to get jobs at this particular rate? We must ask whether the rate was based on any justifiable formula factoring in Yukon's cost-of-living.

Those are the questions that have to be answered because people's livelihoods will depend on it. Quite frankly, there may be a public reaction to this new minimum rate of sufficient strength to encourage the board to review its recommendations and to encourage the government to re-think its acceptance of the board's recommendations, as well.

QUESTION PERIOD

Question re: Cyprus Anvil Mine

Mr. Byblow: I have a question that I will direct to the government leader. Earlier this week in Faro, Mr. Lassonde advised the people of that community that in order to break even, 25 million dollars had to be found to reduce costs to the mining company. Very bluntly, and because Mr. Lassonde emphasized that all parties had to give, what contribution is this government prepared to make to achieve the 25 million dollar objective?

Hon. Mr. Pearson: Mr. Lassonde is not looking for any contribution from government, either this government or the Government of Canada. He has made it very clear that it is the company which has to reduce its costs by \$25 million. He also made it very, very clear that there were three ways that this could happen. Some \$5 million can be found, so he thinks, in respect to transportation. Another \$5 or \$7 million in respect to power and the remaining \$12 or \$15 million is going to have to be found at the mine. This could be through increased productivity and through

concessions in respect to the labour contract, any of these kinds of things.

We have made it very clear as to what we are prepared to do if that mine is going back into operation, in respect to housing, in respect to maintenance contracts, et cetera. I must emphasize again that Mr. Lassonde is not looking for contributions from this government or the Government of Canada with respect to this.

Mr. Byblow: The areas that the government leader spoke about have a government role in terms of the contribution that has to be found to make the mine viable. I am still unclear what the government leader said. Is he saying that if the \$25 million is not found and if the private sector is not prepared to operate this mine, then this government washes its hands of its responsibility to that community and to the operation in that community?

Hon. Mr. Pearson: I must say the member for Faro is waxing eloquent today. Wash our hands? We have been thoroughly involved since the day that this operation closed down. I said then, and I say now, it was a corporate decision made by a private company. It is going to be a corporate decision made by, I would hope, the same private company. It would have been very nice if they would have been able to sell, but they have not been able to. We, as a government, and the Government of Canada, have cooperated in every way that we can, in every way we know how, short of buying the mine. I am sure that one thing that the member for Faro would like us to do is buy into the mine. It is not going to happen.

Mr. Byblow: I assure you I would not want to see this government buy into the mine. I want to ask the government leader what responsibilities his government has for the protection of the public interest in that community, to the public investment that exists in that community, to the resource of the people investment in that community and to the restoration of some economic health to that community and the territory?

Hon. Mr. Pearson: That was a nice speech, and it is asking for an opinion that I am not prepared to express.

Question re: School crime, drug and alcohol problems

Mr. Penikett: Could I direct a question to the Minister of Education. I have recently heard from parents in my constituency a concern expressed about crime, drug and alcohol problems and psychological problems in our local schools. Could I ask the minister if he, too, is aware of these social problems in the schools? If so, what standard procedures is his department putting in place to systematically coordinate the delivery of education, social, medical and judicial solutions, or, in other words, systems for working together to keep students performing well in school rather than dropping out in the face of their problems?

Mr. Speaker: The question would appear to be very broad. Would the minister please be brief in his response.

Hon. Mr. Lang: I do not believe the problems are as prevalent as the member has tried to indicate. There definitely are problems on a day-to-day basis within an education system. We are trying to work very closely with the RCMP on matters that are pertaining to that, and to see if some of those problems get resolved. I do know that at times they are asked to come in and give presentations in respect to problems that have been delineated, and that appear to be prevalent in the student body in question, whether it be the age of 13 to the age of 16, or higher. There is a fair amount of cooperation there, as far as the various departments are concerned, whether it be federal agencies or the Department of Education.

We are always looking for constructive suggestions about what more we can be doing. I also want to express that there is a parental responsibility. If you are suggesting the idea that this is fully the state's responsibility, I do not concur with the member opposite in that respect.

It is a joint responsibility and, in a good part, a parental responsibility.

Mr. Penikett: Parents in my constituency have undertaken their responsibilities by speaking to their MLA about the way in which the state is coordinating its functions. What action has the minister's department taken on the Yukon Education Council resolution calling for the hiring of a psychologist for the school

system?

Hon. Mr. Lang: We have not taken steps in that direction as of yet. We have certain financial limitations within the Department of Education and within the government as a whole.

I do know, — and I am going on memory — that there is a psychologist on staff with the Government of Canada through the health department. There are some services provided through them. I should also point out that there are also various other programs that are available if parents wish to take part in them — family counseling and this type of thing — through the Department of Human Resources.

I feel very strongly that there are quite a number of programs available. If these one or two individuals who have approached the member opposite wanted to come see the department, perhaps there is some area where we can provide help to the student or students in question.

Mr. Penikett: The parents I refer to here are those who have come to the department and have failed to receive satisfaction. What action has the minister's department taken on the Yukon Education Council's resolution calling for more training for teachers to act as counselors within the school system?

Hon. Mr. Lang: I do not have the numbers in front of me. I do know that we have a substantial number of counselors within the school system. Speaking primarily about Whitehorse, we do have within the administration at least one position that addresses the responsibility of counseling for students.

From my knowledge of the situation, we have gone a long ways to meet the requests put forward by the Education Council. I did meet with the Education Council and this question was not raised. I met with them for over an hour.

Question re: Yukon College

Mr. Byblow: In the capital budget that we passed this week, we saw \$40,000,000 being spent on a new Yukon College building. What amount of money, or what emphasis is being placed, on finding out what Yukoners want and need taught in that new facility as it evolves? What consultations, what planning is being carried out with corporations, with business and with labour in order to determine the courses that are needed within the Yukon economy?

Mr. Speaker: I must say again that the question is so broad that I wonder if the minister would be very brief in his reply.

Hon. Mr. Lang: We are discussing this with a number of agencies, as I indicated in Question Period two or three days ago. This will be ongoing. I would suspect that almost all the programs that we are presently putting on will also be put on through the college once it is constructed. There may be some modification, depending on the course content.

Mr. Byblow: To what extent has the minister considered the Yukon Education Council's plan to exchange members of the post secondary advisory committee with the Education Council Committee in order to help coordinate the planning that takes place between the two levels of education in the Yukon educational system?

Hon. Mr. Lang: That would be considered when the time came for appointments.

Mr. Byblow: The minister should know that the exchange could take place now without new appointments. In the meantime, is the department taking any steps to increase the training for vocational counseling by secondary teachers particularly for guiding students into careers that would take place within the Yukon economy where local students can find opportunity for work here and be trained accordingly?

Hon. Mr. Lang: That expertise is available through Yukon College as well as within the educational system. It is safe to say that these individuals are making themselves as available as they possibly can to the students. There is a responsibility of the student, or in some cases, of the parent of the student, depending on the age. They are available if the students wish to seek that information.

Question re: Textbook availability

Mr. Kimmerly: The Minister of Education has previously stated that there is no problem about the supply of textbooks, but I have received information contrary to that. Does the minister deny

that there are students now using Xerox copies of textbooks and that there are social studies students who do not have textbooks in Whitehorse?

Mr. Speaker: The question would appear to be argumentative, however, I will permit the minister to answer.

Hon. Mr. Lang: I would never deny nor admit to the allegations made by the member opposite. If there is a problem with one particular course, we will look into it. I indicated, when I was asked this question approximately two or three days ago, that, overall, our textbooks were here and were being utilized. Perhaps this is one of the isolated cases that I referred to and if it is, we will see what can be done to rectify it.

Mr. Kimmerly: Has there been, in the minister's brief tenure, a policy change involving a cutback on expenditures for textbooks?

Hon. Mr. Lang: Some people would feel that the innuendo there is sleazy. I want to say that there has been no cutback during my brief 10 years in government.

Mr. Kimmerly: I see the minister is slippery.

There are textbooks about an alcohol abuse program in storage within the department. Is the minister considering sending those books out to the various schools?

Hon. Mr. Lang: If the member wishes, I could recommend that he perhaps could go out and find the books, as he seems to know a lot about them. Whether or not it is a requirement for the course content this year would be the question. If it is, I am sure they will be sent out at the appropriate time.

Question re: School staffing

Mr. Porter: I have a question for the frustrated actor, also known as the Minister of Education.

This summer the government passed an Order-in-Council, with no apparent public input, on school staffing. This order is a series of rigid and arbitrary formulas, such as 0.2 librarians for a school of 75 to 200 students. Can the minister explain why, in an education system with only 20 schools, his department cannot respond flexibly, as it has in the previous system, to meet the particular needs of each school rather than adopt these rigid formulas?

Hon. Mr. Lang: There has to be a formula adopted. I think I should just indicate to the House, and I do this in a positive manner, which I am sure all members will agreed with, that our present teacher-pupil ratio in a general sense is one to 15.7 students, as opposed to, for example, the Province of Saskatchewan where it is one to 17.4 students per teacher. I think it speaks very well of this system. At the same time, I should point out that the administrators, librarians, counselors, special education teachers, are allocated separately from classroom teachers. I think it is very positive for the education system in Yukon.

Mr. Porter: Officials of the education department have indicated that the formulae currently adopted by the government may change. What consultation process has the minister put in place that would guarantee the participation of local school committees in decisions that affect staffing of their schools?

Hon. Mr. Lang: I should point out that the member is partially correct. The present formula is under review, in concert with the Education Council, which has representatives from the school committees, and in conjunction with the principals. As far as guarantee of the staff distribution throughout the school, the school committees have the authority to request, with the principal, to look at the distribution of staff and how it is being done within any particular school.

Mr. Porter: What latitude has the minister instructed his officials to use in adapting his staff formulas to prevent the school from losing a full-time kindergarten teacher, should the number of students in that school drop below 20?

Hon. Mr. Lang: There is some latitude, once we have the staff hired, and they will meet our projections. The latitude is there to the degree that the system is flexible enough so that if the students do not appear those particular instructors or teachers can be transferred elsewhere, or utilized in another capacity. I think there is a fair amount of flexibility in the system. We have nothing to apologize for. We are spending over \$30 million just on the education system, and that is not including the capital dollars

allocated this year, which amount to approximately \$6 million.

Question re: School criminal activities

Mrs. Joe: I have a question for the Minister of Justice. Last spring I raised a serious concern in the House about the criminal activities in the schools, and the previous minister brushed my questions off. I now ask the new minister, is he aware of serious criminal offences, particularly theft and drug use, taking place in the schools and what action is his department taking to control that problem?

