



# The Yukon Legislative Assembly

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Number 13

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## **HANSARD**

**Wednesday, October 23, 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 Penkett	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
Deputy Sergeant-at-Arms	Frank Ursich
Hansard Administrator	Dave Robertson

<sup>01</sup> **Whitehorse, Yukon**  
**Wednesday, October 23, 1985 — 1:30 p.m.**

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

*Prayers*

## DAILY ROUTINE

## INTRODUCTION OF VISITORS

**Hon. Mr. Penikett:** If you are not already aware of this, Mr. Speaker, I would like to call your attention to the presence in the gallery of a distinguished visitor, or perhaps I should say resident, in the person of Yukon's Senator, the hon. Paul Lucier.

*Applause*

**Speaker:** We will proceed at this time with the Order Paper. Are there any Returns or Documents for Tabling?

Are there any Reports of Committees?

Are there any Petitions?

Introduction of Bills?

Are there any Notices of Motion for the Production of Papers?

Are there any Notices of Motion?

Are there any Statements by Ministers?

## MINISTERIAL STATEMENTS

### Canada/U.S. Salmon Fishing Negotiations

**Hon. Mr. Porter:** During this week the Canada-USA Yukon River Salmon negotiations are taking place in Fairbanks, Alaska. This government views these negotiations as critically important to the future of the Yukon's salmon resources.

The Salmon Fishery provides a livelihood for commercial fishermen; it supports a lifestyle for residents along the river and for aboriginal people who have long relied on fish harvests as a major source of food. It also provides recreational sport fishery opportunities and, as such, is important to Yukoners and our tourism industry alike.

Not only does our Salmon Fishery represent an income and support a lifestyle for many Yukoners, it also represents the extent to which our unpolluted waters and undisturbed habitat supports an internationally important fish stock with an ecological significance that goes beyond purely commercial values.

The Yukon River contains the largest Chinook run in North America. Its Chum runs are enormous by any measure.

Yukoners do not presently take an equitable share of the commercial harvest of salmon on the Yukon River. Our catch runs into the tens of thousands for Chinook and Chum. The American catch runs into the hundreds of thousands. We cannot even account for the offshore fishery take, nor for the in-river domestic/subsistence fishery on the Alaskan side of the border. In a nutshell, our present level of activity on the river is insignificant compared to the extensive harvest of our neighbours.

And, at the same time, we are not in a position of strength in our upcoming negotiations, given that the Pacific Salmon Treaty has already been ratified.

However, it is the firm position of this government that we are owed a reasonable and fair proportion of Canadian-bound fish in the river system.

I have written to the Federal Fisheries Minister, the hon. Erik Nielsen, urging that the following points be part of Canada's negotiating strategy concerning the Yukon River Salmon Fishery:

1) The basic principles of the Canada-United States Pacific Salmon Treaty be applied to the Yukon River. Article 3, paragraph 1B provides for each party to receive benefits equivalent to the production of salmon originating in their respective waters. Unfortunately, there is a difference of opinion as to the extent this is applicable to the Yukon River. It is our conviction that this principle is recognized in the "Law of the Sea" discussions; and, further, there is an emerging consensus with regard to this "equity

principle" in international law, and therefore, it should apply in the Salmon Treaty.

<sup>02</sup> 2) There must be provision for a significant increase in Canadian salmon landings. These increases are necessary to enable our fledgling commercial fishing operations to reach a viable level and to provide for adequate salmon catches for the aboriginal, domestic and sports fishermen. To do otherwise is to prejudice an essential resource development opportunity in an area of extremely few economic opportunities. In short, unless protected this is a major economic opportunity foregone.

3) As escapement to a number of spawning grounds are dangerously inadequate, additional Chum and Chinook stocks are required to meet these needs.

4) Interceptions of Yukon River Chum, Chinook and Coho salmon stocks in off-shore waters by the United States and other countries must be quickly identified and an equitable solution found to control this catch and to provide appropriate compensation to Canada.

5) Canada's contribution to the production of salmon resources in the Yukon River, whether determined by the numbers of salmon spawning in Canadian waters or other factors such as the maintenance of clean adequate water supplies through proper habitat protection and maintenance, must be firmly established.

I have, as well, instructed my department officials that these points be argued in the negotiations in Fairbanks in the strongest terms possible.

The Yukon River Salmon Fishery is a key component in developing and diversifying the renewable resource economy. For many people in the region who rely on the fishery, there are few or no economic alternatives. While significant revenue losses may not be an immediate threat, the Yukon Salmon Fishery must be protected if we are to be successful in building a more solid foundation for the economy of the Yukon, based on our renewable resources.

*Applause*

**Speaker:** This brings us to the Question Period.

## QUESTION PERIOD

### Question re: Little Salmon Band study

**Mr. Phelps:** My first question is a written question which is addressed to the Minister of Renewable Resources.

1) Who is conducting the research in preparing the report on the cultural history of the Little Salmon people pursuant to the agreement of August 22, 1985 between the Government of Yukon and the Little Salmon/Carmacks Indian Band?

2) What are the qualifications and academic training of the person conducting the research and where does the person reside?

3) Will the section of the report regarding traditional use of the land be presented to the Land Claims negotiators and will it be accepted by the Government of Yukon as evidence for further claims for compensation by the Little Salmon/Carmacks Indian Band in relation to the Frenchman/Tatchun Lakes Road?

**Speaker:** New question.

**Mr. Phelps:** My question is of the same Minister and I would refer him to a story in the *Yukon News*, dated Friday, August 23, 1985, on the subject matter questioned yesterday. The story says, "Porter, who said the agreement set both precedents for other lands selected by Bands said he agreed to make representation to the Yukon Land Claim Department to determine if the Band's claim is legitimate. 'If their claim is legitimate, then there should be compensation to the Band for selected land it has been alienated from as a result of previous construction,' said Porter." Is that story accurate as to what he said?

<sup>03</sup> **Hon. Mr. Porter:** The answer to the question, as I stated yesterday, is that it is not for me to determine the position of the Little Salmon/Carmacks Band. If they feel that they have a position that they should be given further compensation, or that they have further claims as a result of the issue of the construction of the Frenchman/Tatchun Road in the area of land selected, it is their

responsibility to bring the question to the Land Claims negotiations table.

If I am asked at the Land Claims negotiating table to speak to the issue, I have given my undertaking that I would speak to the Land Claims negotiator regarding the issue. In terms of whether there is going to be further compensation paid, that is not for us to decide, that is for the three parties at the Land Claims negotiating table to decide. If the Band takes the position of further compensation, then they must represent that position. They must go to the negotiating table and their issue has to be resolved by the negotiators.

**Mr. Phelps:** Why do you take that position at this time when you have already paid them \$100,00 for changing a right of way?

**Hon. Mr. Porter:** The position is simple. If they feel they have a legitimate claim, they have to go to the table. It is up to the three parties — the federal government, the CYI, and the Government of the Yukon — to work out any kind of deal with respect to any issues that are brought before them. If they feel that they have further compensation, they have to justify why they feel that, and it is up to the negotiating process to determine whether or not there is going to be any compensation.

**Mr. Phelps:** You did not do that previously, and you have already spent \$100,000 of the taxpayers' money on the same issue, compensation. Why did you not take that position in August with regard to the \$100,000 pay-off?

**Hon. Mr. Porter:** As I said many times on this question, I felt that in order to get the right of way through the lands that were selected and frozen through a federal Order-in-Council, then we had to make a decision on the issue. We have done that so the people in the area can see the road finished for this park that nobody wanted.

#### Question re: Budget secrecy

**Mr. McLachlan:** I have a question for the Minister of Finance. I would beg the Minister to dip into his vast reservoir of knowledge about Canadian and British Constitutional practice in answering. Budget secrecy has often been a long-standing tradition and custom of Canadian institutions so that an opportunity for profit or advance knowledge does not accrue to one or more citizens who may receive the advance information. Does the Minister not concur with this long-standing custom?

**Hon. Mr. Penikett:** I believe that the Member is asking me for an opinion, which he cannot do during Question Period. I think that the Member is approximately right in his statement about the customs as they operate in this country.

**Mr. McLachlan:** Did the Minister of Finance institute any special security measures to ensure Budget secrecy on the recent three Budgets his department has brought down?

**Hon. Mr. Penikett:** If the question is: did I introduce any new security measures beyond those which have been in place in the past in this government, the answer is no.

**Mr. McLachlan:** From my information, I am led to believe that the information that was leaked consisted of all three documents tabled in this House — a summation of some \$280 million — and that it was leaked as much as a week in advance. As a matter of parliamentary principle, does the Minister of Finance not agree that the competence of his staff has now been placed in severe question by this issue?

**Hon. Mr. Penikett:** If the Member has such evidence, he has an obligation to present it before the House. I have no such evidence and I could say for a fact that such an assertion by the Member would be impossible because some of the Budgets were not complete a week before they were presented to the House.

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

**Mr. Lang:** I have a question for the Minister of Renewable Resources and it has to do with Frenchman/Tatchun Lakes Road. He gave us some information the other day about the contractors and who got the contracts available on the Frenchman/Tatchun Lakes Road. At that time, I asked about one particular contractor for a Cat loader, 1977. It was outlined that he was paid \$13,000. Then, further down in the same document, it is outlined that he was paid \$6,500. The reason for my question is that the lowest tender, Watson Lake Concrete and Construction, at \$6,200, was not taken,

but the higher bidder was, for \$6,500. Can he explain to this House the discrepancy between the \$13,000 and the \$6,500?

**Hon. Mr. Porter:** The Member quite correctly points out that the information received was, in fact, contradictory. I talked to the department about that and have asked them to provide me with the correct information. I will then table that information in the House.

**Mr. Lang:** It is interesting. We have not really got a straight answer to any questions. When are we going to get the answers to the questions, then? The questions were asked last week for this breakdown, and now I am given a breakdown that is not accurate. I think it is a serious matter. I would like the information and I would like to know when.

**Hon. Mr. Porter:** I will attempt to have the information given to the Member before the day is out. If he wants, it can be done after we have had a break.

**Mr. Lang:** While I am still on this part of the issue, I would ask the Minister if he would be prepared to have his department doublecheck to ensure that there were only these two cases of lower bidders being bypassed.

**Hon. Mr. Porter:** Yes, I will give the Member that undertaking.

05

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

**Mrs. Firth:** My question is regarding the Frenchman/Tatchun issue. Last week I asked the Government Leader if he could tell us when he first became aware of the issue, and was it before the Minister signed the agreement with the Band, or was it after. The Minister's reply was that he would attempt to find out and let us know. Has he found out and can he tell us now?

**Hon. Mr. Penikett:** Naturally, I am in fear of the possibility of misleading the House in any way. I take the Member's enquiry very seriously. If she will accept what I am about to tell her as a tentative answer — in other words, this is the best knowledge I have so far although I am still investigating it and, therefore, it is a conditional and not absolutely final answer, and it is to the best of my knowledge at this particular point — the first I knew about it was on the afternoon of August 23.

**Mrs. Firth:** The agreement was signed on August 22. So, is the Government Leader saying that the Minister of Renewable Resources entered into this agreement that had some implications with the Land Claims and did not consult the Minister who is responsible for Land Claims?

**Hon. Mr. Penikett:** At the time that these were negotiated, I believe the Minister responsible was the Acting Government Leader in the territory because I was at the Premier's Conference at St. John's, Newfoundland. I did not arrive back on the plane until noon on the 23rd of August.

**Mrs. Firth:** I seem to get the impression that the Government Leader is somehow demonstrating some reluctance to get involved with the whole Frenchman/Tatchun issue. The comment that he has just made reinforces that.

Is the Government Leader going to now proceed in the direction that he gives his Minister some direction to particularly consult with other Ministers if they are going to overlap into other areas of responsibility, particularly one so important as the Land Claims?

**Hon. Mr. Penikett:** I assume that it is an understanding of all Ministers in this government that if they are taking actions which have interdepartmental implications, they will inform their colleagues.

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

**Mr. Lang:** Just some background, so we can capsulize this very quickly. We have \$100,000 established that was paid with, what I believe to be, very little authority, if any authority, to the Little Salmon/Carmacks Indian Band, to move a road at the Band's request.

We have given a veto in an agreement for YTG contracts with the Little Salmon/Carmacks Indian Band, which is the first time, to my knowledge, that that type of agreement has been gone into. We have two contractors who have done satisfactory work on the project a year previously, who had submitted tenders to the third party rental schedule and, effectively, once again this year gave the

lowest tender and were bypassed because of the agreement taken by the Minister of Renewable Resources.

Further, we have documents tabled yesterday, which are the contract regulations and the policy procedure, which specifically outlines the procedures followed for bypassing the low tender.

I know that the Government Leader knew, and I know that people make mistakes. Sometimes it is referred to as incompetence, sometimes it is referred to as mistakes. Would the Government Leader take this undertaking: that in the future any contract that is tendered, that if the low tender is going to be bypassed, that the present contract regulations and policy procedures be followed to the point where, as the policy procedures outlined on page 14 of 28 of the Policy Procedure Manual, a contract is normally awarded to the low bidder and, if the contract is to be awarded to other than the low bidder, authority to do so from Executive Council must be received in writing?

Is the Government Leader prepared to make an undertaking in any future contracts, third party rental or otherwise, that he will follow the procedures as set out by the law that is presently in force?

**Hon. Mr. Penikett:** I am not sure that I can accept all of the premises in the Member's question. I believe the commitment in the current Budget year was \$50,000, not \$100,000. Nor do I accept the Member's argument about the veto for the Band. As I told him yesterday, we are looking at the question of the contract regulations. I cannot give him an undertaking that the present regulations will be enforced absolutely in the future, because we are reviewing them. We would want the new regulations that we adopt, amend or revise to apply government-wide, obviously.

**Mr. Lang:** Could I have a straight answer from the Government Leader. Will he give an undertaking to this House that he will follow the present, in place contract regulations as they apply to low tender bids, as well as the regulations that permit the Executive Council to bypass low tenders. Will he give the undertaking that he will follow the procedures that are in place and that are presently the law. Yes or no?

**Hon. Mr. Penikett:** The question is very argumentative, and clearly one that is not designed for Question Period. Obviously, this government is going to abide by the regulations.

**Mr. Lang:** Could I ask the Government Leader why the Minister of Renewable Resources did not abide by the contract regulations policy and procedures that are now in place, which is policy for the whole government?

**Hon. Mr. Penikett:** Yesterday, the Member made that argument and tabled documents which he asked us to examine and consider. Unfortunately, like the Member opposite, I was occupied until 9:30 last night, and I have not yet had an opportunity to study the proposition. When I have done so, I will report my findings to him.

#### Question re: Budget lock-up

**Mr. Coles:** I have a question for the Minister of Finance. Yesterday, the Minister stated, with respect to Budget secrecy, and I quote from the Blues, "Nor do we have the potential consequences of advanced knowledge of new tax measures and so forth that might operate in a place like Ontario or Canada."

Would the Minister explain why the Yukon is any different than the rest of Canada when it comes to leaked information of potential tax increases.

**Hon. Mr. Penikett:** I assume that it is mainly a matter of degree. Clearly, if, for example, there were contained in Budget, or other documents, information such that would allow a land speculator to gain pecuniary advantage for themselves, we would want to guard against that situation, and we do.

**Mr. Coles:** Did the Minister of Finance, in preparation of this Budget, adopt the practice of seeking advice and input on the Budget from any person outside of the Government Leader's office or in the employ of the Public Service Commission?

**Hon. Mr. Penikett:** I am not sure that I understood the question. Let me respond to what I think the question was. I gather it was about outside consultation in respect to the preparation of this Budget. The people who were principally consulted were the officials of the Department of Finance and Management Board. To

my knowledge, nobody outside of the political operation, the Government Leader's office or the public service was consulted.

I should tell the Member that it is an increasingly common practice everywhere in the country for Ministers of Finance to consult with outside groups, business groups and other groups, about major economic and tax initiatives.

<sup>or</sup> As I have previously told the House, as we complete our review of the various revenues available to the Government of Yukon and when we have an options paper available to us, it is my intention to have the Department of Finance do a presentation before the Economic Council to get their views on the various tax policy options open to us.

I may, if there is an appropriate forum, be interested in the views of the Members of the House as well. I do not know whether there will be an appropriate forum though. I will do that in a way that does not compromise our position though, because I will not say that we are proposing to ask, "What do you think?" I will put the issue before the Economic Council as: "We have ten options, what do you think?" Then we will have their advice before I go to Cabinet with some specific proposals. From Cabinet, the proposals will come to the Legislature.

**Mr. Coles:** I am sure that the Government Leader is well aware of the fact that Finance Ministers generally have short tenure in their office. Will he be reviewing the Yukon practice of having the portfolios of Government Leader and Minister of Finance held by the same Member?

