



# The Yukon Legislative Assembly

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Number 9

2nd Session

26th Legislature

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## **HANSARD**

**Wednesday, October 16, 1985 — 1:30 p.m.**

Speaker: The Honourable Sam Johnston

# Yukon Legislative Assembly

SPEAKER — Honourable Sam Johnston, MLA, Campbell

DEPUTY SPEAKER — Art Webster, MLA, Klondike

## CABINET MINISTERS

NAME	CONSTITUENCY	PORTFOLIO
Hon. Tony Penikett	Whitehorse West	Government Leader. Minister responsible for: Executive Council Office; Finance; Economic Development, Mines and Small Business; Public Service Commission
Hon. Dave Porter	Watson Lake	Government House Leader. Minister responsible for: Tourism; Renewable Resources.
Hon. Roger Kimmerly	Whitehorse South Centre	Minister responsible for: Justice; Government Services.
Hon. Piers McDonald	Mayo	Minister responsible for: Education; Community and Transportation Services.
Hon. Margaret Joe	Whitehorse North Centre	Minister responsible for: Health and Human Resources; Women's Bureau.

## GOVERNMENT PRIVATE MEMBERS

### New Democratic Party

Sam Johnston	Campbell
Norma Kassl	Old Crow
Art Webster	Klondike

## OPPOSITION MEMBERS

### Progressive Conservative

Willard Phelps	Leader of the Official Opposition Hootalinqua
Bill Brewster	Kluane
Bea Firth	Whitehorse Riverdale South
Dan Lang	Whitehorse Porter Creek East
Doug Phillips	Whitehorse Riverdale North

### Liberal

Roger Coles	Liberal Leader Tatchun
James McLachlan	Faro

## LEGISLATIVE STAFF

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

**01 Whitehorse, Yukon**

**Wednesday, October 16, 1985 — 1:30 p.m.**

**Speaker:** I will now call the House to order.  
At this time we will proceed with Prayers.

*Prayers*

### DAILY ROUTINE

**Speaker:** We will proceed with the Order Paper.  
Introduction of Visitors?  
Are there any Returns or Documents for Tabling?  
Reports of Committees?  
Petitions?  
Introduction of Bills?

### INTRODUCTION OF BILLS

#### Bill No. 16: First Reading

**Hon. Mr. Kimmerly:** I move that Bill No. 16, entitled *An Act to Amend the Employment Standards Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the hon. Minister of Justice that Bill No. 16, entitled *An Act to Amend the Employment Standards Act*, be now introduced and read a first time.

*Motion agreed to*

#### Bill No. 54: First Reading

**Hon. Mr. McDonald:** I move that Bill No. 54, entitled *An Act to Amend the Apprentice Training Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the hon. Minister of Education that Bill No. 54, entitled *An Act to Amend the Apprentice Training Act*, be now introduced and read a first time.

*Motion agreed to*

#### Bill No. 56: First Reading

**Hon. Mr. Kimmerly:** I move that Bill No. 56, entitled *An Act to Amend the Noise Prevention Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the hon. Minister of Justice that Bill No. 56, entitled *An Act to Amend the Noise Prevention Act*, be now introduced and read a first time.

*Motion agreed to*

#### Bill No. 60: First Reading

**Hon. Mr. McDonald:** I move that Bill No. 60, entitled *Dangerous Goods Transportation Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the hon. Minister of Education that Bill No. 60, entitled *Dangerous Goods Transportation Act*, be now introduced and read a first time.

*Motion agreed to*

#### 02 Bill No. 62: First Reading

**Hon. Mr. Porter:** I move that Bill No. 62, entitled *Agricultural Products Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the Hon. Minister of Renewable Resources that Bill No. 62, entitled *Agricultural Products Act*, be now introduced and read a first time.

*Motion agreed to*

#### Bill No. 64: First Reading

**Hon. Mr. Penikett:** I move that Bill No. 64, entitled *An Act to Amend the Energy Conservation Assistance Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the Hon. Government Leader that Bill No. 64, entitled *An Act to Amend the Energy Conservation Assistance Act*, be now introduced and read a first time.

*Motion agreed to*

#### Bill No. 66: First Reading

**Hon. Mr. McDonald:** I move that Bill No. 66, entitled *An Act to Amend the Motor Vehicles Act*, be now introduced and read a first time.

**Speaker:** It has been moved by the Hon. Minister of Community and Transportation Services that Bill No. 66, entitled *An Act to Amend the Motor Vehicles Act*, be now introduced and read a first time.

*Motion agreed to*

#### Bill No. 68: First Reading

**Hon. Mr. Kimmerly:** I move that Bill No. 68, entitled *Canadian Charter of Rights and Freedoms Consequential Amendments Act, 1985*, be now introduced and read a first time.

**Speaker:** It has been moved by the Hon. Minister of Justice that Bill No. 68, entitled *Canadian Charter of Rights and Freedoms Consequential Amendments Act, 1985*, be now introduced and read a first time.

*Motion agreed to*

#### Bill No. 70: First Reading

**Hon. Mr. Kimmerly:** I move that Bill No. 70, entitled *Miscellaneous Statute Law Amendment Act, 1985*, be now introduced and read a first time.

**Speaker:** It has been moved by the Hon. Minister of Justice that Bill No. 70, entitled *Miscellaneous Statute Law Amendment Act, 1985*, be now introduced and read a first time.

*Motion agreed to*

#### Bill No. 72: First Reading

**Hon. Mr. Kimmerly:** I moved that Bill No. 72, entitled *An Act to Amend the Legal Profession Act*, be now introduced and read a first time.

**03 Speaker:** It has been moved by the hon. Minister of Justice that Bill No. 72, entitled *An Act to Amend the Legal Profession Act*, be now introduced and read a first time.

*Motion agreed to*

**Speaker:** Are there any Notices of Motion for Production of Papers?

Are there any Notices of Motion?

Are there any Statements by Ministers?

This, then, brings us to the Question Period. Are there any Questions?

### QUESTION PERIOD

#### Question re: Frenchman/Tatchun Lakes Road

**Mr. Phelps:** I have a question about the Frenchman/Tatchun Lakes road to the Minister of Renewable Resources. We have established that the Minister went ahead without consulting the Land Claims Secretariat or his Land Claims Negotiator and negotiated a deal that has cost the taxpayers of Yukon \$100,000 when the entire agreement was unnecessary because all those things were provided for very clearly in the Land Claims Agreement-in-Principle. I would like to ask the Minister whether, prior to entering into these negotiations, did he read the Agreement-in-Principle dealing with the Frenchman/Tatchun Lakes area?

**Hon. Mr. Porter:** What I would like to do is simply put the whole thing in perspective. The previous government negotiated an Agreement-in-Principle. Here it is. It talks about Carmacks Band land selections. Then we came to a situation where the previous government as well initiated construction of a road, but they did not finish it. The road came so far and stopped, because there was a conflict. Then we took over the government, I took over the ministry. People want the road built but do not want the park, and the proposed road right of way was going to go across someone's property. Re-routing the road takes us into lands that have been selected by the band and lands that are frozen as a result of Order-in-Council withdrawal by the Minister of Indian Affairs.

What is the status of this agreement? This agreement talks about

those lands, it talks about compensation, it talks about right of way reserves, but has no legal status. There is no legal status to these agreements, but the lands selected are frozen. They are legally frozen. So I had to look at a situation where, to meet the interests of the community, we had to build the road. The logical point would be to gain consent to use that portion of the lands selected that were frozen, get them out of the freeze, and that is what we did.

**Mr. Phelps:** The problem with that nice little scenario is, firstly, the person affected, the individual, was a beneficiary and a member of the Band. Secondly, the procedure for moving the right of way was very clearly set out in the agreement. Thirdly, it could have been done quite easily with the consent of the Band, which one would expect would be given in the spirit of the agreement. The federal government would have gone along with that. The withdrawal order would not affect it.

Exactly what did the government and the taxpayers of the Yukon Territory get for this \$100,000?

**Hon. Mr. Porter:** In response to that question, obviously what the taxpayers of the Yukon have received is a road that is going to be finally completed. We have spent hundreds of thousands of dollars on the road under the previous government. That road is going to be complete. We are also going to get, for the general public of the Yukon, relevant information with respect to the culture and the identity of the Carmacks-Little Salmon people.

**Mr. Phelps:** Would the Minister answer my first question: did he read the Agreement-in-Principle prior to negotiating this deal?

**Hon. Mr. Porter:** Of course I read it, as I have read just about every agreement that has been negotiated. In terms of the situation, obviously, the style of government is very different. The Leader of the Official Opposition would simply chomp on his old cigar, put the Cat in forward, and just run with it. We are trying to take the approach that where we make decisions, they are made in the best interests of all the parties concerned.

**Speaker:** New question.

**Mr. Phelps:** I cannot let that drop, because I just cannot, for the life of me, understand why squandering \$100,000 needlessly, ignoring the Land Claims Secretariat and his own negotiator, as well as the other parties at the table, is in some way spending money to the best advantage of Yukoners. I just cannot understand it. I wonder whether the Minister could tell us if he would spend his own money this way?

**Hon. Mr. Porter:** That question does not even deserve an answer.

**Mr. Phelps:** Did the Minister take this issue to Management Board prior to signing the contract?

**Hon. Mr. Porter:** No.

**Mr. Phelps:** Did this Minister take this issue to Cabinet prior to signing the contract?

**Hon. Mr. Porter:** No.

#### Question re: Government job evaluation study

**Mr. Coles:** I am sure the Government Leader realizes the long-awaited release of details of the study done on job evaluation is overdue. Will the Government Leader now release this study so its merits may be evaluated by everybody?

**Hon. Mr. Penikett:** As the ratification process goes forward, I cannot describe in detail the process to the Member, but the members of the bargaining unit who are affected by the Job Evaluation Study and the new classification system will be given the information. At the end of that process, which I believe ends with ratification, or otherwise, by the Union of what is accepted, yes, the pertinent information will become a public document.

I should emphasize, though, that I am not sure — since the JES deals with the classification of every single job in the Yukon and, therefore, the particulars about pay about every single position — that it would be wise to provide all that information to the public or to the House.

**Mr. Coles:** Is the Government Leader aware that not all job descriptions within the government were evaluated?

**Hon. Mr. Penikett:** I suspect that that is a dangerous question. I know the Cabinet Minister's jobs were not; I know the Deputy

Minister's were not. I am assuming that all the positions in the bargaining unit were, but there may be some contract and casual positions that may not have been. Obviously, the Member has some more information. I will be pleased to hear it.

**Mr. Coles:** Can the Minister advise the House as to whether or not the instructors at Yukon College are within the bargaining unit?

**Hon. Mr. Penikett:** Not only are they in the bargaining unit, but the head of the union happens to be an instructor at Yukon College. I am sure that if anyone would have made sure that those positions were looked at it would have been him.

#### Question re: Frenchman/Tatchun Lakes Road

**Mr. Lang:** I would like to put a question to the Minister of Renewable Resources, not in his capacity as the great pretender, but in his capacity as the great negotiator, the \$100,000-a-year man.

I would like to refer to a press release that was sent out from the government. The press release is interesting in what it does not say, not what it does say. Why did the Minister not state in the press release that the Yukon contractors of the territory, in this \$415,000 job, would not be allowed to bid on that contract unless the Indian Band and YTG agreed?

**Hon. Mr. Porter:** That is a totally untrue accusation.

**Mr. Lang:** Perhaps I could put the question this way then. In the agreement, which I will table here today, it states, specifically signed by the great negotiator, "Throughout the construction of the Tatchun/Frenchman Recreation Road, only Carmacks area contractors employing local residents will be hired. Any exception to this commitment must be agreed to by the Little Salmon Carmacks Indian Band and the Government of Yukon."

Why were the people of the territory not informed of this provision in the agreement in the press release that was issued on August 22, 1985? Were there any other contractors notified of this \$415,000 job and of the prospects of bidding for that work?

**Hon. Mr. Porter:** The process by which the contracts were let in that particular job were not a public tender process, in terms of competing bids, but rather third party equipment rentals, which ended up hiring people from Carmacks. That is the way it should be.

**Mr. Lang:** Is it the policy of the Minister to give a veto to the awarding of contracts or third party rentals to the local Indian Bands in the communities, specifically Carmacks?

**Hon. Mr. Porter:** The Band did not get a veto.

#### Question re: Land Claims

**Mr. Phillips:** I do not quite know who to address this question to, either the Government Leader or the Land Claims negotiator for the Tatchun area. I am a bit confused. I have always thought that part of the Land Claims agreement, which is now being negotiated between the federal and territorial government and the Indian Bands in the Yukon, was to compensate for land and provide for things such as developing cultural interpretation programs, et cetera. Has the Yukon government now taken over the process of settling Land Claims as isolated issues or are they doing it unilaterally? Are they doing this unilaterally now? Is this separate from the initial Land Claims agreement?

**Hon. Mr. Penikett:** No.

**Mr. Phillips:** We seem to have two Land Claim negotiations going on at the same time. Is this government negotiating this type of deal with any other Bands, currently?

**Hon. Mr. Penikett:** I do not know what deal the Member is referring to. We are at this point only negotiating for a Memorandum of Understanding for one process, one Land Claim.

**Mr. Phillips:** For the Member's information, I was talking about the \$100,000 deal in Carmacks. Will any agreement or subsequent allocation of funds for these types of unilateral Land Claim negotiations be subtracted from the final agreement? Will they be part of that final agreement or something separate altogether?

**Hon. Mr. Penikett:** If the Member is suggesting that this government should have no relationship with Indian Bands because somehow they are bound to have an impact on Land Claim negotiations, or anticipated Land Claim negotiations, or prejudice

Land Claims negotiations, that is not the position of this government. We take a different position than the previous government, where we are prepared to provide services to the Indian people of the Yukon territory. We are prepared to take initiatives that will provide economic development for communities in the territory, Indian and non-Indian. We are prepared to make practical arrangements wherever we can to achieve those ends.

**Question re: Frenchman/Tatchun Lakes Road**

**Mr. Phelps:** I have a question for the Government Leader. What is at issue here is what seems to be an obvious blunder on the part of the government whereby \$100,000 was needlessly squandered if the rationale behind it was as expressed in the press release of August 22nd. In the past, the government has taken steps to ensure that that kind of mixup did not occur and the way of doing that is to consult closely with the Land Claims negotiator of the day and the people in charge to make sure that you have some kind of central control and that funds are not needlessly wasted.

If the government has a policy, the intention of spending money for certain Indian groups, that is great. The real issue is to ensure that the negotiator or the Land Claims process is not needlessly obstructed by one Minister acting on his own. Will the Leader of the government give us his assurance that steps will be taken to ensure that in future the Land Claims secretariat will be consulted prior to such negotiations taking place on a unilateral basis?

**Hon. Mr. Penikett:** I am very pleased to accept any practical advice from the Leader of the Official Opposition, based on his many years of experience as Land Claims negotiator, and I am sure that he has a lot of useful things to tell this government about ways in which we should and should not operate. I must indicate though, that when he uses terms like "central control", while that may well have described his role in the previous government, that is not the role of the negotiator in this government. We will hope to co-ordinate and correlate our activities. If there are ways in which our negotiator could be better involved in things that he needs to be better involved in, I hope that he will have a meeting with the former negotiator very soon and talk about these things.

**Mr. Phelps:** As the Government Leader knows, I intend to meet with his negotiator very soon to discuss these things, and I take objection to this central, co-ordinated control. The main thing is this, and I ask once again: will he take steps to ensure that Ministers do not act on their own and thus jeopardize and, *de facto*, amend agreements that have been arrived at at the table?

**Hon. Mr. Penikett:** I am the Minister responsible for Land Claims negotiations, and that will be the situation that will continue for the foreseeable future. The Land Claims negotiator reports to me. If we have anything to learn about the way we conduct these negotiations, which I have not of course yet started, I am sure we can learn them when our negotiator meets the former negotiator.

**Question re: NCPC**

**Mr. McLachlan:** My question is for the Minister of Community Affairs. Can the Minister advise this House when he intends to meet with, or at least have his working group meet with, officials from NCPC to have further discussions on the devolution of the commission to the Yukon Territory?

**Hon. Mr. McDonald:** I do not think we have a meeting set up this week with officials from the various government departments who make up the working group. We do meet on a regular basis. As I have informed the House before, we have established a position and presented that position to Mr. Crombie. We do meet on an as-needs basis during the legislative session. We have had occasion to meet a number of times in the past three weeks but in my own day book I have not seen a meeting scheduled with this particular working group for any day this week.

**Mr. McLachlan:** Can the Minister further advise this House if any of the meetings he has referred to over the past three weeks have included representatives of the federal Department of Indian and Northern Affairs, or whether they have just been between the Yukon and NCPC?

**Hon. Mr. McDonald:** We have had discussions with a variety of groups, including representatives from NCPC and Yukon

Electrical. We have had discussions with federal officials at the officials level. We have not, as yet, had the opportunity to have a face-to-face meeting with Mr. Crombie, but he has indicated interest in having such a meeting, and we intend to take him up on his offer.

**Mr. McLachlan:** I asked the question out of sheer frustration in trying to deal with the resolution of power problems which Curragh Resources is having in trying to complete the sale of the Cyprus Anvil mine, and I would ask the Minister again to clearly specify when Mr. Crombie would be involved in any of those discussions, since this is very obviously at the root of the problem — one of the problems — that Curragh is having.

**Hon. Mr. Penikett:** Let me assure the Member for Faro that the NCPC transfer negotiations have no bearing, and I repeat, no bearing whatsoever, on the reopening of the mine at Faro.

They are not the property of the working group. They are not even on the agenda of the working group. It is our assumption, a very elementary assumption for us, that the decision about the fate of the mine will be made before we get into really detailed negotiations with the federal government about the transfer of NCPC.

We had communicated to the federal Minister a desire to meet with Mr. Crombie and talk about the NCPC transfer at an earlier date. November 4th, I think, was the suggestion that came back from the federal Minister. Unfortunately what the federal Minister has proposed is a mass rally in his office involving everybody in the world who might be interested in the subject, which does not sound, to us, like a very good negotiating forum. We are going to seek some other meeting at the same time where we can actually talk to him in particular about the NCPC negotiations.

Curragh's power rate problem and the energy problem, which everybody has known that any company operating the line to Faro would have, is something that is being dealt with as an entirely separate question from the potential transfer of NCPC.

**Question re: Tatchun/Frenchman Lakes Road**

**Mrs. Firth:** I would like to follow up a little on the Tatchun/Frenchman Lake issue.

The Minister has said that he did not take the request to Management Board, and he did not take it to Cabinet; therefore, I am to assume that he made the decision on his own. Can the Minister tell us how the problem came to his attention in the first place? Can he tell us who approached whom? Did the government approach the Band or did the Band come to the government with the problem?

**Hon. Mr. Porter:** The problem came to my attention because the previous government did not solve the issue.

**Mrs. Firth:** He did not say who brought the problem to him or whether he went out and sought the problem. However, he also commented that he had read the Land Claims agreement, and I would like to know if he read the Land Claims agreement before or after he signed the agreement with the Carmacks Band for the \$100,000?

**Hon. Mr. Porter:** I read the entirety of the AIP prior to becoming involved in the negotiations with respect to the Frenchman/Tatchun Road issue.

**Mrs. Firth:** I am to understand from that then that he read it before he signed the agreement. If that is not correct, I would like the Minister to correct it later.

As the Government Leader has said, they want to make fair initiatives for the Indian Bands, and I would like to know if this is going to be a policy of the Minister of Renewable Resources, and will it apply to other Bands and to other communities?

**Hon. Mr. Porter:** In government you respond to the issues as they arise. That, clearly, was what has been done in this instance. Being given the opportunity to govern does not, in my mind, give one the opportunity to simply run roughshod over people's interests. That is the central theme here. All the interests of the people of Carmacks, of the people of the Band, the interests of the government, had to be taken into consideration in a fashion that was making winners out of distance as opposed to the single-minded approach of "We are the government, and we are going to do it our

way, and that is the only way''. That kind of attitude is totally ...