Hon. Mr. Philipsen: Any abuses of anything that is of a criminal nature in the schools would be reported to the RCMP Police, who would investigate and charge, where necessary, in any of those matters.

Mrs. Joe: That information is incorrect. I just met with the RCMP last week.

What is the standard procedure in a school for detecting, reporting, and otherwise dealing with criminal activities, such as theft?

Hon. Mr. Philipsen: That information is not incorrect. I am not particularly thrilled with the prospect of having it on the record that that is incorrect simply because the member had a meeting with someone in the RCMP last week. If there is a criminal investigation to be held, the matter would be referred to the RCMP to investigate that criminal activity. It does not matter whether it is in the school, or where it is reported from.

Mrs. Joe: I would like to ask the Minister of Justice, then: do the schools have a regular record keeping system for criminal activities, such as notifying parents of both offenders and victims, keeping track of offenders in the school system and detecting patterns of criminal behaviour?

Hon. Mr. Lang: If there is an offense lodged, I am sure the parents would be notified. If a student was in the activities as the member has outlined, I am sure that there is a record kept within the school. It should be pointed out that if students are to the point that they are becoming unruly and unmanageable, there are certain methods and certain steps that can be taken. This is basically suspension, expulsion, if the case warrants it, and that is in consultation with the school committee of the school in question. There are steps already in law that this type of conduct, if it is discovered and found to be true, can be disciplined.

Question re: Student accommodation in rural areas

Mr. McDonald: There seems to be a continuing problem in some rural areas concerning students who must travel to regional centres, such as Haines Junction, to receive high school schooling. They face a severe lack of available accommodation. What steps is the government considering taking to rectify this?

Hon. Mr. Lang: There have been ongoing discussions about the concept of a dormitory in the community of Haines Junction. I should point out that a study of the needs of rural students is underway. This should be completed within the next couple of weeks. I think it will partially address the issue.

In Whitehorse, we do have a dormitory for rural students. We have what we call a housemaster whose duties are 50 percent in the school teaching English at F.H. Collins. In the evening, he works on a one-to-one basis with the students at the dormitory. These are the steps that have been taken to ensure that students get the necessary educational benefits that we can provide.

Mr. McDonald: There is a further problem for those rural students wishing to acquire their high school education by correspondence. There is no government policy encouraging them to use classroom space. There is no policy to compensate for teachers to provide supervision. What is the government doing to meet this problem?

Hon. Mr. Lang: Where does the responsibility of the family and the state part company? We supply the school. We supply the teachers. We allow for parental input through legislation. The member opposite wants me to provide another source of education within a community.

We only have so much money. It is very difficult to get through the gentleman's head that that is a fact. I think we are doing very

well. We are spending, for 5,000 students in Yukon, on the O&M side, in the neighbourhood of \$30,000,000. That is a lot of money. I think we are carrying out our responsibilities in an admirable way. We have nothing to apologize for. I am surprised the member opposite is not praising both sides of the House for the financial commitments we have made.

Mr. McDonald: I was asking a question about the existing classroom space. The minister got sanctimonious about the cost. Has the government considered providing a Yukon-based supervisor for the correspondence program so that rural students on correspondence, so that rural students on correspondence, and teacher supervisors, may deal in short range with the territorial supervisor, rather than at long range with an institution thousands of miles away?

Hon. Mr. Lang: It is my understanding that if a parent, on behalf of their child who is on correspondence, approaches the department and asks for periodic supervision, they will do that in their capacity as regional superintendents.

Question re: Junior secondary school survey

Mr. Penikett: The government seems to have a number of education studies in the wings. What happened to last year's survey of junior secondary schools? Is it finished? Will it be tabled in this House or made public soon for everyone to examine?

Hon. Mr. Lang: I will take notice on the questions.

Question re: French language program

Mr. Penikett: What about the report on teaching French in the schools? I ask the question since, according to polls, most English Canadians want their children to be bilingual. What can Yukon parents expect for their children in this regard?

Hon. Mr. Lang: That is expected to be completed within the next few weeks. I would expect that I would have, at least from the government's side, a position to take as far as the report is concerned and then it will be released to the general public.

While on the subject, I would like to report to all members in the House that we have a test of the grade three immersion classes, similar to the test that was in place in British Columbia. Our classes scored higher than those in British Columbia which speaks very highly of the program in question.

Question re: Study on rural students

Mr. Penikett: I would like to ask about the long awaited study on rural students referred to earlier by the minister. Could I ask him as a matter of record, is this study examining, as an economy measure, the prospect of having in-school supervision of correspondence students in high school where the school space and facilities are under-utilized?

Hon. Mr. Lang: I do not have that information with me because I do not have the report. Once I have seen the report, I am sure it will convey that message one way or the other and if it does we will have to address that question.

Question re: Del Van Gorder School

Mr. Byblow: I have a question to the minister that involves the restoration of the condemned wing of the Del Van Gorder School. When the mine returns to full production, as it will next year, what plans does this government have in order for the wing to be repaired and made safe for reoccupancy?

Hon. Mr. Lang: That is a decision yet to be taken.

Mr. Byblow: Is the government currently engineering the repair needs and identifying the potential costs?

Hon. Mr. Lang: There has been a preliminary look at the present situation and we do have the preliminary analysis if certain things are done. I want to assure the member opposite that a positive decision in this area is going to be another major financial commitment by government.

Mr. Byblow: Can the minister advise of the magnitude of that financial decision and indicate an estimate of time for repair should the decision be made?

Hon. Mr. Lang: No, I do not have the cost in front of me. All indications at the present time suggest that we could perhaps

recover some of the materials that are in the present facility but we would probably have to move the site to some other area and rebuild. It would be substantial.

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Question re: Computers in schools

Mr. Kimmerly: The department has bought numerous computers in the past and is buying more next year. Unfortunately, some of the machines appear to be under-utilized. Is the government taking any action to formulate a policy to allow for access to these machines outside of the normal school hours?

Hon. Mr. Lang: I believe that depends on the school and the equipment they have, as well as the teaching personnel who may be prepared to make themselves available after hours for the purposes of either extension of hours for students within the classroom or adults who may wish to be exposed to them.

I believe, in some of the rural schools, that some of the teachers are permitting this and I have no problem with that. The point is that it is, in good part, up to the teacher responsible. We pay them for a certain amount of time and if they do not want to take on extra courses, that is their decision to make.

Mr. Kimmerly: Is consideration being given to provide the students with access to these machines during the summer when the teachers are not present?

Hon. Mr. Lang: I think that we would be remiss in our responsibilities if we did not have anyone there to oversee that the behaviour of students was acceptable. That would apply also from the perspective of giving further training. My understanding is that, this past summer, we did have one course open over the summer for computer study. Whether we will continue that remains to be seen.

Mr. Kimmerly: What action has the minister taken on the school committees' resolution concerning computers that additional-in-school training for teachers be provided?

Hon. Mr. Lang: I am very pleased to report to the House that, in June, 1984, all school staff received a special two-day in-service to familiarize themselves with the computers. At the same time we have two members of the school staff currently on secondment to work with the responsible computer staff members. I should point out that it appears to be working out very well, for the teachers involved and the education system in general.

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Question re: School committees versus school boards

Mr. Porter: Many school committees, especially in the rural areas, are seeking greater involvement in terms of the running of the schools in their communities. Will the minister tell the House what action his department has taken on the Yukon Education Council's resolution last spring to develop a plan for the transition from school committees to school boards?

Hon. Mr. Lang: The member opposite is making the assumption that we are going to school boards. My understanding is that the Education Council had the mandate to review the implications of going from the principle of the school committee to that of a school board. My information to date, I do not have a formal report on it, is that they are looking very negatively at the prospect of a school board for a number of reasons which I have not received. Once I have received them, I would make a further determination. Overall, what we are doing presently, as far as the school committees are concerned, is supplying school committee members with a clear layman explanation for exactly what their authority is and how they can become involved in the education system through the forum of school committees as they presently now stand.

Mr. Porter: I have the resolution here. It is entitled No. 8. It concerns the Yukon Education Council's stand on school boards. Can the minister tell the Legislature whether or not his department has responded to that resolution by way of a position of this government?

Hon. Mr. Lang: I just want to correct the member opposite. I just met with the Education Council this last weekend. I raised this specific question with them, and what I just told the House was exactly what I had been informed of by that particular body, in respect to the question of school board versus school committees. I do not have a formal report from the Education Council. My understanding is they are finding that going to school boards would

create a very major financial administrative problem. I have to wait for the final report as far as that particular issue is concerned.

Mr. Porter: Short of setting up a school board, what steps is the government taking toward greater involvement of the communities in terms of decisions that affect curriculum such as local employment training, and local cultural issues in terms of the school?

Hon. Mr. Lang: I am please to report to the House, and I am surprised that the member is not aware of it, the school committees have a great deal to say to the administration within the school. For that matter they also have a lot of say in the administration of the Department of Education, when it comes to the question of cultural contents within the school. I just want to say that, from my perspective, the forum that we have for parental input through the creation of school committees overall has worked well. I think that if you talked to many of the members of school committees, they would agree with that assumption.

There are problems at times, and it is our job to find solutions to those problems.

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Question re: Teacher training

Mrs. Joe: Because of the increasing student social problems, new teaching programs, changing student ratios, decreased preparation time and other pressures, many teachers are often over stretched in classrooms and are facing too many conflicting responsibilities. What plans does the government have for new teacher training and upgrading?

Hon. Mr. Lang: There is a method for further professional development in conjunction between the Yukon Teachers' Association and ourselves. When legitimate ideas are put forward, in most cases they are proceeded with as long as the necessary funding is in place for programs to be undertaken.

Mrs. Joe: How much time can teachers receive for in-service training under any new upgrading program?

Hon. Mr. Lang: It would depend on the program. Concerning computers there could be a two day inservice for the purpose of making them aware of the implications of computer programs. The Department of Education puts programs in place where inservice training is necessary.

Question re: School renovation plans

Mr. McDonald: There seems to have been in the past a consistent problem with the Department of Education failing to consult with local school committees about renovation plans for school buildings. Is it the government's policy to consult with school committees in advance to renovations to the school? If so, why is this policy not consistently in place?

Hon. Mr. Lang: Where possible.

Mr. McDonald: That does not answer my question. Changes made during renovations to schools also appear to be a problem in that some school committees are not consistently advised or consulted. What is the department's policy for consultation during the renovations or expansions of school buildings?

Hon. Mr. Lang: Generally at the outset.

Mr. McDonald: Some branches of government such as Government Services who carry out work on education facilities do not seem to share the same mandate to consult with school committees during the course of their renovations. Has the government taken any steps to ensure that school committees are informed that renovations are being done by any government department?