**Hon. Mr. Penikett:** No, I had not previously planned to do that, but maybe this week I will.

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

**Mr. Lang:** I would like to ask a question about contract policy of the Government Leader, who, so far, has had the ability of not being involved with the issue of the Frenchman/Tatchun Lake Road, to the point that he was not here on August 22 when it was signed but he was here on August 23. I would like to ask the Government Leader if he agrees with this principle. If a contract is to be awarded to other than the low bidder, authority to do so from the Executive Council should be received in writing. Does he agree with that principle?

**Hon. Mr. Penikett:** The question is to the Executive Council. I must try to answer the Member precisely. There are some circumstances where such an issue goes before Management Board, and we have dealt with some in the government rather than in Cabinet itself.

**Mr. Lang:** I will again ask this question for the Member who was not here when all this took place, the Government Leader. Does the Government Leader agree that if a contract is to be awarded to other than the low bidder, authority should be sought from either the Executive Council or the Management Board and should be received in writing?

**Hon. Mr. Penikett:** I will take that question under advisement and look at the Contracts Directive because I am not an expert on it. I do not know what principles have been followed in the past. I do know that we are looking at the question of the contract regulations. Thanks to the stimulating questions put by the Member opposite, I have special reason to take an interest in this matter.

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

**Mr. Phelps:** I would like to ask the Government Leader, in view of the cavalier way in which he is disregarding the very fundamental and important points that are being put forward by the Member for Porter Creek East, is he of the opinion that he ought to encourage his Ministers to break the law in these important matters?

<sup>or</sup> **Hon. Mr. Penikett:** Again, it is a somewhat cavalier question but, if I can be a roundhead about it, I would not only not encourage Ministers to not break the law but, rather, quite the opposite. I do not accept the Member's proposition that anybody has broken the law.

**Mr. Phelps:** If you are convinced after reading the law and becoming familiar with it, will you take a fairly firm stand in this regard, because it is important that Ministers be seen to obey the law?

**Hon. Mr. Penikett:** That is a hypothetical question — “if such and such and such...” — but of course I totally share the point of view of the Member opposite. It is very important that Ministers not be above the law.

**Mr. Phelps:** Will the Minister take steps to ensure that his Ministers do not break the law in future?

**Hon. Mr. Penikett:** Of course, I will do whatever I reasonably can to observe that goal.

**Question re: Little Salmon/Carmacks Indian Band Agreement**

**Mr. Lang:** In view of the remarks made by the Government Leader that he was not in town until August 23rd and the agreement was signed on August 22nd, could I ask the Minister of Renewable Resources why it was so important that that agreement be signed on August 22nd as opposed to waiting until the Government Leader got here to consult with the Minister when he knew there would be some ramifications in his portfolio responsibilities? Why did he sign on August 22nd as opposed to waiting until, say, August 25th to make sure interdepartmental consultations had taken place?

**Hon. Mr. Porter:** The reason the agreement was signed was because it had been left there from the previous government, unresolved. We were well into August, the construction season was fast disappearing, so we had to get a decision if we were going to complete the road before the snows. That was the imperative factor in terms of reaching the decision.

**Mr. Lang:** The agreement I am referring to is the agreement he signed with Chief Clyde Blackjack. How come it was so pressing that that agreement be signed prior to consultation with the Government Leader when, on the original contract that was signed by the Minister, that contract was commenced on August 16th, 1985 and was signed on August 22nd, 1985? Could he tell me why the discrepancy? What is the importance? Obviously the agreement had commenced without you signing it.

**Hon. Mr. Porter:** In terms of the difference in the dates, the agreement, as I understand it, was reached August 22nd and signed August 22nd.

**Mr. Lang:** I am getting to know more about this agreement than the Minister. On the agreement you signed — Dave Porter, August 22, 1984, a contract with the Little Salmon/Carmacks Indian Band — it states: “all subcontracts will be arranged and directed by the Little Salmon/Carmacks Indian Band, the contract to commence August 16, 1985.” You, as the Minister, signed it on August 22nd and you have just told this House you could not wait until August 23rd to consult with the Government Leader over \$100,000 of everybody's money. I want to ask the Minister again: what was the urgency, in view of the fact that that portion of the contract had commenced?

**Hon. Mr. Porter:** The urgency of getting on with the particular contract was that the negotiations were held on August 22 and the agreement was reached on August 22. That is when the contract was signed.

**Question re: Budget secrecy**

**Mr. McLachlan:** Would the Minister be willing to undertake an investigation on published reports that a Budget was leaked to the Official Opposition before being tabled in this House?

**Hon. Mr. Kimmerly:** It is not within my jurisdiction to undertake an investigation which, I believe, was the wording of the question. I have researched the various powers and jurisdictions involved, and were I asked by the Government Leader or the Minister of Finance to look into the matter, the procedure that is properly followed is that I would put information before the RCMP. The RCMP would decide if there is sufficient evidence to warrant an investigation into criminal activity.

I have no information of evidence of criminality at the present time.

**Mr. McLachlan:** If the Minister of Justice is unwilling to institute those procedures, would the Government Leader institute the involvement of the RCMP into this matter?

**Hon. Mr. Penikett:** As I indicated yesterday, I have no evidence whatsoever of a Budget leak. I am not about to start a witch hunt based on a piece of journalism in a newspaper in some

other jurisdiction.

Unless, and until, I have some evidence of the allegation made and repeated by the Liberal Members here, I have no basis for an investigation.

**Mr. McLachlan:** I wish to quote from this morning's paper, *The Edmonton Journal*, “‘The word is out the Tories had the Budget,’ former Conservative MLA Allan Falle said Tuesday, thus becoming the first Progressive Conservative to speak out, without asking that his name be withheld. ‘I am hearing this from the other Tories. I heard they had it a week before it came down,’ said Mr. Falle, a seven-year veteran of the Legislative Assembly. He understands that Members of the Caucus got all three sections.”

In answer to that statement, perhaps the Government Leader has the evidence that he asked for.

**Hon. Mr. Penikett:** It is interesting to hear of a former colleague quoted in a newspaper from down south. I do not want to get into the comments on the veracity or credibility of the sources quoted or whether they were quoted accurately, or whatever. I do not know if the bit about three budgets was in the story or not, but I can state for an absolute certainty that there is no possible way that anyone could have had all three budgets a week ahead of time because, in one case that I know of, the budget was not ready a week ahead of time. It is an absolute impossibility. From everything that I have heard so far, the story is pure wind.

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

**Mr. Phelps:** I have a question for the Minister of Renewable Resources with regard to the Frenchman/Tatchun Lakes road. He speaks of the urgency to move and so on in August, yet he did not approach the federal government and they did not even ask for the right of way until a lot of time had lapsed after the negotiations. Can he tell us why? They are the ones who owned the land and they were the ones in the position to grant the rights to move the road.

**Hon. Mr. Porter:** The federal government owned the road, that is correct. The federal government had a land freeze on the land, that is correct. They withdrew it by way of an Order-in-Council. They withdrew that land to protect it, as land selected by the Band, from any form of alienation. It would follow that the correct procedure would be to obtain the consent of the Band to be able to move on the road. He suggests that we could have done otherwise. I take the position that it would have been wrong to simply go to the federal government and ask them to give us the land because we need it. That would be morally wrong to do. The proper process would be to consult the Band, obtain their permission, like we did, and then seek the necessary approvals from the federal government for the land transfer to the territorial government.

**Mr. Phelps:** There is a huge difference between consulting with the Band and giving them \$100,000 and a contract before you even talk to the people who own the property. The Minister has said that the Band rejected the Agreement, so why did he feel this moral obligation to abide by the terms of the Agreement that he said was not worth very much?

**Hon. Mr. Porter:** As I have stated before, because the lands were frozen in the interest of the Little Salmon/Carmacks Band.

**Mr. Phelps:** The Minister cannot run with the hare and hunt with the hounds in this thing. He has to take one side or the other. On the one hand he is saying that the Agreement is not worth much, and on the other hand you have to pay \$100,000. Which is it?

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

**Mr. Lang:** I have a question for the Minister of Renewable Resources.

He cites the urgency to sign this Agreement on August 22 when the Government Leader was not here in Yukon. That obviously had very major political ramifications, because we have discussed this issue for a week and a half, affecting every department in this government in some aspects. Why did the Minister sign that Agreement on August 22 and wait until September the 23 to apply for the permit that would allow him to build the road through that particular section of land which amounted to 300 metres, which is approximately one-fifth of a mile? Why was it so urgent that he sign

that agreement on August 22? Could he now tell me why that Agreement commenced on August 16, and he ratified it on August 22?

**Hon. Mr. Porter:** We already had the permit. The original permit was issued October 13, 1983, and we amended the permit on September 23, 1985. What was the second part of your question?

**Mr. Lang:** I will take the first part so I do not confuse the Minister, in reference to his remarks. Why did he amend it on September 23? Why did he wait so long to amend that particular permit to allow him to go in and take bidders, contractors, who were not the lowest bidders, to work on that particular project? Why did it take so long, to September 23, when he cites the urgency of signing that on August 22?

**Hon. Mr. Porter:** I do not know what the reasons were for the delay in the amendment being proceeded with. I suspect they probably asked for an amendment, as soon as we could, from the federal government. What my information tells me is that an amendment was granted on September 23, 1985.

**Mr. Lang:** I have a very simple question to the Minister. Did he consult with any Ministers on the front bench prior to signing the agreement, which I referred to earlier, which was signed on August 22? Did he consult with any of his political colleagues?

**Hon. Mr. Porter:** The advice that I received was that it was totally within my authority as Minister to proceed with the contract.

**Speaker:** New question.

**Mr. Lang:** Could the Government Leader provide for this House and for the public the amount and the authority that he has vested with the Minister of Renewable Resources, so that we know to what extent he can make arrangements and agreements, without your blessing, or the blessing of this House?

**Hon. Mr. Penikett:** I believe the spending authorities of each of the Ministers may be a matter of public record already, but I would be more than happy to get that information for the Member.

**Mr. Lang:** Is it not a requirement that if a Minister does not have legal vote authority provided in a Budget that he must go to the Management Board, or perhaps Executive Council, in order to be vested with that authority?

**Hon. Mr. Penikett:** If a Minister is spending beyond his Budget or over their authorized limit, of course, he has to go to Management Board.

**Mr. Lang:** He did not answer my question. I am talking about vote authority. To my knowledge, in the 1985-86 Budget, the Supplementaries, there was no line item he had to have for the legal authority to spend that money. My question is: is it not the policy of the Government Leader that the Minister, if he does not have vote authority granted by this House, must get a Cabinet minute or a minute from Management Board in order to proceed?

**Hon. Mr. Penikett:** I believe that the money for this arrangement is in the Budget, which has recently been passed by the House.

**Speaker:** Time for Question Period has now elapsed.

## ORDERS OF THE DAY

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## GOVERNMENT BILLS

### Bill No. 42: Referral to Standing Committee on Statutory Instruments

**Hon. Mr. Porter:** I would request the unanimous consent of the House to move a Motion referring Bill No. 42, entitled *Revised Statutes Act*, to the Standing Committee on Statutory Instruments.

**Speaker:** Does the Government House Leader have unanimous consent?

**Some Members:** Agreed

**Speaker:** Unanimous consent is granted.

**Hon. Mr. Porter:** I move that Bill No. 42, entitled *Revised Statutes Act*, be referred to the Standing Committee on Statutory Instruments.

**Speaker:** It has been moved by the hon. Government House Leader that Bill No. 42, entitled *Revised Statutes Act*, be referred to

the Standing Committee on Statutory Instruments.

**Hon. Mr. Porter:** This is an issue that was discussed between the House Leaders of the various parties represented in the Legislature and there is an agreement to move the *Revised Statutes Act* to the Standing Committee on Statutory Instruments in order for them to be able to conduct a review of the contents of the revised statutes and also to be able to empower the Committee at the Committee's discretion to bring a legal person to a meeting of the Committee to review the *Revised Statutes Act*. We agreed that we would expedite the matter and that the Committee will report probably next week.

*Motion agreed to*

## MOTIONS OTHER THAN GOVERNMENT MOTIONS

### Motion No. 5 — adjourned debate

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

**Mr. Lang:** We adjourned debate because the Minister of Finance brought information to us, and we have checked it out, that the present policy of the YTG under legislation applies to the lodges. I have to make a note for my good friend from the *Whitehorse Star* who said, I think, "Tories make massive mistake", or whatever the terminology was. Just for the record, I think it is important that even the limited amount of public exposure we had on the item brought it to the attention of a number of lodge owners who did not know that this policy was in place and that they could apply to the Government of the Yukon Territory.

I think that element of the debate — and we admit we put forward a Motion which perhaps was not appropriate — was important in communicating that that particular program is in place and available. I think it is important to the lodges. The lodges are the lifeblood of that highway and we take them for granted. We travel the territory and, I can tell you, when it is sixty below and you come to Stewart Crossing or Beaver Creek or Destruction Bay, boy, it is worth a lot to you that those lodges are open.

I think, at times, we in this House take these people for granted. They effectively work seven days a week, 24 hours a day, 365 days a year. I honestly have to say I do not think the financial remuneration is that great.

I think that we, as a Legislature, should be taking those steps on their behalf. These people are independent people; they do not really ask too much of government — maybe a sign, maybe the right to tender equitably and with fair opportunity for government contracts, if government is in that area. They are very good people.

I want to say to the Minister of Finance that I do have an amendment. It is directed not to the Government of Yukon, but to the Government of Canada. It is in reference to the policy that was brought forward by the Government of Canada in the 4.8 cents per litre tax rebate program.

This is a program that was brought forward to help the mining, trapping, logging, commercial fishing and hunting industries in Canada. I think that they have perhaps, unintentionally, bypassed an area where that particular program, under the aegis of the Government of Canada, should apply and that is to the lodges.

*Amendment proposed*

I would, therefore, move THAT the motion be amended by deleting all the words after the word "THAT" and substituting for them the words,

"this House strongly urges the Government of Canada to make permanent the 4.8 cents per litre fuel tax rebate program currently provided for mining, trapping, logging, commercial fishing and hunting and to extend the program to include highway lodges which utilize fuel oil for electrical generation in recognition of the critical importance of these lodges to the safety of the travelling public and to the Yukon economy."

I also want to bring this to the attention of the Senator of the Yukon. I am so pleased that he is here today to hear this debate.

**Speaker:** It has been moved by the Member for Whitehorse Porter Creek East THAT the motion be amended by deleting all the words after the word "THAT" and substituting for them the words,

"this House strongly urges the Government of Canada to make permanent the 4.8 cents per litre fuel tax rebate program currently

provided for mining, trapping, logging, commercial fishing and hunting and to extend the program to include highway lodges which utilize fuel oil for electrical generation in recognition of the critical importance of these lodges to the safety of the travelling public and to the Yukon economy."

**Hon. Mr. Penikett:** If I may, as Minister of Finance, say that while I do not think we have any problems supporting this amendment, it is a matter of some regret to me that we could not have been given notice of it, because it would have helped us to deal with it more seriously. I would like to have looked to see if it was in order and consistent with the principle of the original motion, which is an important, but minor, procedural point.

**Mr. Lang:** Point of order. I did inform the House Leader that we were going to amend it to direct it to the federal government, and that was three hours prior to going into the House.

**Hon. Mr. Penikett:** On the same point of order, as the Minister responsible, I have received this copy of the text of this Motion just a few seconds ago.

I have made this point before in the House when Members were amending other Members' Motions. I said it when I was on the other side of the House, because I thought it particularly unfair that the government should use its majority to amend Opposition Motions without consultation. I think it applies both ways. The reason we have Motions on the Order Paper for two days is so that Members can study them and think about them. The same thing would apply to substantive amendments.

Having said that, we believe that we have no particular problem with the substance of the amendment.

**Speaker:** There was no point of order as it was just agreement between the Leaders.

**Mr. Brewster:** First, I must apologize to the House. Some of us do make a few mistakes. However, the highway lodges are a very important thing. They are continually ignored by this government as much as the other one. I am not going to let this government off the hook. They continually do it.

I might suggest to the House that there is an easier way to do this, with all these applications, and here is another big fancy one from the federal government. People out on the highway who do not get their mail but once a week have no idea that these things go on. These fancy newspaper people ought to make a nice, fancy, big thing. We all make mistakes. I have made a lot of mistakes in my lifetime, and I will continue. I had three lodges phone to ask what was going on. I told them. They did not know this was going on.

I am going to suggest that everyone should support this. I am also going to ask, and may take into advisement, that these applications should all be in the One Stop Shop and should be away from this building. They should maybe even go a little farther. They should have a record of the ones who use it every year. Why not mail them an application?

On the electrical rebate, I am mailing for lodges. They are not getting them from here. I am mailing them, and now these people are so confused they are sending them back to me.

I suggest that we get these applications all straightened around, and we get some of the red tape out of this, and we get going on it.