#### Point of Order

**Mrs. Firth:** On a point of order.

**Speaker:** Point of order, the Member for Whitehorse Riverdale South.

**Mrs. Firth:** The Minister is not answering my questions. I ask very simple questions and he is giving a big, long speech about fairness and so on. All I want to know is, is it, in a fair sense, going to apply to other Indian Bands?

#### Question re: Frenchman/Tatchun Lakes Road

**Mr. Lang:** I would like to direct a question to the great negotiator, the Minister of Renewable Resources, the one who makes everyone a winner with someone else's \$100,000. Did they do an appraisal or an assessment of the value of the land that was used for relocating the road?

**Hon. Mr. Porter:** Did they do a detailed soil analysis? As to whether they did a market value assessment, to my knowledge, I do not know if that was done. I do not think that was done.

**Mr. Lang:** I take it from the Minister of Renewable Resources that we paid \$100,000 for land that could well be worth \$300. However, with your negotiating skills, I gather the Minister of Renewable Resources would see that as a good deal.

Do we have a legal caveat now to that land, in view of the payment of \$100,000? Does that land belong to the people of the territory, the Government of the Yukon, for the purpose of a transportation corridor now?

**Hon. Mr. Porter:** My understanding is that the Band has relinquished that road right of way to the Government of the Yukon.

**Mr. Lang:** If I ask the Minister of Renewable Resources a direct question, I would like a direct answer. Do we have legal title to that property that the people of the territory paid \$100,000 for?

**Hon. Mr. Porter:** If you are asking for a legal opinion, I cannot give you one. I am not a lawyer. In terms of whether or not that land has been given up to the Government of the Yukon, that clearly has been achieved.

#### Question re: Ottawa office

**Mr. McLachlan:** My question is for the Minister responsible for Government Services. Will the Minister provide the House with the square footage that we are renting in the Ottawa headquarters of this government?

**Hon. Mr. Kimmerly:** Yes, though it is now expressed in square meters. That should suffice.

**Mr. McLachlan:** Can the Government Leader provide the House with the other significant cost items in the half million dollars that we pay for that office space in Ottawa, besides the salaries and overhead and the O&M, which he has already provided the House with?

**Hon. Mr. Penikett:** Not off the top of my head, in the middle of Question Period, without notice. That is very difficult to do. If I can take the question as notice, I will come back to the Member and answer the questions which I would have been equipped to do during the Estimates debate, but which I am not equipped to do now.

**Mr. McLachlan:** The Government Leader has indicated on two different occasions that Mr. Murphy often used these office quarters to sit in on meetings at which officials of this government have not been able to attend. Can the Government Leader advise the House if Mr. Murphy has sat in on those discussions related to the Cyprus Anvil problems that officials of the government could not attend?

**Hon. Mr. Penikett:** I am going to have to be careful here, because I am not sure that I can speak with certainty. There is no meeting of consequence on the Faro mine issue at which Mr. Moe Lindsey or Mr. Fingland, or some other senior official of the government residing in Whitehorse, did not attend. There may have been some meetings in Ottawa which Mr. Murphy attended in company with those other gentlemen, but I can think of no meeting that I know of where Mr. Murphy represented the government by himself. There have been, no doubt, occasions where we have

needed information or a brief meeting or a brief contact with someone somewhere in the Public Service in Ottawa and required Mr. Murphy's services to either go and obtain some information or to bring some information from those people. There has been no significant meeting where he represented the government alone on this issue.

#### Question re: Frenchman/Tatchun Lakes Road

**Mr. Phelps:** Again, I have a question for the Minister of Renewable Resources. I take some umbrage at the cavalier way in which he tries to drag a red herring across the whole narrow issue before us. The fact of whether or not there was to be a park is outside Land Claims and I have no quarrel with that if this government does not want a park, and if the people do not want a park, that is fine. That is not the issue in this House.

What is at issue is that after lots of consultations and thorough negotiations, the Agreement-in-Principle was signed by all three parties with the full concurrence of the Band. That Agreement-in-Principle dealt explicitly with this problem that was before us. There was no need to negotiate and give away \$100,000 to solve the problem of the right-of-way. That is the issue, and I want to ask the Minister once again: what kind, in legalese, of a document or deed did we get that was not provided for in the Agreement-in-Principle, because it cost us \$100,000?

**Hon. Mr. Porter:** Continuing with the debate on this question, the question in terms of legalese is one which should not be addressed. This Agreement-in-Principle is not a legal document. The Member should very well know that. He is a lawyer and he is one of the negotiators. There is no legal force in effect to this Agreement, but the land freeze, which the settlement lands were involved with, is in fact a legal encumbrance on the land. That is the issue we have to deal with, not the Agreement-in-Principle.

**Mr. Phelps:** I humbly beg to differ with that interpretation of what the position is. Very clearly, there is an Agreement-in-Principle. The parties live up to the spirit and intent of the Agreement-in-Principle. If the parties moved in accordance with the terms of the Agreement-in-Principle, there would have been no problem whatsoever with the land withdrawal. I submit, and I ask the Minister: did he then get a change in the Order-in-Council, *vis-a-vis* the land withdrawal from the federal government as a result of this negotiation?

**Hon. Mr. Porter:** That is the question that we should be addressing at this point. What has happened is that the Band has given us the release of those lands, then we have to make an application to the federal government with respect to the transfer. As to where that transfer is in terms of transfer title, I do not know about. Obviously, that is what has to happen. The federal government has to transfer the ownership to us.

**Mr. Phelps:** That is just incorrect. The issue is that if the parties are going to live up to the Agreement-in-Principle, the federal government will go along. It is clearly set up in the Agreement-in-Principle about how you avoid this conflict with the beneficiaries land and the road right of way. Did the Minister get an opinion from the federal government with respect to the legal situation he was placed under by the withdrawal order prior to spending this \$100,000 of the Yukon taxpayer's money?

**Hon. Mr. Porter:** I believe it is improper to ask the opinion, legal or otherwise, of a Minister during Question Period. In terms of the issue, the Member is making a statement as if this had legal force and effect, and I think we agree that the Agreement-in-Principle does not have legal status.

**Speaker:** New question.

**Mr. Phelps:** Precisely. The Minister makes a good point and that is why it is unnecessary to pay any money to the Carmacks Indian Band, because that agreement is not in effect and they had no ownership at all. Is that not correct? Would the Minister please advise us as to whether it was the Carmacks Indian Band that froze the lands in the Yukon or the federal government?

**Hon. Mr. Porter:** The federal government.

**Mr. Phelps:** Would the Minister kindly inform this House exactly what he obtained by wasting \$100,000?

**Hon. Mr. Porter:** We obtained the road right of way through the lands that were selected and we obtained, through the contract, cultural material relevant to the Selkirk/Little Salmon Band, which would be available to all people in the Yukon.

**Question re: Frenchman/Tatchun Lakes Road**

**Mr. Lang:** I would like to get on to how he derived the value of \$100,000. If you did not assess the value of the property you were purchasing, how did you arrive at a figure of \$100,000? Was it your thought that maybe the public treasury stand \$100,000?

**Hon. Mr. Porter:** It was a result of the negotiations.

**Mr. Lang:** Is it the policy of the government that when purchasing land they no longer assess or appraise the value of the land prior to purchasing it, or is it just up to the Minister of Renewable Resources to use his great negotiating skills to make a deal?

**Hon. Mr. Porter:** We were not purchasing land.

**Mr. Lang:** Can the Member opposite tell me what he was purchasing?

**Hon. Mr. Porter:** What we are doing is gaining right of way through lands that were frozen by federal Order-in-Council, and we gained the right of way from the Carmacks/Little Salmon Band.

**Speaker:** New question

**Mr. Lang:** Could the Minister clearly and succinctly, with his great negotiating skill, inform this House when the federal government gave them the right of way?

**Hon. Mr. Porter:** I have already answered that question as to whether or not a formal transfer has taken place between the federal government and the Yukon government. I can inform the Member as soon as that information arrives.

**Mr. Lang:** It states in the contract that he signed, "Any exceptions to this commitment must be agreed to by the Little Salmon-Carmacks Indian Band and the Government of Yukon for the purposes of contractors doing work on the project."

If I was a contractor from Mayo, in view of this contract, would it be my responsibility to ask the Indian Band if I was acceptable to do work on that particular road?

**Hon. Mr. Porter:** No. The logical approach would be to talk to the Department of Renewable Resources.

**Mr. Lang:** Is it the process that the Minister of Renewable Resources, the \$100,000 a year man, the great negotiator, would go to the Indian Band? Is that the process that would be followed?

It is a very important concept, because I think all contractors in the territory want to know what procedures now have to be followed, in view of the major change in policy demonstrated by the Minister of Renewable Resources.

**Hon. Mr. Porter:** In terms of this particular situation, the process would have been: on third party rentals, we would look at the Carmacks area, and look at the third party rental contractors that are available. Once we have used up all the available equipment and the people, then we look outside the community. That is how the process works. In that case, anyone else who had equipment to rent would have been looked at.

**Speaker:** New and final question for the Member for Porter Creek East.

**Question re: Frenchman/Tatchun Lakes Road**

**Mr. Lang:** Would the Minister be prepared to table all the third party rentals in this House, and also the similar types of equipment across the territory that are in the third party equipment resume for perusal by all Members and the general public?

**Hon. Mr. Porter:** In terms of whether or not I, as the Minister of Renewable Resources, would be prepared to table all the third party rentals, I could not give that undertaking. My understanding is that that properly sits within the mandate of the Minister of Government Services.

**Mr. Lang:** To clear the record, I would like to help the Minister. It actually falls under the Minister of Highways and Transportation. I am sure, given time, he will probably be made aware of that.

I would ask the Minister of Highways and Transportation: would he be prepared to table those schedules and similar costs for the same types of equipment that were used on the Frenchman/Tatchun Lake project?

**Hon. Mr. McDonald:** Yes. I have no problem doing that. We have created a lot of work for the Department of Community and Transportation Services over the past couple of days. I am sure that they would not mind another few hours of work to deliver the information to the Member.

**Mr. Lang:** The Minister of Renewable Resources was referring to an Agreement-in-Principle at the start of the Question Period. Would he be prepared to table that document for everyone to peruse?

**Hon. Mr. Porter:** No. I would bring the matter up before the Minister responsible for Land Claims though.

**Speaker:** The time for Question Period has now elapsed. We will now proceed with Orders of the Day.

**ORDERS OF THE DAY**

**Speaker:** Motions other than Government Motions?

**MOTIONS OTHER THAN GOVERNMENT MOTIONS**

**Clerk:** Item No. 1, adjourned debate, Mr. Lang.

**Mr. Lang:** Next sitting day.

**Speaker:** So ordered.

**Clerk:** Item No. 2, standing in the name of Mr. Phelps.

**Speaker:** Is the hon. Member ready to proceed?

**Mr. Phelps:** Next sitting day.

**Speaker:** So ordered.

**Clerk:** Item No. 3, standing in the name of Mr. Phelps.

**Speaker:** Is the hon. Member ready to proceed?

**Mr. Phelps:** Next sitting day.

**Speaker:** So ordered.

**Motion No. 11**

**Clerk:** Item No. 4, standing in the name of Mr. Phelps.

**Speaker:** Is the hon. Member ready to proceed?

**Mr. Phelps:** Yes, Mr. Speaker.

**Speaker:** It has been moved by the hon. Leader of the Official Opposition THAT it is the opinion of this House that the Minister of Justice, in keeping with the unanimous motion regarding the Yukon Native Courtworkers passed by this Legislative Assembly on July 17, 1985, should request that the Government of Canada appoint an arbitrator to resolve the issues raised by the Yukon Native Courtworker Services Society in its "Notice to Appoint Arbitrator" of July 18, 1985, and any other arbitral issue; and

THAT it is the opinion of this House that the Government of Yukon should indicate to the Government of Canada that it is willing to pay the expenses of such arbitration.

**Mr. Phelps:** As all Members know, the following motion was passed unanimously by this House on July 17, 1985, that it is the opinion of this House that the Justice Minister abide by the terms and conditions of the agreement between this government and the Yukon Native Courtworkers Society and, if necessary, to invoke arbitration under Clause 25.

Section 25 of the agreement reads, "Arbitration: the parties agree that in the event of an irreconcilable dispute or difference arising between them as to the construction of this agreement, or the rights, duties or obligations of either party hereunder, such dispute or matter shall be referred to a single arbitrator appointed by Canada."

It has been contended by many, myself included, and the Society, that the Minister did breach the agreement this summer when it was in full force and effect. I will refer to two very plain and obvious breaches. Section 12, the Minister met with the Director of the Courtworker Society and demanded that Jeff Choy-Hee, the Manager of the Society, be terminated. That is a clear breach on the

face of Section 12, dealing with employer duties.

He also criticized the operations of the Society to the Directors and in the press. That is clearly a breach of Section 18 of the contract which provides for all criticisms to be in writing.

"On the face of it, then, there is no question that there is a *prima facie* case for a breach.

In July, the Society sent a notice to the federal Minister of Justice asking for arbitration. That notice to appoint arbitrators was sent July 18, 1985 and, without reading that document in full, I will read the pertinent parts:

"Dominion of Canada, Yukon Territory, to wit: In the matter of an Agreement dated July 20, 1979 between the Commissioner of the Yukon Territory of the first part and the Yukon Native Courtworkers Services Society of the second part, Notice to Appoint Arbitrator, to: The Government of Canada/The Attorney General of Canada:

"Take notice that the Yukon Native Courtworkers Services Society herewith requests, pursuant to paragraph 25 of said Agreement, that an arbitrator be forthwith appointed to arbitrate certain outstanding differences which have arisen between the parties to the above-mentioned Agreement, which outstanding differences are particularized below."

Below, there are four outstanding differences at that time and the first one is the one I just mentioned about failing to inform the Society in writing of any criticism about the workings of the Society.

I will just pause for a minute and check the number of the clause. In any event, if that is in dispute we can certainly pinpoint the exact number, whether it is 16 or 18.

The notice was received by the Minister of Justice. The Minister of Justice declined to appoint an arbitrator and, in a letter to myself, as well as a letter, with the same wording, to the Society, he states that part of the reasons were:

"Further, my department has been officially advised that the Yukon Government is not interested in the request by the Society to have Canada appoint an arbitrator. It would be inappropriate for the Government of Canada to impose an arbitration arrangement on the Yukon Government, which clearly rejects such a measure."

The issue is somewhat unclear because that statement made by the Minister of Justice, the hon. John Crosbie, seems somewhat at variance with the position that we are told the government officials took. Without going through all the questions and answers that have surrounded this controversial issue, it would seem that the Government of Yukon, in its own mind at least, takes the position that they are willing to arbitrate if it is necessary but that it is not necessary because there is no issue. Why, because apparently they pre-judged the issue.

I just received today — in fact, while I was getting here — the contents of the actual telex to Roger Tasse, which conveyed, as I take it, the Government of Yukon's position as to whether or not the Yukon Government agrees with the request from the Yukon Native Courtworkers to have an arbitrator appointed under clause 25. I will read it:

The telex is dated 30 August, 1985, at 10:55 a.m. to Roger Tasse, and states, "In response to your telex of August 29, 1985, the Yukon government does not agree with the request from the Yukon Native Courtworkers Services Society to Canada to appoint an arbitrator. Patricia A. Harvey, Acting Deputy Minister, Department of Justice"

Now, that certainly does not convey reasons, it does not convey willingness, it does not convey all these niceties. It seems to me to be a pretty bold, blunt rejection, on the face of it, of the queries from the federal Minister of Justice. One can readily understand why he phrased his letter, which was tabled in this House by myself during Question Period, the way he did. If that is the information he was acting on. It is pretty blatant.

The problem that we have is this: the Minister of Justice, as is his wont, stands up and prejudges an issue as though it is a fact. He intercedes in the middle of a dispute with his opinion, as though he were God or somebody, and completely usurps the function of an arbitrator to an agreement that is signed by two parties, not signed on both sides by the same party. That is why you have an

agreement, so that two people can understand where they are, what their rights and obligations are, and if there is a disagreement, one person does not just disagree with himself.

I say that that is improper. I say that if one of the parties back in July wanted an arbitrator, that it is only fair, fitting and proper that this government live up to its responsibility and not only go along with the arbitrator and clear the air, but also be willing to foot the bill. It is an important issue. The issue really goes far beyond simply the operation of courtworkers in the territory. The issue is one of how this government is going to treat the little guy in the Yukon, and is going to treat the Directors of a Society who give up their own time to perform duties to the benefit of misfortunate people in Yukon. The whole issue transcends the legal niceties, or even the very questionable legal opinion of the Minister of Justice. He has been wrong before, let me tell you. He will be wrong again. It is not his position to judge. That is why there is an arbitration clause in the contract.

The Leader of the Liberal Party took up on that in Question Period when this was a hot issue last week, and I agree with him. It is not for the Minister of Justice to make that judgment. It is not the first time, however, that the Minister has been inconsistent, at least. It certainly is not clear in this that the position of the Government of Yukon is that there is no viable issue. Even if it were clear in this, that is not good enough.

The Minister has been inconsistent throughout this sordid affair. For example, he said in July in a letter to the Editor of the Whitehorse Star, and I will just find it here so I can quote:

"Your suggestion that there should be further study and more time devoted to assessing the problems in the current society's ability to improve the situation is naive" — the arrogance — "The problems with the operations are clear and have continued without remedy for some time. I would point out that those who would be most impacted by my decision support it. The Native community and those involved in the justice system have expressed support for my action."

There are three things that come to light here. First of all, the critic for the New Democratic Party, when they were in opposition, never once mentioned any criticism about the society except that the budget was insufficient to allow him to serve outside communities. It is inconsistent with the position taken by his party, reading right through *Hansard*, for the last five or six years.

Secondly, if there is no need for a study, why did the Minister appoint a committee to study the whole situation, as reported on September 25? If there is no need for a study, why the committee?

Thirdly, for him to point out that the Native people are in support, I think is completely misleading. We have the Band Council resolution, that supports the Yukon Native Courtworkers Society, from Carcross. We have the situation where the Minister tried to get a motion in support in the CYI General Assembly but failed, and he was not allowed to speak to them. We have the situation where a good many clients fully support the Yukon Courtworkers Society program and the fact, which has not been contradicted, that there have been no complaints from the clients themselves about the activities of that society over the past six or seven years. There were also no complaints from the NDP in *Hansard*.

The basis for this motion is to take this irritating situation and clear the air once and for all. Surely we can have an arbitrator appointed to look into the facts, give his report and put this whole sordid thing behind us. They say they are not dictatorial. They say they consult. Surely we are not going to have a Justice Minister who acts in a purely dictatorial, arrogant fashion and then feels that he can stonewall the society, stonewall the other parties and stonewall the people of the Yukon in order to bury this thing under the rug and not face the full cleansing solution, which is to place the matter squarely before an independent person and accept whatever facts that person brings forward.

Mr. Coles: I have only a few short comments on the motion. I concur with the Leader of the Official Opposition that this could be a long-lasting issue, and already has been up to this point. I have had correspondence with the chiefs of both Band Councils in our



riding, Tatchun, and neither one has given wholehearted support to the Minister of Justice on the acts that he has taken so far, along with many of the CYI vice-chairmen and employees whom I have spoken with there. I am willing to support this motion so that the government will bring in an arbitrator and get the problem solved once and for all.

*Applause*

**17 Hon. Mr. Kimmerly:** The Leader of the Official Opposition constantly spoke about the appearance of things, or the way things seemed and the perception of things. He then, in the next breath, talks about independent legal processes. He should be talking about facts, not what things seem, but what things are — what actually occurred.

I am going to go through the points raised by the previous two speakers; I will then make some comments about what has occurred since the motion in July and inform the House and the public as to the current situation about courtworkers. I will then explain what the position of the government is and explain why we take that position.

Firstly, the Leader of the Official Opposition talks about two, he calls them *prima facie*, reasons why there should be an arbitration. The first one is under Section 12 of the agreement about staffing or terminating employees; the second one he quoted was Section 18 — I believe he was in error and meant Section 16, which is the section about notice to the Society in writing.