Hon. Mr. Lang: Generally, at the outset they are informed. Then we do the job.

Question re: Yukon Economic Council

Mr. Penikett: I would like to know if the Yukon Economic Council has considered an economic plan for Yukon. When will it next meet? When will the committee report will be tabled in this House?

My question is directed to the chairman of that committee, the member for Kluane.

Mr. Brewster: The minister will speak to that when he returns.

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

ORDERS OF THE DAY

GOVERNMENT BILLS

Bill No. 50: Second Reading

Mr. Clerk: Second reading, Bill No. 50, standing in the name of the hon. Mr. Pearson.

Hon. Mr. Pearson: I move that Bill No. 50 entitled *An Act to Amend Electoral District Boundaries Act* be now read a second time.

Mr. Speaker: It has been moved by the hon. government leader that Bill No. 50 be now read a second time.

Hon. Mr. Pearson: Mr. Speaker, all members will be aware that you tabled a report from the Electoral Boundaries Commission that was set up by legislation when we last sat. I regret to advise the House that, upon reading the recommendations of the commission, it did not seem to me, or to members on this side, that the commission had grasped entirely the problem that we perceived in respect to Old Crow. They were not cognizant of our implied desire to ensure that Old Crow, in the future, is not affected in respect to the election of MLAs from that area by any further development, particularly on Yukon's north coast.

As a result of that, the government has put together this bill, Bill No. 50, *An Act to Amend the Electoral District Boundaries Act*, that has the effect of creating a box around Old Crow to ensure that if there is development on the north coast, it will not adversely affect the election of a member from that community. That has necessitated changing the electoral district boundaries of the constituency of Klondike.

As well, we have taken advantage of the fact that we had to open the act to cover off what we perceived to be a very serious problem at Old Crow, and we have suggested changes to the boundaries between Porter Creek East and Porter Creek West, and between Riverdale North and Riverdale South, that will more accurately reflect the population of those four constituencies.

Mr. Penikett: I am joining the debate on Bill No. 50. I shall be brief and, hopefully, to the point. We will support this measure but I should explain that we view the, if you like, tampering or adjusting of the recommendations of a boundary commission, as a serious matter, as I am sure the government leader does, and normally we would be extremely disinclined to be engaged in such a measure.

¹⁹ However, we understand very well the position of the government leader and the government and, I think, this Legislature, in respect to the constituency of Old Crow. I believe that it is the wish of all members in this House to protect the political integrity of that community and to ensure that its people, who are truly permanent residents of this territory, will be represented in this Chamber.

The other changes proposed in this bill have come about because of an unfortunate circumstance. I am sure that the government leader will not mind my reflecting on this. I think the conclusions of the boundaries commission were, perhaps, inevitable, given the instruction that the Legislature provided and given the nature of the briefs that they received. It is possible that the Conservative Party, the majority party in this Legislature, may in retrospect have felt that it would have been better to have presented a brief which clearly outlined their proposals since the government party assumed that the boundaries commission understood their wishes in this regard.

The fact that the majority party did not present a brief put my party in a very funny situation since we presented a brief in anticipation of the government brief, which must have made rather humorous reading, since there was no brief present for us to react to. It was a bit like shadow boxing.

I have examined the impact of the changes proposed in this act on the Riverdale and Porter Creek constituencies. The rationale for adjusting the boundaries as a result of population changes is well founded.

Lest there be concern expressed by parties not represented in this

House, I have also examined the impact of these changes in respect to the popular votes that were received by all parties that contested those seats in the last election. It is clear that the impact of these boundary changes in Porter Creek and Riverdale is, for all practical purposes, nil, in terms of the way that it would have affected the outcome in the last election and to the extent that one can speculate, and therefore, give anyone an advantage or disadvantage in the next election. For the record, there have been at least three parties and sometimes more contesting those seats. We are in a situation now where there are only two parties represented in the House. I do not claim to speak for those other parties. I only say that I am tempted to anticipate any concern in that regard and have examined the election results and the consequence of the election results in that light

²⁰ For these reasons, to protect the integrity of the Old Crow community, and to provide some rationalization of the population changes in the Riverdale and Porter Creek constituencies, we will consent to this measure.

Motion agreed to

MOTIONS RESPECTING COMMITTEE REPORTS

Motion No. 38

Mr. Clerk: Item No. 1, standing in the name of the hon. Mr. Philipsen.

Hon. Mr. Philipsen: Bill No. 35, *An Act to Amend the Legislative Assembly Act*, was given second reading in this House on November 22nd. At that time, the House decided to send the bill to the Standing Committee on Rules, Elections and Privileges for the committee to study. The committee met on November 27th for the purpose of considering Bill No. 35.

Bill No. 35 has one basic purpose. It establishes a five percent increase in the indemnities, expense allowances and salaries which are payable to members of this Assembly. In our committee, there are two basic positions taken on this issue. Those members from the government side of the House stated that they felt a five percent increase offered fair treatment to all MLAs since it is equal to the increase in pay to all the members of the public service. As well, the level of the increase shows that the MLAs are living within the limits set by the six and five legislation, even though MLA pay is not technically covered in that legislation.

This is a continuation of last year's experience, when MLAs received a six percent increase following a similar increase in the pay of the employees of the Government of Yukon.

The members of the committee who sit on the opposite side of the House took the position that the MLAs should not receive a five percent increase.

Those two positions did not admit much room for compromise. After a very short debate a motion was received that the entire bill be read and received. The motion was carried. I subsequently tabled the fourth report of the standing committee which states that Bill No. 35 is being reported to the House without amendment.

As chairman of the committee, I feel that I should just report to the House on the deliberations which took place in our committee, and on the decision which was taken by the committee. I am not sure that it will be appropriate for me, while acting in my role as chairman, to go any further than this. If I feel moved to have my personal comments on the content of Bill No. 35 on the record, I will do so at the third reading stage. For the moment, I will content myself with urging all members to vote for the motion for concurrence now before you.

Mr. Kimmerly: I, too, rise and put our position clearly on the record, as did the mover of the motion. It always appears unseemly to me, and I believe to most others, that there is controversy and partisanship expressed about the pay of elected members. It is unfortunate that we cannot arrive at a permanent formula, which would make this unnecessary.

²¹ I know significant attempts have been made to do that and they have not withstood the test of time, unfortunately. It appears that the principle that is being followed is that we are tying our wage increases, which occur periodically, primarily due to inflation and the cost-of-living increases, to increases allowed in the public

service. That is not a bad principle in itself and we do not argue with that principle. The reason for our position was first expressed publicly in the House on page 563 of *Hansard* on May 14, 1984, by the member for Mayo. Our position is exactly the same today. It is our position that we were, in principle, in favour of pensions, however, it was our position that we should contribute to the pensions. Due to the fact that a contributory pension plan for 16 people was administratively impractical, it was our proposal that we forego, for all time, the benefit of the 1984-85 expected pay increase, and that would compensate, in a fairly equitable manner, the contributions that would be expected to our pension plan on roughly the basis that the civil servants contribute. That was our position then. It remains our position, and that is why we oppose this measure.

Mr. Speaker: Order, please. Before proceeding, the Chair had neglected to read the motion as stated on the Order Paper. For the record I will read it: It has been moved by the hon. Minister of Justice that the Fourth Report of the Standing Committee on Rules, Elections and Privileges be concurred in.

Motion agreed to

Hon. Mr. Lang: I move that the 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

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

We will now recess until 2:55, after which time we will return to continue with the *Occupational Health and Safety Act*. When that is completed we will continue with *An Act to Amend the Children's Act*.

Recess

Mr. Chairman: I will now call Committee of the Whole to order. We will now go on to the *Occupational Health and Safety Act*. Page 32; we are on Clause 53.

Occupational Health and Safety Act — continued

On Clause 53 — continued

Amendment proposed

Hon. Mr. Philipson: I would move that Bill No. 42, entitled *Occupational Health and Safety Act* be amended as follows: In 53(1) the number 52 is substituted for the number 55.

Amendment agreed to

Mr. McDonald: I left the minister with a question yesterday. If the minister would like me to repeat it, I can.

Hon. Mr. Philipson: I believe that we were on the area where we were discussing agents. We can refer to Section 38(2) in conjunction with this section. That particular section states clearly that the safety officer shall endeavour to consult with a reasonable number of workers, and on many occasions the trade union has no knowledge or interest of the safety matters in the workplace. I think that that would answer the question.

Mr. McDonald: I think we may be speaking about two different questions. The question I was asking yesterday in relation to Clause 53 was a question about the kinds of information that is necessary for a supplier of designated substances or a supplier of a chemical agent or a supplier of a biological agent to give information to the chief safety inspector prior to introducing that agent into the workplace.

As I said last night, the information that a supplier or the employer must give regarding the biological chemical or physical agent includes a variety of things. It includes a listing of the ingredients, their common or generic names, composition of the properties, ecological effect, effect of exposure, and protective

measures that are recommended to be used. Here it says, in Clause 53(1), that when we are introducing a new biological or chemical agent, there is merely a report or assessment which must be made. It does not signify that there must be a detailed report to the extent that we expect a detailed report for existing chemical agents.

Can the minister explain why that is the case?

Hon. Mr. Philipson: I am sorry that I went off on the wrong question.

The reason for that is that 53(1) is the section that deals with new products. Section 38(2)(k) establishes the authority of the safety officer. We feel that each section complements the other, and that the total field has been covered.

Mr. McDonald: We can assume that this report or assessment made of the new biological or chemical agent will be as specific as the reports that are necessary for existing biological or chemical agents?

Hon. Mr. Philipson: Perhaps it would be enlightening to know some of the agents that would be encompassed in these regulations. They would be the elimination of noise, ventilation, thermal environment, heat stress, hazardous chemical substances, compressed gases, volatile combustible liquids, corrosive substances, poisonous substances, oxidizing substances, hot liquids, and it goes on, Mr. Chairman.

Mr. Penikett: Does that include asbestos?

Hon. Mr. Philipson: Yes, it does.

Mr. Penikett: Can the minister say what standard the regulation will set in terms of quantum of particles per quantum of air?

Hon. Mr. Philipson: It would be the amount that is set federally.

Mr. Penikett: I am concerned there. Is the minister saying that if the federal amount changes, that will automatically trigger a change in these regulations? Without going into a long preamble, let me explain why. As the minister may know, there was a battle some years ago to establish a five-parts standard. This Legislature, in Mr. Lang's day, probably around 1975, established, for the first time, a standard for this territory. I do not remember exactly what it was. During the days I worked in the industry, though, there were no standards. Nowadays the United States went to a five-parts standard that was subsequently reduced to two. There is now a lot of pressure going on. I note that Britain has recently gone to half a part and reduced the standards even further. The evidence they had was that not only was asbestos known to cause certain kinds of stomach and intestinal cancers, but the recent indication is that they are almost always fatal.