*Applause*

*Amendment agreed to*

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

*Motion No. 5 agreed to*

**Clerk:** Item No. 2, standing in the name of Mrs. Firth.

**Speaker:** Is the hon. Member prepared to proceed with Item No. 2?

**Mrs. Firth:** Next sitting day.

**Speaker:** So ordered.

**Motion No. 20**

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

**Speaker:** Is the hon. Member prepared to proceed with Item No. 3.

**Mr. Lang:** Yes.

**Speaker:** It has been moved by the hon. Member for Whitehorse Porter Creek East:

THAT this House urges the Government to consider the advisability of introducing an Appropriation Bill in this House, which would allocate \$900,000 for the purpose of constructing a fire hall-liquor store complex in Dawson City.

**Mr. Lang:** Sometimes this side of the House has been criticized by the media and by the Members opposite, with some validity at times, that the Opposition is not always constructive. I want to assure the Members opposite that I am bringing this Motion forward to bring forward ideas as to how \$900,000 could be spent. I am also here to help the Member for Klondike who, being Chairman, is prohibited, at times, from putting his point of view across and I am looking forward to his comments in debate.

We have been presented with a financial measure by the Minister of Justice, the Member who, at one time, I criticized for believing in prohibition. I believe I had a dream about visiting him going through the communities with an axe and closing down all the liquor establishments in order that people would consume less, and social justice would be done.

When I look back on those days, I have to say that the Minister of Justice has been consistent. He, if given the opportunity, will stand on a pulpit, take a platform and tell people the sins of alcohol. In good part he is correct; overconsumption of alcohol does, in many cases, produce social tragedy in Yukon. I admire the Minister for his consistency in that respect.

The irony of the situation is that the same Minister has brought forward to this House, when he has expressed the policy that Yukoners should consume less liquor, a measure to extend the present liquor warehouse in the amount of an estimated \$900,000. This is the liquor warehouse that we have invested thousands of dollars in, approximately three or four years ago, for some renovations. Money has been spent in that area, yet at the same time we have the Minister of Justice coming in and saying that his side of the House believes in job creation, inferring that no one else does. I question the validity of his argument. Why should we spend \$900,000 in the community of Whitehorse for the extension of the liquor warehouse? The reply that I got from the Minister was that it was job creation, and then the startling response that I got was that it may be needed in five years.

I would like to go to the Blues — the Minister being as meticulous as he is — and it states very specifically that Mr. Kimmerly, on page 186, if the Member wants to look, October 17, said, "We will have to build this facility sometime in the next five years or so." That could mean ten years. Further, in another part of the Blues, he says, "it is not absolutely essential, but it will be a facility that we need in the next two, three or four years." He might as well have said, "what is \$1,000,000?"

This side of the House takes their responsibilities very seriously. We have \$900,000 being asked to be voted by this side of the House. I put forward a suggestion to that side opposite, and to my colleague the Member for Tatchun, and the Member for Faro, to seriously consider bringing ideas forward on how we could spend that \$900,000 in such a manner to meet the criteria given by the government, job creation, and from this side something worthwhile that we the public, the people of the territory could use for a useful purpose.

The first suggestion I put forward was to, perhaps, beef up the new programs initiated to help the mining industry. The Minister of Finance, the Government Leader, said no dice, it really was not a good idea. I thought to myself, why do I not enquire of the communities. I happened to have the opportunity to talk to the mayor of Dawson City. Incidentally, the mayor is quite happy with the capital projects that are going ahead this coming year. I give the government its credit. He has put forward an idea that could, perhaps, be advanced into this year. That program would be to construct a fire hall and, so that the Minister of Justice can serve more liquor, a liquor store, which is sadly needed: a fire hall-liquor store complex. If we did it in one year, it would definitely be less than if we do it over a two or three year period. Of course, that would be in Dawson City, not in Whitehorse. I am an MLA from Whitehorse and I have no problem putting this forward. Quite



frankly, I do not see why we should spend \$900,000 on a project that is not needed, whether it be in Whitehorse or in Watson Lake or at Herschel Island.

So I am proposing a very serious motion to the House to work with the mayor of Dawson City and his Council to see how fast we could put together the necessary design for such a complex. Now, the Minister of Highways or the Minister of Justice is going to stand up and say, well, we already have money in the budget. The fire hall design for Dawson City is \$40,000 and the amount of money budgeted for 1986-87 for the actual construction of the fire hall is \$285,000. That is why I have left the Motion broad. We know that, but I am thinking that if we combine everything it may come up to \$800,000 or \$1.2 million. I am sure that the government side will appreciate that I do not have those resources at my fingertips in order to make those estimates. I am talking about the fundamental principle of spending this money in a worthwhile manner and in a community that is dear to the heart of every Member in this House including, I am sure, the MLA for Klondike, Dawson City.

This complex is badly needed in the City of Dawson. I do not think there is any question about it being needed. I think that the MLA for Klondike will verify that. The particular facilities they have in place at the present time are not adequate. I have no problems with the MLA for Tatchun bringing forward an amendment to the Motion, if he has thought about it, to suggest another worthwhile project if there is money left over. I do not have the tools to give a very good estimate. I am basically talking about the allocation, if you add those amounts together, of approximately \$1.2 million of the taxpayers' money.

Therefore, I want to preface my remarks that this is why it has been left general and I am leaving it to the House and to every Member to think about this, that if there is any money left over, it could be spent elsewhere. Maybe the Member for Mayo-Elsa has a project in his constituency — mind you, he has been very well taken care of in this budget, I note — but maybe there is something that was not proceeded with. I leave that open to debate as far as the House is concerned and I am open to the MLA for Faro if he has given it any thought. It will be interesting to see.

On a serious note, I find it difficult to accept from the Minister of Justice — the minister of alcohol abuse — the premise that we should be spending \$900,000 for a facility that will stay empty, in his words, up to maybe five years or so, to store aging South African wine. I do not think the people of the territory seriously would believe that Members, being over 19 years of age, with the right to vote in this House, would seriously consider voting for such a measure.

<sup>17</sup> The government has erred very badly, quite frankly, in bringing forward a measure under the heading of job creation. I think that there are a lot of other projects that are necessary. I can think of one even in Whitehorse, in my constituency, that should be gone ahead with, and that is the chipsealing of our streets, or for that matter, maybe more money to the waterfront development.

I also know that communities such as Dawson City, Watson Lake, or Teslin could use a portion of these dollars. Maybe the MLA for Kluane or the Member for Hootalinqua has good projects that should be going ahead as opposed to building a building that is going to, according to the Minister of Justice, remain empty, unless he can find things to fill it with.

I do not find the arguments forwarded on that particular measure to be relevant today, and maybe they should be discussed five years from now. I feel very strongly that we should be proceeding with a public facility that is needed, if we are not prepared to help the mining industry.

I give to you a project, like I said, with some latitude. The dollars that I am talking about can go to some other projects if there is a lapse, depending on your engineering reports and your costs. I feel that this should have unanimous support, because I think it would be in the best interests of the people of Dawson City, the best interests of the territory, and it would get the Minister out of a very embarrassing situation.

**Hon. Mr. McDonald:** I rise primarily as Minister of Community and Transportation Services. I can tell you honestly that when I started to listen to the Member for Porter Creek East present his

Motion in the House this afternoon, I honestly did not know why I was expected to speak to the Motion, even though I had been asked to by my colleagues.

Perhaps the intent of the Motion and the way it reads would suggest that we are talking about a fire hall-liquor store complex in Dawson City. It was obviously very clear that this was a thinly veiled excuse for the discussion of a liquor warehouse in Whitehorse.

Let us not mistake that. I think it is an important thing to remember.

The remarks made by the Member for Porter Creek East, with respect to the Member for Mayo having done well by his riding, are remarks which I thought I should respond to in any case, just as a matter of fact. I am perfectly happy to announce to the Legislature this afternoon, if I have not done so already, that the riding of Mayo has, perhaps for one of the first times at least, been treated fairly by this government.

I have in front of me the breakdown of the Capital Mains, which we so generously gave to all Members of this Legislature at their request. That is the first time in my experience in this Legislature. I think a fair and impartial reading of the Capital Mains will demonstrate that, even though we did treat the Mayo riding fairly, we did not treat it preferentially. I would hope that the innuendos from the Member for Porter Creek East, suggesting that . . .

**Mr. Lang:** On a point of order. I want to say to my sensitive friend from the Mayo Elsa area that large Capital projects have gone into that community over the past ten years. Secondly, I would like to say to the Member opposite that there is no innuendo. I think the area is dealt with fairly.

**Hon. Mr. Penikett:** That is not a point of order.

<sup>18</sup> **Hon. Mr. McDonald:** I hesitate to speak on this point of order because I cannot identify it.

**Speaker:** There is no point of order.

**Hon. Mr. McDonald:** There is a vehicle for the Member to speak and unless he flagrantly wants to abuse the rules of the House and just wants to get up on a point of order and interrupt the Member for Mayo any time that he chooses, then perhaps that is what he is making Motions to support right now.

**Some Hon. Member:** Is this a point of order?

**Hon. Mr. McDonald:** The so-called point of order was ruled on.

**Some Hon. Member:** Better read your speech. Who wrote it for you?

**Hon. Mr. McDonald:** This Motion this afternoon is an interesting and very puzzling one. I had originally thought that the Motion intended that we should be putting money into a fire hall-liquor store complex in Dawson City. I am sure it would be a rude shock to the mayor of Dawson City that there is an intention to provide this liquor store. Despite the good-natured remarks on the part of the Member for Porter Creek East to suggest that he really cares about the issue, it is really a thinly veiled excuse to debate once again the liquor warehouse in Whitehorse. Incidentally, it may not have received enough public attention in the press to the Member's satisfaction and he, therefore, feels he has to bring it forward once again.

We did rule on that. There was a Motion on the \$900,000 with respect to the liquor warehouse in Whitehorse and I am pleased to say that the government's reading of the situation was upheld by this Legislature and, therefore, the situation has been debated once before.

I can understand the Member's difficulty with respect to this. Because we have ruled on it, he cannot make a Motion which details the same issue once again, so he would like to use the issue of a fire hall-liquor store for Dawson City as a vehicle for debate.

This is a puzzling Motion because, as the Member quite rightly pointed out, there have been funds that have been identified in the Capital Supplementary Budget, and in the Capital Budget, for a firehall in Dawson City. I checked through *Hansard* just to refresh myself on the remarks made by any Members on this particular expenditure, this \$40,000 for the design, and the \$285,000 for the

construction, and to my surprise not a single word was spoken on this particular subject.

**Mr. Lang:** You did not inform us.

**Hon. Mr. McDonald:** The Member for Porter Creek East says that we did not inform him. Not only did I provide the information to the Member in writing, as the Minister of Community Services, but the Department of Finance provided the same information to the Member, in writing, prior to the debate. Not only that, but I stood up here in the Legislature and was prepared to discuss the need for a fire hall in Dawson. I offered to the Legislature to discuss a fire hall in Dawson and nothing was said. There was silence.

<sup>19</sup> Nothing was said with respect to this particular expenditure.

The Member recognizes that a fire hall was budgeted for and is planned to be built in Dawson and the Motion suggests that we should allocate \$900,000 for the purpose of building a fire hall and liquor store complex in Dawson as well. The suggestion is that perhaps we should build two fire halls in Dawson because we have \$285,000 for the building of a single fire hall and the Member wants us to build another fire hall with a liquor store attached for \$900,000.

I am puzzled by the immediate and pressing need for this particular complex beyond what we have budgeted for, because there has been no indication to me or to my office that there is a need for two fire halls in Dawson. We have identified funding for a fire hall; we recognize that the existing firehall in Dawson is buckling and crumbling under the weight of the equipment that is stored in it. We responded to the need. I had originally thought we were budgeting funds for the design and for the construction. I was able to convince my colleagues that we should move the design forward in the Capital Supplementaries so that we could carry out the design work over the winter to expedite construction of the facility next year.

My understanding is that we have found a rather good location — conceivably a very good location — for this particular fire hall, beside Diamond Tooth Gertie's and the Bonanza Recreation Centre on commercial lots owned by the city. This is a very good location for the original fire hall we requested that the Legislature approve. I would be interested in knowing the Member's feelings on where he would like the other fire hall put. We have found an excellent location for the fire hall; it has excellent access and means of quick response time to all areas of the town. It is my understanding as well that, being beside the Rec Centre and Diamond Tooth Gertie's, the use of waste heat from the ice plant, which will be operating in the Rec Centre, could also heat the fire hall. This is an interesting proposal.

I have researched this a little bit further, with respect to the City of Dawson's proposed five-year capital plan, just to see whether or not in the future the government should consider the construction of additional facilities beyond the construction of the fire hall itself, *per se*. I discovered that the City of Dawson has on record a request for a multi-use government facility that would contain the fire hall, a liquor store, municipal offices and various other government offices. Their proposal — and I understand it is a long-standing one which I believe was rejected by previous administrations — was that we would build this particular facility, turn it over to them for a nominal fee, a dollar or whatever, and they would rent it back to us for use by our government departments. So far, we have indicated to the City of Dawson that we would like to look at other alternatives to fulfill our needs in Dawson rather than to make such an arrangement.

<sup>20</sup> In any case, we have identified the need for the fire hall. The City of Dawson has communicated that need to us. I have seen the need for one. We have allocated sufficient funds in the Budget for this particular facility.

The City of Dawson is going to receive a fair amount of money in the Capital Budget. We are proposing \$3.8 in the Capital Mains. We have met, according to the mayor of Dawson, the immediate and pressing needs for that particular community. We have responded to the need for a fire hall. We have tried to share resources judiciously around the territory. We have been, in my opinion, fair with people in the riding of Kluane. Not more than fair, but fair with the people of Kluane. We have been fair to the

people of Mayo. We have been fair to the people of Dawson, people in the Klondike riding, and fair to the people of Old Crow, fair to the people in Campbell and fair to people in all the ridings, including ridings in Whitehorse.

We have identified the needs as such, and we have responded to those needs, I think, more than adequately. I think we have responded to those needs marvellously well.

The Member has not indicated, or given us any justification for, why we should have two fire halls in Dawson. Absolutely none, whatsoever.

**Mr. Lang:** On a point of order. The Minister is making misrepresentations of the Member for Porter Creek East. I made it very clear that I was knowledgeable that money had been allocated for a fire hall, and this was to also offset it so a complex could be built. He is putting words in my mouth. I would not do it for him; I expect him not to do it for me.

**Speaker:** There is no point of order. Does the Member wish to continue?

**Hon. Mr. McDonald:** Perhaps when I become more experienced in this Legislature, I would hope that I would not learn to abuse the rules of the House on a progressive basis, more and more, as the years go on. Obviously the Member feels that he has no use for the particular rules, and is using points of order simply to rudely interrupt people in debate.

**Hon. Mr. Penikett:** Do not worry, Piers, someday we will all do it to him.

**Hon. Mr. McDonald:** I think the point, from my perspective as Minister responsible for Community and Transportation Services, has been made. I cannot see the need for two fire halls. I cannot understand where the \$900,000 comes from. The Member suggests that it is sufficient to build a liquor store. I would suggest that he does not have the expertise to determine whether or not the \$900,000 is accurate. It may be too much, it may be too little, for that particular purpose. It is a ludicrous way of going through the budgeting process. We do not know what the \$900,000 will build.

With respect to the issue at hand, we cannot support the construction of two fire halls in Dawson, so we will have to vote against the Motion.

**Mr. Brewster:** We all laugh and joke, and we are laughing about \$900,000 of the taxpayers' money. I think that many of us should have a little bit of common sense and put this money where it should be used, not into a building that is going to be used five years from now. It has lost one-fifth of its lifetime for heating it for that time. We all sit here and laugh and think that this is a big joke. I think this is very serious.

I also think it is a very serious situation when we can sit in here and throw \$900,000 around and laugh and make jokes about it. I think we should all go back and talk to our people and say, do you think that it is right to fool around? You are beginning to sound like the House of Commons, quite frankly.

<sup>21</sup> **Mr. Webster:** There is a serious need for a new liquor store in Dawson City. I want to thank the Member opposite for bringing it to the attention of the House. As you may recall, I raised this concern in my maiden speech.

I can assure all Members that I will be making representation to this government to have the construction of such a structure as an item appearing in the 1987-88 Capital Budget.

**Hon. Mr. Kimmerly:** I rise because I am used to rising on Wednesdays, and I rather miss it in government. Seriously, I rise for two reasons. One is to tell Mr. Jenkins and the Member opposite what the Liquor Corporation has in mind for the City of Dawson. It is not a fire hall-liquor store complex.

Because of the nature of the community, the liquor store is a very busy store in the summer time, and it is a smaller store and serves a much smaller population in the winter. What should happen is that the store should serve the people who are actually there, and it

should promote the tourist industry. What we have in mind is a liquor store that is put, perhaps, in one of the existing older buildings, or perhaps in a newer building that is built and decorated along a gold rush theme, so it is in keeping with the tourist potential and tourist industry in that town, and so it promotes the historical theme in Dawson. We have that in mind for the liquor store.

Secondly, I believe it is my responsibility, in fact, my painful duty, to acknowledge that I have made a mistake. The Member for Kluane acknowledged that, and I wish to do the same. I apologize to all the Members, because if I had not made a mistake, we would have saved an hour or so of time.