First of all, about Section 12, it is not accurate. It is not the fact that I demanded the firing or the resignation of the Executive Director. That is not an accurate fact. I had no intention of interfering with the Society's legal rights under Section 12, and I still do not.

What happened is: the government formed an intention to have a newly organized system, or a program delivery that was substantially different from the old program. It formed the intention to terminate the agreement. I then, as a matter of courtesy, asked for a meeting with the board and I informed them of that, verbally — as a matter of courtesy, so that they did not receive it coldly in a letter or read it in the paper. It was not a comfortable meeting, but I did it primarily because I believed then, and I still believe, that there were members on that board who are good citizens, who have much to contribute to courtworkers and to justice generally; and I hope, and actually I am confident, that some of those individuals will be involved in the delivery of these programs in the future. Indeed, I hope they are, however, under a different organization.

**18** The Society asked me if there was any hope, if I would change my mind, or if the government's position would change. We had a subsequent meeting, which has been improperly characterized in the letter tabled in Question Period. I made it very clear that, in the new program, which was not yet clearly established, certain requirements would have to be fulfilled. One of the requirements was that the staff of the program enjoy the support of the Native community. That was one. There were others which have been mentioned. That is the fact of that matter.

Incidentally, before I leave that point, that item is not in the notice delivered to Mr. Crosbie. That comes from the Member opposite. That does not come from the Society because it is not in the notice. The Society obviously know the facts better than the Member opposite.

Secondly, about Section 16, about the government informing the Society in writing: the Member opposite has given us various quotes, but he did not quote this section, and I will tell you why. The section, in its entirety, reads as follows:

"The Commissioner shall inform the Society in writing of any matter including criticism of the delivery of the program which he deems appropriate". That is, which the Commissioner deems appropriate.

That is a section giving a power, or a right, under the contract to the Commissioner, or the Executive Council Member representing the government as it is now called, and does not impose an obligation on that Minister. It provides a vehicle for criticism if the Minister deems it appropriate.

What happened is I did not deem it appropriate to carry on

correspondence about criticisms.

**19** The government instead decided to have a new program for the reasons I outlined in July. They are because of the inefficiency and the lack of proper delivery of the old program and also, I would say, primarily because we deemed it appropriate as a government to have a program that is locally based, which is based in the communities, and has either control or a measure of control by those local communities and by the Native people themselves. It is in achieving that policy objective that we are proceeding on the course of action, and that is now well underway.

The Member opposite talked about the notice to appoint an arbitrator, which was received by the Minister of Justice. That was slightly confusing; he meant the federal Minister of Justice. It is ironic, it is almost absurd, that the Society, if they want an arbitration, has not communicated with the Government of Yukon about that. We are willing to have an arbitration under the terms of the Agreement, pursuant to section 25. That is called for in the Agreement, and it is called for in the past motion, but the Society have not taken the appropriate steps to get it.

The Member opposite appears to, as an advocate, have taken on the position of the Society and he appears to be speaking for them, but he obviously is not because, first of all, he is in the wrong forum and, secondly, he is asking for things that the Society is not asking for. If the Society is asking for them, they are not asking for them properly, in the correct way.

The Member opposite spoke about the apparent variance, or he used the phrase, and I quote, "seems at variance", between the letters addressed to him by Mr. Crosbie and by myself. It is interesting that he does not quote the letter I sent to him, which explains the position of the government very succinctly. I will table it. I have a copy here and I will table it. It can easily be made public. It states that the position of the government is: "We are willing to have an arbitration." However, at the time of the letter, we were not aware of an issue requested by the Society, which comes within the meaning of section 25. I will speak about that later, again, because the Members opposite are confusing a political objective with a legal remedy here. I will explain that later on.

**20** Going on about the telex, the telex was a very brief communication at the conclusion of verbal communications conducted over the phone. It was very clear. The civil servant who the Member opposite has quoted specifically told me that it was the position of the federal government that they did not want to get involved. They explained why they did not want to get involved. I certainly agree that the involvement of the federal government, as it is asked for in the Notice here, would be inappropriate. The federal government had, appropriately, correctly and sensibly, declined to become involved. That speaks for itself.

A comment was made about me prejudging the situation, or relying on my own legal opinion. I have been very careful, as the Minister involved here, not to rely on my own legal opinion. I have sought the opinion of others, and I am able to say that I know of no opinion that is contrary to the position that I expressed in July in the House, and that I am expressing now in the House. It is not my opinion. I have no intention to prejudge anybody, but simply to rely on the facts, not the seeming facts or the contortions of the facts, or the alleged facts, put forward by the Leader of the Official Opposition.

About the support of the Native people. It is absolutely clear that there is substantial confusion about what the program should be in the future. It is absolutely clear that the Native people have not expressed support for any program I am proposing, and have not expressed support, and in some cases have specifically denied support, of the old Society. Those are the facts. What has occurred is that I appeared before the Council of Chiefs to explain what is going on. They requested, through a motion, which was passed by the Council of Chiefs, that there be a community consultation and a report of that done by a Native person without, so to speak, strings attached by the government, and that the report be received by the Chiefs and by the Yukon government.

**21** I am very happy to say that we were able, at very minimal expense, to comply exactly with that recommendation. That report is due at the first of the new year, or by Christmas time. It is

because of that, that the Band Councils and chiefs are not expressing support for anything at the moment. They are waiting for that information, and so is the government. When it comes, I am assuming, and from my interest, it will become public and we can discuss the desires of the specific Native communities at that time.

The Leader of the Official Opposition said that I wanted to speak to the CYI General Assembly and that I tried to get a motion through. That is inaccurate. I received information that they wanted to speak to me about policing and I went over and spoke with four of the chiefs about policing. On that day, I received information that they wished to speak about Native courtworkers and I said that I would be happy to, and it turned out that information was wrong and that they were not interested in speaking about courtworkers. As I understand it, the motion, which I have never seen, was proposed at a meeting to support some program — I am not aware of exactly what — and the chiefs essentially said that they will wait until the report is in and discuss it then. That motion was withdrawn. All of that is heresay, but that is the sum total of my information on that. If that information is accurate, that is entirely appropriate, and that is what I would expect. The matter of the kind of control that Native people will have is up in the air at the moment and it will not be decided until after the receipt of the report that was requested by the Indian people themselves, not by me.

The question of what should properly come within Section 25, that is, the arbitration section, is very important. It is the position of the government that we should not prejudge that; however it is our position that the delivery of the program and the decision as to how that program is to be delivered in the future is not a proper subject of arbitration.

<sup>22</sup> That is the proper subject of a policy formulated by this government and approved within the Budget by this House. An arbitrator has no business looking at that. That is a political question.

As to the rights and obligations of either of the parties, under the agreement, let us have an arbitration. I wish there were an arbitration, and we could clear up these seeming contradictions about those issues. The federal government clearly does not want to be involved and, indeed, should not be involved. It would be a very clear step backward in our constitutional development if we asked the federal government to appoint an arbitrator to talk about or decide the political question about how the service is to be delivered.

The agreement calls for a termination without cause on 60 days notice in writing given by either party. That is in Clause 28 of the agreement. It is our position that it is open to the Society, and to the government, to simply terminate that agreement. That is clear. That does not only seem to be the case, that is the case. That is the clear wording of the agreement. The decision to terminate, under Section 28, is not arbitrable. It is not the subject of a proper arbitration under Section 25. The rights of the parties under the agreement, when it is in force, is the proper subject for arbitration.

The previous motion in July spoke about that. That is why we were able to vote for it. This motion, on the face of the motion, prejudices the issue. It implies, in the wording, that the particulars in the notice are arbitrable issues. First of all, we do not agree with all of those. Secondly, the reasons gone through in the Leader of the Official Opposition's speech as breaches, or potential breaches, are not in the notice. How can we deal with a notice where the federal government has already said they will not appoint an arbitrator? Our position is, and always has been, that we will have an arbitration if it is a proper arbitration. We cannot support the contorted and prejudicial wording of Motion No. 11.

<sup>23</sup> **Speaker:** It is my duty to advise the Assembly that the hon. Member is about to exercise his right to close debate, and afterwards all Members will be precluded from speaking to this question; therefore, any Member wishing to speak should do so now.

**Mr. Phelps:** I will be very brief in my remarks. I guess the hon. Minister must be an avid fan of Richard Nixon and the stonewall technique. I have to disagree with each and every

statement he has made, particularly as to his opinion about the law. It is not surprising, because we have only had one discussion where I offered some advice to the Minister since he assumed office. In that case we had a disagreement. He is batting a thousand — he was wrong then. That was proven in court.

In his remarks, he falls right into the trap. He gives us his interpretation of Section 16, which is clearly wrong. "The Commissioner shall inform the Society in writing of any matter including criticism of the delivery of the program which he deems appropriate".

That speaks to any matter, including criticism, which he deems appropriate, shall be in writing. It is very easily understood. We can disagree about that issue, and the Minister of Justice can give his opinion, and he can stonewall, maybe. Then Section 25 comes into play on that very issue. "The parties agree that in the event of an irreconcilable dispute or difference arising between them as to the construction of this agreement ... ." and that, itself, is arbitrable. You have already created the issue which is also contained in Item 1 of the notice of the Society that went to the Minister.

Most of what has been said by the hon. Minister really is not worth getting into. He speaks of his meeting with the Directors, he states a bald fact, but there is obvious confusion in the air. Certainly, his opinion of the message he delivered differs greatly with the opinion that was left with the Directors because we have, and I tabled, the letter to the hon. Minister dated June 28 and signed by one of the Directors. That is on the record. Obviously there is a lot of confusion surrounding the possible breach of Section 12, demanding that the Society, as a condition of carrying on, fire the Executive Director.

I am rather saddened that the Minister seems unwilling. He is either stonewalling or stubborn to the point of being mulish. I would seek all Members' support behind this motion.

<sup>24</sup>

**Speaker:** Are you prepared for the question?

Division has been called.

I would ask the Clerk to poll the House.

**Hon. Mr. Penikett:** Disagree.

**Hon. Mr. McDonald:** Disagree.

**Hon. Mr. Porter :** Disagree.

**Hon. Mrs. Joe:** Disagree.

**Hon. Mr. Kimmerly:** Disagree.

**Mr. Webster:** Disagree.

**Ms Kassi:** Disagree.

**Mr. Phelps:** Agree.

**Mr. Brewster:** Agree.

**Mr. Lang:** Agree.

**Mr. Phillips:** Agree.

**Mrs. Firth:** Agree.

**Mr. Coles:** Agree.

**Mr. McLachlan:** Disagree.

**Clerk:** Mr. Speaker, the results are six yea and eight nay.

*Motion No. 11 defeated*

#### **Motion No. 12**

**Clerk:** Item number five, standing in the name of Mr. Phillips.

**Speaker:** Is the hon. Member prepared to deal with item number five?

**Mr. Phillips:** Yes.

**Speaker:** It has been moved by the Member for Whitehorse Riverdale North THAT it is the opinion of this House that the Minister of Justice should establish an independent inquiry into the Yukon judicial system pursuant to paragraph 3(1)(b) of the *Public Inquiries Act* in order to identify problems inherent in the current judicial system and make recommendations as to how the system might be improved; and

THAT the Board of Inquiry be comprised of an appropriate cross-section of professional and lay persons and have as its chairman a member of the judiciary appointed from outside the territory.

**Mr. Phillips:** I have proposed this motion because there is a

serious erosion of public confidence in the Yukon judicial system. Without public confidence and public backing, the entire system is in danger of breaking down. Accordingly, I feel it is our duty as legislators to face the issue of public confidence squarely and do something positive to restore that lost faith. I strongly believe that an independent inquiry, which is mandated to look at all aspects of the judicial system, is a positive proposal that will receive the support of all Members of this House with a possible exception of the Minister of Justice who appears to have his own personal axe to grind perhaps because of his past affiliation.

I am sure that there are various ways we could go about conducting this inquiry. The Minister of Justice, in response to a question I raised earlier in the House, suggested that the Judicial Council is the proper vehicle to conduct such an investigation. As a former member of the Judicial Council, I must disagree and I will tell the hon. Member why. First of all, the function of the Judicial Council, as defined in Section 8.2 of the *Territorial Court Act*, are focused primarily on the court system and, therefore, there is need for a much broader inquiry in this case.

<sup>25</sup> Number two is the make-up of the Judicial Council, which now consists of a collection of lawyers and judges. They will essentially be in a conflict of interest position as they would be charged with examining some of their own activities.

Thirdly, and most importantly, there is a need for a fair and objective comprehensive hearing of all aspects of the justice system, with particular emphasis being placed on public participation. I firmly believe that much can be gained by listening to the public as well as to government officials involved in social services and the justice system, to the Indian Bands, to the RCMP, to other law enforcement agencies and, yes, to lawyers and judges.

The inquiry should not be a witch hunt, trying to pinpoint the blame for failures in the system. Instead it should focus on and identify the weaknesses and, more importantly, on ways and means by which we can overcome these weaknesses. I recommend that the inquiry have a broad mandate rather than a narrow one. It should address all areas of the judicial system including the reasons for the erosion of public confidence, sentencing, the abuse of probation, restitution for victims, fine options, crime prevention and, again most importantly, public education.

I suggested that the *Public Inquiries Act* be utilized as the vehicle to conduct the inquiry. However, unlike the Minister of Justice, I am not married to one idea. Perhaps other Members of the House can suggest other alternatives. The only stipulations I would make are that the inquiry be independent, that the terms of reference be broad in scope rather than narrow and that a cross-section of Yukoners, both laypersons and professionals, be involved.

**Hon. Mr. Kimmerly:** I was anticipating a slightly different debate, a different lead-off in any event, and I must say that I thank the Member opposite for the lack of adversarial comment or lack of inflammatory comment.

He made a couple of comments about me having a personal axe to grind and about how my mind was made up; I intend to demonstrate that those factors are not accurate. Those comments were unfortunate but are perhaps forgiven in a politician from time to time.

The Member opposite speaks about an erosion of public confidence. That is a matter that I take very, very seriously. It is a matter that I have been involved in as an official in the correctional system, as a lawyer in the courts, as a Crown attorney, as a judge, and now as Minister of Justice. It is a matter that the government takes most seriously. I wish to ensure the Member opposite that our goal here is to reduce that erosion, such as it is, and to steer the public debate, if at all possible, into a direction that is positive, that will lead to a decrease of that erosion or an enhancement of the position of the judicial system generally in the public mind.

<sup>26</sup> That is absolutely crucial, because it is part of our constitutional framework, if you like. It is part of our heritage, or a part of our cultural property as individuals, in a sense.

The justice system, social scientists have said, is an arm of government. It cannot survive without public confidence. I certainly agree with that, and I do not disagree with the statements of the Member opposite about the necessity for public confidence. There

may be some disagreement as to what the state of "erosion" actually is now. Perhaps some of the other Members who are going to speak, or who are scheduled to speak, will speak about that issue. I think it is appropriate to try and assess that. It may be appropriate to try and assess that, not politically, but scientifically, if you will, and to do a survey of opinion about various things in the judicial system, or the whole system, in general.

I hope that in the future there will be an appropriate mechanism to particularize a little more, to get a little better information about what that is, what the state of it is, about what particular issues it involves, and about the degree of erosion, if indeed there is erosion.

My own perception is that there is substantial public dissatisfaction. I would not call it exactly erosion, but it is the same kind of issue. It exists about a whole host of issues. The Member opposite did not particularize, really, about the Department of Justice, or the federal Crown Attorneys, or the judiciary. It would be appropriate to know a little more precisely what he really means, or what the public is mostly concerned about.

However, I do take his point very seriously, that the terms of reference of any inquiry, or the future process, whatever it might be, should have a very wide mandate. It is clear that members of the public or laypeople do not have a particular idea of what is the judicial function, and what is the function, particularly, of the Crown Attorneys, or of the Defense Counsel. Some people do, but most people do not.

<sup>27</sup> I would remind the Member that there was a report into the independence of the Canadian judiciary done some years ago, called the Dechesne Report. That report substantially embarrassed the Yukon Territory, because it mentioned specifically the past problems here, and criticized the executive arm of government in the past as to the interference that had occurred with the proper independence of the judiciary. I am very sensitive to that. I do not have a personal axe to grind, but I think that it is appropriate to be very sensitive.

The Member opposite seemed to single me out as the only Member who possibly would not support this Motion, and I find that unfortunate. I think that is more about images than it is about reality. My response is as follows: I think that it is not only appropriate, but it is necessary, that there is an appropriate place, or an appropriate system, where criticisms of the judiciary and the judicial sentencing specifically can occur in a responsible way. Most people who do not understand the courts and who do not understand the laws of the contempt of the court, simply refuse to talk about it, because it is risky. It might be a contempt. People do feel nervousness.

The Member for Porter Creek East has previously expressed that in this House. That is something that is, in my opinion, a problem. It is appropriate for Members in this House to speak their minds, as long as they are responsible to the general constitutional system. It is certainly my view. I will not express a legal opinion because that would obviously be controversial. Members in this House should be expressing, especially, the views of their constituents as they see them, in a frank and responsible way. The laws of contempt do not preclude all discussion about judicial sentencing.

I sincerely hope that the Task Force on Family Violence will have something to say about the whole issue. I am eagerly awaiting what it does say.

<sup>28</sup> That is an independent body and I cannot tell you now what they are deliberating about, but I am eagerly awaiting what may be said there. I hope that, in the future debate about this general issue, the information that that report will provide will add to the responsibility of this debate.

I perceive that there is a public unrest or a public dissatisfaction about the processing of cases in the courts in connection with family violence, especially child sexual assault. I make that statement as a representative of my constituency, as a statement of the public attitude as I see it, and also as Minister of Justice.

I also perceive that there is a dissatisfaction, in the areas outside Whitehorse especially, with the delays that occur in the territorial courts that sit on the circuits in the communities. It is frequently the case that matters are adjourned from one circuit to another, and the community does not understand what the technical legal reasons

are. I wonder if they should even bother to try. There is certainly a dissatisfaction. I have had conversations with the rural Members in this House from all three parties about that issue. There is a fairly general and consistent view that the delays that now exist should not occur and there should be a substantial improvement.

To that end, I have been discussing exactly that question with all segments of the judicial system including the present territorial judges. I will continue to do that within the bounds of the executive jurisdiction I have as Minister and I say this to the House: there must be an improvement and there will be an improvement. I am considering it a measure and, indeed, an objective measure of my effectiveness in this job that that improvement occurs. If it does not occur, it will be a personal failure for me as well as for the system generally.

<sup>29</sup> I intend to listen with great interest and, I hope, some sensitivity. My mind is not in any way made up on the debate that follows. There is room for substantial improvement, not only in this House, but in the future of the territory, in the media, or wherever, and I hope, in the years ahead, that that improvement will actually occur.

**Mr. Brewster:** I have been waiting a very long time for a motion of this nature. I will not go into cases of injustice because I know the Minister of Justice is well aware of my concerns on this matter. Frankly, it is time to get down to facing the issue square on. We continually hear complaints about what goes on. The former critic for Justice pleaded in this House for something to be done. She documented it very well in *Hansard*. I have no doubt that the former critic of Justice will support this motion. I also note that the present Minister of Justice is aware of the present dissatisfaction, and even fear, by the Indian people in my riding about how justice operates. The Minister of Justice sat at a meeting in Burwash and heard ordinary people express in their own ways their fears and frustration when it comes to justice.

Many times people confuse justice with police. Many times police are blamed because justice is not, or does not appear to have been, done. Many police are frustrated with the whole system.

Whether it is our justice system or the new constitution, it matters not. People are very dissatisfied. This being an open government, I am sure they will support this motion.

**Mr. McLachlan:** I wish to speak first to the general principle of the motion and offer my feelings on the points expressed therein. I, too, am very dismayed about incidents of recent weeks in the newspaper, be it tire slashings and tire tearings in the suburb of Riverdale, or something as ridiculous as acid on a child's swing. I often wonder about the people responsible for these occurrences, as yet unknown. Many have a great disdain for the process of law and order and care very little about the people whom they inflict this hurt upon.