I am just curious to hear from the minister whether a change in his regulations must always be triggered by higher standards established federally.

Hon. Mr. Philipson: I will have to get back to the member opposite with the standards that we will follow. I would not like to state unequivocally that I know the answer to that at the present time.

Clause 53 agreed to as amended

On Clause 54

Mr. McDonald: In 54(2)(b), the Commissioner in Executive Council is allowed to make regulations exempting any workplace, industry, activity, business, work, trade, occupation, profession, constructor, employer, et cetera, or any class thereof from the application of a regulation or any provision thereof. Essentially, this regulation allows the Commissioner in Executive Council to exempt any group of employees or all employers from any provision in this act or all provisions in this act.

Can the minister give us an indication as to why he or the government feels they need to have such broad exempting powers, given the very general nature of this act in the first place, and given the fact that for the most part the specifics of this act which are going to affect the industry are going to be in the regulations? The basic principle, such as the right to know, the right to refuse unsafe work and the right to participate are all fundamental principles which we would like to uphold and which we would have trouble under any circumstances exempting anybody from.

Hon. Mr. Philipson: I realized that this an area where we would have some discussion. Listening carefully to what I have to

say may shorten the discussion.

No one person or workplace can be exempted from the act. There may be specific exemptions from an application of a regulation or a provision of the regulations. Whereas it is doubtful that any workplace, industry activity, business, work, trade, occupation, profession, constructor or employer, would ever be exempted from a regulation, technical and technological changes in the future may be such that this be considered.

For example, ironworkers or steel erectors may be exempted from using fall arrest devices and safety footwear by the nature of their work and the training of the workers. These devices may be a hazard to the workers. Certain workers may be exempted from wearing hearing protection where these devices could cause further hearing loss by reason of genetically determined diseases. A further situation might be where bone conduction is the only form of hearing left. Firefighters and other emergency personnel may be further exempted from some of the other regulations or provisions such as the right to refuse hazardous work. Some men on equipment may be exempted from the installation of roll-over protection, where the hazard does not warrant such protection, such as packers on road construction. There may be exemptions from some mining machinery by reasons of grandfathering. There may be exemptions on the use of seatbelts on equipment where other precautions have been taken, like a grader operator who has to stand when his door safety chains have been installed. Hopefully, those types of exemptions will make it understandable and the reasons for this would be easily interpreted.

Mr. McDonald: I understand the minister's point and I realize on further reading that the clause refers to the exemption regarding regulations rather than to the act itself. I understand the cases in point that the minister mentions regarding possible exemptions, though I might quibble with him about the example he gave regarding the withdrawal of the fireman's right to refuse unsafe work.

The fireman may decide in that particular example that something is so unsafe that he may not want to participate in the firefighting procedure. He may want to take measures to save his own life. That ought to be a right that we should be considering upholding, considering that is the nature of the fireman's work as a matter of course.

What input does the minister anticipate receiving from the employers and employees to justify an exemption under this clause? Will the minister request that the employers or employees should agree to the exemption which they anticipate may come forward in the future?

Hon. Mr. Philipsen: That particular determination would be made by the chief safety officer.

Mr. McDonald: Are we leaving it up to the chief safety officer to determine whether or not he will seek input from those people who are going to be directly affected by the regulation?

Hon. Mr. Philipsen: We leave the finding and writing of the regulations of the total act up to the chief safety officer and the people who work with him. We have put a tremendous amount of faith in the experience and the abilities of an individual with this type of position.

I do not see any reason to all of a sudden assume that this individual would not be an acceptable person to decide what an exemption was. That applies especially when the main purpose of his position is to ensure the safety of the individual, the safety of the workplace and to ensure that the employer is getting the best safety for his dollar.

It would seem to me that if we could not leave it up to that individual, the whole act would have absolutely no meaning.

Mr. Penikett: As the minister knows, at second reading I, too, expressed concern about this particular section. I am somewhat reassured to hear the minister say that it will not allow anyone to be exempt from the principles of the act, but only the regulations.

The minister has said that the chief safety officer is going to be the person who deals with representations that certain persons should be exempted. Presumably that is the person who will make recommendations to the minister. In the end he will be accountable for any regulation. It occurs to me that, particularly in some of the

more exotic fields of high technology, which may not be here yet but could be, that some of the new materials and substances that may come into industrial use may cause considerable debate, since not much is known about them. It occurs to me that the chief safety officer might be put in a very difficult situation of having to make some judgments between two competing interests in regards to such a safety question.

I cannot think of an example, but let me try to imagine one. We know that there is a problem with PCBs in the ballast boxes of fluorescent lights. There may be a similar problem in some other electronic field.

The employer might say, for any number of good reasons — and it might be a good argument — "I think we should be exempted from this regulation concerning this substance". The employee group comes and says, "We disagree." Now this is a matter that they had not been able to resolve in their own safety committees and with their own safety procedures. How is the minister going to satisfy himself about such exemptions and such regulations as he may have to issue?

Hon. Mr. Philipsen: It is an interesting question. Fortunately, we do not operate in isolation in this government. Recently we have decided that we would be able to hook our computer system to the Canadian computer system connected with occupational health and safety. I would think that it would be an almost virtually impossible situation to run into an area of new technology that has not been at least tried somewhere else in Canada. This information would be readily on the computer, and it would be available to us because we are now getting on this computer. We could punch in whatever we needed and we would get the answer right away.

I would think that that information in itself would be enough to help the chief safety officer in determining how he was going to deal with any particular issue of that nature. Should it be a controversial issue, I would be very surprised if the chief safety officer did not hold whatever was happening in abeyance if there was even a slight chance of risk to an individual. He would hold that until he had satisfied himself with factual information that that was not so before proceeding or letting it carry on. The act is to deal with the safety of the individual and the workplace.

Mr. Penikett: In (k), as regards to some biological agents, it occurs to me that sometimes the public agent who first becomes aware of certain kinds of problems, maybe someone like the regional public officer of health, or something like that, can the minister say, in regard to the present, what kind of functional relationship there is, if any, between the occupation health and safety staff and the public health officials that work under the federal government in this territory at the moment?

Hon. Mr. Philipsen: I believe they enjoy a close working relationship.

Mr. Penikett: Presumably sometimes when new camps open up, to give you an example, the people are going to be using the local water. Is it a matter of course that the people who normally do the water quality testing, come in and test that water that was going to be consumed by the people working in a camp, or is that done just when they happen to do it, as a matter of routine. Is that something that the occupational safety staff might occasionally get asked to do?

Hon. Mr. Philipsen: I would not think so. That would come under the environmental protection officer. National Health and Welfare would be looking at that.

Mr. McDonald: In 54(2)(w), requiring a person to obtain a permit to carry out a specific activity with respect to health or safety of workers, can the minister give us an indication as to what a permit might be?

Hon. Mr. Philipsen: It will be a permit that will be set out in regulations. If you were in an area where you were dealing with something affecting the health and safety of workers, the safety officer would come on the site and, on seeing that there was a reason for having a permit, he could ask whether the permit had been acquired and picked up prior to doing whatever it was that the permit was for.

Mr. McDonald: The minister's answer was sort of a minor elaboration of the wording that this section consists of right now. Could he be a bit more specific? Does this refer to such things as the miner's certificate, which all miners must receive in order to carry on a particular course of work. In order to go underground, for example,

they must have a miner's certificate, which means that they must have undergone and passed a chest x-ray. Is this the same thing as a miner's certificate?

Hon. Mr. Philipsen: I believe that is what this section refers to.

Mr. McDonald: I know that the minister has received representation from a group regarding the inclusion in the regulations of several other protective clauses, giving the Commissioner in Executive Council the right to make regulations regarding a few other things. Such as: protection of workers from potentially hazardous conditions who are working by themselves, the rollover protection requirements for heavy equipment, the requirements for power lowering of crane booms, the requirements for headache racks behind the cab of a truck, and the minimum and maximum temperatures for working inside and outside during winter and summer.

In recognizing that the regulations now are of a very general nature, which could mean that they could incorporate such restrictions, does the minister anticipate the examples I have given? Does he anticipate that those examples will be incorporated into the regulations pursuant to this act?

Hon. Mr. Philipsen: The protection for workers working alone is addressed in Section 4(2)(d), so that should answer that question. The other issues raised — roll over protection, lowering crane booms, temperatures — are not normally addressed in the act but are in the regulations and there is authority to make these regulations.

Mr. McDonald: There may be authority. Is there any indication that these will be included in regulations when the act is proclaimed?

Hon. Mr. Philipsen: I cannot remember all the regulations that are written and are in the process of being written. I would imagine that the areas that have been raised are being looked at and I would assume that regulations are being made.

*Clause 54 agreed to
On Clause 55*

Mr. McDonald: Because we are taking a slightly different path in presenting this health and safety legislation, which is an omnibus bill of a general nature, which is now going to be affecting and regulating the various industries, thereby meaning that certain aspects that are now existing in the *Mine Safety Act* and the *Blasting Act* will no longer see the light of day in this Legislature, but will be determined by cabinet members. Can the minister give us some assurance that the protections that currently exist in the *Mine Safety Act* and the *Blasting Act* will be equally as good as this act?

Hon. Mr. Philipsen: I would hate to try and give an unequivocal answer to that in the affirmative because it may put me in a position where something unbeknownst to me is not true. We have brought this piece of legislation in in good faith to deal with the *Occupational Health and Safety Act* in order to improve the system that we are now working under. If we are going to repeal one act, we will ensure that the people working under that act will not be put at any greater risk than they would be under the present act. I would suggest that, yes, the regulations will be at least to the minimum of the *Mine Safety Act*, and hopefully above them.

Mr. McDonald: I hope the minister will forgive me, but the question was designed to make the minister feel slightly uncomfortable because the legislative authority to deal with matters regarding the *Mine Safety Act* and the *Blasting Act* will no longer be the privy of the Legislature and therefore it will be more difficult for me in my position to review changes to the existing provisions. There obviously is a desire or a need to feel reassured that changes to regulations which once were provisions in an act passed by this House would be sufficient to meet the needs of the industry.

²⁹ Will there be any provision to allow the new regulations to pass the review of the public in the territory prior to their passing by the minister? Is there a provision whereby they might go through a screening with the Chamber of Mines or labour organizations to determine if they meet their needs? Would they be given the opportunity to make suggestions so that the regulations would be better?