It has been said that the extension to the liquor store is going to remain empty. I did not say that, but the Opposition have been attempting to put words into my mouth. They have certainly said that.

It has been said that the extension to the warehouse would not be necessary for five years, and that it would be empty for one-fifth of its lifetime and that \$900,000 is a lot of money. It is certainly a serious matter, and I have neglected to inform the House properly about this expenditure. That is probably because of the irony of my previous political statements about alcohol abuse and impaired driving and the duty that I now have to look after the best interests of the Liquor Corporation.

In any event, I apologize. The justification for the extension to the liquor store should have been more seriously dealt with by me. I should have informed the House of the real and important reasons. I neglected to do that and I apologize again.

The existing warehouse came into use in 1969. Since that time, every year, there has been an approximate 10 percent increase in liquor sales in the territory, except for 1982. Recently, the breweries have made the decision to go from the stubby bottles to the long bottles, and that requires a significantly greater warehousing capability. Also, we have made the decision to use draught beer, and the warehousing needs for the draught beer kegs has substantially increased. We have also made the decision to use beer cans as well as bottles and to return the cans and crush them, and that has resulted in increased warehousing needs. In addition, we have made the decision to use the marine hall, as it now exists after the closing of the railway, and that has an impact on the warehousing needs.

Presently, the liquor warehouse is utilizing an old trailer to store some beer cans before they are crushed.

Also, the tastes of the community and the consumer demand has changed, and there is a greater demand for a variety of products and more specialty products. That results in a greater need for the expansion of the warehouse.

It was not responsible for me to imply, if I did imply, that the building would not be properly used. In fact, if we make the decision, which will come before us reasonably soon, perhaps in the spring, to give a deposit on wine bottles and liquor bottles, the space that we will have with this building will not be enough, and we will be asking for more funds for more space to look after the responsible needs of the Liquor Corporation.

It is a source of pain to me that I have probably caused this debate by my inappropriate comments. The Member, in closing debate, will probably chastise me again, and I probably deserve it. In any event, the view that the warehouse is not needed, or will not be fully used when it is built, is wrong. I apologize for giving that impression.

The Motion, as it stands, is clearly not supportable for both of the reasons that I have spoken about.

**Mrs. Firth:** I would like to thank the Member for Kluane for bringing some levity back to this whole debate. I find it quite interesting that when people become giddy or humorous or comical about an issue, it is usually because they are trying to either cloud the issue, or because they are talking about some things that make them uncomfortable.

After the Minister of Justice's remarks, obviously, it was the latter. He feels that in some way he did not bring appropriate information to the House.

However, that does not take away from the principle of what we

are talking about. The fact that the Minister has taken so long to bring up the inappropriate comment he made indicates to me that he has been spending the last week or so desperately trying to think of something to justify his comments.

He has said today, specifically, that the liquor warehouse is going to remain empty for one-fifth of the time he stated. I am sure I heard him say that it was going to be empty for one-fifth of what he had said, which indicates to me that it is going to be empty for a year. Whether it is even going to be used now is questionable. It really is questionable, particularly in the eyes of the public.

Then the Member for Mayo-Elsa gets up with a big discussion about the fire hall and the liquor store in Dawson and, granted, that is where we requested the money to be redirected.

The principle is that the \$900,000 is being identified for a building, and its use is being questioned. It is not good enough for the Minister to come back over a week later and say now that he was incorrect, and it will be used.

As an MLA responsible for a constituency, it is my job to see that the government is doing a responsible job, that they are spending the taxpayers' money responsibly — which means they are spending it as if it was their own money — and that they are establishing good, firm policy — policy we can all defend, whether we agree with it philosophically or not, as a good basis for the money they are spending. I am not seeing that, and the incidences are increasing more and more.

I have been asking questions in the House related to policy and policy development which result in the expenditure of funds. I have had more people ask me about this empty liquor warehouse and this spending of almost a million dollars. Their concern is that the Minister is authorizing this expenditure. It seems silly to them when, some time down the road after we have spent all these amounts of money, they are going to have to end up paying for it in the long run through an increase in taxation or an implementation of the sales tax. That is what the Minister has created in the public eye.

I appreciate his apology, but it does not reassure the public that this building is now really necessary. If the Minister would redirect the funding, give the public something so that they can say, okay, he came in with inappropriate information, he has admitted that, and now we are going to direct the money into an area where it can be put to some use immediately for job creation, not to build a building with some potential of staying empty. Then proceed.

We have to recognize the seriousness of the situation, as the Member for Kluane says. We are spending other people's money; it is not our own money. We are spending someone else's money, and this government had better pull up their socks and start looking at how they are developing policy, whether they are talking to each other or not before money is being spent, whether they are consistent and unified in what they are doing, and that they are spending these millions of dollars responsibly on behalf of the Yukon taxpayer. So that, down the road, it is not the Yukon taxpayer who ends up paying for their errors.

**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 Members wishing to speak should do so now.

**Mr. Lang:** There are a couple of things I would like to comment on at the end of debate here. I think it has been worthwhile from a couple of points of view. I want to begin by complimenting the MLA for Kluane for getting all Members of this House to see the seriousness of the situation we are facing. We are talking about basically a million dollars of taxpayers' money. We have an estimate of \$900,000 and, knowing what government does and how it operates, it could well be \$1 million, if not more. We are talking a round million dollars.

We had information previously that gave us very little justification — in fact, I think the Minister of Justice would say no justification — for that expenditure of five dollars, let alone a million dollars, for the purposes of a liquor store warehouse

extension. Now today, he gives a number of reasons why the liquor store warehouse extension in Whitehorse, for a million dollars, is necessary. He gives us the excuse that we have gone to long bottles; we have gone to the use of draft beer; we have beer cans, and those cans are being stored in an old trailer.

Well, I ask you, what is wrong with storing them in an old trailer? Really? If you owned that plant, and it was a business, and you had a bunch of old beer cans that you had to store for shipping, would you build a million dollar warehouse? I am saying to you that you would not. If you did, you would not be in business long. I guess that is the unfortunate part about government: they can do these things and then try to justify them afterwards.

I am sure, and I agree with the side opposite, that if you are building a million dollar warehouse, knowing government, you will fill it up with something. You will find something; you will fill it up. No problem.

<sup>25</sup> I appreciate the Minister of Justice apologizing to the House, because I have had to do it a few times myself. It is a very humbling experience, when you are put into that position. I still do not think he has given us enough justification as to why nearly a million dollars should be spent for such a facility. I still do not believe he has. I have been there. Has anybody in the House taken beer bottles back? It does not look that crowded to me. I have never been in the position where I have had to throw them outside.

The Minister, in his remarks and in his justification, said that we are going to use the marine barge line. I submit to you, with events the way they are going, a couple of hypothetical things may happen: the Skagway-Carcross road opens year round, and we use that particular port, and the barges come in once a week, as opposed to once every ten days, or once every five days. Then, maybe, the warehouse we have is too big. Maybe, because of our economy, they will be forced to increase the number of shipments to Yukon.

I would say the contrary to the argument put forward. On the plus side, we have an ultimate transportation route. I am very pleased to see the MLA for Faro nodding his head in assent when I make these points. It would be interesting to see how he votes.

I very seriously put the question of a fire hall-liquor store complex as a question of debate for the purpose of a public building in Dawson City.

The Minister of Highways attempted to say, well, we are going to build two fire halls. I prefaced my remarks and said that this would be an adjunct and it may be a total of \$1.3 million, and they come in at \$700,000. Unlike the Minister of Justice, I did phone the mayor of Dawson, and I talked to him. I said what long term project are we talking about. He told me that he thought that it would be very good for the town to have an adjoining liquor store with a fire hall, and with the ice plant necessary for the arena, because the waste heat could be utilized for heating those particular facilities.

The Minister of Highways says an administration building. I could not have put an administration building in because he obviously was not here, and it proves once again that they do not talk to each other. I have asked the Minister of Renewable Resources what they were going to do with the territorial administration building? Where are they going to use territorial offices?

I knew that they were going to do that. The Minister of Renewable Resources did not. There would be no point in a territorial admin building. We are fixing up an historic structure, and government is going to be using it for our needs. That is taken care of.

I also said to this House that if anybody wanted to amend the resolution and say that the balance of money that was left over could go to some other project that was needed in, say, the community of Old Crow, the community of Faro, or in the community of Watson Lake. The balance might be \$300,000 or \$400,000; why not transfer it to a new line item, the Stabilization of Silver City, which the MLA for Kluane raised in debate with the Minister of Tourism, who said that it was a great idea, but it had not been brought to his attention. We could check *Hansard*. It is in there.

There is another project where the money would not be sitting idle. We would not be in a situation of having to stand here in this

House and justify why we have to put an extension on a warehouse in the capital city.

<sup>26</sup> This is another alternative. I could recommend that the money go to waterfront development, maybe to the purchase of land that would be the impetus needed on the waterfront for future development.

I am taking this very seriously, so seriously that we have raised the issue at least twice if not three times in this House. As the MLA for Riverdale South says, we have a responsibility, each and every one of us, to justify what we are doing with these dollars. I had a constituent read the article — it varied, incidentally, in the newspaper, I think there was only one media that really covered it — and wonder what the government was doing spending money on a warehouse that they did not really need for five years. I am sure that he is not really convinced in his mind that the facility is not needed for five years. They are spending money like drunken sailors. I do not think that they are too far wrong. I really do not. I am sure there are projects in the constituency of the Teslin-Ross River area where \$900,000 could be spent in a manner that would be in the public interest. It could maybe also be spent in a direction where there is going to be some revenues come back to the government.

As I said in my opening remarks, I did not put 'to give it to the mining programs' in that Motion because the Government Leader had dismissed that idea in his capacity as the Minister of Economic Development. Otherwise, I would have put that in because I believe that we should be looking at designing our Capital Budgets along the line of putting money where we could create wealth, to create people doing things. Very few items in this budget do that. The Government Leader has said that we want job creation. I am not going to argue that. Who is opposed to jobs in this House? That is like saying that nobody eats apple pie. I believe that we have given you another alternative along the terms and conditions and the guidelines set up by the Government Leader for job creation, a program that would be utilized in the community. We would not have to wait as the Member for Klondike lamely stands up in this House and says that he has a commitment in 1986-87. Who knows, you may not be the government, buddy. Do not forget that. I looked at the MLA for Faro when I say that.

I am just giving the MLA for Klondike the opportunity to vote on the Motion which would be good for his community. It would be good, not only for the community of Dawson City, but also for the community of Yukon, because it is a needed facility. I also stated in this House, contrary to the buffoonery put forward by the Minister of Highways, that any balance of the money for the fire hall-liquor store complex could be put into other projects. I think this Motion should be unanimous and I am disappointed by the lame justification and scrambling by the side opposite to try to cover up why we are building a warehouse that is not necessary.

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

**Some Members:** Division.

**Speaker:** Division has been called.

<sup>27</sup> 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:** Disagree.

**Mr. McLachlan:** Disagree.

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

*Motion No. 20 defeated*

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

**Speaker:** Is the hon. Member prepared to proceed with Item 4?

**Mr. Coles:** Next sitting day.

**Motion No. 22**

**Clerk:** Item No. 5, standing in the name of Mr. Phelps.

**Speaker:** Is the hon. Member prepared to proceed with Item 5?

**Mr. Phelps:** Yes.

**Speaker:** It is moved by the Leader of the Official Opposition:

THAT this House urges the Government of Yukon to maintain the position of the previous territorial government that benefits in Yukon granted to non-resident native groups should not include land or management rights but should be restricted to monetary compensation and hunting, fishing and trapping rights based on current usage and, further, any hunting, fishing and trapping rights granted to non-resident native people should be taken from the Yukon Indians' share of the harvest and any such claims be resolved with the groups involved prior to a final agreement of the Yukon Indian Land Claim.

**Mr. Phelps:** This Motion is extremely important because, in recent weeks and months, there have been a number of Indian groups, Bands and other groups, living outside the borders of Yukon, who have been arguing publicly in the press and lobbying the Minister of Indian and Northern Affairs and the Task Force on Land Claims created by the federal government, because they would like the federal government to change its policy with regard to overlap and how overlapping claims from one jurisdiction into another by non-resident groups are treated by the governments.

The issue is extremely serious. It is fundamental to the whole issue of fairness and equity in settling land claims. I would like to table, with this very simplistic map, the groups that have claimed aboriginal rights in Yukon. COPE made such a claim and actually obtained an Agreement-in-Principle — not binding — in 1978. We fought and fought and fought to ensure that the COPE claim would not result in land being given to the COPE in Yukon and that the COPE claim would be as close as possible to the principles enunciated in the Notion itself.

Further, we worked very closely with the federal Land Claims Negotiator for the CYI claim in Yukon, in order to get a policy into and approved by the federal Cabinet, some three years ago in Ottawa. There were several months of negotiation and work performed, at that time, just to ensure that the federal Cabinet of the day, which was a Liberal government, would take this clear stand.

It was necessary, because not to have a clear policy in place and not to know what kinds of claims might be made by non-resident Native groups to lands and hunting rights and other kinds of rights in Yukon, meant that one could not deal with the CYI claim prior to resolving all the claims at once.

For example, you cannot simply tell the people of the Yukon that we are going to deal fairly with the CYI groups, resident Indian people. We are going to give them all these rights and all this land, and so on, if you honestly believe that all these other groups are going to be also demanding additional lands and additional rights in the future, on top of what has been accepted by this government, and by all Yukoners who live here, and intend to continue living here.

What has happened, historically, is that this was a policy that was fundamental to, and underlying, the agreements reached. The first important agreements reached in the last sessions of negotiations were the harvesting agreements. Those agreements, if one examines them, are entirely in conformity with the principle set out in this Motion.

What is unfortunate is that there has been increasing pressure from extra-territorial groups, in particular, the Dene of the Mackenzie Valley in the NWT, the Kaska Dene group from the Lower Post area in northern British Columbia, the Taltans and the Atlin Tlingit. I believe that I heard part of a news broadcast just yesterday morning that was an interview with one of the leaders of the Atlin Tlingit who was demanding the right of their group to have land given to them, under Land Claims, in the Yukon Territory.

There is a tremendous amount of pressure afoot from the extra-territorial groups to pile on, demanding land and rights in the Yukon.

In the minds of all who were involved in the negotiations and the formulation of the policy, and in pushing this ahead so that the federal government would adopt it as their policy — and there was a lot of work done — this is the fair way to proceed. If, for example, the Atlin Tlingit are to be allowed to use some of the hunting rights afforded to Yukon Indian people, then those Yukon Indian people having a claim in that area of British Columbia could demand similar rights from the Atlin Tlingit people.

And there are the Teslin people with the Taltans. The Teslin people do have aboriginal rights in BC, there is no question about that. There has to be a mechanism to ensure that they have a voice whereby they can obtain rights in the jurisdiction in which they do not currently reside.

The context was to afford the Carcross/Tagish Tlingit, for example, to be able to give some of their land in return for land in their traditional areas in BC, and so on. It was hoped that the Indian people would work this out and those of Yukon did agree to try to undertake that task. Unfortunately, it never was finalized and it is an area that is going to demand a great deal of effort from the Land Claims department of this government, the CYI and the federal government.

If this policy is not to be pursued and if this government decides that it is not in favour of this policy, then it is my respectful submission to all Members of this House that Land Claims will have to start from scratch. Land Claims cannot be conducted on the basis of political boundaries at all, that would be impossible. The whole basis for dealing with the CYI on the basis of political boundaries will be totally undermined. One would have to deal on a group-by-group or a Band-by-Band basis, ignoring political boundaries and adhering to legal concepts about aboriginal rights, which, at common-law, means that there will be no overlap in claims between Bands or groups. For that proposition, we have ample legal authority, the most recent being the Baker Lake case in the Northwest Territories.

If we do not meet this issue head-on, and if the government does not take a strong position with regard to all these groups who are demanding that they negotiate their rights in Yukon, demanding land and all these things, then it would become impossible to convince Yukoners that there is the possibility of a Land Claims settlement with some finality and one that will be fair to everyone.

I would ask the Members to not take this Motion lightly, to see it as a fundamental building block for the settlement of Land Claims in Yukon and to vote in favour of the Motion. Thank you.

**Hon. Mr. Penikett:** I would like to thank the Leader of the Official Opposition for presenting this Motion. I hope that he will understand from my response that I do not take it lightly, but I respond in the most serious matter possible.

The Motion by the Leader of the Official Opposition is that this government maintain the position of the previous territorial government respecting non-resident Native claims in Yukon.

The position is that the benefits in Yukon granted to non-resident Native groups should not include land or management rights, but should be restricted to monetary compensation, and hunting, fishing and trapping rights granted to non-resident Native people should be taken from the Yukon Indians' share of the harvest and any such claim be resolved with the groups involved prior to a final agreement.