On the comments that the Minister has made on rural justice, it has been my experience, and those of others within this party whom I know, that the greatest complaint that comes from them is that the delivery of the justice system in rural Yukon is often too swift, and too easily and quickly dispensed with. I have seen many situations where the circuit court judges pull in in the morning and pull out at the end of the day, or will briefly arrive in the afternoon, stay overnight and depart the next morning. Perhaps it is this much-needed third judge who would clear this problem up. I believe that the rural court system is lacking in some of its substance and some of its dispensing of justice.

<sup>30</sup> It would be my hope that any Minister of this government would, if he smelled something fishy on the decks or under the decks, attempt to do his best to clear the decks, both above and below, of anything that they believed to be rotten in Denmark.

It is for this reason that I believe, very strongly, that the government should think very carefully about their voting on this Motion. If there is something, a simmering pot, that must be brought from the back burner to the front burner, let us get it out on the table, and let us find out the problems, whatever it takes, whatever is needed, to outline the problems in the system, and to come up with a workable and resolvable answer. Let us do it.

**Mrs. Firth:** I rise today to support the Motion and to compliment my colleague from Whitehorse Riverdale North for presenting this Motion today, which he has done in a concise manner. I think he has done it with some feeling, and done it from his heart. He has brought to the Legislature a new, fresh idea, and he is bringing it forward from his constituents in Riverdale North. It has caught the interest of the public because it is in the public's good.

I was rather surprised a few days ago at the Minister of Justice very hastily responding to the question in Question Period and, from what I had gathered, saying that he was not in favour of a public inquiry. After his comments today I still do not know if he is or he is not in favour of a public inquiry. I am sure we will find out in time.

My feeling was that at that time in Question Period, all he had to do was say that he was receptive to the idea and would possibly take it into consideration, and would look at reviewing the system and see how it could be improved. It is something that we have been putting off as politicians, like the Member for Riverdale North says. We have all, as politicians, received complaints and received comments at the door when we have been campaigning, and at other times when we have been doing our constituency visits.

You hear things at the door, and you hear people express their opinions publicly about justice. It is not only an erosion of the public confidence that is developing. To what degree it has developed, I am not sure of yet. I think a public inquiry would bring it out. It is not so much the erosion, it is the developing and building cynicism about justice that gives me more concern, from what I hear from my constituents.

The Minister talked about doing a survey, or a poll, to get some public opinion. I think in this instance that that is a very cold way of looking at it. This is far too human an issue where people have to express their opinions and have to exchange ideas with others as opposed to being called by a person they do not know and asked a few questions about the justice system.

The comments I hear most frequently are that there just does not seem to be any justice anymore, that the victim is the one who suffers and who is accountable, and who has to prove that they have not done anything wrong, or that they open themselves to doing anything wrong or having someone do anything wrong to them.

There are also feelings that there are no longer any deterrents from crime, that we put a great deal of emphasis on re-educating the criminal, or the offender, trying to get them back into society. There does not seem to be a fairness about it, when it comes to justice and who is served by justice.

<sup>31</sup> The comment I hear most often is that, for some reason, when a crime is committed, it is always someone else's fault that that individual committed that crime. It is either their mother's or their father's or society's fault, but it never seems that the individual is asked to accept responsibility for their individual actions. I hear that more than I hear any other comment.

I think these are the kinds of things that would come forward in a public inquiry where people are able to express their personal opinions. I have talked to many of my constituents about the justice system and how it could be better served, and a lot of good ideas have come forward, and I think these good ideas would come forward in a public inquiry.

I think the public's perception about justice and its failings are far different from lawyers' perceptions and judges' perceptions. They present a feeling and a human approach to it that sometimes lawyers and judges are not aware of because of their involvement in cases, in courts and in law. I think it would be very refreshing if we heard that approach and if we heard how the public is interpreting justice and how it is being delivered to them as a society.

I would rather have the public express these ideas in a public inquiry forum, as opposed to making the decision to take justice into their own hands, because that would be perceived to be very dangerous for all of society. It would not be constructive and it would not be positive. I am, therefore, going to support this motion on behalf of the constituents of Riverdale South, who I represent, because I hear too often, and there seem to be too many instances, of where justice is not seen to be served.

**Hon. Mrs. Joe:** As everyone in here is aware, I have been very involved with the justice system in the past and I can speak from experience when I talk about some of the problems I have seen. I have spoken in the House here often about them. I feel there is an awful lot of work that has to be done, and I commend the Member from Riverdale North for bringing this forward. It is encouraging to know there are people who do come in here and want to see things improved. I have spoken on improvement in the justice system for the last three years and was not able to get anywhere.

The problems appear to be getting a lot worse. There are more things coming up in the courts which we did not have to deal with before. There is some sentencing we do not agree with. We have people making representations to us all the time with regard to that, and I know for a fact that over the years when I was working in the justice system there was some money spent to bring a person in to try to improve the system in the registry. Things just were not working and the government spent thousands of dollars trying to do that. The problem did not go away, it did not get any better, and it is still there. If it had had some kind of input in regard to what other people thought, and how it should have been done, I think it probably might have worked.

#### *Amendment proposed*

I looked at the motion very seriously and the way it was put together. I felt that an inquiry set up pursuant to the *Public Inquiries Act* was probably a little bit too stern and I have proposed an amendment to that motion: That Motion No. 12 be amended by deleting all words after the word "That" where it first appears and substituting the following: "It is the opinion of this House that a cross-section of Yukoners be invited to participate in a committee to: (1) identify problems in the Yukon judicial system; and (2) make recommendations as to how the system might be improved."

**Speaker:** It has been moved by the hon. Minister of Health and Human Resources that Motion No. 12 be amended by deleting all words after the word "that" where it first appears and substituting the following:

"It is the opinion of this House that a cross-section of Yukoners be invited to participate in a committee to: (1) identify problems of the Yukon judicial system; and (2) make recommendations as to how the system might be improved."

**Hon. Mrs. Joe:** I propose this amendment to the Motion because I felt that an inquiry would happen as a result of some wrongdoing within the judicial system. I feel that there are many problems that have to be dealt with, and I felt that a committee composed of a cross section of Yukoners could be struck to look at this situation.

The committee would be struck by the government with recommendations, possibly, from Members from the other side. As I mentioned, a good cross-section should come up with a fairly good report. We would look forward to a report that would enable us to improve the system.

#### *Motion to adjourn debate*

**Mr. Lang:** In view of the seriousness of the Motion that has been put forward in the House and the comments that have been made by all Members, I think it is important that we take some time to reflect on what we are doing here.

Looking at the amendment to the main Motion that is before us, it is a major departure that was being requested from Members of both political parties on this side of the House. I think that, at least from our perspective, we would like an opportunity to reflect on just exactly what the significance of the changes are, and what the ramifications are, so that I would move that debate do now adjourn.

**Speaker:** It has been moved by the hon. Member for Porter Creek East that the debate do now adjourn.

#### *Motion defeated*

**Speaker:** Minister of Justice, on a point of order.

**Hon. Mr. Kimmerly:** Would you permit further debate on the amendment?

**Speaker:** Is there any further discussion on the amendment?

**Mr. Phelps:** I rise to express my concern about the amendment. I concurred with most of what all the speakers here had to say. I reside in a rural community. The level of faith in the judicial system has dropped noticeably over the past five or six years, and there is a real basic problem for the citizens throughout the territory. There are a number of problems. Problems are complex and inter-related. I do not pretend to have all the answers, but I do enjoy, unlike many lawyers, a position where I have been at a distance from the court system and have been able to view what has been going on in the communities and the people's reaction without having been directly involved for some five years.

The problem with the amendment to the Motion is that it is lacking the guarantee of independence that the original motion contemplated. I suppose the fear is, are we yet to have another task force that really is not independent of the government. Is this going to be a committee that truly reflects all Yukoners, that does not have an axe to grind. Is it going to be a committee that can fulfill the intention here that people can go and express their fears, express their complaints, express their proposed solutions, and feel that the quasi-judicial body is sufficiently independent to come forward with a statement that will not be coloured by political preference or by party concerns. That is basically the problems that I see. It is extremely important that that feature of independence be built into this Motion so that people will trust this committee, because it has lack of trust that is so evident. It is that lack of trust that gave rise to the initial Motion.

**Hon. Mr. Kimmerly:** I welcome this opportunity to speak again in the debate. I was intending to, and I hope I can further the debate along by making a few more comments.

We are concerned. We are especially concerned about the question of independence spoken about by the Leader of the Official Opposition, but we are also concerned about other issues. Perhaps the most important of them is that the Motion, as it stands, calls for a public inquiry under the *Public Inquiries Act*. That process has only been contemplated in the past where there is, in essence, a charge of wrongdoing or a suspicion of corruption, and we cannot let the debate be adjourned without further comments about exactly that issue. That is primarily the reason why we were not in favour of the adjournment moved by the Member for Porter Creek East.

We feel it is incumbent on the government, in the face of this motion, to say that we know of no wrongdoing or allegations of wrongdoing by any judge in the territory. Because of that, and primarily because of that, we cannot support a Motion for an inquiry, under the *Public Inquiries Act*, into judges or judicial administration or the judicial system.

We are very concerned about the question of independence and the public nature of the process of identifying problems in the system in a general way and recommending changes. It is in that spirit, indeed, that this amendment is moved by the Minister of Health and Human Resources. I know.

There is an additional problem with the public inquiry Motion in that it sets up a formal process supervised by a judge. We perceive that it would be healthier for Yukoners, and less intimidating, to raise the fears as were previously spoken about in a previous debate by the Member for Porter Creek East and by other Members in this debate, if this process were not chaired or supervised by a judge.

<sup>35</sup> I have said many times that justice is too important to be left to the experts. Justice belongs to us all as citizens. It is important, indeed, it is crucial, that ordinary people, laypeople, feel very comfortable in this debate that will undoubtedly occur in the future. The mover of the Motion from Riverdale North has already spoken about the inappropriateness of the Judicial Council for this forum. I want to say that I substantially agree with the comments made by the Member for Riverdale North about that issue.

I would point out a factor on the same issue. The law, as it now is, under section 8(2) of the *Territorial Court Act*, which speaks about the mandate, or the function, of the Judicial Council, is partially as follows, and I am reading 8(2)(c):

"To make recommendations to the Executive Council Member and the Chief Judge on such matters as it considers necessary

respecting the efficiency, uniformity or quality of judicial services provided by the Territorial Court or the Justice of the Peace Court."

I raise that because I wish to identify here that it may be appropriate to change that because of the legitimate concerns raised by the Member for Riverdale North. Questions about efficiency and quality may be better addressed in other forums. That is a responsible issue in my view.

I should state, for the record, that the Motion, as it is contemplated, calls for a cross-section of laypeople, so they will not be dominated by so-called professionals in the criminal justice system. They will not be dominated by judges and lawyers. I make the very clear offer to all of the Members opposite, that you should have, if this Motion is passed, the opportunity to appoint your representatives or, indeed, yourselves, in this kind of process. I have no problem with that. That would probably ensure, and set your minds at rest, that the proper questions would be addressed in a lay committee that is independent. I have no inclination to try to control a committee, as was suggested, but only to ensure that it is representative of all segments of the society, rural and urban, Native and non-Native, and if there are any political considerations, to have a political balance. There should be Tories and Liberals on the committee, if it is formed.

I wish to float another idea that is particularly relevant to this amendment. It was suggested to me, just very recently, that it may be appropriate that when we go to three judges in the territory that one of them reside in rural Yukon and do circuits. That is interesting, as it would ensure that their sensitivity to those issues would be enhanced. Also, we are very interested in the selection of judges as it is most unfortunate that we will not have local candidates apply. Perhaps that says something about the public perception of the system now. In my view that is disturbing and the orientation of judges and other officials in the legal community to northern issues and to northern conditions is vital and their ability to communicate to cross cultures and their ability to understand the northern community is vital. That issue should be addressed very carefully.

I rise on the amendment to make it perfectly clear that the government is not in the position to support a Motion that has an implication of a wrong doing and an investigation into a wrongdoing. That is why we cannot support the Motion as it was worded. However, we have a substantial consensus here about the general nature of the problems. Working constructively, we can improve the system in the next few months or year or so.

It is a truism that justice does not operate in a vacuum and it needs the support of the community. Even more than that, the community is part of the system. It must increasingly be a part of the system. Justice is too important to be left to the experts.

**Mr. Phillips:** I have to speak out in opposition to this amendment. I feel this is a very serious issue, and we are watering it down by appointing a committee to look at the issue. What we need is an inquiry. I do not think anyone here today, who has spoken out in the House, made allegations of wrongdoing by anyone. I think they basically said there are an awful lot of problems. I think the public has told us time and time again there are many problems; they have risen quite often in the past weeks.

I think we have to look at the Motion in front of us. The Member mentioned that, on these committees, there could possibly be members from political parties; I would say that I do not understand — he is not consistent. He has said before that it has to be independent; it has to be away from legislative interference, yet now he is suggesting that we should maybe be sitting on the committee as members. I have to disagree with him there. I think this is not a political forum where anybody is going to try to make political points. It is not a forum where anybody is going to try and "get somebody".

I think what we are trying to do is get all the issues out in the public so that the voice of the public will finally be heard, so that the judges, the lawyers and the people within the system can understand that there is frustration out there, so that the criminals can understand that people are aware of what is happening. I think that we should not, by any means, try to water down this Motion.

**Hon. Mr. Penikett:** I was not planning to join this debate nor any debate today, out of sympathy for my own health, but I feel the Member who originally moved the Motion and who has spoken twice on it — having spoken again just now — has caused me to do so because I think he has a terrible and quite fatal misunderstanding of what he has proposed to the House. He proposed a procedure under the *Public Inquiries Act*, a procedure which quite clearly contemplates an investigation into corruption or wrongdoing. If that is what he clearly intended, then he should have laid some evidence of corruption or wrongdoing before the House. I do not think he has. If, however, based on his experience on the Judicial Council, he has discovered something about the way judges operate and the way the judiciary operates that he does not like, why does he want a judge who is part of the system looking at the way judges work; someone who is almost bound, I would think, to want to confirm the existing system?

He has suggested something is watered down by having people from the Yukon, laypeople maybe, have a look at the old system and go through the same exercise of subjecting it to the same kind of review. There is nothing wrong with that at all. When my colleague, the Minister of Justice, suggested that we, in structuring such a committee, would be quite happy to have nominations from other political parties, he was speaking in response to the Leader of the Opposition who expressed concern that somehow we would appoint a committee simply of people of our political persuasion. That is something we are not in the habit of doing, unlike the previous government. He did not mention MLAs necessarily. If he talked about MLAs, then fine, but if the Leader of the Official Opposition was talking about people of one political persuasion, one political bias, that is clearly not something we are interested in because such a committee would be useless. We are talking about having a broader range, a broader cross-section of views.

The Members opposite are convinced that it would be wrong to have MLA's on it, and that it would be wrong to have political people involved on it at all. I would think it would be better served to have citizens, the kind of people who are coming and complaining to the Members opposite about the judiciary or the way the judiciary operates now, included. Those are the kinds of nominees they should bring to such a process.

If the Members of the Liberal Party feel differently, or feel that they would be better able to represent their constituents and their constituents' views by sitting on such a committee directly, I think we should consider that too.

I think, if I understood the Member's original statement in the debate today — his original purpose clearly, which is to take a look at the problems to see if we can do something about them — that the amendment we have submitted, I believe, will improve, not weaken, the Motion that he has presented. For that reason, I will be enthusiastically supporting the amendment.

**Mrs. Firth:** I am in receipt of the *Public Inquiries Ordinance*, and I fail to see the comments that the government is making regarding corruption and whatever other horrible things they have been saying about the *Public Inquiries Act*. It is a *Public Inquiries Act* that gives the Commissioner authority to appoint a board of one or more persons to make an inquiry and report thereon to him. The inquiry can be made into any matter connected with the conduct of the public business of the territory, or any matter of public concern.

The intention of the amendment not only waters down the original Motion, it takes away from the seriousness of it, and I think it in some way dilutes the credibility of the whole purpose of the inquiry. The purpose of the inquiry was that it be an independent inquiry, and that we indicate two people who, as the Minister of Justice recognized, are noticing an erosion of the justice system. For us to say it is going to be a committee of whatever kind of makeup, I think gives it a much higher profile and emphasizes the seriousness of the inquiry as to a matter of public concern or public business. Therefore, I would have to disagree with the amendment to the Motion.

**Hon. Mr. Penikett:** Would the Member who has just spoken



permit a question, Mr. Speaker?

**Mrs. Firth:** On a point of order, that is out of order.

**Hon. Mr. Penikett:** On a point of order, it is not. It is perfectly permissible under our rules.

**Speaker:** Are you prepared for the question on the amendment?

**Some Members:** Agreed.

**Some Members:** Disagreed.

**Speaker:** Division is called.

Mr. Clerk, will you kindly poll the House.

**Hon. Mr. Penikett:** Agree.

**Hon. Mr. McDonald:** Agree.

**Hon. Mr. Porter:** Agree.

**Hon. Mrs. Joe:** Agree.

**Hon. Mr. Kimmerly:** Agree.

**Mr. Webster:** Agree.

**Ms. Kassi:** Agree.

**Mr. Phelps:** Disagree.

**Mr. Brewster:** Disagree.

**Mr. Lang:** Disagree.

**Mr. Phillips:** Disagree.

**Mrs. Firth:** Disagree.

**Mr. Coles:** Disagree.

**Mr. McLachlan:** Disagree.

**Clerk:** Mr. Speaker, the results are seven yea, and seven nay.

**Casting vote**

**Speaker:** When there is a tie vote in the House, our Standing Orders required the Speaker to give a casting vote. An important principle is that an important decision should not be taken except by a majority and it is therefore my duty to vote against the amendment.

*Amendment defeated*

**Speaker:** Is there any further debate on the Motion?

**Mr. Lang:** I did not have an opportunity to speak on the main Motion because I attempted to make the effort for an adjournment because of the change that was being brought forward by the government. I attempted to adjourn debate till next week so that we all had the opportunity to thoroughly examine what the government was putting forward and where they were going. Since that time, the government took the steps they did and it is their prerogative to initiate further steps on the amendment and we have now had a vote.

I want to clear the record on this question of the *Public Inquiries Act*, and I do not know why the impression is being left that it is strictly wrongdoings that the *Public Inquiries Act* is utilized for. I realize in the past it was utilized for what is the now the famous Straten Inquiry, and I think that it is important that the Members opposite realize that the terms of reference for that particular inquiry were in the terms of the Motion. It did not emanate from the *Public Inquiries Act* as far as the terms and conditions and what they were looking at as far as the inquiry was concerned. I think that it is important, if you read the *Public Inquiries Act* to see that it is very broad. It is the only legal base that we have for an independent review of what we all deem to be a very major problem. The misconception that allegations of wrongdoings, I do not think that that should be left to linger because the impression was forward by all Members of the House that it was to look at a system and see where the system could be revised and where public confidence could be regained in some areas if certain steps are taken by government and also by the general public themselves and by the Members involved.

Why are we in this situation today? I want to assure the government that this has not happened overnight, as the Leader of the Official Opposition has indicated. It arose ten years ago, and it has slowly been building.

I think the Minister of Justice would recognize that and say that that is probably a fairly accurate assessment as time evolves and things ferment and frustrations build. Obviously it has come to the point where we are having, what I deem to be, a very constructive debate in this House.

I want to re-emphasize that we are not looking into allegations of wrongdoing. The *Public Inquiries Act* is being utilized to ensure the

independence of the inquiry, to ensure that it has a high enough profile that people, either on a confidential basis, depending on how the inquiry is conducted, or in a public forum, or both, depending on the items for discussion, can go to this type of forum that is being created.

I think it is important that we recognize that because of the infancy of our political system. To my knowledge, the one area that we have, other than independent inquiries by legislative committees, is the *Public Inquiries Act* to get this outside of the government.