Hon. Mr. Philipsen: We seek all areas of expertise when we

formulate regulations. I would suggest that a considerable amount of that has already been done. I can see no reason in the future for not continuing that practice.

Mr. McDonald: I have been in the mining industry for some time. I have also been involved with some labour organizations. With all due respect, I know of no case where a labour organization was ever questioned as to their opinion on new regulations going forward for consideration regarding mine safety or the *Blasting Act* or any piece of legislation that might affect their futures.

The minister has said that this is common practice. However, in my experience, I have not heard of any labour organization being consulted before regulations are passed. Is the minister saying that regulations have already been screened for this particular act? Have people already been consulted prior to the regulations pursuant to this act being put into law?

Hon. Mr. Philipsen: I will try and ascertain the people who were contacted and the route that was followed in coming up with the regulations in the *Mining Act* for the member opposite.

*Clause 55 agreed to
On Clause 56*

Mr. Kimmerly: What is the anticipated proclamation date so that the various industries can project as well as they are able? Is a date impossible to see?

Hon. Mr. Philipsen: I would think that we are a good way along on the completion of the regulations. I will let the member opposite know as soon as I can possibly tell him.

Mr. Kimmerly: I thank the minister for that. Frankly, it does not affect me personally. It affects the industries. Is it anticipated that it will be in effect for the 1985 summer mining season?

³¹ **Hon. Mr. Philipsen:** I would like the member opposite to hold me to this until a later date. I would like to think that, if it is possible, we will try and have that information by April 1st.

Mr. Penikett: To date, when anyone wanted to find out about the level of accidents and the number of deaths of workers of a certain kind, one really had to look to the information from the Workers' Compensation Board. In fact, the information in the report we got this year is improved over the previous year's in terms of its detail.

The minister, in his opening remarks at the second reading, referred — I believe — to the kind of track record or the extent of the problem we have in this country and in this territory, which is admittedly large. Even a glance at the figures in the report tabled to the end of 1983 indicates that over a thousand injuries or accidents were reported in that year. Which, with the size of our workforce, is fairly considerable, even admitted that a lot of the accidents are small.

The act that we are about to adopt, hopefully, will have a very positive impact on these statistics over time. Is it the intention of the minister to have the occupational health people, under his command, revive a similar kind of annual statement to the one from the Workers' Compensation Board, or is he going to depend on the information contained in the annual reports of the Workers' Compensation Board for evidence as to how successful the act is in achieving its stated purpose?

Hon. Mr. Philipsen: Certainly the members of the occupational health and safety board — the people working for that, like the chief safety officer — will keep their own records. Rather than have a duplication of service and have somebody, who could be working on occupational health and safety, working on doing a report of that nature, I believe we would still refer to and use the Workers' Compensation figures to show us a reduction of the accidents in the workplace.

Mr. Penikett: Could I put the minister on the spot, and ask him, since we all have high hopes for this act, if he has any personal expectations about the level of the impact, of the extent of the improvement we may hope to see in the statistics reporting for the first year that the act is in place?

Hon. Mr. Philipsen: Going from the original statement that I made before there will be a 38 percent reduction and \$190,000 savings so far over a six month period without having the act implemented through the House. I would suggest that we are looking at a rather substantial saving, both monetary and in human

suffering. I thank the members opposite for supporting this piece of legislation. I thank the members opposite for their constructive criticism, and for the speedy passage of this bill. I think we will all be happier in Yukon for this.

12 *On Clause 56*

Clause 56 agreed to

On Title

Title agreed to

Hon. Mr. Philipson: Mr. Chairman, I would ask that you report that Bill No. 42 has cleared this committee with amendments.

Mr. Chairman: I declare that the *Occupation Health and Safety Act* has cleared the Committee of the Whole. We shall now go to Bill No. 40, *An Act to Amend the Children's Act*.

Bill No. 40: An Act to Amend the Children's Act

On Clause 1

Hon. Mr. Philipson: These amendments we have before us are not amendments that in any way deal with the policy of the act that we passed in the last sitting of the Legislative Assembly. We had found that there were some areas that, due to some worrying problems and statements that did not seem, to judges, to complete orders that were given to them or sections that they could continue with. There are a slight number of amendments that should be passed at this time to make the act a little easier for the people using it to actually work with it. There are some areas we missed in the passage of this legislation, which left one year of individual out and there are some areas where we would like to have sections refer to other sections and they were left out, probably due to changing some of the act as we went through it. Without any further ado, we would ask the other side to adopt it as read.

Mr. Kimmerly: I am almost going to comply with the request made by the minister. If you will permit me, I can make all of my comments about all of the sections all at once in general debate. I will assure you that it will be efficient.

We have no specific problems with any of the particular amendments and they are essentially uncontroversial as far as the specific amendments go. I would comment that the changes that do make a change of a somewhat substantial nature, as opposed to basically a technical nature, are sections 4(2), 7(1)(a)(b)(c) and, to a lesser extent, 9(1)(b).

13 We agree with the changes made. We have no amendments and I have no questions, in fact.

It appears to all of us, who are practicing in the courts under *The Children's Act*, that the litigation has become more adversarial as opposed to less adversarial. I am sure that the expense of the lawsuits has increased dramatically for those cases going to court. That is unfortunate.

It appears to us that the conduct of the director — or the department, in the general sense, through his agent — in the courts has changed over the last year or so. It is a significant step that the legal representation is now an in-house council as opposed to a member of the private bar. That is probably a positive step. That system becomes better established and the individuals are particularly experienced in a particular course. Under this act, that is a positive step.

I would expect that the communication between a legal counsel and the social workers involved will change somewhat in the next year or two. We are all looking for a positive change so that the social workers better understand what is going on in the legal context; the lawyers better understand the real instruction of the social workers. This should involve the interests of all the parties and the general public interest as opposed to the very narrow interest of winning the case.

14 Court attorneys have been instructed by courts from time to time, including the Supreme Court of Canada by unanimous and clear judgments, that their duty is not to win the case at all costs, but to portray and present the public interest and the interest of justice. Yukon judges have recently made similar comments, and a substantial improvement is occurring. I, for one, feel optimistic that it is possible to improve the situation even more in the future. It is necessary for the managers in the system to learn a lesson that the

managers among the police forces have learned a long time ago, that is, that the power that is exercised by the people in the line positions must be checked in a constitutional way by the courts. That is being improved in the recent past, and I say, optimistically, that it will continue in the future.

Hon. Mr. Lang: In view of the comments that have been made, I would move that we deem the bill to have been read.

Mr. Chairman: It has been moved by the hon. Mr. Lang that the Clauses 1 to 10 be deemed to have been read and carried. Do we have unanimous consent?

Some Members: Agreed.

Clauses 1 to 10 deemed to have been read and agreed to

On Title

Title agreed to

Hon. Mr. Philipson: I would move that Bill No. 40, *An Act to Amend the Children's Act* be reported out of Committee without amendment.

Motion agreed to

Mr. Chairman: I declare Bill No. 40, *An Act to Amend the Children's Act* carried out of Committee of the Whole.

35

Bill No. 45: An Act to Amend the Pioneer Utility Grant Act

Hon. Mr. Philipson: As I said at second reading, I am extremely pleased to stand today on behalf of this government to, in some small way, ease the situation that sometimes faces our seniors. This pioneer utility grant has been increased from the amount of \$480 to \$540. I hope that there is a possibility that this increase can be reflected in the very near future, and the people who are recipients of this will benefit from this act of the Legislature.

Mr. Kimmerly: We agree and I move that the act be deemed to be read.

Mr. Chairman: It has been moved that the act be deemed to have been read. Is there unanimous consent?

Motion agreed to

Clauses 1 to 3 deemed to have been read and agreed to

On Title

Title agreed to

Mr. Philipson: I move that Bill No. 45, *An Act to Amend the Pioneer Utility Grant Act* be reported out of Committee without amendment.

Motion agreed to

Mr. Chairman: Bill No. 45, *An Act to Amend the Pioneer Utility Grant Act* has been cleared by the Committee of the Whole.

Bill No. 46: An Act to Amend the Health Care Insurance Plan Act

Hon. Mr. Philipson: The health care insurance act amendments are, as I stated in the second reading speech, necessary in order to put in place, if we wish, some other areas that we may want covered by health care insurance in the future. It will enable us to have the legislative capability to do that. I am quite happy to go through the act clause by clause.

15 **Mr. Kimmerly:** I move that the act be deemed to be read clause by clause.

Mr. Chairman: It has been moved by Mr. Kimmerly that clause 1 to 12 be deemed to be read and carried. Is there unanimous consent?

Motion agreed to

Clauses 1 to 12 deemed to have been read and agreed to

On Title

Title agreed to

Hon. Mr. Philipson: I move that Bill No. 47 entitled *An Act to Amend the Health Care Insurance Plan Act* be moved out of committee without amendment.

Motion agreed to

Mr. Chairman: I declare *An Act to Amend the Health Care Insurance Plan Act* has cleared Committee of the Whole.

Bill No. 44: An Act to Amend the Electrical Protection Act

Hon. Mr. Lang: I have nothing else to add to what I said at second reading. Basically, it is a housekeeping amendment and provides

some certain latitudes on behalf of a certified furnace man to repair furnaces and do some of the circuitry work that is required.

Mr. Byblow: We have no major problems with the bill. I would deem sections 1 to 7 be considered as having been read and we can move into section 8.

Mr. Chairman: It has been moved by Mr. Byblow that clauses 1 to 7 have deemed to have been read and carried. Is there unanimous consent?

Motion agreed to

*Clauses 1 to 7 deemed to have been read and agreed to
On Clause 8*

Mr. Byblow: My questions surround a better understanding of intent of the section. If I understand the minister's comments correctly and the wording here, what we have is the opportunity for a tradesman to come in, repair a furnace motor, or do any of the electrical repair that is required while that motor is being repaired. That is understandable.

To what extent is such a tradesperson permitted to do modifications or substantial changes encompassing electrical work?

Hon. Mr. Lang: It is not an area I profess to be an expert in. I would like to point out that the qualifications to perform the work are tied to the training received by them within their respective trades under the *Apprenticeship Training Act*

Secondly, an important aspect of 8(2) is that it provides a definition of the nature and kind of equipment that oil burner mechanics and boiler pressure vessel operators may make electrical repairs on. We are trying to be as specific as we can.

This definition is only applicable to this particular section. That is why you find it there as opposed to the definition clause. It defines specifically, the fuel burning appliances that they can do electrical work on and repair.