I do not take the Motion lightly, and I want to treat the subject in all seriousness. I hope that the Leader of the Official Opposition will understand that I am not trying to be provocative when I repeat again that it is not going to be my intention to negotiate the Yukon Land Claims in public or to negotiate the Land Claims on the floor of this Assembly.

As all Members know, Yukon Land Claims negotiations are not yet underway. We are still at the stage of discussing the principles and understandings necessary in order for negotiations to resume.

The very important issue of non-resident or overlapping claims is a complex and difficult subject where all parties must, I submit, proceed carefully. It has been recognized by the current federal Conservative government that something needs to be done to establish a workable national policy. That is why the overlapping claims issue is one of the subjects to be studied this year by the new

federal task force, which is reviewing Native Claims policy, and which was established last July by the hon. David Crombie.

The Leader of the Official Opposition did not say this, but perhaps implicit in his remarks today was a fear that somehow the federal Minister, the Conservative government nationally, might change the policy, which, as he described, he worked so hard to establish with the previous national government.

I have no way of knowing whether that prospect is in the wind at all. If he has reason to be concerned that the federal policy may change as a result of the representations he described earlier, I really would hope that beyond this debate today he would communicate that to this government so that we can continue the dialogue or make whatever representations are appropriate to the federal government.

As the Members opposite know, no substantial progress has been made in Land Claims negotiations since 1983. An Agreement-in-Principle, covering many aspects of the claim, had been developed but was, in the end, not accepted by all the parties. In that Agreement-in-Principle, overlapping claimants were entitled to pursue their aboriginal claims in the Yukon, but restricted to claim fishing, hunting and trapping rights, and monetary compensation, I understand.

<sup>31</sup> Overlapping claimants were further restricted to taking their share of the harvest from the entitlements allotted to Yukon beneficiaries. That is alluded to in the Motion.

As I understand it, since 1983 the Council for Yukon Indians and the Kaska Dena, referred to by the Leader of the Official Opposition, have both rejected elements of that Agreement-in-Principle. As I mentioned earlier, as well, we have a situation with the federal government position now being under review and will not be known until the comprehensive Task Force on Land Claims has completed its report. As our government now presses forward to start up Land Claims negotiations after almost two years of no progress, it is dedicated to ensuring that the benefits from Land Claims begin to flow as soon as possible to all Yukoners. Equally, we are dedicated to ensuring a final resolution of the Land Claims negotiations that will be just and fair to the interests of all Yukoners. We will press forward to complete Land Claims and will endeavour to ensure that the problems of overlapping claims will not delay the realization by Yukoners of their just entitlements. We recognize that there are, out there, the interests of the overlapping claimants and we intend to work earnestly and in good faith with the federal government and the Council for Yukon Indians to discover a means of enabling the overlapping claimants to properly pursue their interests in the Yukon.

However, as the Leader of the Official Opposition has pointed out, there are considerable difficulties on this question of overlapping claims. He happened to mention, I think, the Atlin Tlingit and the Kaska Dena, two groups that are resident in British Columbia. There is a particular problem, I think, on this score, which the Leader of the Official Opposition will recognize, in that the Province of British Columbia has not, to date, recognized the aboriginal claims of Native people in British Columbia, nor of Yukon Indian people in British Columbia. Therefore, the overlapping claims of all Native people will be difficult to resolve in this area as long as the Government of BC refuses to acknowledge aboriginal claims, because, to state the obvious, there is no possibility of reciprocity if you have a neighbouring government that refuses to deal with the issue.

Our position is distinctly different. We will seek an appropriate means for overlapping claims to be addressed through Land Claims negotiations in Yukon. We will seek methods of addressing Yukon overlapping claims to be resolved in all jurisdictions that border the Yukon. We will listen carefully to the proposals placed before us by the CYI and the federal government and look at all overlapping claimants during the negotiations. We recognize the great concerns there will be about things like political rights, land rights, and so forth, by non-resident groups. We understand those perfectly. However, as I said before, the general approach to the overlapping claims set out in the Agreement-in-Principle will remain until good reasons are presented that promote change. Whatever changes may be made during the negotiations, the basic philosophy of this

government will not change. We are firmly dedicated to ensuring that the interests of all Yukoners will remain our foremost concern and that the overlapping claims can be fairly resolved without jeopardizing the best interests of Yukoners.

<sup>32</sup> Again, though, I must emphasize that we do not intend to negotiate these issues in public. I must respectfully submit to the House that the Motion before us, at this point, is premature, and we cannot support it at this time.

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

**Mr. Phelps:** I appreciate what the Government Leader has said; however, I would like to make a couple of distinctions between things. First of all, what we have here is a fundamental principle and part of the policy of the previous federal Cabinet and the federal government. That policy is being reviewed by the federal task force, which the Government Leader referred to. It is our very strong position that, surely, this government must take a position on some of the key areas under review by that task force. We would submit that it would be in keeping that they take a stand on the issue of overlap.

That is the place to do it. We are not suggesting that negotiations take place when we say that, or even that this has to do with negotiations. We feel that it is important that this government have some fairly fundamental, basic principles that they are prepared to fight for, because you have to have these building blocks in place prior to recommence any kind of meaningful Land Claims negotiations.

The Government Leader raises the issue: am I worried that the federal government may change the policy? Yes, of course I am. I have no way of telling them how to conduct their affairs, and we simply made our position very clear, and will continue to, as a territorial party. We did so in the paper we presented to the task force when they came here. I continue to make that point in the some two hours that I discussed these issues with the members of that task force.

I will definitely, privately, be discussing these very serious issues in my previous experience with them when I get a chance to meet with the new negotiator.

At some point, a decision is going to have to be made as to how to deal with the overlapping groups. How that is to be handled will mean whether or not you are going to be able to proceed with any kind of final settlement. If it remains up in the air, you cannot, without having some guarantees from the federal government.

That is why this is important. I think that we have a serious situation wherein the level of fear of a lot of Yukoners is being raised by these rather radical demands that are emanating from groups outside the territory. Unfortunately, and I agree with the Government Leader's remarks, the Province of British Columbia has not started serious negotiations with some of these groups, and with the Government of Canada, in northern BC.

<sup>33</sup> Unfortunately, the result is that some of these groups see their only chance to get money and to get going with negotiations is to be funded to proceed with their claims in Yukon. They cannot get going in BC because of that province's position. In a way, not to use the improper word, we are seen as a patsy, because the feds are willing to negotiate and we have no control and no protection. We cannot afford protection to our people because the federal government owns the land. That is a big problem. That is one of the reasons why some of these, I must say, in my mind, rather radical demands are being made by outside groups over land and resources in Yukon. We will be supporting the Motion. I would like to thank the Government Leader for his remarks. I disagree only in a few minor areas. The most important one is to ensure that the federal policy remains the same or that whatever the change is, everything changes to accommodate a settlement that is going to have some degree of finality and give some assurance to all Yukoners that there will be a fair and final settlement some day. Thank you.



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

Division has been called.

Mr. Clerk, will you please 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:** Disagree.

**Mr. McLachlan:** Disagree.

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

*Motion No. 22 defeated.*

#### **Motion No. 26**

**Speaker:** Item No. 6, standing in the name of Mr. McLachlan.

**Speaker:** Is the Member prepared to proceed with the Motion?

**Mr. McLachlan:** Yes, Mr. Speaker.

**Speaker:** It has been moved by the hon. Member for Faro, THAT it is the opinion of this House that the Government of Yukon, in full recognition of Canada's bilingual and bicultural heritage, should properly designate the "French First Language" program as "Ecole Emilie Tremblay".

**Mr. McLachlan:** With cooperation from the federal government for 1984-85, and further cooperation and extension to the program in the 1985-86 season, funding has become available in the Yukon to instruct those children of parents who wished to be fully instructed in a language of their own choice, specifically the French language, as a separate and distinct program from French Immersion. The program began in the first six grades and was extended by a further three grades to grade nine in 1985-86. For lack of a definite form of nomenclature, the Government of Yukon has simply adopted the term, "French First Language".

« We, on this side of the House, believe that a more distinct and definitive name could have been given to the program for simple purposes of identification.

We believe that this is a reflection of Canada's bilingual and bicultural heritage, and the program would become readily known, successful and available upon an instant identification by anyone coming to the territory who wished to know if French language instruction for their children was available here.

We feel that the term presently used by the Department of Education is awkward, but we realize that it is there simply for lack of something better, something that had not been previously brought forward. French First Language works for now, but something better could exist.

You may very well agree with those statements I have made, why we would not say "Ecole Jean Beliveau" or "Ecole Jeanne Sauve". It would seem very fitting that some sort of traditional relationship should be paid to someone who came to the territory from Quebec, from a French language background, and who contributed something to the territory's heritage.

When I began my research into this topic, and compiled the data, I realized that I was dealing with someone who, by the very grit of her own nature, sounded very much like one of those stories that should be part of the Yukon's history and bibliography.

Emilie Tremblay was born in 1872 at Lac St Jean, Quebec. Her father was a settler in that area, and her mother was a teacher. She received her early education at the convent of the Sisters of Congregation in St. Roch, Quebec. She went, at an early age, to New York state, and while there married another Quebecer, Pierre Nolasque Tremblay in 1893. Their honeymoon trip was begun on March 5, 1894, and they began a trek to the Yukon over the Chilkoot Pass.

It is important to note that Madame Emilie Tremblay was the first

non-Native woman to cross the Chilkoot Pass. They arrived at Forty Mile in mid-June, 1894. It was here that she obtained a bilingual education, learning English as a second language.

She returned to Quebec via the Bering Sea because of an ailing mother, but, still professing a love for the Yukon, returned in 1898. At the foot of the Chilkoot Pass, she and her husband attended the injured and the dead at the site of the infamous Easter Slide.

A sister of hers, Marie Fortin, was involved in one of the first wedding ceremonies in the Klondike.

Because she was a very early pioneer of the Catholic Church in the Dawson City area, she was awarded the title "Mother of the Priests", because of her help among missionaries of the north. « Apart from numerous charitable works that Madame Tremblay took part in, she was cited as a midwife and a nurse while on vacation in Europe in 1906 to seek the benediction of Pius X.

For 27 years, from 1913 to 1940, she owned and operated a small novelty store called Madame Tremblay's store in Dawson City. Its popularity grew over the years, and remained very characteristic of old Dawson.

She had no children. She adopted one of her nieces and was godmother to 26 children of Native, Metis and white descent. Her husband, who had been nicknamed the Great Old Man of the Yukon, predeceased her in Dawson City in 1935.

In September, 1940, she remarried another pioneer, Louis Lagrois. She was involved in innumerable societies and charitable organizations. Amongst these, she organized an event called the Christmas Tree for miners in the Dawson City area; organized fundraising events for St. Mary's Catholic Church; organized the collection and distribution of charities, and took part in the First World War program to knit socks for soldiers overseas.

She founded the Ladies of the Golden North Society in 1922 and was President of the Yukon Women Pioneers — sort of the forerunner of the female side of the Yukon Order of Pioneers — which exists today in Yukon.

She was awarded a life membership in the Daughters of the Empire, and received a commemorative coronation medal from King George VI in 1937.

I wish to point out to the Members of this Assembly that we, on this side, feel that it is only fitting that the program, which has now just been newly instituted in the Yukon Territory, for the education of those children from Grades 1 up in the French Language program, be named after this pioneer of the Yukon Territory.

**Hon. Mr. McDonald:** I believe that the Member for Faro has provided extensive background and biographical material, and he has very eloquently expressed the issue before us, which leaves me with nothing more to do than to state the government's position on this important matter.

The Motion calls for naming an educational program, what is currently known as the French First Language program, as the Ecole Emilie Tremblay. As for the program itself, we are giving it the support and direction we think it needs, with federal support, to survive and prosper. It has been an interesting challenge for me and for the Department of Education.

It is not usual practice in the Yukon to name programs after people, which is what the Motion calls for and what we are addressing now, but it is something which we do not have any difficulty supporting. Canadian Parents for French have provided the government with a list of names and biographies of persons who would be worth considering for this purpose, and the person in question was one of the names listed.

We must reserve the right, in assenting to this Motion, to consult with the various groups in the community, and finally with the Canadian Parents for French, as to whether or not support for this particular name is going to be forthcoming.

In general terms, we have no trouble supporting this Motion.

*Motion No. 23 agreed to*

**Clerk:** Item No. 7, standing in name of Mr. Webster.

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

**Mr. Webster:** Next sitting day.

**Clerk:** Item No. 8, standing in the name of Ms Kassi.

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

**Ms Kassi:** Next sitting day.

**Speaker:** Government Motions.

## GOVERNMENT MOTIONS

### Motion No. 19

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

**Speaker:** Is the hon. Government Leader prepared to proceed with Item No. 1?

**Hon. Mr. Penikett:** Yes.

**Speaker:** It has been moved by the hon. Government Leader:

THAT this House recommends to the Minister of Indian Affairs and Northern Development the appointment of Millie Pauls of Ross River to the Yukon Territorial Water Board for a three-year term.

**Hon. Mr. Penikett:** In February of this year, a vacancy was created on the Yukon Territorial Water Board when Diane Granger, territorial government appointee, was asked to sit as Chair of the Board. As hon. Members know, the Territorial Water Board serves an important function in determining the impact of development on the Yukon's environment. Water Board recommendations may also affect employment and human resource development in the territory. Thus, the individuals chosen for this Board must be people who understand the territory well and the broad range of issues that affect all northerners.

With respect to this vacancy, my colleagues also felt that someone from a rural Yukon community — communities not well represented on bodies such as this — would be a useful addition to the Board. Mrs. Millie Pauls is such an individual. Mrs. Pauls is widely respected for her unwavering commitment to the north and her leadership in all aspects of community life. As a resident of Ross River since 1961, Mrs. Pauls has served that community exceedingly well. She has been an educator of kindergarten, adult lifeskills and community education; she has sat on the Ross River School Committee and the Community Advisory Board for Adult Education Programs. Her involvement has extended beyond Ross River in her contribution as a member of the Yukon Wilderness Alternatives Program for Problem Children as well as her position as a director of Yukon Northern Native Broadcasting.

During the period 1980 to 1984, Mrs. Pauls worked energetically as a community resource worker; she also sat as district advisor to the Canada Employment Development Branch for the Ross River area. A mother of four children, Mrs. Pauls has demonstrated a life of dedication and commitment. She has developed invaluable skills as a community worker and her dynamic personality and leadership ability are known territory-wide.

I am very pleased to request that this House recommend to the Minister of Indian Affairs and Northern Development the appointment of Millie Pauls to the Yukon Territorial Water Board.

*Motion No. 19 agreed to*

## GOVERNMENT BILLS

### Bill No. 2: Third Reading

**Clerk:** Bill No. 2, standing in the name of the hon. Mr. Penikett.

**Hon. Mr. Penikett:** I move that Bill No. 2, entitled *Second Appropriation Act, 1985-86*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Government Leader that Bill No. 2, entitled *Second Appropriation Act, 1985-86*, now be read a third time and do pass.

*Motion agreed to*

### Bill No. 40: Third Reading

**Clerk:** Bill No. 40, standing in the name of the hon. Mr. Penikett.

**Hon. Mr. Penikett:** I move that Bill No. 40, entitled *Third Appropriation Act, 1985-86*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Government Leader that Bill No. 40, entitled *Third Appropriation Act, 1985-86*, be now read a third time and do pass.

**Mr. Phelps:** Part of the monies from this Act have to do with the whole Frenchman/Tatchun Lakes fiasco. For that reason, amongst others, but that being the most important reason, our party will be voting against this.

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

Division has been called.

Mr. Clerk, will you poll the House.

**Hon. Mr. Penikett:** Agreed.

**Hon. Mr. McDonald:** Agreed.

**Hon. Mr. Porter:** Agreed.

**Hon. Mrs. Joe:** Agreed.

**Hon. Mr. Kimmerly:** Agreed.

**Mr. Webster:** Agreed.

**Ms Kassi:** Agreed.

**Mr. Phelps:** Disagree.

**Mr. Brewster:** Disagree.

**Mr. Lang:** Disagree.

**Mr. Phillips:** Disagree.

**Mrs. Firth:** Disagree.

**Mr. Coles:** Agree.

**Mr. McLachlan:** Agree.

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

*Motion agreed to*

### Bill No. 52: Third Reading

**Clerk:** Third Reading, Bill No. 52, standing in the name of the hon. Mr. Penikett.

**Hon. Mr. Penikett:** I move that Bill No. 52, entitled *First Appropriation Act, 1986-87*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Government Leader that Bill No. 52, entitled *First Appropriation Act, 1986-87*, be now read a third time and do pass.

**Mr. Lang:** I rise with a great deal of regret and I hear from the MLA for Mayo to make it short. I will say to my colleague for Faro, if the length of this particular session was dependent on my colleagues to my left here, we would be in this House for two days. That is how much interest they have taken in the public's business.