With that in mind, I think it is important that we recognize that it is absolutely essential that we go in that direction. I do not think the government should take it as a slight that we did not accept the principle of a committee. My concern, and I want to re-emphasize the concerns of the Member for Riverdale North and the Leader of the Official Opposition, is that the profile will be high enough to get what we are looking for.

I think that due consideration has to be given to the main Motion, and the intent that is being exhibited in this House. In good part, if not in totality, most suggestions have been brought forward in a very constructive vein. It has not been done from a partisan point of view, but is brought forward from what Members see in their ridings, what they see in the territory, what they get from the people speaking to them.

I would just like to see the government, in its wisdom, support the Motion and get on with what is being requested. Hopefully we can have a further constructive debate down the road, in six months time or whatever time it takes, as to what changes can be made. I hope that all Members take it in the context that it has been presented.

**Speaker:** It is my duty to advise the Assembly that the hon. Member is about to exercise his right to close debate. Afterwards all Members will be precluded from speaking to this question; therefore, any Members wishing to speak should do so now.

**Mr. Phillips:** First of all I would like to thank all Members of the House for this extremely interesting experience that I have had for the first time. It is my first major Motion, and I have certainly seen democracy at work.

I have listened with great interest to the comments made by all Members who spoke to this Motion today. There are several concerns raised, and that alone points out a need for such an inquiry. I do not think there was ever any intent by us on this side of the House to make accusations of any type against anyone. I think really what we meant to do with this Motion, and the Members have seen fit to support it, is that there is a need for an inquiry, and I would hope that we would proceed with that inquiry as soon as possible.

I have one comment to make about the Minister of Justice's comments when he said the members of the public do not have an idea of what the judicial function is. I would suggest to the Minister of Justice that one does not have to go law school and become a judge to know what is right or wrong. I feel that it is rather arrogant for the Minister of Justice to sit in this House and prejudice the public feeling.

The type of inquiry I am asking for today would do several things. First of all, it would give the public an opportunity to speak out on a matter that affects us all, and society in general. Secondly, many good ideas would spring from this inquiry; from the public, from the lawyers, from the judges, the RCMP and many other interested groups who would appear before it. Thirdly, it will send a very clear message to everyone in the system that there is a concern. Criminals or would-be criminals will know that the people have had enough. Last but not least, it would provide an information avenue for the public to learn more about, and initiate, crime preventive measures, such as the Neighbourhood Watch Program. It is a very serious problem and we all, as Members of this Legislature, should take a lead role in the passage of this Motion today.

**Speaker:** Are you prepared for the question?

**Some Members:** Agreed.

**Some Members:** Disagreed.

**Speaker:** Division has been called.

Mr. Clerk, would you kindly poll the House?

**Hon. Mr. Penikett:** Disagree.

**Hon. Mr. McDonald:** Disagree.

**Hon. Mr. Porter:** Disagree.

**Hon. Mrs. Joe:** Disagree.

**Hon. Mr. Kimmerly:** Disagree.

**Mr. Webster:** Disagree.

**Ms Kassi:** Disagree.

**Mr. Phelps:** Agree.

**Mr. Brewster:** Agree.

**Mr. Lang:** Agree.

**Mr. Phillips:** Agree.

**Mrs. Firth:** Agree.

**Mr. Coles:** Agree.

**Mr. McLachlan:** Agree.

**Clerk:** Mr. Speaker, the results are seven yea, seven nay.

**Casting vote**

**Speaker:** When there is a tie in the House, our Standing Orders require that the Speaker give a casting vote. An important principle is that important decisions should not be taken except by a majority and it is, therefore, my duty to vote against the Motion. I declare the Motion defeated.

*Motion No. 12 defeated*

**Motion No. 13**

**Clerk:** Item No. 6, standing in the name of Mr. Coles.

**Speaker:** Is the hon. Member ready to proceed with Item No. 6?

**Mr. Coles:** Yes.

**Speaker:** It has been moved by the Member for Tatchun THAT the Yukon Legislative Assembly urge Transport Canada to change its existing policy with regard to capital recovery timetables and the costs associated with the opening of a new northern airport facility; and THAT the Yukon Legislative Assembly urge the federal government, or Transport Canada to consider subsidizing the capital recovery costs and look primarily at the recovery of operation and maintenance costs only.

**Mr. Coles:** I rise to speak to the Motion, which I feel is a completely non-partisan issue and, therefore, should find all parties in agreement with its principle. Briefly stated, Yukon's volume of business cannot possibly cope with the present rate structure of Transport Canada for the new terminal. Under Transport Canada's old policy, they used to recover 19 percent of the capital gross associated with their facilities. Under an agreement reached in May of this year, their pricing policy has them recovering 100 percent of the capital costs within 25 years. When the major carriers reached a pricing agreement they took little or no notice of the ability of northern communities to pay their new rates. Unless a significant adjustment is made to the pricing structures, two things will happen. No one will be able to afford the use of their facilities and the building will look like an empty parade square. Secondly, Yukoners and the travelling public will be asked to absorb an additional cost of somewhere between \$500,000 and \$1,000,000 in additional ticket or freight fares.

**Hon. Mr. McDonald:** I rise, too, to lend support to the Motion put forward by the Member for Tatchun. I think that it is a timely Motion and perhaps to give a little more background for those Members who do not have an understanding of the issue as it stands, I can help out in that regard.

The federal government provides the infrastructure to allow the effective operation of the air industry in the country. They provide the infrastructure for weather, air traffic control services and other services required by the industry. In the past, as the Member for Tatchun has pointed out, they made only partial recovery of the overall costs of providing that service.

The federal government has recently taken the position that a full, 100 percent recovery of those costs should be undertaken and they have instituted that recovery in terms of both an air transport tax increase — an increase for people in Yukon by lifting the ceiling of the existing tax — and also by requesting that air terminal rental fees be increased to reflect the total capital and O&M costs of the

air terminals.

The present air terminal building rents were based on the agreement that was reached between the Canadian Air Transport administration, a federal government creation, and the Air Transportation Association of Canada, which is the industry, on March 21, 1985. The formula, as it stands for the Whitehorse airport, would mean that we would be faced with significant increases, perhaps upwards of 200 percent for the rental fees for that particular terminal.

The formula agreed to has two components: the capital and the O&M. The capital costs, except for excess styling and decorating costs would be charged to the users of the facility over a 25 year period with appropriate interest rates attached and the O&M costs will be recovered on the basis of the actual cost of operating the facility. A portion of these overall costs, as the Member for Tatchun quite rightly pointed out, is charged to each terminal space renter based on the area of counter and office space that is actually rented. Presumably, where there are few renters the cost would be spread over only the renters actually using the terminal. In low volume facilities, such as the Whitehorse air terminal, we would find ourselves in a situation where those prospective 2,000 percent increases would be borne by the users — perhaps one, two or three users — and the public they serve.

The disadvantage of the formula is that, quite clearly, it does discriminate against low-volume airports, such as the Whitehorse Airport.

As the Member for Tatchun pointed out, the capital costs associated with the new terminal facility are extremely high. It is, in essence, a basic terminal to accommodate jet air traffic and, as such, it is scaled down to reflect the minimum requirements for jet servicing.

The low volume aspect of this airport means, as I have stated, that fewer renters are able to share the use of the facility and, therefore, the ongoing operation and maintenance costs associated with the facility will be rather high. With respect to the Motion, which speaks to strictly the recovery of operation and maintenance costs, we would have to take a careful look in the future as to whether or not we would be entirely in support of the user pay concept in that regard.

It is interesting to note, too, that low volume airports, such as Whitehorse, are also vulnerable to major swings in passenger numbers. In 1980, for example, 83,000 passengers passed through the terminal, and in 1984 only 40,000 passengers passed through the terminal. In essence, we are looking at a situation where the user pay principle for both the ongoing operation and maintenance costs and for the assumption of the capital costs over a 25 year period would be something for which it would be very difficult for the Yukon traveling public to absorb.

We do, as a government, support the notion of fair rent being charged for the air terminal building, but we cannot support the notion that the new policy and the disproportionate burden should be put on a low volume airport such as the Whitehorse air terminal.

Essentially this is the long way of getting around to saying that we support the Motion. We, as a government, have indicated our position to federal officials with respect to the rule of the \$30 ceiling on the air taxes. We have also indicated to officials that the user pay policy for low volume airports such as Whitehorse is inappropriate. I think it would be thanks to the Member for Tatchun. It is entirely appropriate for this Legislature to give overwhelming support to this Motion at this time.

**Mr. Webster:** I would just like to add, for the record, that we in the Klondike are presently looking for a new site to construct an airport facility which will accommodate jet traffic. This will improve the service of air transportation to our residents, and will attract new tourism business to our community.

Simply put, without the changes made to Transport Canada's existing policy, there is a good chance this airport may not be built. For this reason, I am standing in full support of this Motion.

**Speaker:** It is my duty to advise the Assembly that the hon. Member is about to exercise his right to close debate and afterwards all Members will be precluded from speaking to this question;



therefore, any Member wishing to speak should do so now.

**Mr. Coles:** I have just one more short comment. I am happy to hear that all parties are in total agreement with this. As I said at the start, I consider it a completely non-partisan issue, and I hope it will have full support of the House.

*Motion No. 13 agreed to*

**Clerk:** Item No. 7, standing in the name of Mrs. Firth.

**Speaker:** Is the hon. Member prepared to proceed with Item No. 7?

**Mrs. Firth:** Next sitting day, Mr. Speaker.

**Speaker:** So ordered.

**Motion No. 15**

**Clerk:** Item No. 8, standing in the name of Mr. Coles.

**Speaker:** Is the hon. Member prepared to proceed with Item No. 8?

**Mr. Coles:** Yes, Mr. Speaker.

**Speaker:** It has been moved by the Member for Tatchun THAT it is the opinion of this House that the Yukon College should be designated as a true public community college, separate and apart from the Department of Education, with its own Board of Governors; and

THAT majority membership on the Board should be held by elected community representatives, and the balance by government-appointed community representatives.

**Mr. Coles:** I just want to say a few words about the new college facility itself. We have, on one hand, the planning of the new facility and, on the other hand, the costs. In our opinion, all the ingredients are a disaster. The disaster is predictable because the right hand, in this case, does not know what the left hand is doing. We have to consider the planning. Buildings are not just nice-to-look-at pieces of architecture; they are useful — the more useful the better. Costs being what they are, neither you nor I would buy a useless home. Everyone I know plans, and they buy according to their needs and according to their plans.

I have some serious questions about the planning of the new Yukon College facility. What are we planning to use it for? The question reaches far into the future. What are we planning to use it for in 1990 when it is finished, and what are we planning to use it for 25 years from now? How much have we actually thought about it? Will it meet the needs in each of our communities? What are the needs in each one of the communities? Will it meet the special needs of particular groups? Will it meet the needs of the cultural and artistic communities? Will it meet the needs of the academic, technical, business, industrial and scientific communities? Will it meet the needs of the Indian community? Will it meet the needs of the elderly, and will it meet the needs of the handicapped? Will it be an all-in-one-place campus or will there be special campuses in other communities? What kind of organization is it designed for? Will it be a government college, or will it be a public community college? How will it break down barriers to its services? Will it be a university as well as a college? Will it meet the needs of distance education and new ways of offering education? Will it be a residential college? How will it address the problems posed in uprooting people from their communities and planting them in Whitehorse? How will it help them succeed? Will it establish northern research in the north by northerners?

The questions are partly rhetorical but beg a responsible answer. They are rhetorical because some of the questions have not even been thought of; other questions have been thought of but not asked, and others have only been asked from the inside, not on the outside, in the communities.

« If we have not asked the questions, and if we have not asked the communities, then we do not have a plan, and surely not a plan to fit the future of this territory.

Consider the costs. Estimates run from a low of \$23 million to a high of \$40 million. Planning is the source of any estimate. Good planning leads to close estimates. Whatever the figure, in tens of millions of dollars, the financial cost to the project is significant.

The commitment of such a large sum of public money at a time of

high unemployment and economic hardship is significant. The commitment is worthy of the best planning and best political debate. With so many unasked and unanswered questions, who among us would rest their future on the success of the final result?

A price cannot be given to human and social costs, but they are part of the picture. Our people and their communities have many real and unmet needs. The needs are not secret, but if we have not asked, then we have not considered the answers, and we have broken many hopes for a better individual and community existence.

About a board of governors for a public community college, do we plan to delay their call to responsibility until it is too late to plan an alternate course? Is a disaster a suitable gift to mark the start of a community responsibility?

Taking the planning, together with the costs, it is our opinion that we have the potential for a disaster, a disaster in the planning, a disaster in the participation, a disaster in value, and a disaster for the future of our people in their communities.

Can we recover and work for a success? We think we can. We must, in spite of the possibility of lost time, lost effort and lost expenditure, delay construction until we have developed a worthy plan. With college development, we must bring along side those from our communities who will inherit the responsibility for its success. We require a major effort in community participation. We need to form the questions and we need to ask them. We need a community education plan that will carry ourselves, and our communities, forward, not into an unplanned and unfortunate accident, but into a future which is a product of our best dreams and efforts.

**Hon. Mr. McDonald:** The Member for Tatchun asked a good deal more in the way of questions than I am prepared to respond to this afternoon. Many of the questions that he has asked, I can tell him, have been asked before. I can also tell him, as he knows, they have not all been answered before.

It is the intention of the government to ensure that many of them certainly are asked and, hopefully, that satisfactory answers are given prior to major and final decisions being made. One decision that has been made, of course, is that the college facility will be built. The physical plant will be built, or a main campus of that physical plant will be built.

That was a position that was essentially taken initially by the previous government. It is a decision that, after some review, was supported by the present government. Many of the concerns that the Member raises were addressed by me as a rural representative of my own riding, because I had many of the same concerns that the Member for Tatchun has expressed this afternoon. It is clear that some of the questions, as the Member for Tatchun put it, have merely been asked but are not understood, and have not been answered, in any event.

« I have spoken a number of times in the Legislature of our intention to improve the rural delivery of adult education in the territory, and that improvement does not necessarily entail the construction of college facilities in Whitehorse but certainly, to the extent that college facilities in Whitehorse will support rural delivery, we will support that construction.

The issues that the Member raises this afternoon are all valid; they are all of critical concern and certainly the intent of the Motion this afternoon is to help address some of those concerns by setting up an independent board of governors for the community college. I am convinced in my own mind that the establishment of a board of governors, independent of the Department of Education, independent perhaps of government to a certain degree, will not solve all the problems the Member has addressed — will not answer the questions, may not even ask some of the questions that the Member has addressed — but certainly it is a pretty darn good first step towards providing some solutions to the problems on an ongoing basis.

This is a proposal that we have made as a party. We have made it before. It is one we accept. It is one that the Department of Education has taken under its wing and, as I have said before in the House, is committed to developing a position paper with respect to

the devolution of the college through an autonomously governed body.

Most Members, I think, will know that the current college is administered and governed by a director who is responsible to the Assistant Deputy Minister for Advanced Education and Manpower in the territorial government.

There is a plan now to develop a position paper for public discussion by the end of this year which would, hopefully, set out the alternatives for the orderly and progressive evolution towards greater autonomy for the college. As I say, I hope the report will be made available by the end of this year or early in the spring. It is our intention that this receive public input. I think this is a critical issue — critical to the future of post-secondary education in the territory and thus deserves a large measure of public scrutiny. I think, as I said previously, this is not the only vehicle by which we will have to address the problems with respect to rural delivery of post-secondary education, or even improving the delivery of post-secondary education in the territory, in Whitehorse as such, but it is certainly a good first step.

The concern I have about the Motion, and I am sure it is unintentional, is that we may be anticipating, too much, the final recommendations with respect to how we would like to see the board of governors evolve. The character of the board, I think, is probably one of the most critical issues with respect to the devolution of the college to an autonomous body.

47 You cannot tell the public in a discussion paper that it is useless to comment on the option of the make-up of the board, even though it is a major issue, because we have already decided that issue before we have studied the options. We cannot do that, but I do not think that the Member for Tatchun is insisting that we do. It would be wise and judicious under the circumstances to move a minor amendment which asks that consideration be given to majority membership on the board being held by elected community representatives and the balance by government appointed community representatives.

Personally, I support, or would give great credence to, the make-up of the board as proposed by the Member for Tatchun, but I feel it inappropriate at this stage of deliberations to predict what the public may say, and all of the alternatives. I would move the amendment now and we could proceed.

#### *Amendment proposed*

I move that Motion No. 15 be amended by deleting the second paragraph and substituting for it the following: "That consideration be given to majority membership on the Board being held by community representatives, and the balance by government-appointed community representatives."

**Speaker:** It has been moved by the Minister of Education that Motion 15 be amended by deleting the second paragraph and substituting for it the following: "That consideration be given to majority membership on the Board being held by the elected community representatives, and the balance by government-appointed community representatives."

48 **Hon. Mr. McDonald:** I believe that it is necessary under the circumstances, as I have pointed out, that we give consideration to the suggestion made in the Motion that we do not prejudge what will obviously be one of the most significant components of the report that we anticipate by the end of this year, and one of the most significant aspects of the report that we would like the public to comment on. We want to maintain the integrity of that process, but as I said already, I think the suggestion made by the Member for Tatchun is one that deserves careful attention and consideration.

#### *Amendment agreed to*

**Mrs. Firth:** We would like to compliment the Member for Tatchun for bringing forward this Motion. We will be supporting the amended Motion.

I found it interesting to listen to the comments made by the other two Members who spoke to the Motion. I think that there is obviously a consensus as to the direction that Yukon College should head in regarding Board of Governors. It is obviously to the good

fortune of the Department of Advanced Education and Manpower that we all agree.

This idea, or concept, was presented some time ago, I recall, when I was Minister of Education, and was something we had started looking at. We came up with various opinions and ideas and it was also a concept we had presented to the Post-Secondary Advisory Committee to look into. I never really found out what recommendations they made. During the campaigning and discussions with various members of the staff who work at Yukon College, and a large number of people within the community, I found that this was a direction that people were encouraging the government to move in.

I found the Minister of Education's comments about rural education quite interesting. I will be very interested to see where the Institute for Mining Technology will be built, and whether it will be in Elsa or in Faro. I have a feeling it is going to be built in Elsa. I can imagine we will have some discussion in this House regarding that when the appropriate time comes.

Again, my compliments to the Member for Tatchun. We support his Motion.

**Mr. Coles:** I have just a couple of points before we close this. The purpose of the Motion was to bring these questions back into focus, many of which I know have been asked over the last year or so. I believe it has done that. I thank the Minister for his amendment and for everybody's support.

*Motion No. 15 agreed to as amended*

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

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

*Motion agreed to*

*Speaker leaves the Chair*

### COMMITTEE OF THE WHOLE

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

Is it the wish of the Members of the Committee to continue with debate on the Capital Budget, or would you like to recess until 7:30.

**Some Member:** Recess until 7:30.

**Hon. Mr. Penikett:** Maybe it would be better to ask what the particular preference of the Chairman would be on this question.

*Laughter*

**Chairman:** It is probably well known, as I am the one bringing up the matter, what my preference is.

**Some Member:** Is there a baseball game on tonight?

**Chairman:** It starts now.

**Some Member:** Maybe he has a bet on the Blue Jays.

*Laughter*

**Chairman:** Consensus is that we will recess until 7:30.

*Recess*

01 **Chairman:** I will call the Committee back to order. We will proceed with general debate on Education.

#### **On Department of Education — continued**

**Mr. Lang:** The Minister referred to a study that was being undertaken for the review of space allocation in schools in Whitehorse. I mentioned this earlier in the session. I think there is a problem. One of the problems, of course, has emanated from the fact that we are utilizing more and more of our classrooms for other things, whether it be computers or this type of thing. With new, additional programs, Native language programs and French programs, we are getting less space, surprisingly enough, when you look at the decline in our student population.

The concern I have, as an MLA in Whitehorse, hypothetically, is

that if Cyprus Anvil goes ahead and Mount Skukum goes, we have a number of economic initiatives that have not been happening over the past three or four years. I think we will see an increase in our school population. When do you expect to see the results of that \$40,000 study, and when it is handed in, will it be made public? Can you tell me what your plans are in this area, because it is going to become a real factor in school accommodations. You will need a year's lead time to build a new facility, if that is the case.