Mr. Byblow: As it was put to me, my understanding is that there is no problem with the tradesmen doing a repair or service, but it was not clear enough in this section that, in the event of modifications to the burner, we have enough clarity here. That was brought to my attention from a safety point of view. If someone starts going beyond his competence, as it were, going beyond their qualifications, we could conceivably have a lot of changes made to a unit that may create some safety risk.

Hon. Mr. Lang: We attempted to cover that from two directions. First of all, they have to have the necessary qualifications and they cannot go beyond what their qualifications permit them to do. Second, I think the key words in the section referred to are the words, "the replacement or repair of", and it is very clear that is all they can do. For example, if a generator burns out or something like that, they can replace it or repair it. That is the intent and purpose of this section.

Mr. Byblow: Thank you. Putting that on record perhaps will answer the question. The issue was the extent to which modifications beyond repair and replacement could be made. While I am on my feet, could I ask the minister to what extent there was consultation with the industry? Now I understand from the second reading comments that he met a couple or several times with the Electrical Contractors Association. Was that with the entire association or just one or two members therein?

Hon. Mr. Lang: I met with the executive of the organization. In fact, we had one meeting scheduled where a number could not make it so we rescheduled it. I had the good fortune to have my colleague in Porter Creek West, who happens to know a fair amount about this — much more, I think than anybody in the House — and I looked to him for guidance as well with respect to the bill you have before you.

Mr. Byblow: Was the association provided with the intended revisions prior to tabling in the House in any way?

Hon. Mr. Lang: No, we discussed a number of principles. We went through them and discarded a number of them because I felt they gave very good, logical arguments why we should not proceed in a number of areas. This is one area where there was common agreement and I am in the process of sending them a copy of the bill, but I see no problem as this is exactly what we agreed to. I fulfilled all my commitments as per the meeting I had with them.

Mr. Byblow: I would deem clauses 8 to 11 to have been read.

Mr. Chairman: It has been moved by Mr. Byblow that clauses eight to 11 be deemed to have been read and carried.

Motion agreed to

Clauses 8 to 11 deemed to have been read and agreed to

Hon. Mr. Lang: I move that Bill No. 44, *An Act to Amend the Electrical Protection Act* be moved out of Committee without amendment.

Motion agreed to

Mr. Chairman: I declare Bill No. 44, *An Act to Amend the Electrical Protection Act* cleared out of Committee of the Whole.

Recess

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

**Bill No. 48: An Act to Amend the Court of Appeal Act
On Clause 1**

Hon. Mr. Philippsen: This act will remove the limitation on the number of justices and substitute some of the terminology which we deem archaic, and replace it with more modern terminology.

Mr. Kimmerly: I move that the sections 1 to 4 be deemed to be read.

Mr. Chairman: It has been moved by Mr. Kimmerly that Clauses 1 to 4 be deemed to have been read and carried. Is there unanimous consent?

Motion agreed to

*Clause 1 to 4 deemed to have been read and agreed to
On Title*

Title agreed to

Hon. Mr. Philippsen: I move that Bill No. 48, *An Act to Amend the Court of Appeal Act*, be moved out of Committee without amendment.

Motion agreed to

Mr. Chairman: I declare Bill No. 48, *An Act to Amend the Court of Appeal Act* cleared out of Committee of the Whole.

Bill No. 49 An Act to Amend the Hospital Insurance Act

Mr. Kimmerly: This is a very long act, so I will move that Sections 1 and 2 be deemed to be read and carried.

Mr. Chairman: It is moved by Mr. Kimmerly that Clauses 1 and 2 be deemed to have been read and carried. Is there unanimous consent?

Motion agreed to

*Clauses 1 and 2 deemed to have been read and agreed to
On Title*

Title agreed to

Hon. Mr. Philippsen: I move that Bill No. 49, *An Act to Amend the Hospital Insurance Services Act*, be moved out of Committee without amendment.

Motion agreed to

Mr. Chairman: I declare *An Act to Amend the Hospital Insurance Services Act* cleared out of Committee of the Whole.

**Bill No. 47: Miscellaneous Statute Law Amendment Act, 1984
(No. 2)**

On Clause 1

Mr. Kimmerly: I have a very serious question about government priorities in this act. I see that acts involving liquor, specifically the Yukon Brewery Company, are repealed. I have the question about the priority of the government. These two acts to be repealed were passed in 1952, and there was an amendment act in 1953. In 1954, the Legislature passed an ordinance granting a beer licence to Gordon Crum and Norman Mitron of Teslin.

³⁹ What policy has the government followed in selecting the Yukon Brewery Holding Company as an act to be repealed and has left Gordon Crum and Norman Mitron alone?

Hon. Mr. Philippsen: I am speechless. May I say that it was before my time.

On Clause 1

Clause 1 agreed to

On Clause 2

Clause 2 agreed to

On Clause 3

Mr. Penikett: This is a quiz for the minister. Why?

Hon. Mr. Philipson: This is the answer: because this is a transitional section and no longer relevant.

Clause 3 agreed to

On Clause 4

Mr. Byblow: Could the minister provide some information as to why this change is taking place?

Hon. Mr. Philipson: I believe that this section would mean that the arbitrators are umpires. If we did this, we would no longer be able to get any. There are limits on the fees that may be charged by the umpires and arbitrators. We would be limited to the arbitrators and umpires that we could get. Those arbitrators and umpires are not acceptable to either side. There was no caucus, so we have to remove those limits in order to get people who would be accepted.

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

Mr. McDonald: Will the changing of the size from 300 feet to 100 meters — I believe that the two are not exactly identical — in this clause, effect in any way the good workings of this act?

Hon. Mr. Philipson: I would be tempted to say 'yes', there will be some people who will not be able to fit in, but that is not true. Right now the metric system is being used in measuring distances in most contexts. It is being used on highways and also in land surveying. This is a case of what is known as 'soft conversion.' 'Hard conversion' to the exact metric equivalent is not necessary, so it is not an exact metric conversion.

Clause 10 agreed to

On Clause 11

Clause 11 agreed to

On Clause 12

Clause 12 agreed to

On Clause 13

Clause 13 agreed to

On Clause 14

Clause 14 agreed to

On Clause 15

Clause 15 agreed to

On Clause 16

Clause 16 agreed to

On Clause 17

Clause 17 agreed to

On Clause 18

Mr. Byblow: Just some measure of explanation of the impact of repealing these sections.

Hon. Mr. Philipson: Subsection 14(6) and 15(3) create a special procedure involving adjudication or arbitration by the Territorial Court. These are unlikely ever to be part of any practical use given the limit of the value of the property at issue that can be dealt with by this court. Further, it seems preferable for all expropriations procedures to be in the same court and that court to be the Supreme Court. It seems inappropriate for the Territorial Court to have any civil jurisdiction, especially in respect to expropriation matters in cases involving the Government of Yukon.

The words removed from section 15(2) were redundant. They assume that the courts shut down for vacation and it does not, although individual judges do take vacations. The repeal of subsection 19(2) is to remove a source of confusion insofar as the subsection means, anything that confers on the government protection that the government really does not need especially because protection would exist only where the amount of money involved does not exceed \$1,000.

Clause 18 agreed to
On Clause 19

Clause 19 agreed to

On Clause 20

Clause 20 agreed to

On Clause 21

Clause 21 agreed to

On Clause 22

Clause 22 agreed to

On Clause 23

Clause 23 agreed to

On Clause 24

Clause 24 agreed to

On Clause 25

Clause 25 agreed to

On Clause 26

Clause 26 agreed to

Clause 27 agreed to

On Clause 28

Clause 28 agreed to

On Clause 29

Clause 29 agreed to

On Clause 30

Clause 30 agreed to

On Clause 31

Clause 31 agreed to

On Clause 32

Clause 32 agreed to

On Clause 33

Clause 33 agreed to

On Clause 34

Clause 34 agreed to

On Clause 35

Mr. Penikett: Is this done according to provisions of the *Municipal Act*? Was there a hearing consultation? Were the taxpayers consulted?

Hon. Mr. Philipson: Yes. I believe they had called a special meeting of the town and no one showed up. It was a majority to repeal.

Clause 35 agreed to

On Clause 36

Clause 36 agreed to

On Clause 37

Clause 37 agreed to

On Clause 38

Clause 38 agreed to

On Clause 39

Clause 39 agreed to

On Clause 40

Clause 40 agreed to

On Clause 41

Clause 41 agreed to

Mr. Kimmerly: On 4(5). Can the minister explain his comments? I understood his comments to reflect why limitations should be repealed. The bill appears to impose them. Can the minister correct me if I am wrong or correct the record if the bill imposes a limit?

Mr. Chairman: Do we have unanimous consent for the member to reopen the clause?

Some Hon. Members: Agreed.

On Clause 4

Hon. Mr. Philipson: I think that I will try and restate why I think that this is being done. In the last while, trying to find people who are acceptable to both sides of an issue, it was found that the people who were acceptable were not willing to come in to arbitrate or be umpires for the fees that we had set as fees. Therefore, we could not get any kind of resolution to problems that may be holding up our day-to-day progress in Yukon. With the limits set, it was found that the amounts of arbitrators and umpires change quite quickly. If you go to a person and ask him to come to sit in on an arbitration on a case and he looks at your set fees and says no, and you have no one else available, you are left in a quandry. You

would have to make special cabinet submissions to go through a fairly long procedure in order to get an individual to actually be the arbitrator that both sides would need. Removing the set limits makes it possible for us to get someone who can arbitrate or umpire.

Mr. Kimmerly: Is the intention of the bill to remove existing fixed limits?

Hon. Mr. Philipson: Yes, it is.

Clause 4 agreed to

On Title

Title agreed to

Hon. Mr. Philipson: I move that Bill No. 47, *Miscellaneous Statute Law Amendment Act, 1984 (No. 2)*, be moved out of Committee with amendments.

Motion agreed to

Mr. Chairman: I declare *Miscellaneous Statute Law Amendment Act, 1984 (No. 2)* cleared out of Committee of the Whole.

Motion to sit beyond 5:30

Hon. Mr. Lang: I want to move this motion just in case time does run out. I move that the Committee of the Whole of the Assembly be empowered to sit beyond 5:30 p.m. today if necessary for the purposes of continuing committee consideration of the bills before Committee of the Whole, and to permit the Assembly to consider motions for third reading of bills before the House.

Motion agreed to

Bill No. 41: Yukon Tartan Act

On Clause 1

Hon. Mr. Lang: This bill formally adopts a Yukon tartan, and I am so pleased to report to the House that we have been able to comply with every wish put forward by the Lord Lyon in Scotland.