I rise with regret. We have a budget of approximately \$80,000,000 presented to us. That is a lot of money. I also rise with a fair amount of pride that I was part of a government that managed to negotiate with the Government of Canada the financial formula which has allowed us to have this much money to present to the House to do the public's business. A lot of time and effort went into that particular Agreement, and I think that people like Frank Fingland, the Deputy Minister of Finance, and the people within the bureaucracy deserve a lot of credit for us to be able to debate the disposition of \$80,000,000 within this House.

I rise on a number of points of view, but I rise on the most important principle that is starting to evolve and emanate from the government side contrary to what the Liberal Party's opinion is. I want to refer to the principle of lack of leadership. It is becoming very disturbing to me as an MLA. I am going to say to the Government Leader that so far the responses we have gotten in this House, on what we deem to be very major public issues, are inadequate and, in some cases, non-existent. We have a Government Leader who has, in one particular issue raised — which is now front-page news, and it should be front-page news — the question of the Frenchman/Tatchun Lakes issue, where his total and absolute contribution to the debate has been that he was out of town.

<sup>38</sup> That says to me that the government is suffering from a lack of leadership. In my view, we have a situation, and I raise it as an example, where a Minister has gone beyond the parameters of the public interest with respect to the allocation of public dollars that has affected the livelihoods of people in the territory.

We have a situation developed where a contractor, who was the lowest bidder, from Watson Lake, is going to have a tough winter. We have a situation where a contractor in Whitehorse, who was the lowest bidder, was bypassed on that particular job and is going to



have a much more difficult winter than what they would have had.

You see a major change and shift in policy because of that incident. We have seen a situation where day after day this side of the House asked questions, and the swamp gets murkier and murkier.

I find it very distasteful, believe it or not, to ask these questions in the House, because I think it is an area that the government has put themselves in and we have to question whether or not they have acted in the public interest. To date, from the information that has been provided and from the remarks that have been put forward, I do not believe they have. I do not believe they have put forward good reasons why we should be paying a total of \$100,000 for 300 metres of land for a road when we had an agreement in place — and the government knows it is in place — which stated emphatically that the beneficiaries of the Land Claims would pay for the relocation, not the taxpayers of Yukon.

We, on this side of the House, are even prepared to say, look, nobody pay anything. Just get permission to change the road. Do not bother the Cabinet, and let us proceed with our business. We do not have that. We have a situation where I believe the credibility of one particular Minister of this government, and more importantly, the credibility of the leadership of the government, is coming into question.

For example, we very seriously raised the question of an appropriation of \$900,000 — of a million dollars, let us say — for a warehouse. Was it necessary, or was it not? The initial response from the Minister was very clear. He might need it in five years. All of a sudden he realized this side of the House was going to really question the propriety and the purpose of that particular financial measure.

We saw some desperate scrambling to try and justify a million dollar round figure expenditure, because we have gone from short bottles to long bottles, we have cans that are stored outside in an old trailer, God forbid. We have a change in transportation policy, which I think supports our argument as opposed to the side opposite.

We have a situation where a government is responding to a situation here with no leadership. I can see how the Budget was put together, I am not stupid. I have been around. The Budget is effectively comprised of, except for some initiatives which I am going to give the Minister of Economic Development in the mining area, two or three programs, but overall, it was put together by the bureaucracy. The wish list came in and they approved it. That was exactly what happened. Who is kidding who, when you have a Minister standing up saying to us that they are going to build \$1.3 million worth of housing in Faro and not knowing why?

» I asked the Minister of Education for answers. It is one of the few times in the life of this House that I have seen Ministers having to leave their votes, totally leave their votes, because they were absolutely unprepared and had to get the bureaucracy to provide the answers for them.

I hear some whispering over there. I am telling you what is perceived over on this side, and that is a fact. That is a reality. We had to leave that vote.

I go back to the question of competency and leadership. I would be embarrassed if I was a Minister on that side of the House and had to totally leave my vote, for which I was responsible, having come in that unprepared.

We have the people go through the territory talking about the government, the open government, they were going to create. Open government? It is a joke. We have the Government Leader standing up talking on a Motion on overlapping claims, yet he is not too sure of the principle his government stands for. I say to the side opposite: you have a responsibility. You cannot keep saying, "I don't know, I'm going to listen to the federal government, I'm going to listen to the CYI." You have to have some principles. Where do you stand?

We saw the vote today on the Motion and I was very disappointed. The federal government is reviewing its policy and that side of the House has not bothered to put forward a position of principles on Land Claims to the Government of Canada. That is called leadership?

We have the Minister of Renewable Resources make a major change as far as the present Agreement-in-Principle is concerned in the Carmacks area. That is called leadership? That is called open government?

We have a Minister coming in here with a wildlife act, asking for our approbation to approve amendments to the *Wildlife Act*, which basically gives him the right to sign agreements. Now, in fairness to the Minister, I have been given notice that, and I hope I am not divulging anything out of school — the Minister of Renewable Resources can tell me otherwise — there will be an amendment coming in directed only to the Porcupine Caribou Management Board Agreement. Just the same, the same principle applies. The open government that the Leader of the Government is so proud to talk about — this open government — is asking this House to give approval to a document that they cannot publicly put forward, according to the Minister of Renewable Resources, on a resource that is the Yukon's resource. Everybody in the NWT has seen it; the CYI has seen it; maybe a few people in the Old Crow area have seen it, but the people in the territory cannot see it prior to it being signed.

I say, why not? What have you got to hide? One particular organization in the Northwest Territories says no and this government capitulates and says no. It goes against the principle that it has always espoused about an open government.

« We have a situation where a Budget has been put together, and I will give the Minister of Economic Development his due credit. Two or three programs have been put in, that are new and innovative as far as the mining industry is concerned.

Going on memory, I think it maybe adds up to \$3 million out of \$80 million that has the possibility of creating new wealth. I think the principle that we should look at is the purpose of the Budget. The purpose of the Budget, according to the side opposite, was strictly job creation, as if no one else on this side, in fairness to the Liberal Party, was not in favour of job creation.

This side of the House, I am sure, and I can speak for my colleagues to the left, have no problem with that principle. The principle of putting the document together should have been done in such a manner of putting monies towards incentives for private enterprise to further go to work.

The Minister of Highway has all the money. He is building all the recreation facilities throughout the territory, a very fine objective. I am not going to argue that.

The situation we face, as legislators in government, is that somebody is going to have to pay for this. Somebody is going to have to pay for the lights in the arena. Somebody is going to have to pay for the individual you hire to clean the ice. The realities of the Budget today is that we are spending, almost in totality on that Budget, monies which are going to bear further financial burdens on the taxpayers of Yukon.

The Government Leader has spoken already of deficit financing. It is ironic that we would be speaking on that principle when we have the financial wherewithal that we have been presented with as a government, and as a Legislature, that we would even be considering raising the issue. The Government Leader will come back to me and say, "well, I just said it once."

The fact is, the Government Leader raised it in his first appropriation presented to this House, the spectre of a deficit is looming in Yukon. The question was put to the Government Leader, and finally he said, "There will not be a deficit Budget next year." I know how finances work. It may be three years. If this government does not manage its finances properly, we could be in a deficit position probably by year three, if this government stays in power that long. You can jimmy the books and move things around. The realities of this situation is that the Minister of Finance gleefully said that he has used up all the surplus that the government has.

Would you run your business that way? This is the people's business. I know the Government Leader will stand up and say you are voting against motherhood, you are voting against the \$80 million package. I am not voting against \$80 million. I am voting on how the lack of leadership has emanated to put this here. That is what I am voting against. I am voting against a Budget that has not

been put together in a manner that would create more jobs and bring more revenues back to the people of the territory. The honeymoon is fast coming to an end as far as the electorate is concerned. «I think most people are prepared to give you a chance and, quite frankly, I am, too. But the reality of the situation is: I have a position and the reason I get paid so much is that I have to raise the question of the public interest, the public interest we are all elected to serve; not the vested interest, the public interest. In four months there has been more bungling and more mishandling of government affairs than I can recall in 10 years. I never, ever saw the question of the disposition of contracts or the appropriation of dollars arise in this House for debate. There were Members on either side of the House who had gone into their own problems, and I am not going to argue that, for whatever reasons. I am talking about the overall government business and the financial management of the people of the territory. You had better pull up your socks. Your track record is not very good.

**Mr. Phelps:** I just have a few words to add to those of my friend from Porter Creek East.

We have a situation that is serious. The Frenchman/Tatchun Lakes issue is extremely serious. If the Minister breaks the law, that Minister should resign as a Minister. At this point, that appears to have happened. The issues that my colleague, Dan Lang, has raised are important ones. The Budget and the whole issue of the Budget is extremely important. I am rather amazed by the lack of leadership, not only from the government but from the Leader of the Liberal rump to our left who has been dancing around chasing these rumours raised by a southern newspaper and has the temerity to suggest, firmly ensconced in his chair, that this party is afraid to fight an election. Well, we will give him a chance, if he votes against the Budget. Let us see who is afraid. He stands up and talks. We call the bluff.

*Applause*

**Speaker:** It is my duty to advise the Assembly that the hon. Government Leader 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.

**Hon. Mr. Penikett:** I do not know whether to begin by those famous words about being "appalled and saddened", but I have heard a couple of pathetic speeches in my life in this House before, but I do not think I have ever heard two more pathetic speeches than the ones I have just heard.

Really. These two Members are going to vote against a Capital Budget that will put 1,200 Yukoners back to work. I hope everybody in the territory knows that. These people talk about leadership. What a joke. These are the people whose greatest talent in leadership was to divide — not to unite, not to bring people together, but to divide — in the same kind of mean-minded, nasty innuendo-ridden kind of attack that we heard from the Members the last few days.

«The Member for Porter Creek East amazes me. He talks about policy. This is the Member who has been in Cabinet longer than anyone else in this House, maybe longer than anyone else in history, who thinks he should still be there because he believes in the divine right of Tory rule. He does not believe in democracy; he does not believe in changes of government; he does not believe that the people could be right once in awhile. This is the guy, after being Minister, forever, of a couple of departments, still could not come up with an agricultural policy, still could not come up with a policy on squatters after promising one every year since I have been in this House.

He was Minister of Economic Development every year from 1979 and he promised an economic strategy for the territory, and we still do not have it. By God, Mr. Speaker, we are going to have one. We are going to have one with the new government, but we never had one with the old one. We never had anything resembling it. We had them fiddling and fooling around, endlessly reorganizing the department and doing nothing. Squandering time and money and the talent of a great many public servants, because they could not

get their act together to make up their minds on basic policy questions.

The Member for Porter Creek East was a joke when it came to economic development — a joke. He complains that we did not put \$900,000 more into mining; we put money into this Budget for mining development that the previous government turned down on a recommendation.

**Mr. Lang:** Point of order.

**Hon. Mr. Penikett:** Mr. Speaker, that is not a point of order.

**Mr. Lang:** Would the Member entertain a question?

**Hon. Mr. McDonald:** Consistently rude.

**Hon. Mr. Penikett:** I listen to him speak. Once again he interrupts me. Of course, I will accept a question. Ask any question you like.

**Mr. Lang:** I would specifically like to know what programs the previous government turned down because we did not have our Capital Budget together. You tell me.

**Hon. Mr. Penikett:** I am told, by no less an authority than the person he hired, Mr. Moe Lindsay, that the proposal, or something similar to what we put into this Budget, was rejected by the previous Cabinet. That is my authority.

We put \$2.5 million into resource roads program. Not the old government; they did not do that; they never considered it. The Member opposite talks about "new wealth". I have listened to him, for years in this House, talk about infrastructure. "Government should not be getting into things that involve the private sector. It should not be getting involved in things that makes a profit for themselves."

**Mr. Lang:** Point of order. Would the Member entertain a question?

**Hon. Mr. Penikett:** If the Member would listen once in awhile, instead of just talking ...

**Speaker:** There is no point of order. Would the Member please continue?

**Hon. Mr. Penikett:** Mr. Speaker, if he would remember that God gave him two ears and only one mouth, I think he would learn something very, very useful.

He talks about Frenchman/Tatchun Lakes being an incredible mess. It is an incredible mess created by the former government, which the Minister of Renewable Resources tried to straighten up and sort out, and he is nothing but vilified by the Members opposite.

He talked about the liquor warehouse again. The Minister responsible admitted that he had misspoke. He described the need for that facility today. Once again, having had the Budget debate, today we bootleg, which I am not even sure is procedurally correct, a Motion on the Order Paper to attempt to have another discussion on the Capital Budget.

He says this Budget is made by the bureaucracy. I wonder who made the Budgets before? We know that the bureaucracy before did not do the porkbarrelling that used to go on.

This Budget is fair. It is fair to all the communities. It represents a very different policy thrust in terms of the capital spending of this Budget, because it intended to put people to work by a very tough local hire/local materials policy, which is something that we intend to pursue over the long haul.

«Jobs will be created by the taxpayers' money, but the expenditures in this budget create jobs here in this territory, for people in this territory, using our local resources to the maximum possibility.

I could barely contain myself laughing while the Member opposite talked about open government. This was the Minister who we had to regularly present Notices of Motions for Production of Papers to. You had to squeeze information out of him like he was a lemon. The kind of information that is presented by the new Minister for Community and Transportation Services would have taken us weeks to get out of the Member opposite and we still would never have gotten it. Why? We know why he did not like to give out information. Because if he laid out before the House every little detail of where the expenditure went, it made it very difficult to move or shove the money around later. It made it very difficult for him to do that.

It is going to be very difficult for us to do that, but we do not

intend to play fast and loose with the Budget proposals that we put down before the House.

The Member opposite has again raised his big bogeyman, the deficit. He clearly does not understand anything about deficits, otherwise, he would not have spoken the way he did. As he knows, as Members in this House know — because I have told them — this government is in a substantial surplus situation right now. This government will be in a substantial surplus position at the end of next year. As everybody knows, it would be irresponsible to pile up surpluses, to sit on surpluses forever. We are going to put the money of people of this territory to work. That is what this Budget is for.

Anybody opposite who votes against it is going to make a joke of themselves everywhere in the Yukon Territory.

*Applause*

**Speaker:** Division has been called.

Will the Clerk please poll the House.

**Hon. Mr. Penikett:** Agreed.

**Hon. Mr. McDonald:** Agreed.

**Hon. Mr. Porter:** Agreed.

**Hon. Mrs. Joe:** Agreed.

**Hon. Mr. Kimmerly:** Agreed.

**Mr. Webster:** Agreed.

**Ms Kassi:** Agreed.

**Mr. Phelps:** Disagree.

**Mr. Brewster:** Disagree.

**Mr. Lang:** Disagree.

**Mr. Phillips:** Disagree.

**Mrs. Firth:** Disagree.

**Mr. Coles:** Agree.

**Mr. McLachlan:** Agree.

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

*Applause*

*Motion agreed to*

#### **Bill No. 6: Third Reading**

**Clerk:** Third Reading, Bill No. 6 standing in the name of the hon. Mr. Penikett.

**Hon. Mr. Penikett:** I move that Bill No. 6, entitled *An Act to Amend the Financial Administration Act*, be read a third time and do pass.

**Speaker:** It has been moved by the hon. Government Leader that Bill No. 6, entitled *An Act to Amend the Financial Administration Act*, be read a third time and do pass.

*Motion agreed to*

#### **Bill No. 10: Third Reading**

**Clerk:** Third reading, Bill No. 10, standing in the name of the hon. Mr. Penikett.

**Hon. Mr. Penikett:** I move that Bill No. 10, entitled *An Act to Amend the Income Tax Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Government Leader that Bill No. 10, entitled *An Act to Amend the Income Tax Act*, be now read a third time and do pass.

*Motion agreed to*

#### **Bill No. 36: Third Reading**

**Clerk:** Third reading, Bill No. 36, standing in the name of the hon. Mr. Penikett.

**Hon. Mr. Penikett:** I move that Bill No. 36, entitled *Financial Agreement Act, 1985-88*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Government Leader that Bill No. 36, entitled *Financial Agreement Act, 1985-88*, be now read a third time and do pass.

*Motion agreed to*

#### **Bill No. 48: Third Reading**

**Clerk:** Third reading, Bill No. 48, standing in the name of the hon. Mr. Penikett.

**Hon. Mr. Penikett:** I move that Bill No. 48, entitled *An Act to Amend the Fuel Oil Tax Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Government Leader that Bill No. 48, entitled *An Act to Amend the Fuel Oil Tax Act*, be now read a third time and do pass.

*Motion agreed to*

#### **Bill No. 8: Third Reading**

**Clerk:** Third reading, Bill No. 8, standing in the name of the hon. Mr. Kimmerly.

**Hon. Mr. Kimmerly:** I move that Bill No. 8, entitled *An Act to Amend the Business Corporations Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Minister of Justice that Bill No. 8, entitled *An Act to Amend the Business Corporations Act*, be now read a third time and do pass.

*Motion agreed to*

#### **Bill No. 18: Third Reading**

**Clerk:** Third reading, Bill No. 18, standing in the name of the hon. Mr. Kimmerly.

**Hon. Mr. Kimmerly:** I move that Bill No. 18, entitled *Fine Option Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Minister of Justice that Bill No. 18, entitled *Fine Option Act*, be now read a third time and do pass.