**Hon. Mr. McDonald:** Many points that the Member has made are well taken. If the economy is on an upswing, or a couple of projects in the territory means that the economy is on the upswing, perhaps we will have an influx of people into Whitehorse and it will exacerbate a problem that is already a problem, in a sense, for reasons that the Member mentioned. New program offerings have made available space in the schools extremely limited. I have been told that there is hardly a spare classroom in the city, and that is of great concern. That is one of the reasons why we would like to perform this study. We would like to determine, if expansion is necessary, which schools are we possibly speaking of expanding?

<sup>02</sup> When speaking of expanding the classroom space for elementary grades, for junior high or for high school, is it sound and reasonable to consider Grey Mountain a primary school? All these are the sorts of questions we would like answered under the circumstances. This study, I would hope, would be a critical factor in determining where available resources must be put to meet the potential demand in the city, and to help relieve some of the problems we are facing right now in the city, and to understand the population flow in different parts of the city.

I would not see any problem making the document public. We intend to act on recommendations, not necessarily all recommendations, but to use the recommendations in the study report itself to help us make decisions. I do not anticipate a wide public information forum for disseminating information. There should be no reason in the world that the document should be a private government document. It quite properly should be the domain of everyone.

**Mr. Lang:** Maybe I misunderstood him, but I do not believe the Minister answered my first question. It was: when does he expect to have the study completed? What date are we talking about, December of this year, or are we talking April of next year?

This is a critical factor in starting to plan what you will do for the following year. Even now I would expect that you will not be able to do anything until 1987-88.

**Hon. Mr. McDonald:** I cannot tell the Member whether it will be the end of this year, or even April. I can tell him that I want the subject completed with plenty of lead time for Capital Budget deliberations next summer. We have the information at hand and are prepared to make decisions based on the report findings.

<sup>03</sup> **Hon. Mr. Penikett:** On behalf of the constituents of Whitehorse West having only one small and totally inadequate school in what is now the largest riding in the territory, we look forward to having a new facility built there when the need becomes properly identified.

**Mr. Lang:** I know there is some property that has been put aside in the Porter Creek area for a school. In fact, it is zoned so there should not be any problems with the city as far as having the exact location for a facility if it is necessary. By pure coincidence it is within walking distance of my house.

At any rate we know that land is not a problem as far as the building of new schools is concerned.

Could the Minister briefly outline whether any of the other rural schools are facing a classroom shortage in the foreseeable future? Has anything been brought to the Minister's attention regarding the present facilities and the need for either major extensions to the facilities or for new additions?

**Hon. Mr. McDonald:** The only community that pops to mind that has shown the desire for extra classroom teaching space is Pelly Crossing. For a brand new institution, there are only three teaching spaces in the school and that is considered inadequate for a school with the grade ranges that school supports. We have not identified anything in the Budget, but we are going to have to take a very serious look at the request to determine whether or not we can do

anything to support that school. We have identified some funding in the Budget to assist Pelly Crossing to provide more storage space in the school, of which there is quite a shortage. In terms of classroom space, to my knowledge, Pelly Crossing is the community that has made representation to me in that regard.

<sup>04</sup> **Mr. Lang:** I would like an undertaking from the Minister regarding the new facilities. You have prospects of making major commitments over the course of this year in Faro, for example, if that comes to pass. My concern goes back to our discussion in Highways and Transportation when we talked about planning and the need for rational plans for our facilities within the economic capabilities of the taxpayer. If we are going to go with a new facility, could we use some of the plans that we have already gone through and used as opposed to reinventing the wheel?

I know that there is a requirement for public consultation; I am not going to argue that. I think it should be done under the understanding that they are going to have to select from the plans that we have on the books instead of going out for a new architect and all the various costs attached to it. Would the Minister be prepared to make that undertaking as a general policy direction for the Department in the future, if we are looking at a new facility?

**Hon. Mr. McDonald:** Unfortunately, it is my understanding that previous administrations have done rather well; I am certainly prepared to admit this. I state quite proudly, as a territorial taxpayer, that the previous administrations have done quite well in providing facilities around the territory. For that reason, I do not expect, in the near future, to be discussing anything more than — apart from Whitehorse — expansion of space in existing facilities. I would not conceive that, in future, we would be hiring expensive architects to add classroom space onto a given school.

With respect to the construction of new facilities in the territory, obviously, the Member has a good point in terms of the cost of architectural fees. If we have designs on the books right now, which are appropriate for the conditions in Whitehorse, for example, to build a permanent facility in a place like Grey Mountain, certainly, as a matter of course, we would have to first look at existing plans. We would have to determine whether or not it would be cost effective to use those plans.

**Mrs. Firth:** I have a question regarding the space shortage. I understand, from having been the Minister of Education, that one of the causes of that is the French Immersion Program. French Immersion is creating a duplicate system of education so that, in the elementary grades, you have children in the Immersion Program in Kindergarten to Grade 5 and you have the same in the English program. When the Minister is going to look at new facilities, is he going to consider having one facility set aside for French Language education?

**Hon. Mr. McDonald:** That is an interesting concept; we have yet to take a decision in that regard. I think the Member would be referring to something akin to a French school, where all services are provided in one facility. We have not taken that decision on behalf of the government.

<sup>05</sup> For one, the French Immersion Program does create problems for the Department. Primarily there are problems associated with busing requirements in the city, in that you have to bus people from all over the city, essentially, to Whitehorse Elementary, to take advantage of that program. The class sizes in French Immersion are quite significant, as I understand it. There are students in the program, albeit it is a truism to say that they are taking up space there they are not taking up elsewhere because they are in this program. We have less of a concern about space than we have about other associated problems with respect to busing. We have not taken a decision on a French school facility.

**Mrs. Firth:** It is interesting that the Minister mentioned busing, particularly within the city. Has there been any consideration given to the possibility of the children within urban Whitehorse using the Transit System as opposed to having a busing system that the Department of Education is providing? Has the Minister followed up at all on my question about the Transit System since he put the new bus on for Porter Creek?

**Hon. Mr. McDonald:** In response to the Member's previous questions during O&M Mains debate, the Department had not

consulted Whitehorse Transit to see whether or not they would be prepared to negotiate some arrangement with the Department on busing students.

We will definitely be looking at Whitehorse Transit to assist the transportation of students. The concerns will be from the parents, and they will obviously be the same. We can expect that the parents will be concerned about the safety of small children using public transit around the city at certain hours of the day. In any case, for older children, I know it is a practice in other cities and towns around the country to use public transit. That is certainly something we should give consideration to.

**Mr. Lang:** On the question of busing, a direct question was put to the Minister here during the O&M Mains and he was to get back to us. Was there an extra bus put on for the purposes of the Porter Creek area, or was it a reorganization of the Judas Creek-Hootalinqua area?

**Hon. Mr. McDonald:** I have a briefing note coming. I have seen it already. It was not in a form that I liked because there were all kinds of sheets of paper with extraneous information. I had answers to the questions coming, but with respect to this one, yes, a bus was added to the Whitehorse system and Judas Creek was added as well. There was not a bus designated strictly to pick up Judas Creek residents alone. There was a bus added to the system, and Judas Creek is also incorporated into the system for transportation.

**Mr. Lang:** We are spending a lot of money here. The last couple of years we have, as well. This is on the question of computers. I notice that in the line item for Yukon College there are provisions for computers, and then down the road there are also further provisions for the installation of computer labs.

How many existing classrooms are you renovating for the purpose of going into this program in our Yukon schools, since this is a concern as far as space is concerned, that we just went through? What is the long term intent of the Minister regarding computers? I think that we spent in the neighbourhood of \$1.5 million in the last two years, as far as the general schools are concerned. What is the general policy direction that the Minister intends to take?

**Hon. Mr. McDonald:** I believe in response to a question in Question Period, the Member for Faro responded to the policy with respect to funding computers around the territory. The computer labs item in the Estimates is an expenditure to build the rooms used for computers in the various schools. I am referring to the upgrading of rooms where the computers are placed. We are upgrading the classrooms to make them more acceptable for the computers to be used.

In response to the question from the Member for Faro, I mentioned that we had decided that we wanted to review the computer/student ratio in the territory, because we are number one in the country at the present time, and there was, in the past, provision for rather significant purchases of computers to make the ratio of computer/student even more attractive to the students in the territory. We wanted to determine if that was the way that we wanted to go, because there was no policy on which to base that kind of an expenditure. We would still like to improve the system and we would like to provide up-to-date equipment, but we have some fundamental questions to ask, and they include whether or not we want to purchase or lease computers, what we want the computer/student ratio to be, and so on. All these questions need to be asked. We hope to address them by the end of this calendar year, so that in the future, when we decide whether or not we want to purchase more computers, we will have a policy upon which to base the expenditure.

**Mr. Lang:** You are asking us to vote on some money for computers. On the other hand, you are saying you are not happy with the lack of policy that is in place. Why are you asking us to vote money if you are not sure what to do? We seem to be voting a lot of this Budget, but we are not too sure how we are going to spend it. "Give us the vote authority and we will spend it for you".

**Hon. Mr. McDonald:** That is a generalization I do not think that I can support, about large expenditures in this Budget. That is certainly not the case. In any given year, there is a need to upgrade the computer equipment in the classrooms. Whether you improve the student/teacher ratios or not, there is still a need to replace

equipment. We intend to maintain the integrity of the program while we have the existing computer/student ratio and while we are reviewing the policy. It seems to be working quite well.

<sup>07</sup> If, in the future, we come back and report to the Legislature that we have a policy which changes in some way our anticipated expenditures, then we will look for a redirection of funds. Already we have demonstrated that where there is not a policy with respect to computers, we are not prepared to vote funds. There has been funding that was voted in the last Capital Budget, as the Member may be aware, for computer equipment which we are not going to spend for this capital year because we do not have the policy in place.

The government did not believe that that was a responsible way for the public to spend Capital funds, the taxpayers' dollars. I think our intentions are more than good. I think they are excellent. You can rest assured that we are not going to change the computer-student ratio, or in any way change the program without a clear policy in place which will justify the expenditure.

**Mrs. Firth:** Am I to understand from what the Minister is saying then that he perceives some deficiencies or inadequacies within his present computer program?

**Hon. Mr. McDonald:** As I explained, the computer-student ratio in the territory is extremely good. It is 14 to one, or something in that neighbourhood. We are number one in the country. Everybody realizes that, especially in the rural communities where you need teaching aids to assist you, because we do not have the resources to provide the kinds of teaching personnel that you would have in a larger centre, computers are a very valuable learning aid. They also seem to be the way of the future with respect to the desire for computer literacy for our children. They are necessary everywhere in the territory.

There is no question that we are in support of the computer program. How supportive we want to be is the issue at stake. Do we want to go to a computer-student ratio of one to one, or better than one to one, or 12 to one or ten to one? Those are the questions we have to address, and I think we should address them prior to spending hundreds of thousands of dollars on computers. That is the reason why we have put a hold on the funds for this year, while at the same time, replacing equipment as it wears out or becomes obsolete. Hopefully, by the end of this year, as I say, we will have a policy in place upon which we can justify the expenditure of future funds.

We would like to put the Legislature on notice that funding may be required. If we do not require it, given our previous action, we will not spend the money.

**Mrs. Firth:** That does not mean that the computer program is not going to continue, though? I gather from the Minister that the program is going to continue, the personnel are going to remain there for educational purposes, teachers are going to continue to have in-service available and upgrading, and so on. I see the Minister is nodding his head that that is going to happen.

The Minister may want to pursue having some of the young students at FH Collins assist with some of the computer programs too. There are some very brilliant young people there with abilities and skills in the computer area that probably surpasses a lot of the teachers. He may want to look at that avenue also.

Can the Minister just give me a general idea of the availability of computers in the outlying areas, in the communities? Are they as well equipped with computers as the urban area?

<sup>08</sup> **Hon. Mr. McDonald:** It is my understanding that every school in the territory has at least one terminal. There was some question, in Faro, that computers were removed initially because we felt that we might not be using the existing facility. My understanding is that, even in Faro, we have computers for the students.

**Chairman:** Any further general debate on Education? We will then move on to line-by-line expenditures.

#### *On Miscellaneous School Equipment*

**Mr. Lang:** How does he get the breakdown right to \$899,000 to start with? It is nice to know that mathematics is well and alive in the Department of Education.

Secondly, I would hope that he has a breakdown of the major expenditures in this area. We are almost talking about a million

dollars. The agreement was, I believe, that we be provided with a breakdown of expenditures of this kind. I am looking forward to the breakdown. Maybe it slipped the Minister's mind.

**Hon. Mr. McDonald:** We got a deal on this particular \$899,000. I do not have the kind of breakdown that I had with Community and Transportation Services. I suppose that it would do no good to say that we have never been given this breakdown before in the Legislature. Perhaps the Department of Education felt that the past practice would continue.

**Mr. Lang:** On a point of order.

**Chairman:** Order, order.

**Mr. Lang:** I want to take exception to the Minister's comments. The reason I am taking exception is because I am getting tired of him saying "the previous government". I cannot help it if they were not smart enough to ask the right questions.

**Hon. Mr. McDonald:** He does not have a point of order, Mr. Chairman; that was absolutely ludicrous.

**Mr. Lang:** If you had asked for them, we would have got them for you.

**Hon. Mr. McDonald:** Let us get something straight. When we sought information in the past, we got the leanest information that you could possibly imagine.

**Mr. Lang:** On a point of order.

**Chairman:** Is this a point of order?

**Mr. Lang:** Yes. On a point of order. We are dealing with Miscellaneous School Equipment. I have requested certain information. Can the Minister provide me with the information? I do not need a history book.

**Hon. Mr. McDonald:** Mr. Chairman, rule on this point of order, please.

**Chairman:** Miscellaneous School Equipment. That is true, we are dealing with line items. The question is to you, Mr. McDonald.

**Hon. Mr. McDonald:** I do not have that information. I gave reasons why I do not have that information with me. I will provide the breakdown, to the extent that I can, to the Members. The information that I have is essentially the same information that Members have in their book on this particular line item.

Mr. Chairman, I really cannot help this. You will have to allow me to respond to the phony point of order that the Member raised a few moments ago with respect to the provision of information. To have the Member get up on his high horse to request detailed information that I spent long, gut-wrenching hours — sitting in the chair where the Member for Faro now sits — and with great anxiety trying to eke out even the most minute information from the Member when he was a Minister sitting in this chair, I find that the Member's requests, though legitimate, are absolutely crazy and ludicrous coming from him.

On the point of order, it is perfectly legitimate that the Members of the Legislature see a better breakdown. I have seen a breakdown of the information, of course. I will try to get the information for the Members. I think that it would have been a little more legitimate if it had come from the Member for Riverdale North, in that he is a new Member to the Legislature and he probably would not know any better. Coming from the Member for Porter Creek East, I find it insane.

**Mr. Lang:** In all due respect to all Members in the House, on the gut-wrenching hours that the Members spend in here getting information, I do not ever remember any information on line items on any capital expenditures being denied any Members, if the questions were asked. I admit that the Member opposite, when he was sitting here, not only when he is sitting there, sometimes has some problems. I am not going to argue that, and that is not my fault. Genetics, hereditary, genes all these things come into it. What I would like to do is bypass this line item until the Minister can come back with the information. Could he just have it all run off and we could go through it very quickly and it may go very quickly or there may be some contentious issues that bear discussion. Could I recommend that to the Minister?

**Mrs. Firth:** I was just going to make a recommendation. Can the Minister not tell us even what the major portion of the fund is for in that line item? I do not need a detail of every pencil and eraser and scribbler that is going to be purchased, but industrial

arts, home economics, music, computer education, audio-visual equipment, library, janitorial services: is there one item that is taking up the major portion of that allotment or is it spread evenly around all of them?

**Hon. Mr. McDonald:** My recollection of this is that it is spread around all of them. There are replacements. There are pieces of equipment for home economics, music, computer education around the territory. There are a lot of schools in the territory. In the past year we have spent, as the book says, \$1.1 million on this particular item. Perhaps the Member can tell me whether or not he wants a school-by-school breakdown. If I provide the information, like the precedent-setting information we provided for the Capital Estimates, he might want it broken down so that he can cross reference it a dozen different ways. If he can give me some sort of information as to how he wants the information broken down then perhaps I can accommodate him.

**Mr. Lang:** All I want is the information that is provided for him, and I gather he must have that school-by-school. If it has been provided item-by-item — computers are broken down that way — or whatever way it has been broken down for the Minister opposite, just provide us with copies of the information that he has had. It is background for his budget. I do not think that I am asking for anything astronomical. I would ask that we just set this aside and we carry on through the line items in the Budget and the Member opposite can get the information.

*Miscellaneous School Equipment stood over*

*On Yukon College - Equipment*

**Mr. Lang:** Does the Minister have any idea how he is going to spend the money?

**Hon. Mr. McDonald:** These funds are required for new or replacement equipment for the college programs, as the notes suggest. If the Member wants a breakdown of the pieces of equipment that we are providing here, if he wants to stand this one over as well, I will be prepared to do that. That, too, is a precedent-setting action. I hope that if the Member opposite ever finds himself in this chair again — with any luck he will not — I hope he understands the kind of precedent that he might be setting, which is a legitimate request. It has never been requested before. It has never been provided before. I would like to reiterate that I hope we can provide the breakdown in as detailed a fashion as possible. If it means long hours for the Department, then I might have to resist. If it does not, we will provide as much information as I can.

**Mr. Lang:** As a new Member in the Chair, and I am sure the Clerk Assistant, the Clerk, and anybody who has been in this House for any length of time will concur, this is not a precedent-setting step that the Minister is launching into. The reality of the situation is that if he goes back through *Hansard* for the last 11 years I have had the good fortune of being a Member of this House — and I want to inform the Member opposite that I am not going to be too long on this side, I will be over there before too long — I want to assure the Member opposite that things have been set aside. I think he should apologize to the House for being so unprepared. You are going to stand here and read this, and tell me this is the way you are going to spend \$460,000?

Stand it aside, Mr. Chairman.

*Yukon College - Equipment stood over*

*On Community Learning Centres - Equipment*

**Chairman:** Is this a similar situation where if it is not available, we should stand this over as well?

**Mrs. Firth:** I would just like the Minister to refresh my memory as to which communities are getting them that did not have them before. I remember Old Crow, but I cannot remember any others.

Is he going to continue on with the same kind of program that the previous government had, that there would be individuals from within the community who would be looking after the community learning centre and encouraging people to join, and they would have a committee of people made up from the community, and so on?

**Hon. Mr. McDonald:** The policy with respect to having a Community Learning Centre Advisory Committee in the communities is going to be retained. The next community learning centre on

our agenda will be one for the Haines Junction-Burwash area. Where, exactly, and how we are to do that is being determined now.

11 The funds are obviously for community learning centres around the territory. No item here stands out in major detail. They are for desks and chairs, computers, paper, pencils and pens around the territory. If the Member for Whitehorse Porter Creek East wants a breakdown for this particular item, in terms of how many pens, perhaps, we provide to community learning centres — just to make sure that there is no preferential treatment in terms of providing stocks of supplies for the Mayo learning centre — perhaps he could say so. We could try to break that information down as well.

Generally speaking, it is a sum of money which is allocated specifically for supplies for learning centres around the territory, of which there are a number.

**Mr. Lang:** He is going to provide us with that information, I assume, as he has outlined, is that correct? I take it, in fairness to us, that that should be available to us. I thank the Minister.

**Hon. Mr. McDonald:** Mr. Chairman, could we take a recess, please? I will see if we can get a more detailed account of the items that are stood over to date.

**Mr. Lang:** Perhaps, while the Minister is getting prepared, maybe we can go to some other vote?

**Mr. Phillips:** As a new Member, the Minister made a comment about me not knowing very much in the House and not knowing which questions to ask. I am a little distressed that the Minister, who has been in the House for a long time and has sat on this side and knows the type of questions that should be asked, has come in now as a Minister and is totally unprepared to deal with this Budget. I am very disappointed that the Minister has not gone home tonight and maybe looked at his Budget items instead of watching baseball.