Mr. McDonald: I know our official critic is the Ukranian from Faro, but I thought I might say a few words regarding the *Yukon Tartan Act* because I regard it as being a rather serious matter for Yukoners in general, as we have taken it upon ourselves to adopt the Yukon tartan prior to any other national symbol as the official symbol for Yukon. I think it is only fitting and proper, from a certain perspective.

I would like to say that we have debated this act in our caucus at some length. We have considered the clause dealing with the numbers of threads, and the order in which the threads were placed. We feel that to be rather critical in terms of using a tartan which should be rather attractive.

We did have problems with the ordering of the yellow and blue threads, initially, but we accept the designer's opinion on this matter. None of us claim to be experts, of course.

One problem I have with this act is that there seems to be a lack of provisions which prevent persons from ridiculing this tartan in specific ways. We merely permit the person to sell the tartan if the tartan is a pretty close replica of the tartan. There is no provision preventing persons from burning tartan flags, or preventing persons from wearing the tartan on the seat of their pants.

Now, this may seem trivial to some persons, but for other persons it can be significant. The only persons who are allowed to sit on tartans are Scots themselves. That must be made quite clear in this act.

We are in total agreement with the intent of this act. There could have been greater protections to prevent the misuse of this symbol. Perhaps, come the spring session, we will have noticed enough abuse, and we will have heard enough public outcry, and we will have to come back with an amendment to this bill in short order. In any case, we do accept the bill in principle. I do not know whether we have to go through, in great detail, the ordering of the threads. It may be a useful exercise, depending on how other people feel about it.

Mr. Penikett: What provisions is the Minister of Justice going to put in the human rights bill to protect us saxons and other non-celts from such prejudicial remarks as we have just been offered by the Scot from Mayo, particularly the odious suggestion that we should not be allowed to wear certain forms of clothing.

Hon. Mr. Lang: I would like to come to the defence of the

member for Mayo. What he did say is fact, and I think the leader of the opposition should be prepared to accept it. I support the member for Mayo and that does not happen that often.

Hon. Mr. Philipson: Obviously, all of the members have not looked at the model of the new model of the justice centre and courthouse clearly enough. There are some stocks that are just off the front door. They will be used for inappropriate actions of the members on the other side of the House who walk around dressed in other than pants.

Hon. Mr. Lang: I move that clausess 1 to 5 be deemed to be read.

Mr. Chairman: It has been moved by Mr. Lang that clauses 1 to 5 be deemed to have been read and carried. Is there unanimous consent?

Motion agreed to

Clauses 1 to 5 deemed to have been read and agreed to

On Title

Title agreed to

Hon. Mr. Lang: I move that Bill No. 41 *Yukon Tartan Act* be reported out of committee without amendment.

Motion agreed to

Mr. Chairman: I declare *Yukon Tartan Act* be cleared from the Committee of the Whole.

Bill No. 50: An Act to Amend the Electoral Boundary Act

On Clause 1

Hon. Mr. Pearson: I do not have any intention of saying anything more about this act. There are however, two typos that I would like to bring to committee's attention while going through the bill. There are two amendments as well. I will move those amendments at the appropriate time.

On Clause 2

Mr. Chairman: The typo is in the word territory. There should be a capital 'T' in 'Territory'.

Clause 2 agreed to

Amendment proposed

Hon. Mr. Pearson: I move that Bill No. 50 entitled *An Act to Amend the Electoral District Boundaries Act* be amended at clause 2(3) at page 2 by deleting "thence westwardly along the northerly boundary of said lot 262-4," where it appears a second time. This phrase has been duplicated. It means taking the phrase out where it appears a second time.

Amendment agreed to

Hon. Mr. Pearson: In (6), in the second line of the opening paragraph, I would request that the comma be eliminated between the words, 'Whitehorse' and 'Riverdale'.

Clause 2 agreed to as amended

On Clause 3

Amendment proposed

Hon. Mr. Pearson: I move that Bill No. 50 entitled *An Act to Amend the Electoral District Boundaries Act* be amended in Clause 3(1), page four, by deleting Clause 3(1) and substituting for it: "3(1) This act comes in force the day after the day upon which the present Legislative Assembly is dissolved, or ended, by the passage of time.

(2) In the event that a by-election is made necessary in the electoral district of Old Crow prior to the day upon which the present Legislative Assembly is dissolved or ended by the passage of time, subsection 2(2) shall come into force upon the day of the issue of the writ for such by-election."

If I may, the main reason for the amendment is, as the leader of the opposition so eloquently said at second reading, to protect the political integrity of Old Crow. I do not foresee it happening but it is possible that there could be a by-election prior to this Legislative Assembly dissolving and it could adversely affect the representation from Old Crow if there was major development on Yukon's North Slope in the intervening period, unless we put this clause in here to allow the Commissioner in Executive Council to enact the legislation at the appropriate time to make sure that 'box' is drawn around Old Crow.

Mr. McDonald: Of course, in this bill we are opening the boundaries of a number of ridings. Why has not the government

decided to protect the integrity of future boundaries in cases of by-elections in, say, Riverdale or Porter Creek?

Hon. Mr. Pearson: There is a problem that exists in that the people in this House were elected to represent certain constituencies at this point in time and for the life of this Legislature. I doubt very much that anyone would ever challenge the representation of a member from Old Crow representing that area.

⁴⁶ The question in the other constituencies is that I think that we may be open to challenge in respect to changing the boundaries for a by-election. Because, what happens is, the boundaries change for another constituency, as well, that is not having a by-election. Therefore, the people who voted, for instance, in Riverdale North and South, for Mrs. Firth could well be faced with the conundrum, if I was to resign my seat and cause a by-election, of having to vote for another member while, as far as they are concerned, Mrs. Firth is still their representative until this Legislature is dissolved. It is simply a case of you cannot eliminate one without affecting the other. It is deemed to be the best way to do it. It is done normally in other jurisdictions, as well.

Mr. Penikett: I am sorry to intervene with this, but I see a problem for exactly the same reasons as the government leader has described with the situation in Riverdale. It is presumably not within the realm of possibility that we could also have by-elections elsewhere. There is as much a possibility we could have a by-election in Klondike as there is in Old Crow. What we are doing here also changes the boundaries of Klondike quite considerably. It seems to me that the same argument that the government leader made in respect to Riverdale, could also be made by the people of Klondike. It seems to me that we should not be precipitous about doing this.

Hon. Mr. Pearson: The only people who it may affect would be those people who are on the North Slope and voting on the North Slope. It is true they would be part of the Klondike constituency. That is all. There is no change for them. If they went up to the North Slope today, they would have to move in there and they would be moving into Mrs. Nukon's riding. They did not vote for her. They would be moving in there. If there came a by-election, we would be arbitrarily saying to them, you are no longer in Mrs. Nukon's riding, you are now in Mr. Ashley's riding. And they voted for neither one. The Riverdale situation is quite a bit different because there are people, or the Porter Creek's situation, who voted for a representative and this is a method of allowing them to have their representative until the next election. That is really what it is all about.

Mr. Penikett: I do not agree with that point but it is conceivable that there are people who are on the north coast of Yukon — whether in dewline stations or some construction site or on Herschel Island or whatever — who may have voted for Mrs. Nukon in the last election or who are now represented in this House by the member for Old Crow.

⁴⁷ Where violations take place in Klondike, they would then, using the same analogy as the government leader, be forced to vote in another situation, when they already believe they have voted.

Hon. Mr. Pearson: The leader of the opposition has to recognize that this is an anomaly, and we are doing it for a specific reason. We are doing it to protect the people of Old Crow, for no other reason. We recognize it is an anomaly. The easy way out of this is to forget about paragraph 2. The thing just flows. We do have a problem. It may not happen. I do not think it will happen, but I believe that we have a responsibility to the people of Old Crow to make sure that it does not happen. We cannot help but affect those few people who may be on the North Slope at the time that that happens, if it does happen. We just cannot help that.

Mr. Penikett: At this point in time, there are not a great number of people on the North Slope. I assume that in the next six months there are not likely to be, and even if there were somebody moved in in the next six months, unless they were already residents of the Yukon, they would not be eligible to vote. Even if they were already Yukon residents, and they were up there simply working, as likely as not their registered place of voting would be their principal residence, which would be somewhere else in the territory.

I really do not understand the urgency of putting this provision in.

Perhaps the government leader would explain that.

Hon. Mr. Pearson: I thought I had. In the last election there were 18 votes at Eagle Plains. Those 18 votes could have easily changed the outcome of the election at Old Crow. I think that it is an unsavory situation to be in. I think we should change it, and make the change absolute, so that it cannot happen again, in order to protect the integrity of the political system in Old Crow. I think it is very important that we do that. I sincerely hope that there will be a number of people on the north coast line by next spring. If I had my way at all, they would all be voters, because they would all be Yukoners.

Mr. Penikett: What I am concerned about is that we do not end up in the improbable event where we may have a possible violation in, say, Klondike, or some awful screw-up as a result of this change, not because of the way it affects Old Crow, but because of the way it affects Klondike, and the voters there.

Mr. Kimmerly: I am rising to further complicate the discussion. It seems to me that if this section becomes law, and there is a by-election in Old Crow, there is relatively little problem in understanding exactly what the law is. If there is a by-election in Klondike, and not simultaneously in Old Crow, the Klondike riding is the same as last time.

⁴⁸ If the very unusual event occurs, and there was a by-election in both of the ridings there is a mess, because some people would be in both of the ridings: the old, Old Crow, and also the new Klondike.

Hon. Mr. Pearson: No. The member for Whitehorse South Centre was batting a 1,000 until he came to his third option and I thought he was going to get it right. If we enact subsection 2, then the Old Crow riding becomes a pure riding of its own, and Klondike's boundaries are extended to take in that part of the area of the north Yukon that used to be in the Old Crow riding.

Mr. Ashley: I could possibly shed some light on this. If this happens, it would only be for the maximum life of this Legislature. By any means, that would be a maximum of a year, year and a half. It would only affect Old Crow. If there was a by-election in Klondike, those boundaries would then stay the same, if there was not also a by-election in Old Crow. And so, in a general election, it would all swing around.

Amendment agreed to

Clause 3 agreed to as amended

Clause 1 agreed to

On Title

Title agreed to

Hon. Mr. Pearson: I move that Bill No. 50, *An Act to Amend the Electoral District Boundaries Act* be reported out of Committee with amendment.

Motion agreed to

Mr. Chairman: I declare *An Act to Amend the Electoral District Boundaries Act* cleared out of Committee of the Whole with amendment.

Hon. Mr. Lang: I just want to inform committee that, on third reading we will start as in the Order Paper with Bill No. 41, from first to third reading. I therefore now, with that information, move that Mr. Speaker do now resume the Chair.