*Motion agreed to*

#### **Bill No. 20: Third Reading**

**Clerk:** Third reading, Bill No. 20, standing in the name of the hon. Mr. Kimmerly.

**Hon. Mr. Kimmerly:** I move that Bill No. 20, entitled *Funeral Directors Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Minister of Justice that Bill No. 20, entitled *Funeral Directors Act*, be now read a third time and do pass.

*Motion agreed to*

#### **Bill No. 22: Third Reading**

**Clerk:** Third reading, Bill No. 22, standing in the name of the hon. Mr. Kimmerly.

**Hon. Mr. Kimmerly:** I move that Bill No. 22, entitled *An Act to Amend the Retirement Plan Beneficiaries Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Minister of Justice that Bill No. 22, entitled *An Act to Amend the Retirement Plan Beneficiaries Act*, be now read a third time and do pass.

*Motion agreed to*

#### **Bill No. 24: Third Reading**

**Clerk:** Third reading, Bill No. 24, standing in the name of the hon. Mr. Kimmerly.

**Hon. Mr. Kimmerly:** I move that Bill No. 24, entitled *An Act to Amend the Insurance Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Minister of Justice that Bill No. 24, entitled *An Act to Amend the Insurance Act*, be now read a third time and do pass.

*Motion agreed to*

#### **Bill No. 26: Third Reading**

**Clerk:** Third reading, Bill No. 26, standing in the name of the hon. Mr. Kimmerly.

**Hon. Mr. Kimmerly:** I move that Bill No. 26, entitled *An Act to Amend the Summary Convictions Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Minister of Justice that Bill No. 26, entitled *An Act to Amend the Summary Convictions Act*, be now read a third time and do pass.

*Motion agreed to*

#### **Bill No. 30: Third Reading**

**Clerk:** Third reading, Bill No. 30, standing in the name of the hon. Mr. Kimmerly.

**Hon. Mr. Kimmerly:** I move that Bill No. 30, entitled *An Act*

to Amend the Sale of Goods Act, be now read a third time and do pass.

*Motion agreed to*

**Bill No. 32: Third Reading**

**Clerk:** Third reading, Bill No. 32, standing in the name of the hon. Mr. Kimmerly.

**Hon. Mr. Kimmerly:** I move that Bill No. 32, entitled *An Act to Amend the Partnership Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Minister of Justice that Bill No. 32, entitled *An Act to Amend the Partnership Act*, be now read a third time and do pass.

*Motion agreed to*

**Bill No. 38: Third Reading**

**Clerk:** Third reading, Bill No. 38, standing in the name of the hon. Mr. Kimmerly.

**Hon. Mr. Kimmerly:** I move that Bill No. 38, entitled *Central Trust Company and Crown Trust Company Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Minister of Justice that Bill No. 38, entitled *Central Trust Company and Crown Trust Company Act*, be now read a third time and do pass.

*Motion agreed to*

**Bill No. 46: Third Reading**

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

**Hon. Mr. Kimmerly:** I move that Bill No. 46, entitled *An Act to Amend the Matrimonial Property and Family Support Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Minister of Justice that Bill No. 46, entitled *An Act to Amend the Matrimonial Property and Family Support Act*, be now read a third time and do pass.

*Motion agreed to*

**Bill No. 56: Third Reading**

**Clerk:** Third reading, Bill No. 56, standing in the name of the hon. Mr. Kimmerly.

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

**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 read a third time and do pass.

*Motion agreed to*

**Bill No. 70: Third Reading**

**Clerk:** Third reading, Bill No. 70, standing in the name of the hon. Mr. Kimmerly.

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

**Speaker:** It has been moved by the hon. Minister of Justice that Bill No. 70, entitled *Miscellaneous Statute Law Amendment Act, 1985*, be now read third time and do pass.

*Motion agreed to*

**Bill No. 34: Third Reading**

**Clerk:** Third reading, Bill No. 34, standing in the name of the hon. Mr. Penikett.

**Hon. Mr. Penikett:** I move that Bill No. 34, entitled *An Act to Amend the Home Owners' Grant Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Government Leader that Bill No. 34, entitled *An Act to Amend the Home Owners' Grant Act*, be now read a third time and do pass.

*Motion agreed to*

**Hon. Mr. Porter:** I move that Mr. 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 Members to proceed right through to 9:30 or to take a recess?

*Laughter*

**Chairman:** I just wanted to see if you were awake.

**Some hon. Member:** Let us proceed until 5:30.

**Chairman:** We will proceed till 5:30. We will begin with Bill No. 74, entitled *An Act to Amend the Wildlife Act*.

**Bill No. 74 - An Act to Amend the Wildlife Act**

*On Clause 1*

*On Clause 2*

*Amendment proposed*

**Hon. Mr. Porter:** In view of discussions carried out with myself and the Leader of the Official Opposition, I propose an Amendment to the Wildlife Act.

I move that Bill No. 74, *An Act to Amend the Wildlife Act* be amended in Clause 2 page 1 by substituting the expression "with respect to the management of the Porcupine caribou herd" for the expression "for purposes related to administration of this Act".

The effect of the amendment would be to restrict the authority of the Minister of Renewable Resources and the government to the signing specifically of only the Porcupine Caribou Herd Management Agreement.

**Chairman:** It has been moved by Mr. Porter that Bill No. 74, entitled *An Act to Amend the Wildlife Act*, be amended in Clause 2 page 1 by substituting the expression "with respect to the management of the Porcupine caribou herd" for the expression "for the purposes related to administration of this Act". Is there any debate?

**Mr. Brewster:** I am very pleased to see the Minister have a change of heart over there. I hope my sudden outburst yesterday helped him along the way and helped educate a young individual who sometimes does not always do the things you want them to.

I rise today in support of the amendment because of the importance of this agreement to the people of Old Crow. However, there are two important principles at stake here.

First, the elected representatives of Yukon are not permitted to view the Porcupine Caribou Herd Agreement because a party to the Agreement — an interest group outside the Yukon — objected to allowing all Members of the Assembly to view the Agreement and consider it before approving it. Not only is this morally and democratically wrong, it sets a dangerous precedent. I strongly object to this House doing business that way. I sincerely hope it does not happen again, and I will be watching this government very closely to make certain it does not happen again.

The second principle of concern to me with the original bill was that it would allow governments to enter into agreements unknown to all Members of this House for the purpose of administering the *Wildlife Act*. The *Wildlife Act* is a very important Act in the Yukon. It affects a great many directly and many other people indirectly. Therefore, the amendment limits the scope of the Bill to the Porcupine caribou herd itself and not to any other agreements.

This House, not only the Members of the Executive Council, must be fully aware of all the agreements proposed under the *Wildlife Act*. I therefore support the amendment which covers this specific one-time-only situation, given its importance to the people of Old Crow. This is a compromised amendment which will allow the Minister to sign the Agreement to protect the interests of the Old Crow people and will serve all Yukoners.

Finally, I will be paying particular attention to the administration of the Porcupine Caribou Herd Agreement. It is in Yukon's best interest to ensure that the herd is managed fairly. The people of Old

Crow certainly deserve that consideration, and other Yukoners deserve no less. Also, I would like to make it very plain that I had requested that document a month ago. I was not told it could not come to me. As critic for Renewable Resources, I have the right to see such documents. If not, they should tell me and explain to me why I cannot.

**Mr. Phelps:** I will be supporting the amendment. I would like to say that the management agreement for the Porcupine Caribou Herd is extremely important to a good many Yukoners — I guess all of us; it is part of everyone's heritage, but most particularly the unique heritage of the people of Old Crow who have so much dependence on that herd and whose culture is so entwined with that particular caribou herd.

I have been invited to go to Old Crow with the party signing for this government. I am very pleased to accept that invitation, and I look forward to meeting the people of Old Crow again, and perhaps discussing, with some humour, some of the numerous negotiating sessions that we had on this Bill over the years. I can recall some in Edmonton, and others in Ottawa, that at times were very tense. It is good to see this Bill finally at a stage where it can be signed by the new Minister of Renewable Resources and implemented.

While I have not seen the minor changes with respect to the three points that were outstanding, I have been assured that I will be pleased with them, and I certainly will view them in confidence. I am very pleased at this time that we are able to come to a compromise in this House when the beneficiaries are such an important group of people as the members in the Old Crow community.

**Chairman:** Any further debate on the amendment?

*Amendment agreed to*

*Clause 2 agreed to as amended*

*Clause 1 agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. Porter:** I move that you report Bill No. 74, entitled *An Act to Amend the Wildlife Act*, with amendment to the Assembly.

*Motion agreed to*

**Bill No. 16: An Act to Amend the Employment Standards Act**  
*On Clause 1*

**Hon. Mr. Kimmerly:** I suggest, unless I can answer general questions, that I answer the questions on the specific clauses. The Member for Porter Creek East had questions, and I will answer them as they come up in the clauses. I would suggest that that is the most efficient way to do it.

**Chairman:** I would concur. We will continue.

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

**Mrs. Firth:** Perhaps we could have an explanation of Clause 4(2), just in relation to how it is different from the clause that has been repealed.

**Hon. Mr. Kimmerly:** The question is simply the matter of the filing of a certificate in the Court. This provides for a certificate, and that the certificate be deemed a judgment of the Court.

<sup>50</sup> This corrects a procedural inconsistency.

*Clause 4 agreed to*

*On Clause 5*

**Hon. Mr. Kimmerly:** On Clause 5(1), I would move an amendment.

*Amendment proposed*

I move that Bill No. 16, entitled *An Act to Amend the Employment Standards Act*, be amended in Clause 5(1) at page 2 by substituting the following:

(1) In subsection 77(1),

(a) the expression "issued in accordance with subsection 76(3)" is substituted for the expression "filed in accordance with subsection 76(5)", and

(b) the word "issuance" is substituted for the word "filing".

One of the amendments proposed is to provide appeal rights to the Employment Standards Board before the certificate is filed in Court. We spoke about the procedure a moment ago. Section 77(1) of the Act speaks of appeal to the Board after the certificate is filed in Court. This section was overlooked in the drafting of the amendment Bill, and this proposed amendment will make the Bill and the original Act consistent.

**Chairman:** All Members received a copy of this amendment yesterday. Is there any further debate on the amendment?

*Amendment agreed to*

**Mrs. Firth:** On Clause 5(2), could the Minister just explain the implications of that, please?

<sup>51</sup> **Hon. Mr. Kimmerly:** It is a very small and technical implication. The terminology is changed from "application" to "notice" simply to comply with the rules of the Supreme Court. The original Act talks about an application and the rules of court talk about notice. This is exactly the same principle and the terminology is consistent.

*Amendment agreed to*

*Clause 5 as amended agreed to*

*On Clause 6*

**Mrs. Firth:** On 6(2), could we have an explanation also, of the implications of that?

**Hon. Mr. Kimmerly:** It is best done by explaining what the original Section 79(2)-(4) do. In situations where a certificate has been filed and wages remain unpaid by an employer that is a corporation, the Act provides for a supplementary certificate to be issued and filed against the directors of the corporation. This facilitates that procedure.

**Mrs. Firth:** On 6(4)(2), perhaps the Minister could give us a description of exactly what that does?

**Hon. Mr. Kimmerly:** It is the same wording. It rennumbers the section.

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Clause 8*

*Clause 8 agreed to*

*On Clause 9*

*Clause 9 agreed to*

*On Clause 1*

*Clause 1 agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. Kimmerly:** I move that you report Bill No. 16, with amendment.

*Motion agreed to*

<sup>52</sup> **Chairman:** Bill No. 14 is being stood over.

**Mrs. Firth:** Perhaps I could just ask a question of the Minister. When is he going to be prepared to debate the Bill?

**Hon. Mr. Kimmerly:** On Monday of next week.

**Bill No. 50 — An Act to Amend the Reciprocal Enforcement of Maintenance Orders Act**

**Chairman:** Bill No. 50, *An Act to Amend the Reciprocal Enforcement of Maintenance Orders Act*.

*On Clause 1*

**Hon. Mr. Kimmerly:** I was asked about consultation with the Law Society and I can now advise that, in fact, no consultation had occurred. This is a change of an extremely technical nature. The change was described to the ranking member of the executive of the Law Society who is in town and they were not interested in any consultation. I suggest we proceed. This is not of any great weight and the consultation is unnecessary; it is completely uncontroversial.

**Mrs. Firth:** Am I to understand that the Minister said he was going to consult with the Law Society and they did not want to consult? They felt quite comfortable with what the Minister was doing, or they were not interested in it, or what?

**Hon. Mr. Kimmerly:** Both. They felt comfortable and they did not want to be bothered about it. It is not of any great significance.

On Clause 2

Clause 2 agreed to

On Clause 3

Clause 3 agreed to

On Clause 4

Clause 4 agreed to

On Clause 5

Clause 5 agreed to

On Clause 6

Clause 6 agreed to

On Clause 7

Clause 7 agreed to

On Clause 8

Clause 8 agreed to

<sup>53</sup> On Clause 9

Clause 9 agreed to

**Mrs. Firth:** Just before we pass the title, can the Minister explain why the Law Society was not interested in this? Was there some immediacy to correcting the technical errors, or was it just something that was ready? Why?

**Hon. Mr. Kimmerly:** The technical errors and the need for technical corrections has existed for some time. Some of these Bills had backed up, and this is a correction that is technically important, but was obviously of no great priority in the previous government. It is simply brought forward now because it is an improvement in the law, and it corrects technical deficiencies.

Clause 1 agreed to

On Title

Title agreed to

**Hon. Mr. Kimmerly:** I move you report Bill No. 50, entitled *An Act to Amend the Reciprocal Enforcement of Maintenance Orders Act*, without amendment.

Motion agreed to

**Bill No. 54, An Act to Amend the Apprentice Training Act**  
On Clause 1

**Hon. Mr. McDonald:** As we had discussed this in second reading some time ago, I would just refresh memories as to what this amendment to the Act actually does.

The amendments, as we said in the second reading speech, are quite minor in nature, although quite important at the same time. We are essentially looking at increasing the size of the Apprentice Advisory Board, and some considerable thought went into doing this. I believe that there have been requests for some time for the increase to take place, and now the Legislature is getting around to dealing with that issue.

The request that we are making is that the membership should be increased from three members to a minimum of five members, so that we can involve greater numbers of employers and employees in the designated trades on the Board itself. Hopefully in the future, as a result, the Board will be able to operate more effectively by acquiring a quorum more regularly, making it easier to acquire a quorum.

It just so happens, as well, that this size of board is roughly similar to the size of boards in provincial jurisdictions. Although that is an interesting fact, it is not an essential reason for expanding the Board.

The other amendment, as I mentioned in the second reading, was to allow the Commissioner in Executive Council to make regulations establishing standards to allow the government to issue certificates of occupational status for those occupations other than apprenticeable occupations, which the government deems to be certifiable.

<sup>54</sup> I believe this is something that has been on the books for review by the Legislature, and now we are finally getting down to doing something about it. There are a number of other, very minor, changes with respect to designations of the Commissioner versus the Executive Council Member and Commissioner in Executive Council as opposed to Commissioner et cetera, which are essentially housekeeping.

**Mrs. Firth:** I understand that the board did pass a Motion, I believe in May of 1984, to increase the size of the board — which

is some year-and-a-half ago. Having the membership increased is long overdue. The idea of broadening the representation of the occupations included in the board is, I think, a good, positive direction that the Department of Advanced Education is going to be taking.

I would like to ask the Minister how much consultation he has had with some employees and employers, because the legislation changes themselves were not much of a priority to people other than the members who were on the board, which was very few. Maybe after the break he could give some information regarding that?

**Chairman:** The time now being 5:30, we will recess to 7:30, at which time we will continue with general debate on Clause 1.

*Recess*

**Chairman:** I now call Committee of the Whole to order. We will continue with Bill No. 54, *An Act to Amend the Apprentice Training Act*, Clause 1.

**Hon. Mr. McDonald:** Prior to the recess, the Member for Whitehorse Riverdale South asked a question, with respect to consultation in the five groups, as to the plausibility of expanding the Board from three members to five. She will have to understand that I have not had a chance to consult conclusively with personnel in the department as to what they have done prior to my assuming the responsibility for education. I have no knowledge of any kind of consultation beyond the receipt of the unanimous Motion from the board itself on May 17, 1984 requesting that there be an expansion of numbers.

I am not sure whether or not another Board will be appropriate to consult both the secondary education and the advisory councils, which has a much broader mandate and not specific to the issues that are brought before this Apprentice Advisory Board. In any case, one of the difficulties that we have had is that, because the size of the board is so small, a unanimous vote from the Board means that we have the opinion of three people and cannot be considered representative of employer and employee groups throughout the territory.