**Hon. Mr. McDonald:** The completely uncalled-for remarks from the Member for Whitehorse Riverdale North are, perhaps, understandable in that he has demonstrated a severe degree of ignorance under the circumstances. As a matter of fact, I did not watch the baseball game this evening, which is no great loss, considering how the Blue Jays are doing. In any case, despite the Member's very provocative and unwarranted remarks, I will try to remember that he is a new Member, but in the past — and I will never withdraw these remarks — I remember sitting in the chair almost directly opposite where I am sitting today, asking for information and getting absolutely nowhere with the Members. Even the suggestion of a breakdown of expenditures would have been absolutely horrific to the Minister sitting on this side of the House. We met with a lot of resistance, but then they had a majority in those days, and they used that.

**Mrs. Firth:** For two years, I was the Minister of Education in this House and it was not uncommon, during the Budget debate on the Capital Budget, for us to present a Budget like this with as much detail as in here. I believe when we first started putting the Budget forward, in 1982 when I was first a Member here, the Opposition raised a concern that we were not putting enough information in. We then started putting a little more information in. I do not recall every denying a Member of the Opposition, when I was a Minister, any information regarding the Capital Budget, to the point that I can still remember what the items include. I could stand and tell the Minister where the money is going, because I remember doing it in this House — I have a very good memory — and I can remember that the items and the detail were provided to us as a Minister. We were given briefing notes. We could bring them in the House, and we did not necessarily have to present every line item with all the little miscellaneous equipment and so on.

However, if the Members had a particular question about their constituency, or the school in their constituency, we could look through our briefing notes and say, yes that is so much for home economics equipment, that is so much for audiovisual equipment, and that school is going to get some new audiovisual equipment, and that school is not and so on.

12 We are not trying to be unreasonable. The information is available, and the Minister was given some briefing notes, I hope, by the Department. It has been the practice in the past that they give

briefing notes. I do not think we need a lot of detail. The Government Leader made a comment, when I raised the point as to why we were not carrying on with the Budget; he said we had just approved a million dollars a minute, or something. Now the Minister is asking us to approve \$81,000,000 in a total budget without us asking any questions or requiring any information. I do not think that it is responsible of me, as a Member representing a constituency, to say, "Well, you do not have to bring me any answer".

I do not think I am being picky, but I would like some answers. I would like to know what the major portion of the allotment of money is for so that I can justify that I have made a responsible decision in approving the funding.

I recognize that the major portion of this whole Capital Budget for Education is for Yukon College. When we come to that, I would like to ask the Minister some questions about it. If he is unable to answer them, may he tell us now. We can have a recess; he can get his information; we can come back and have a constructive debate on the Capital Budget.

**Hon. Mr. McDonald:** Given that the Member for Whitehorse Porter Creek East is asking for a good deal more than the Member for Whitehorse Riverdale South — he is actually asking for a specific school-by-school breakdown — I would like to ask that we stand these items until such time as I can provide that information. I am not, in any way, withholding information. I will do everything I can to provide the information. I will get that information for the Members as soon as I can.

**Mr. Lang:** Is the case with all the line items that we are dealing with here? Is he capable of discussing any of them at any length? This is the question that my colleague from Whitehorse Riverdale South is asking. Are you asking us to stand the whole vote aside?

**Mrs. Firth:** For example, on grounds and landscaping, it says to provide funds for the improvement of activity areas and playing fields at various schools. My question is going to be: which schools? I am particularly interested in the schools in Riverdale, and I would like to be able to say to the school committees that they are going to have some lawns done, or they are going to get a new driveway. That is my job as an MLA, and I am sure the Chairman would also like to be able to tell his constituents what his school in Dawson is going to be getting.

Is the Minister going to be able to respond to those kinds of questions? If he can, I am prepared to proceed. If he cannot, we will have to go to another Budget item.

**Hon. Mr. McDonald:** I am sure that the Member for Whitehorse Riverdale South will ask specific questions of the schools in her riding; that is fair and right and just, and I support that.

The Member for Whitehorse Porter Creek East has indicated that he wants a complete breakdown of the funds in these line items. I do not have them in front of me; I will get them. That is the reason why I am asking for the thing to be stood over. I do not think we have to belabour the point. I am asking for the thing to be stood over.

**Chairman:** I hear that those Members are in agreement that Education be stood over.

*Department of Education stood over*

**Chairman:** We will now move on to Government Services.

#### On Department of Government Services

13 **Hon. Mr. Kimmerly:** I had some detail, but I will just express the general situation here and wait for the specific questions and answer them if I can.

In general, you will notice that the overall Capital Budget has a very substantial increase over last year. In this Department there is a decrease. The Budget items, or the categories, are listed exactly as for last year and are mainly ongoing expenses.

The substantial expenses for computer equipment and systems development has been ongoing for the last, in excess of, five years at approximately this level, and there is no change at all in the policy of the government. We are gradually adding more word processors and computer terminals. It is a very substantial amount



of money. The impact on local employment is minimal, or not as much as other Departments.

We have increased the Budget in major maintenance for public buildings. This is an ongoing expense. We are taking steps to do some improvements on many of the buildings. There is nothing spectacular, or even very interesting. We have allocated monies to re-carpet this building here, which is a substantial expense. That is one of them.

I will answer the specific questions, if I can, as they arise.

**Mr. Lang:** Just to go back on the question of computers, I think the Minister has made a valid observation that we are spending a lot of money in this area. I know that when Budgets were being prepared I kept asking, when does this stop? We are not talking small change here. We are talking millions, multi-millions.

What is the forecast for the next couple of years, if the Minister has that ballpark figure? I know he will not have the exact figure. I recognize that he is probably going on memory with questions like that.

Secondly, I would like to know what is coming on to the system for the \$3 million that we are going to be spending this year? What other things will be going on to the system? For example, I believe medicare went on last year. Do you have any idea what other programs within the government for the purposes of more efficiency, hopefully, in government, will be going onto computer?

**Hon. Mr. Kimmerly:** It is a very responsible question. I cannot answer in specific detail but I will get that information and provide it in written form.

The general policy is that all of the government data, or the data base of the government, be computerized. I am unaware of the exact stage in each of the departments at the present time, but that is the policy that existed prior to May 29th. We have done nothing to change that in any way at all. The expenditure is not only for equipment, but in the very time consuming task of initially putting the data into the computer. It is a very difficult thing to estimate in the long term because computer technology is changing so very rapidly. It is my understanding that if we were to buy the computer capability that we now have today, we would make a very significantly different decision than we made originally in buying a very large, very expensive IBM mainframe computer. That is not to say that the decision made years ago was wrong. It may have been right at the time, but the technology has substantially changed. The direction, if we can call it a direction, is to emphasize smaller computers and the computer literacy of most of the civil servants in the government, especially in office jobs, and that is a continuing process. I do not know the specific programs that will be computerized starting in April 1986 and ending in April 1987, but I will provide a written answer of our estimates.

**Mr. Lang:** So that the officials who will be reading *Hansard* will understand, I just need the information in point form. I do not want anybody to go to a great effort as far as trying to write it in what is deemed a proper manner. All I want it in is point form.

The other question that I have is, in government services, and we are talking \$80,000,000, are we going to be seeing a major increase in man-years for government services in order to do the work that you have outlined in this budget, overall?

**Hon. Mr. Kimmerly:** No. There is no provision for an increase in man-years. As an administrator I have been, for the Department, uncomfortably ruthless about all this. I am not expecting an increase in person-years at all.

**Mr. Lang:** I wish him well in his task. All I am saying is that looking at the number of projects that we have here, he is going to have his hands full, as far as attempting to get this work out in the designated time, and especially if we are going into the project management area.

The other area that I would like to make an observation on is in the area of computers. Looking ahead to 1986-87, are we going to see an increase in man-years in that particular area with this new technology that is being either replaced or put in to offset what we already have in the area of computers and systems?

**Hon. Mr. Kimmerly:** No, there will not be significant increases. I would like to say that there will not be any increases. That is my aim. I will do my best to achieve that.

The task for the Department is substantial, as we will be supervising a greatly increased Budget. It is not our expectation to put a lot of government person-years into project management. The present policies about contract administration are still in place. I am expecting them to stay in place in the foreseeable future.

It will be a tax on the Department, as it already was a busy Department. As I have previously said, I have been ruthless in resisting the pressure for additional person-years.

**Mr. Lang:** I have a general question, and perhaps the Member for Kluane wants to follow this up. There was some talk about the pipeline station out in the Haines Junction area. Has the government leased or purchased that particular facility and, if they have, for what purpose? Are they contemplating purchasing it?

**Hon. Mr. Kimmerly:** Is that the abandoned pump station? There was a proposal to put the experimental satellite to the Correctional Centre at or near the station. The government is not interested in acquiring that particular property. It is owned by the federal government, and we see no use for it for the territorial government. The experiment concerning the work camp for the Correctional Centre, which is entirely in Justice, is partially to see the way the trailers work, and the trailers do not not require a site with hydro or sewage and electricity. They are essentially self-contained.

**Mr. Lang:** Since the Minister of Government Services is responsible for this building, I would like to make an observation now that I am a Member of the Opposition. A couple of requests have gone in. One is for a computer; we still do not have it. I know that the request has gone in; it has gone back and forth. We have been in office since late May — and I am not going to make a big issue of this — but I would appreciate it if the Minister could follow it up and help us in our day-to-day dealings with the public, which I am sure he would like to see happen.

I would also like to find out if he is expediting further work to be done on soundproofing offices. I know that some work was being done, and now I find out that the experiment is going to take place in the Deputy Minister's office. Putting a new type of material in between the offices is very disruptive, but it is an area that I think should be looked at. I think that we all, as MLAs, should have some privacy, and I think that the Minister would agree with me on that.

I would also like to raise the question of ventilation. Some testing is being done, and I know that there are some adverse results coming forward. Steps should be taken immediately for the benefit of people's health, not only the Opposition's, but the employees of the government as well.

**Hon. Mr. Kimmerly:** I thank the Member for those representations, and I will say that I had no personal knowledge of the soundproofing or the computer, but I undertake to look into the matter this week.

As to ventilation, I have received a representation as to the humidity in this Chamber, and we are installing a humidifier. I have also looked into the question of heat, because I used to be in those offices, and especially the office of the Leader of the Official Opposition — excuse the French — but it is damn cold in the winter time. We will be looking into that.

The comfort of all the employees, including the Members of the Opposition, is of importance to the Department, and we are genuinely trying to solve the problems. The question of heat and ventilation is a building-wide problem. The preliminary estimates to fix it are in the nature of \$500,000, and I have not made a final decision as to when the work is to be done or what will be done. On the question of heat, it is obviously crazy to do the work in the winter time.

<sup>17</sup> It is already too late. I would hope that next spring the substantial work will be completed on the question of heat. The Budget, generally, has money in it for that purpose, but it is not specifically allocated per building as of this instant.

**Mr. Lang:** I hope that we do not freeze out the Leader of the Official Opposition; we would not want to see that happen. I appreciate the comments made by the Minister. I am quite surprised at the circumstances down there, quite frankly. Why it was brought to our attention quite vociferously by the Members opposite, I do

not know, because I concur with you, things are going to have to change.

I would like to go into one other area, and that is a question of contracting out the janitorial services in this building. The Minister made it quite clear that he was not happy with the performance of the present contractor. I may not share that view, to some degree. It depends on where you are. Is he going to continue to contract out the janitorial services? The provisions are there, of course, to go with other contractors if the government is not satisfied with the type of service they are getting. I do not know the internal workings, so I could not comment on that aspect of it.

**Hon. Mr. Kimmerly:** I will be purposely somewhat vague, and the Member will understand why as I try to explain it without prejudicing any particular business or the government. There have been numerous complaints. I have paid personal attention to them and I have made myself aware of the complaints about the cleanliness of the building.

We, as a Department, have sought legal advice from the Department of Justice as to the way we should operate. It is not the intention of the government to change the policy this fiscal year. It is a matter for O&M and not for Capital, but I appreciate the spirit in which the question is asked. It affects the sort-of-looking-after-the Capital, if you wish.

We are looking at ways to correct the present deficiencies without changing the policy of contracting out this year. How we are able to do it, within the confines of the contract, has not been finally determined. We consider it essential to the image of the government, to good health and the morale of the employees here that the building be clean. We will not compromise on a basic standard of cleanliness.

We are looking at ways to practically solve the present complaints. The decision about which way to go in the next year will be addressed in the next year's O&M. If the decision is changed to go back to the old system, it will impact on the person-years of the government and on the O&M expenditures. The time to debate it is on the O&M Budgets for 1986-87.

**Mr. Lang:** I wanted to raise that as an issue because I think it is one that we will be watching closely. We do not want to put the Minister on notice, but it is one on which a great deal in care and cost should be taken with the decision.

**Hon. Mr. Kimmerly:** I understand that.

**Mrs. Firth:** Is the Capital Project Engineering Audits a new program that the Minister has initiated?

**Hon. Mr. Kimmerly:** No, it is not a new program. The federal funding situation has changed. The federal funds have dried up. It is the perception of the government that, in keeping with the general policy of reducing the future O&M costs where possible, we should complete the work on the retrofitting of major government buildings. That is what this expenditure is for.

**Mrs. Firth:** Is that going to be an ongoing expenditure then? Are we going to be paying for it?

**Hon. Mr. Kimmerly:** Certainly, for the next year. In the future years, I cannot say. There has been no Management Board approval for an ongoing expenditure. I can say that we have reached the conclusion that the money is well spent, despite the lack of federal contribution in the next year.

**Mrs. Firth:** The only other question I had for the Minister was, in the line item for Furniture and Equipment, does that include the cost of the furniture that is going to be hand made by the craftsmen in the Yukon Territory? Can the Minister give us an approximate cost that they have identified for that furniture?

**Hon. Mr. Kimmerly:** It does. The budgeted amount is now \$200,000. It was brought forward into the Capital Supps and is not here in this Budget. This is still at the experimental stage. The experiment would cost us slightly in excess of \$30,000. The furniture that we will buy for the approximately \$30,000 will be on display in the main foyer here December 15, I hope. The policy of the government, if the experiment works and if the furniture is of an acceptable quality, is that we will locally manufacture the wooden furniture, especially, that we can. We have historically spent just under half a million dollars a year on furniture.

<sup>19</sup> That could be the genesis of a local industry. If the quality is

good and the prices are competitive, which the bids certainly were, then we will spend a portion of that approximately half million here in the territory every year; I would hope a very large portion. The amount depends on the capabilities of the local carpenters to produce the furniture and on their bids. If they bid very high, we will need to purchase the southern manufactured furniture as a cost effective measure. I hope we do not have to, but that is always a possibility.

**Mrs. Firth:** It is quite an interesting concept. I hope that it is successful. Is the Minister prepared to answer some questions for me regarding Grey Mountain Primary School? I know it comes under the Education budget, but the questions have to do with contracting and square meters and so on.

**Hon. Mr. Kimmerly:** No, I am sorry those funds are entirely within Education. If there is a question about the contract administration of that, we have no plans for anything other than the normal policy, or continuing policy, which is a public tender to a general contractor.

**Mrs. Firth:** The question was with regard to the cost of it. I remember that, when I asked the Minister of Education for a breakdown, he said that he had to get the information from the Minister of Government Services and then provided me with it.

My question was regarding the amount that is presently identified in the Budget, which is considerably more than the last memo I received from the Minister. Maybe I could just give notice that I will be asking that question because I know that the Minister of Government Services will have to get the difference. The memo I last received gave an amount of \$569,000 and I notice that the item identified in the Budget is now \$647,000. I will be asking the Minister about the increase, and what it is for. I would also like to know the size of the activity room in square meters.

**Hon. Mr. Kimmerly:** As the Member knows, the Department of Government Services provides a service to the Department of Education and those figures are all the primary responsibility of the Minister of Education. I have no input into them except as a technical advisor at the official level. I would suggest that the questions should be to the Minister of Education.

**Mrs. Firth:** That is fine. I will ask the Minister tomorrow and now he has received notice of the question so I am sure that he will have the answer.

**Mr. McLachlan:** My question is with regard to the fourth item. Pooled road equipment is its description, but a further description talks about road vehicles.

<sup>20</sup> I interpret road equipment to be something like graders, but you cannot buy many of them for \$250,000. Are we primarily talking about the replacement of gas or propane vehicles in the government fleet?

**Mr. Lang:** We seem to be getting fairly specific. We do not have any more questions on general debate, so maybe we could start going through the line items and get specifically to it and deal with it at that time. Would that help the Chair?

**Chairman:** I would like to thank the Member for his comments. This would be a change. Actually, we have been setting a pattern and getting very specific in general debate all along from department to department. I must say that this point of order did catch me off guard.

Is there any more general debate on Government Services? If not we can get to the more specific questions and the line-to-line expenditure items.

#### *On Miscellaneous and Minor Projects*

*Miscellaneous and Minor Projects in the amount of \$110,000 agreed to*

#### *On Computer Equipment and Systems Development*

**Mr. Lang:** Does the Member have a general breakdown as to what this entails as far as major expenditures are concerned? We are talking about a significant amount of money.

**Hon. Mr. Kimmerly:** I will supply that in writing along with the programs scheduled for computerization in this particular period.

**Mr. Lang:** That is fine. I do not have any more questions on the line item. I am prepared to pass this particular line item if it meets other Members' approval.



*Computer Equipment and Systems Development in the amount of \$3,250,000 agreed to*

*On Furniture and Equipment*

*Furniture and Equipment in the amount of \$366,000 agreed to*  
*On Pooled Road Equipment*

**Mr. McLachlan:** Does it refer specifically to gas engine or propane vehicles within the government fleet?

**Hon. Mr. Kimmerly:** Yes, primarily gas engines, and I should say that historically we have budgeted approximately \$250,000 a year in slight progressions every year except last year. Last year there was a significant replacement of an unusually high number of vehicles. There is a five year capital plan for vehicles. We keep vehicles for a fairly long time, usually eight years, and replace some vehicles every year on a rotation basis. This is the normal replacement of vehicles. There are no funds for additional vehicles.

**Mr. McLachlan:** Is the replacement for the \$250,000 for vehicles in the entire government fleet? What I am getting at is that the Department of Highways has a very large number of gas engine pickups. Are we talking about vehicles exclusive of the Department of Highways vehicles?

**Hon. Mr. Kimmerly:** I just checked with the Minister of Highways, and we both agree that it is for all the vehicles in the government aside from Highways equipment, which is in a separate Budget. This is all the other vehicles, the government pool vehicles.

**Mr. McLachlan:** Do we use, at least within this line item, any propane-equipped vehicles?

**Hon. Mr. Kimmerly:** I believe not. I need to check to be absolutely sure, but I would be very surprised if we do. I believe not.

**Mr. Brewster:** Are the vehicles for Renewable Resources included in that item?

**Hon. Mr. Kimmerly:** Yes.

*Pooled Road Equipment in the amount of \$250,000 agreed to*  
*On Pre-Engineering Studies*

**Mr. Lang:** I would like to know why there is such a significant decrease. With the dollars that have been allocated and committed for at least the next three years in our financial formula, why is there a significant drop. I would have thought, if anything, there would have been an increase in this area.

**Hon. Mr. Kimmerly:** The design dollars are primarily identified in the Department's Budgets and especially in Community and Transportation Services. A significant portion of the Capital expenditures is for design work. The direction, or the general policy, is to put as much of this as possible into the Department's Budgets. For the general government administration, that is this building and buildings with a multi-departmental use, they would be in this line.

*Pre-Engineering Studies in the amount of \$100,000 agreed to*  
*On Major Maintenance - Public Buildings*

**Mrs. Firth:** Could the Minister just provide a brief schedule of which buildings are due for maintenance?

**Hon. Mr. Kimmerly:** Yes, I have it under various time lines. I will provide it in writing relevant to this particular Budget.