Mr. Speaker resumes the Chair

⁴⁹ **Mr. Speaker:** I will now call the House to order. May we have a report from the Chairman of Committee?

Mr. Brewster: Prior to 5 p.m., The Committee of the Whole passed the following motion: "THAT the Committee of the Whole and the Assembly be empowered to continue to sit beyond 5:30 p.m. today if necessary for the purpose of continuing consideration of the bills before the Committee of the Whole and the Assembly to consider motion for third reading of bills before the House".

The Committee of the Whole has considered Bill No. 42, *Occupational Health and Safety Act*, and directed me to report the same with amendment. Further, the Committee of the Whole has considered the following bills: Bill No. 40, *An Act to Amend the Children's Act*, Bill No. 45, *An Act to Amend the Pioneer Utility Grant Act*, Bill No. 46, *An Act to Amend the Health Care Insurance*

Plan Act, Bill No. 44, *An Act to Amend the Electrical Protection Act*, Bill No. 48, *An Act to Amend the Court of Appeal Act*, Bill No. 49, *An Act to Amend the Hospital Insurance Act*, Bill No. 47, *Miscellaneous Statute Law Amendment Act, 1984 (No. 2)*, Bill No. 41, *Yukon Tartan Act*, and directed me to report the same without amendment.

Further, the Committee of the Whole has considered Bill No. 50, *An Act to Amend the Electoral District Boundaries Act*, and directed me to report the same with amendments.

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

Some hon. members: Agreed.

GOVERNMENT BILLS

Hon. Mr. Lang: I would request unanimous consent to waive Standing Orders 55(1) and 59(3) in order to proceed with the third readings of Bill No. 42 and Bill No. 50 while we are dealing with the third reading of government bills.

Mr. Speaker: The minister requests unanimous consent to waive Standing Order 55(1) and 59(3) in order to proceed with the third readings of Bill No. 42 and Bill No. 50 while we are dealing with the third reading of government bills.

Does the hon. member have unanimous consent?

Some Hon. Members: Agreed.

Bill No. 41: Third Reading

Mr. Clerk: Third reading, Bill No. 41, standing in the name of the hon. Mr. Lang.

Hon. Mr. Lang: I move that Bill No. 41, *Yukon Tartan Act*, be now read a third time.

Mr. Speaker: It has been moved by the hon. Minister of Education that Bill No. 41, *Yukon Tartan Act*, be now read a third time.

Motion agreed to

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

Hon. Mr. Lang: Yes. I move that Bill No. 41, *Yukon Tartan Act*, be now passed and the title be as on the Order Paper.

Mr. Speaker: It has been moved by the Hon. Minister of Education that Bill No. 41 do now pass and that the title be as on the Order Paper.

Motion agreed to

Bill No 42: Third reading

Mr. Clerk: Third reading, Bill No. 42, standing in the name of the hon. Mr. Philipsen.

Hon. Mr. Philipsen: I move that Bill No. 42, *Occupational Health and Safety Act*, be now read a third time.

Mr. Speaker: It has been moved by the hon. Minister of Justice that Bill No. 42 be now read a third time.

Motion agreed to

Hon. Mr. Philipsen: I move that Bill No. 42, *Occupational Health and Safety Act*, do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the hon. Minister of Justice that Bill No. 42 do now pass and the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I will declare that Bill No. 42 has passed this House.

Bill No. 40: Third reading

Mr. Clerk: Third reading, Bill No. 40, standing in the name of the hon. Mr. Philipsen.

Hon. Mr. Philipsen: I move that Bill No. 40, *An Act to Amend the Children's Act*, be now read a third time.

Mr. Speaker: It has been moved by the hon. Minister of Justice that Bill No. 40 be now read a third time.

Motion agreed to

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

Hon. Mr. Philipsen: I move that Bill No. 40 be now passed and that the title be as on the Order Paper.

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

that Bill No. 40 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I will declare that Bill No. 40 has passed this House.

Bill No. 45: Third reading

Mr. Clerk: Third reading, Bill No. 45, standing in the name of the hon. Mr. Philipsen.

Hon. Mr. Philipsen: I move that Bill No. 45, *An Act to Amend the Pioneer Utility Grant Act*, be now read a third time.

Mr. Speaker: It has been moved by the hon. Minister of Justice that Bill No. 45 be now read a third time.

Motion agreed to

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

Hon. Mr. Philipsen: I move that Bill No. 45 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the hon. Minister of Justice that Bill No. 45 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill No. 45 has passed this House.

Bill No. 46: Third reading

Mr. Clerk: Third reading, Bill No. 46, standing in the name of the hon. Mr. Philipsen.

Hon. Mr. Philipsen: I move that Bill No. 46, *An Act to Amend the Pioneer Utility Grant Act*, be now read a third time.

Mr. Speaker: It has been moved by the hon. Minister of Justice that Bill No. 46 be now read a third time.

Motion agreed to

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

Hon. Mr. Philipsen: I move that Bill No. 46 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the hon. Minister of Justice that Bill No. 46 do now pass and the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I will declare that Bill No. 46 has passed this House.

Bill No. 44: Third reading

Mr. Clerk: Third reading, Bill No. 44, standing in the name of Mr. Lang.

Hon. Mr. Lang: I move that Bill No. 44, *An Act to Amend Electrical Protection Act*, be now read a third time.

Mr. Speaker: It has been moved by the hon. Minister of Education that Bill No. 44 be now read a third time.

Motion agreed to

Hon. Mr. Lang: I move that Bill No. 44 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the hon. Minister of Education that Bill No. 44 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I will declare that Bill No. 44 has passed this House.

Bill No. 48: Third reading

Mr. Clerk: Third reading, Bill No. 48, standing in the name of the Hon. Mr. Philipsen.

Hon. Mr. Philipsen: I move that Bill No. 48, *An Act to Amend the Court of Appeal Act* be now read a third time.

Mr. Speaker: It has been moved by the hon. Minister of Justice that Bill No. 48 be now read a third time.

Motion agreed to

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

Hon. Mr. Philipsen: I move that Bill No. 48 do now pass and the title be as on the Order Paper.

Mr. Speaker: It has been moved by the hon. Minister of Justice that Bill No. 48 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I declare that Bill No. 48 has passed this House.

Bill No. 49: Third reading

Mr. Clerk: Third reading, Bill No. 49, standing in the name of the hon. Mr. Philipson.

Hon. Mr. Philipson: I move that Bill No. 49 *An Act to Amend the Hospital Insurance Services Act* be now read a third time.

Mr. Speaker: It has been moved by the hon. Minister of Justice that Bill No. 49 be now read a third time.

Motion agreed to

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

Hon. Mr. Philipson: Yes, I move that Bill No. 49 do now pass and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the hon. Minister of Justice that Bill No. 49 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I will declare that Bill No. 49 has passed this House.

Bill No. 47: Third reading

Mr. Clerk: Third reading, Bill No. 47, *Miscellaneous Statute Law Amendment Act, 1984 (No. 2)*, standing in the name of the Hon. Mr. Philipson.

Hon. Mr. Philipson: I move that Bill No. 47 be now read a third time.

Mr. Speaker: It has been moved by the hon. Minister of Justice that Bill No. 47 be now read a third time.

Motion agreed to

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

Hon. Mr. Philipson: Yes, I move that Bill No. 47 be now passed and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the hon. Minister of Justice that Bill No. 47 do now pass and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I will declare that Bill No. 47 has passed this House.

Bill No. 35: Third reading

Mr. Clerk: Third reading, Bill No. 35, standing in the name of the Hon. Mr. Pearson.

Hon. Mr. Pearson: I move that Bill No. 35, *An Act to Amend the Legislative Assembly Act* be now read a third time.

Mr. Speaker: It has been moved by the hon. government leader that Bill No. 35 be now read a third time.

Motion agreed to

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

Hon. Mr. Pearson: Yes, I move that Bill No. 35 be now passed and that the title be as on the Order Paper.

Mr. Speaker: It has been moved by the hon. government leader that Bill No. 35 be now passed and that the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I will declare that Bill No. 35 has passed this House.

Bill No. 50: Third reading

Mr. Clerk: Third reading, Bill No. 50, standing in the name of the Hon. Mr. Pearson.

Hon. Mr. Pearson: I move that Bill No. 50, *An Act to Amend the Electoral District Boundaries Act* be now read a third time.

Mr. Speaker: It has been moved by the hon. government leader that Bill No. 50 be now read a third time.

Motion agreed to

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

Hon. Mr. Pearson: Yes, I move that Bill No. 50 do now pass and that the title be as on the Order Paper.

It has been moved by the hon. government leader that Bill No. 50 do now pass and the title be as on the Order Paper.

Motion agreed to

Mr. Speaker: I will declare that Bill No. 50 has passed this

House.

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

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

Motion agree to

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

he Commissioner of Yukon enters the Chamber, announced by the Sergeant-at-Arms.

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

Mr. Clerk: *An Act to Amend the Loan Agreement Act (1982) No. 1; Denture Technicians Act; Canada and the United Kingdom Reciprocal Recognition and Enforcement of Judgements Act; First Appropriation Act, 1985-1986; Fourth Appropriation Act, 1984-85; An Act to Amend the Electoral District Boundaries Act; Yukon Tartan Act; Occupational Health and Safety Act; An Act to Amend the Children's Act; An Act to Amend the Pioneer Utility Grant Act; An Act to Amend the Health Care Insurance Plan Act; An Act to Amend the Electrical Protection Act; An Act to Amend the Court of Appeal Act; An Act to Amend the Hospital Insurance Services Act; Miscellaneous Statute Law Amendment Act, 1984 (No. 2); An Act to Amend the Legislative Assembly Act.*

Mr. Commissioner: I hereby assent to the bills as enumerated by the Clerk.

Have a good Christmas.

Mr. Commissioner leaves the Chamber, escorted by the Sergeant-at-Arms

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

Hon. Mr. Lang: I move that we 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.

The House adjourned at 5:11 p.m.

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The following Sessional Papers were tabled November 29, 1984:

84-4-44
Motor Transport Board Annual Report 1983/84 (Lang)

84-4-45
Health Services Branch Annual Report April 1, 1983 - March 31, 1984 (Philipsen)

84-4-46
Deptment of Justice Annual Report 1983-1984 (Philipsen)

84-4-47
Workers' Compensation Board 11th Annual Report, 1983 (Philipsen)

84-4-48
Yukon Liquor Corporation Annual Report April 1, 1983 to March 31, 1984 (Philipsen)

84-4-49
Fifth Report of the Standing Committee on Rules, Elections and Privileges (Philipsen)