**Mrs. Firth:** Is this then the revolving maintenance schedule?

**Hon. Mr. Kimmerly:** Exactly.

**Mr. Phillips:** Can the Minister tell me how much of this maintenance is going to be contracted out, and how much of it is going to be done by our own forces?

**Hon. Mr. Kimmerly:** It is impossible to say exactly, but the lion's share of it will be contracted out. There is not the person-years in the Department to do it within the Department. Generally, for our small items, there is a Government Services maintenance crew. That has existed for years. There is no change in the policy about that. It has not increased or decreased. The same policy as in the past will exist.

A proportion can only be expressed generally, because it is a revolving fund. Decisions are made on it on an as-needed basis. The time of the year and the job are all important. The decisions are made throughout the year.

**Mr. Lang:** Perhaps the Minister can tell us why there is such a major increase here. We are talking about a half a million dollars

over and above last year and previous years. I always recall the Budget being \$600,000 to \$700,000, in that neighbourhood. Now we are jumping up \$500,000 over and above what we have allocated in the past. What are the significant reasons for that increase?

**Hon. Mr. Kimmerly:** The estimates as to the particular building, which I have already promised, will answer part of that. Another reason is that it is perceived that in this general situation where there is a substantially increased Capital Budget, this is the line to put the money in to, for example, recarpet this building. It is a good year to do those major expenditures.

*Major Maintenance - Public Buildings in the amount of \$1,300,000 agreed to*

*On Asbestos Removal and Re-insulation*

**Hon. Mr. Kimmerly:** I have just a word of explanation. It was originally scheduled to do this remaining work over several years, and we have stepped it up for exactly the reasons that the major maintenance is accelerated. This should complete the program for all time, I hope.

*Asbestos Removal and Re-insulation in the amount of \$420,000 agreed to*

*On Energy Conservation Projects*

**Mr. Lang:** I hate to bother the Minister but I would like to ask him how he is going to spend the money?

**Hon. Mr. Kimmerly:** Again, I wish I could specifically answer, but I cannot. The information is not specifically available. This is an estimate and an estimate arrived at in a very general way. It is related to the energy audits, and the audits are not completed for the expenditures. We do not know the exact nature. This is an estimate.

**Mr. Lang:** I have a policy question. I know that the government, no matter who the government is, is always looking for innovative ideas on how to conserve energy, but at the same time you have your tendering procedures and all these other steps and processes in place so that everybody gets a fair opportunity to do the work, whatever that work is. What does the Minister see as the procedure if an individual does have an idea of how to cut down on energy costs in facilities? What procedure should be followed. If I have an innovative idea and I give you my prices and things, and you go to tender anyway, what security do I have if everybody then knows my proposals and prices? At least, I am put in an unfair position. What is the process that should be followed if one has an innovative idea in order that they are treated fairly and be seen to be treated fairly, among all the competitors?

**Hon. Mr. Kimmerly:** I am unaware of a government policy, and am quite confident that no policy exists on that issue. It is an excellent question; I will personally look into it. It is obvious that if a policy or a process were put in place that would provide for an incentive for those individuals to present those ideas and there was economic benefit or advantage to them, that would also be good for the taxpayers and the forest and oil wells, as well, probably. It is a suggestion that I had not thought of. I will look into it.

**Mr. Lang:** I am not going to belabour the point, but as a concept, perhaps the Minister could look into the perspective that if one brings forward various ideas as to how they can conserve energy in various areas as opposed to asking initially for prices, if the concept of the areas that they could be looking at for the purpose of cutting down on energy costs and then go out for tender so that if somebody else has the idea in the same area, and then the costs can be done and then you are going to have to do it on a proposal basis. I know that this is of interest to some people and they are not sure of how to go to the government and be treated in a manner that is acceptable.

**Hon. Mr. Kimmerly:** I thank the Member opposite for that additional comment. I can say that the previous government was very accommodating to a proposal to heat the Philipson Building with wood, and that is entirely responsible, in my view. We are looking at proposals about heating Yukon College with coal, which is a distinct possibility. The comments made recently are relevant to those ideas. I can say that the government is very receptive to those ideas. We will encourage them whenever they are reasonable. Some of them will work; some of them will not, but we will do our best to

work hand in glove with private enterprise to achieve a good business and a saving to the taxpayer.

*Capital Project Engineering Audits in the amount of \$75,000 agreed to*

*On Workshops and Equipment*

*Workshops and Equipment in the amount of \$73,000 agreed to*

**Mr. Lang:** Prior to clearing the section, could I put the Minister on notice that we will be requesting the information of where this money has been spent this time next year. I recognize that some of this has to be spent over the course of the year, and he cannot make commitments here. In fairness to Members, we should have an idea, and if he could have that prepared when he brings in the supplementaries next fall, I would appreciate it.

**Hon. Mr. Kimmerly:** I thank the Member for the notice.

*Department of Government Services in the amount of \$6,394,000 agreed to*

**On Department of Health and Human Resources**

**Hon. Mrs. Joe:** I have a brief explanation of this Budget. The major expenditure, or initiative, for Health and Human Resources during the 1986-87 fiscal year will be in support of the capital construction and equipment program of the federal Department of National Health and Welfare. The capital program is projected to include renovations and additions to the health station in Old Crow, construction of a health centre and residence in Pelly Crossing, development of a regional office facility and renovation of residences for federal personnel in Whitehorse, as well as major equipment procurement in connection with dental therapy and other programs.

Several initiatives, including phase three of the Macaulay Lodge redevelopment project, technical assessment and facility planning studies for the detoxification centre in Whitehorse, McDonald Lodge in Dawson. The proposed extended care facility, as well as renovations in child welfare group homes in Whitehorse originally planned for 1986-87 have been moved up to 1985-86 to support the government's efforts to create employment while completing necessary public projects.

The other capital expenditures are targetted to both maintaining and upgrading facilities to approve program and equipment standards for Alcohol and Drug Services, Youth Services, Child Welfare, Communication Disorders, senior citizens' programs and services administered by Health and Human Resources.

**Mrs. Firth:** Could the Minister tell me if she has taken any particular new direction or initiative with this Capital Budget?

**Hon. Mrs. Joe:** There has not been anything other than what you see here. There are ongoing projects that have been happening in the past. It is our intention to look at new ideas and implement them, possibly in the next fiscal year.

**Mrs. Firth:** The funds for the Watson Lake Group Home, that is a new funding allotment, is that correct?

**Hon. Mrs. Joe:** I believe that is to do some upgrading in a workshop to heat it.

**Mr. Lang:** There is a significant increase in the area of the federal health side. I recognize the Minister's responsibilities are questionable in that area, with respect to our association with the federal government. Is the government in agreement to go ahead with a million dollar, or however many dollars are involved, nurses residence? Is that what one of the expansion proposals is in Whitehorse?

**Hon. Mrs. Joe:** I do not have a nurses residence included in my briefing notes here. Perhaps I could wait until we go to each item, line-by-line.

**Mr. Lang:** I guess I am asking a policy question. Did the Minister approve all these on behalf of the federal government, or was there any area where you went back to the Government of Canada and said look, we do not want to do this? Or did the federal government just present a Budget to you and now we have it before us? That is my question. I want to know if their *modus operandi* has changed any.

**Hon. Mrs. Joe:** As I understand it, and I am sure the Members on the other side are aware of this, there are certain projects that are projected for 1986-87. They have planned different projects in

consultation with this government. Apparently, from the past, from the information I had, this government did not have that much input into what was going to be built and what was not. I can assure this House that we will have more input than in the past in deciding what has to be built and what does not.

**Mr. Lang:** I am asking the Minister a direct question: is she in concurrence with the way these federal dollars and our dollars are being spent? Does she not have any problems whatsoever. One of the complaints that we had in this House was discussed publicly and privately, and was the direction that the federal government took in this particular area, and then sent the bill over here for you and I to approve. That is what they did. Did the Minister have full approval of this particular line item in the area of Northern Health Services - Equipment and Construction from the federal government?

**Hon. Mrs. Joe:** In general, we did support the amount that we have here, but we still have the option to object to something that we do not think has to be done. That can still happen. I am sure that it can be stopped. For instance, if they wanted to tear down a hospital and build a new one in some community, and if we did not agree with that then I am sure it would not happen at that time.

**Mr. Lang:** One other question is the health transfer. Is the Minister actively pursuing the principle of the health transfer to the Government of the Yukon Territory? If so, where is the government as far as that transfer is concerned?

**Hon. Mrs. Joe:** There have not been a lot of discussions in regard to that transfer. We have had rumours that the federal government was in the process of making plans to do a transfer bit by bit. We have heard some substantial rumours that indicate to us that they are ready to go ahead and do that. We have not received a letter from the federal government. I have written to the Minister and asked him to confirm the rumours.

**Mr. Lang:** Do I take it that you are looking at it positively, or you are just searching for information?

**Hon. Mrs. Joe:** We know that the transfer will take place. We are looking at it positively because we know it has to happen. We know that there are cutbacks in the federal government and they have already started those cutbacks. Rumours creep to us, but we do not have anything valid.

**Mrs. Firth:** Has the Minister been in touch with the CYI representatives responsible for health regarding the health transfer? Have they changed their opinion regarding the health transfer?

**Hon. Mrs. Joe:** We have had discussions with some members of the executive at the CYI in regard to the health transfer. They want to have full participation in any planning that happens in that area. We have indicated to them that they would be a part of the steering committee to look into the transfer.

**Mrs. Firth:** Is that to say then that they are in agreement with the transfer?

**Hon. Mrs. Joe:** I would not say that they were in full agreement with it, but if there had to be a transfer then they would have to certainly be involved in that transfer and be involved with the consulting process.

**Mrs. Firth:** What I am getting at is: are they going to agree to the transfer before the transfer decision is made, in order for the decision to be made, or will the government just go ahead and say okay we are going to transfer medical services to the YTG and then the CYI will be involved in that process? Is there some caveat or some attachment that the CYI has to agree with before the process can proceed?

**Hon. Mrs. Joe:** I think we are putting the cart before the horse, because we know the transfer is coming. We do not anticipate that we will do it and then tell the CYI that it is going to be done.

*On Northern Health Services - Equipment and Construction*

**Mr. McLachlan:** During the Minister's introductory remarks, she referred to Capital expenditures in Old Crow and Pelly Crossing. She did not give them out, but I understand that Old Crow was \$589,000 and Pelly Crossing, \$1,614,000. The third item on that is \$900,000 for Faro. They all add up to, surprisingly, \$3,103,000. The Minister did not mention Faro. What would be the plans for that almost million dollar Capital expenditure, considering the fact that that facility is now padlocked and may not require any more additional building, yet we are still being asked to vote \$3.1

million?

**Hon. Mrs. Joe:** I do not have a breakdown of where that \$3 million is going. I do not have it in front of me.

**Some Member:** But where did you get it?

**Hon. Mrs. Joe:** I do not know where he got it from. I am just saying that I do not have it in front of me. I have information back in my office on the expenditures. If he wants me to come back with that kind of information, I certainly will. I just do not have it in front of me now.

**Mr. Lang:** I am like my colleague from Faro. I would like to know what you are spending \$900,000 on. I think it is a legitimate request. I thought, in the brief rundown that you gave, that there was going to be something for residences in Whitehorse. Maybe I misheard you. Was there anything for Whitehorse, as far as residences are concerned, or any capital expenditure of any kind out of the \$3 million?

**Hon. Mrs. Joe:** In the Capital Supps we have an amount of \$305,000 to do the third phase on the Macaulay Lodge.

**Mrs. Firth:** In light of the information that the Member for Faro has just provided, which seems to be mystery information that the Minister does not have, I wrote down some of the things that the Minister read off in her initial presentation. There are considerably more items than the Member for Faro is presenting. I think that we are going to have to ask the Minister to bring forward a breakdown so that we know what the information is.

**Hon. Mrs. Joe:** I have no problem doing that. I just do not have it with me right now. I will be happy to bring a breakdown.

*Northern Health Services — Equipment and Construction stood over*

*On Renovations — Alcohol and Drugs*

**Hon. Mrs. Joe:** Funding is required for minor facility maintenance and renovations to the existing detoxification centre in Whitehorse until such time as a new facility is considered. Provision has been made in the 1985-86 Capital Budget, through the recently approved supplementary appropriation, for a technical assessment facility planning study at the detox centre. There are some problems down there and they have to do a study on it to find out how feasible it is, if there are any problems with the building.

*Renovations — Alcohol and Drugs in the amount of \$10,000 agreed to*

*On Furniture and Equipment — Alcohol and Drug*

**Hon. Mrs. Joe:** That \$24,000 is for the Detox Centre for furniture, mattresses, beds, desks and kitchen equipment.

*Furniture and Equipment — Alcohol and Drugs in the amount of \$24,000 agreed to*

*On Furniture and Equipment — Youth Services*

**Hon. Mrs. Joe:** That is for furniture and equipment for the Admission and Assessment Centre. The Member for Tatchun was asking about the equipment and furniture there. It will be replaced if it has to be. This is for the 5030-5th Avenue Residence and the Annie Lake Base Camp.

**Mr. Lang:** Is the Annie Lake Base Camp a new policy initiative? Has there been a Cabinet decision to go ahead on a wilderness type program?

**Hon. Mrs. Joe:** You would have to ask the past government that. It was done by the past government and it was done by the residents and the people who work for that department.

*Furniture and Equipment — Youth Services in the amount of \$26,000 agreed to*

*On Furniture and Equipment — Child Welfare*

**Hon. Mrs. Joe:** That is to include equipment in the Liard Road Group Home, the Klondike Road Group Home, the Lowe Street Group Home, the Whitehorse Receiving Home and the Watson Lake Group Home.

**Mr. Lang:** These costs we are spending every year now — and last year it was \$84,000 and this year \$78,000 — this is for four group homes. That is a lot of money for furniture and equipment for homes. When you are preparing the Mains next year, I would ask that you take a hard look at it because some years we have done with a \$20,000 expenditure, maybe \$30,000, and I do not think that we should just accept the norm. Just because we spent \$84,000 last year do we have to spend \$80,000 this year. I would ask the

Minister to take a hard look at it next time around so that there is a perusal of the figure we are dealing with.

**Hon. Mrs. Joe:** We do have a scale that we work on in terms of the amount of time that the furniture is in use and it can be replaced at that time. If it does not have to be replaced then it will not be.

*Furniture and Equipment — Child Welfare in the amount of \$78,000 agreed to*

*On Equipment — Speech Disorders*

*Equipment — Speech Disorders in the amount of \$8,000 agreed to*

*On Equipment — Senior Citizen Facilities*

**Hon. Mrs. Joe:** That would be to replace equipment in the Senior Citizen facilities in Whitehorse and Dawson City and the Macaulay Lodge and the Alexander McDonald Home for Seniors.

*Equipment — Senior Citizen Facilities in the amount of \$77,000 agreed to*

*On Watson Lake Group Home*

*Watson Lake Group Home in the amount of \$26,000 agreed to*

*On Young Offenders Facilities — Construction*

*Young Offenders Facilities — Construction in the amount of one dollar agreed to*

*Department of Health and Human Resources stood over*

### On Department of Justice

**Hon. Mr. Kimmerly:** The primary expenditure here is for the new law centre, the Philipsen Building. I should point out that the civil servants have been very persistent in asking for money for furniture and it has here in the explanatory notes that the total estimates include furniture. I should say that that is slightly misleading and that the furniture acquisition program is dependent on the local hire program and the decision to purchase all new furniture to go into that building has not been made. As a one-year expenditure, I very much doubt that it will be made. The budget for corrections equipment is ongoing. This is for chainsaws and various capital items at the correctional centre, and is consistent over the year.

<sup>29</sup> The Correctional Facility Planning Study is a new item, and it was in the Capital plan to build a new correctional centre at an estimated cost in excess of \$40 million. I think that the expenditure is quite unjustified. What we are doing here is planning for the correctional buildings that may be needed in the future, and we are not authorizing the building of any new jails. The Philipsen Building, as of now, is on time and on budget.

*On Court Equipment*

*Court Equipment in the amount of \$1,000 agreed to*

*On Corrections Equipment*

**Mrs. Firth:** Perhaps the Minister could just tell us what kind of equipment it is. Is it for the kitchen; is it recreational equipment; is it video equipment?

**Hon. Mr. Kimmerly:** It is a long list of pieces of equipment. It is a revolving fund. There is no piece of equipment, to my knowledge, in excess of \$5,000 on that list.

**Mr. Phelps:** I think it is appropriate at this time. There is an item, Liquor Store and Headquarters Equipment which pertains to, I take it, the liquor store on Fourth and Lambert. I suppose I do have an interest in the building itself, so I will not be discussing or voting on that line item.

*Corrections Equipment in the amount of \$83,000 agreed to*

*On Yukon Law Centre*

**Mr. Lang:** When is the building actually expected to be completed?

**Hon. Mr. Kimmerly:** June, 1986.

*Yukon Law Centre in the amount of \$3,008,000 agreed to*

*On Mobile Work Camp - Corrections*

**Mr. Lang:** This one does cause some concern, as far as what the program does entail, and what the plans of the government are in terms of going out to the communities and being prepared to do jobs that could be done by the community themselves, or whomever. You are asking for vote authority here for \$7,000 for approval for a \$131,000 two year program, the way this is written.

**Hon. Mr. Kimmerly:** We do not intend an approval of a two year program for \$131,000. There is no Management Board approval as of now for that program. We are intending an

experiment which we hope will be near Haines Junction. The capital expenses for that are virtually nil. There is an operation and maintenance expense, that I tried to explain in the last Budget for O&M.

The policy, and it may affect capital in the future but not immediately, is that we are running an experiment, or a pilot project. The trailers that we have exist now. They are essentially self-contained. We have spent a lot of money in the past years in acquiring them and equipping them.

<sup>30</sup> We are intending to move the trailers in April 1986 to a rural site and operate a work camp that will exist for approximately six months, or possibly over the summer. We will assess the viability of it and the public acceptance of it. If it works well, we may leave it there or we may move it somewhere else. We may abandon it, or we may buy new trailers, or build new trailers. If it is near a community we promise, absolutely, to consult with the relevant town council and other interested citizens as to the community acceptance of the program.

It is designed as a work therapy and work training program, as an enrichment of the community, and as a devolution of government activity from Whitehorse into the communities.

**Mr. Lang:** Do I take it that there is a misunderstanding then, that this \$130,000 should not actually be here then? We are not starting on a new program then, because you go through an experimental stage and then the decision will be made whether we will spend \$131,000.

*Yukon Law Centre in the amount of \$3,008,000 agreed to*

**Mrs. Firth:** We have just passed the Yukon Law Centre for \$3,008,000. I just wanted to bring to the Minister's attention, because I will be asking tomorrow for some clarification. In this Capital Mains project that we were given, for the Department of Justice they have identified to the Law Centre \$2,502,000 and then several items following that. The total \$4,179,000 is the same, so perhaps the Minister could bring back why there is a discrepancy in the Law Centre funding, yet the total amount is the same.

**Hon. Mr. Kimmerly:** I will check that. I did not prepare the other document, but I will get to it. I expect it is the addition of the furniture. I will say again that that has not been approved by the government.

**Hon. Mr. Porter:** In view of the time I move that you report progress on Bill No. 52.

*Motion agreed to*

**Hon. Mr. Porter:** I move that the Speaker do now resume the Chair.

*Motion agreed to*

<sup>31</sup>

*Speaker resumes the Chair*

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

**Mr. Webster:** Committee of the Whole has considered Bill No. 52, *First Appropriation Act, 1986-87* and directed me to report progress on same.

**Speaker:** You have heard the report from the Chairman of Committee of the Whole. Are you agreed?

**Some Members:** Agreed.

**Speaker:** I declare the report carried.  
May I have your further pleasure?

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

**Speaker:** It has been moved by the hon. Government Leader that the House do now adjourn.

*Motion agreed to*

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

*The House adjourned at 9:30 p.m.*

**The following Filed Document was tabled October 16, 1985:**

Copy of letter dated September 30, 1985

Kimmerly to Phelps re Native Courtworkers Society (Kimmerly)