We have to draw a line between whether we feel that a much larger Board would be more representative and still workable as a decision-making Board. It is my feeling that a minimum of five members, given the sizes of Boards that exist in other jurisdictions, for Yukon would be more than appropriate. Clearly there are a number of people in our Yukon community who are members of a variety of Boards and have many things to do. Extending a Board of this sort to any larger number than five might be difficult, though we are not precluding the possibility that the Board may be extended to seven or nine, or whatever. What we are saying here is that in order for the Board to achieve a quorum more easily, in order for it to be more representative and still be workable, we would like to increase that number. We are saying that a minimum of five would be a reasonable number and we could possibly increase that by two more members should the need arise.

<sup>02</sup> **Mrs. Firth:** Maybe the Minister misunderstood me, or I did not express myself concisely enough. I have no disagreement with the numbers or the size of the Board, and I recognize the need for it to be increased.

When I was Minister of Education, we had discussed the possibility of increasing the size of the Board. I had anticipated that it would not mean an awful lot until you actually did it, and then employers and employees would recognize that there had been a change and then, all of a sudden, it is a bigger priority with them than it had been before.

That is where I am coming from. Has there been any general discussion about it? Are the employers and the employees aware that it is happening? I am quite prepared to deem the Bill as read. I have gone through it and I do not have any disagreements with it.

I would like to raise the concern that I do not want some employers or employees saying, "gee, when did this happen, and why were we not asked, or nobody told us about it", or so on.

**Hon. Mr. McDonald:** The Member makes a good point with respect to the notification of the public of the expansion of the Board. Clearly, nobody has broken down the door of my office demanding that the Board be expanded. That is not to devalue at all the work or the importance of the Board to the public.

It is not the highest priority of the public, otherwise I would have had exhibitions from employee groups. The point that the Member is making, with respect to informing all the employer groups and the employee groups in the territory, is going to be very important if we are going to fill our objective here, which is to give wider representation.

What we generally have done, with respect to other boards and committees in the government to date, is to establish a mailing list of all possible interest groups who would be interested in the given board or committee, in this case the Apprentice Advisory Board, and ask them for nominations. These nominations would stand in the event a vacancy occurred, which would allow us to fill the vacancies from the nominations much more expeditiously.

I would presume, to meet the Member's concerns, we would have to inform all the employer and employee groups in the territory that the increase had been made, and that we would be in the market for Board members.

**Mrs. Firth:** The only point I make is to caution the Minister that sometimes it is better to have people break your door down, or have a few people indicate that this is necessary, as opposed to us doing it and agreeing to it in the Legislature and then end up having to do a big advertisement and tell people it is really what they wanted.

If the Minister has no further comments, I would move that the Bill be deemed to be read.

**Chairman:** Do we have unanimous consent?

**Some Members:** Agreed.

*Clauses 2 to 7 deemed to have been read and agreed to*

*Clause 1 agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. McDonald:** I move that you report Bill No. 54, entitled *An Act to Amend the Apprentice Training Act*, without amendment.

*Motion agreed to*

**Bill No. 64 — An Act to Amend the Energy Conservation Assistance Act.**

*On Clause 1*

**Hon. Mr. Penikett:** First of all, I will respond to a couple of questions that came up in general debate. I would ask the Clerk's office if I could have a chair behind me for a witness from the department, in case there are any substantial questions to be answered in detail.

At second reading, Mr. Lang asked what steps were being taken to eliminate some of the red tape in applying for the grant that is available. The response of the department is that the only red tape associated with the program that is to be eliminated is the process surrounding the energy audits. In the past, the applicants have been expected to either perform their own analysis, a complicated procedure for the inexperienced, or to find their own energy auditor. Energy audits will soon be provided through the department. Individuals will make application to have their home or business visited by an energy auditor under contract to the branch.

The fee charged for these energy audits is still determined by Cabinet. We are probably thinking of something in the range of \$75 as a standard fee for residential audits. We are still exploring what the appropriate level should be for commercial audits. That will probably vary with the size and the function. The fee charged for the energy audit will be eligible expense under the SEAL Program, if some audit recommendations are to be implemented.

Again, the question that Mr. Lang asked was: what agency and individuals who will authorize the loans to individual home owners. In the case of home owners, it is the staff of the department, specifically, the coordinator of energy programs.

Then Mr. Lang raised the question again about what agency or individuals will authorize up to the \$200,000 of what, he said, was a no-interest loan. We are not talking about no interest; we are talking about low interest. It will probably be by regulation, something like half the prime rate. It will be in that range.

It will be the Yukon Energy Advisory Committee that will make recommendations to the Minister concerning projects. This commit-

tee now consists of representatives from the Mines and Energy Branch, NCPC, DIAND, Yukon Electrical, the Association of Yukon Communities, EMR Canada, and we may want to include other representation from the community, such as the Conservation Society, which has done a lot of work in soft energy path and alternate energy sources and have some ideas about it. The committee will be evaluating projects on the basis of technical feasibility, energy savings, socio-economic benefits, and environmental considerations.

Mr. McLachlan, I understand, came into the department and asked a question about what happens if a property, which has had some SEAL money put into it, is sold. Under the existing regulations, loans are repayable at the point of sale, at the option of the Government of Yukon. If both the buyer and seller have no objections, the debt can be assumed by the new owner.

There was also a question about the Budget. We have \$30,000 in the budget for energy audit programs, including travel to communities and subsidies for audits; approximately \$300,000 for SEAL loans — it could be larger in future years, but we will see what the response is now that we have broadened the program a little bit — and approximately \$500,000 for the energy development fund, including the existing Yukon Energy Alternatives Program and the extension of that program to include the energy development.

That is the general information. I am responding to questions that were flagged during second reading debate.

**Mrs. Firth:** Am I correct in remembering that the Minister said that the fee charged would be the same in the outlying areas as it was in Whitehorse, and that all the principles will apply the same?

**Hon. Mr. Penikett:** The energy audits would be basically the same fee, wherever it is done.

**Mrs. Firth:** The idea of the Conservation Society being represented on the Yukon Energy Advisory Committee kind of intrigues me. Is that a new endeavour? Have they not been represented in the past?

**Hon. Mr. Penikett:** They have not been represented in the past. The Member may remember that a couple of active members of the Conservation Society did, on behalf of the government, a contract of soft energy path of the Yukon. They happened to be lay, non-professional, local people who were interested in energy alternatives. That is one group that has demonstrated a lot of interest and a lot of continuing interest in that question. While they have not been appointed yet, I am considering other groups such as that to expand that committee.

**Mrs. Firth:** Is the government going to enhance the advertising of the availability of these programs? Is it going to continue on as it has been?

**Hon. Mr. Penikett:** There has been considerable increased advertising recently. One of the reasons why, perhaps, there were not a lot of applications, or as many as were expected when Mr. Tracey first introduced the program, was because there was not enough advertising. There were pamphlets and so forth, but we are trying to do some wider promotions of the program.

**Mr. Brewster:** I would like to point out, as I have been pointing out for three and a half years, that you are not getting out to the outlying districts. For instance, you can go into the territorial agent at Haines Junction, who I presume is supposed to look after the whole highway — the 198 miles to Beaver Creek — and she usually ends up with three applications. She cannot get any more; they plead in town but they cannot get them. It is a continual problem that I hope you can solve.

**Hon. Mr. Penikett:** We have heard Mr. Brewster very loudly and clearly on this question. In fact, we are going to be doing something about it. If it is necessary to send Mr. Collins out to every one of those lodges, we will do that.

**Mr. McLachlan:** A clarification from the Minister: does the government affix land, or the buildings, or both, to secure your interest in the program?

**Hon. Mr. Penikett:** I think the loan is secured against the total property, both the land and the buildings. I do not think we have made a distinction, but if there is a technical legal point there, I will check, Mr. McLachlan.



**Mr. McLachlan:** I have a concern if the government were to adamantly insist on their right to be paid out on a large commercial transaction, which had, in effect, taken down all of the \$200,000. Is \$200,000 the maximum? It is not clear whether you are talking about the total value of the program. My concern was that, if a large building, such as the Hudson's Bay Store, had only paid off \$5,000 of a \$200,000 loan, for the government to adamantly insist that they get the \$195,000 back might kill the deal if the business was up for sale. I am just wondering about the insistence that we be paid out before anyone else takes it over. The question relates to a change of business.

**Hon. Mr. Penikett:** If the purchaser of the building is willing to assume the debt for the energy conservation measure, I do not think there would be problem on that score. I do not think the government is going to insist on a payout if the purchaser is willing to assume the responsibility.

<sup>05</sup> **Mr. McLachlan:** If the purchaser is willing to assume it, that is fine, as long as the government does not adamantly insist they get back their interest. I have seen land transactions in Faro go that way.

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

**Mr. McLachlan:** On 3(4)(1), I want to make it clear that a person, tenant, owner of a building who has already applied once under a previous government program, may not be prohibited from applying again to further upgrade the efficiency of that building, if he so deems it necessary.

**Hon. Mr. Penikett:** This is a new program. There was no prohibition just because they may have had CHIP or some other program in the past.

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

*Clause 6 agreed to*

*On Clause 1*

*Clause 1 agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. Penikett:** I move that you report Bill No. 64, *An Act to Amend the Energy Conservation Act*, without amendment.

*Motion agreed to*

#### **Bill No. 72 —An Act to Amend the Legal Profession Act** *On Clause 1*

**Hon. Mr. Kimmerly:** I indicated, in Second Reading, that we would present an amendment. We have since decided to abandon that. The amendment proved to be controversial with the Law Society, entirely unjustifiably, I might add, but it was. We will not be proceeding with any amendment as far as we know now.

**Mrs. Firth:** It is very nice to see that the Minister has chosen to accept the Law Society's recommendation and not come forward with the amendment.

**Hon. Mr. Kimmerly:** That is temporarily true.

*On Clause 2*

*Clause 2 agreed to*

<sup>06</sup> *On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

**Mrs. Firth:** What was the necessity of this section 4(9)? Why did we have to do that?

**Hon. Mr. Kimmerly:** It was a recommendation of the Law Society that people on the discipline committee have seven years' experience, or better, to ensure that those lawyers who were members of the committee would be experienced to at least seven years' experience.

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Clause 8*

*Clause 8 agreed to*

*On Clause 9*

*Clause 9 agreed to*

*On Clause 10*

*Clause 10 agreed to*

*On Clause 11*

*Clause 11 agreed to*

*On Clause 12*

*Clause 12 agreed to*

*On Clause 13*

*Clause 13 agreed to*

*On Clause 14*

*Clause 14 agreed to*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

*Clause 16 agreed to*

*On Clause 17*

*Clause 17 agreed to*

*On Clause 18*

*Clause 18 agreed to*

*On Clause 19*

*Clause 19 agreed to*

*On Clause 20*

*Clause 20 agreed to*

*On Clause 21*

*Clause 21 agreed to*

*On Clause 22*

*Clause 22 agreed to*

<sup>07</sup> **Mrs. Firth:** Would the Minister give us a brief explanation as to why they wanted to ensure local control of the society? Was there some threat that there would not be local control? From the previous Bill, I thought that would have been taken care of.

**Hon. Mr. Kimmerly:** Lawyers are very technically minded and concerned with possibilities, even faint possibilities, even remote and faint possibilities. We have passed here, in the space of a few minutes, what has caused endless hours of debate with the Society and even longer hours within the Society. There was no real danger. There is less of a danger now.

**Mrs. Firth:** I am only a humble layman and I can well imagine that, if the legal society or law society was consulted and there was a roomful of lawyers, they had many hours of discussions over each point. I remember all too well drafting the *Legal Professions Act* and going through many discussions with constituents at that time. I guess the Minister, in his responsibility and as a lawyer, deserves his amendments and deserves to have them pass.

*Clause 1 agreed to*

**Hon. Mr. Penikett:** Even though he is not in the House but is in the Gallery, may I, on behalf of all Members of the House, extend to the Leader of the Official Opposition a happy birthday on his 44th birthday.

*Applause*

*On Title*

**Chairman:** Back to Bill 72. Does the title carry?

*Title agreed to*

**Hon. Mr. Kimmerly:** I move that you report Bill No. 72, *An Act to Amend the Legal Profession Act*, without amendment

*Motion agreed to*

#### **Bill No. 4 - An Act to Amend the Assessment and Taxation Act** *On Clause 1*

**Hon. Mr. McDonald:** I am pleased to again allow the Member for Porter Creek East the second opportunity of this session to announce this program, which he had initially piloted, I believe, last year. The program, however, is not without its growing pains and, as such, there has been — not really an anomaly, but — a



difficulty with respect to the way electrical extensions are charged back to the users, or the people who will benefit from the extension.

Currently, under existing legislation, the costs, when distributed to individual properties, could not be any greater proportionally than the amount of general property taxes, which they pay as compared to the area being serviced as a whole.

as This has created some difficulties in areas such as Judas Creek and the Teslin cottage lot subdivision, where the residents of that area wish to see the costs divided equally amongst the property owners.

We have wrestled with this to determine whether or not we can fix, in legislation, a formula that will be satisfactory in all instances. We have discovered that it is an impossibility. That is the reason why there are difficulties now and why the government has faced difficulties in the past.

In any respect, the way the costs of the improvements are charged back to the beneficiaries of the electrical extension is something that should be reviewed, in our opinion, on a case-by-case basis.

We feel that the best method, under the circumstances, is to allow for essentially any reasonable method of payment, either equal distribution, partial distribution, or some other reasonable distribution of the costs. When the petition is sent requiring indication of support from the people who would benefit from such an extension, we would like them to also indicate, at that time, the method of payment which they feel is most just. We will evaluate that to determine whether or not it is, in our opinion, just and does not impact in any onerous way on individuals in a given area.

This is the only way I think we can deal with a very difficult problem, a real irritant, in terms of how we charge the costs associated with electrical servicing. I would hope that Members would see this as a positive step.

**Mr. Lang:** It gives me a great deal of pleasure to announce this particular program for the sixth time. The Leader of the Government, I am sure, is very interested in the program for electrical equalization to the residents, primarily in the Hootalinqua area. It will provide the method, as the Minister has indicated — reading the remarks from the speech I think I gave some time ago — that with this very simplistic approach, as far as the calculating costs, it evenly distributes the burden, and rightfully so.

I hope, on third reading, that I will speak on this again to get it into the record for the sixth time, so that the Minister of Community and Transportation Services — the MLA for Mayo-Elsa area — I would submit that you are doing a fine piece of work on the first Bill that you have presented to the House.

**Mrs. Firth:** I move that Bill No. 4, entitled *An Act to Amend the Assessment and Taxation Act*, be deemed to be read.

**Chairman:** Do we have unanimous consent?

**Some Members:** Agreed

*Clause 2 deemed to have been read and agreed to*

*Clause 1 agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. McDonald:** I move that you report Bill No. 4, entitled *An Act to Amend the Assessment and Taxation Act*, without amendment.

**Mr. Lang:** I will second that.

*Laughter*

*Motion agreed to*

#### **Bill No. 44 - An Act to Amend the Civil Emergency Measures Act**

*On Clause 1*

as **Hon. Mr. McDonald:** This is an Amendment to the *Civil Emergency Measures Act*, as the title obviously states — it does not imply, it states — which essentially permits a number of things to happen with respect to the declaration of emergencies within municipal boundaries. It essentially allows the municipalities, within reasonable limits, which are outlined within the Amendments, to declare a state of emergency within their boundaries.

It allows the Government of Yukon to back up a declaration of emergency within a municipality by, depending on the circumst-

ances, declaring its own state of emergency for the particular area affected.

It puts a reasonable limit on the right and the ability of the communities to declare emergencies. It transfers from the Commissioner to the Commissioner in Executive Council and to the Executive Council member the right and the administrative authority to declare and carry the necessary actions to ensure that the population is protected from emergencies within our jurisdiction.

As I mentioned in my Second Reading speech, there has been a full round of consultation with the Association of Yukon Communities and they support the measures that we have indicated in these Amendments to the *Civil Emergency Measures Act*. They have reviewed the intent in some detail and support the amendments tabled to date.

There are a number of other aspects to this Bill you see before you, but they are primarily amendments which will deal with the various procedures that will be followed in carrying out the functions under the Act. Given the ongoing policy of providing increased control of decision-making at a local level, I believe that all Members should be supporting this Bill.

**Mr. Phelps:** I rise, because a person who just attains the level of 44 years old would like to thank the Government Leader just to show he can still stand up and talk. Things such as noise prevention and emergency measures and health laws all become very important to a person of my advanced years, as Bill can probably tell you.

*Laughter*

I was asked a question, since I am still a member of the Bar — I hope — as to what is a mandamus; I said it is not marmalade, but it is close. I will do everything that I can tonight to assist our side on these legal technicalities, orders and court orders and what-not, but it is tough to concentrate when you have reached this milestone.

I congratulate the Minister of Transportation and Community Services in bringing forward these Bills rather successfully and we look forward to supporting them.

as **Mrs. Firth:** The Minister said that he was going to give the municipalities the authority to proceed with emergency measures within reasonable limits. What does "within reasonable limits" mean?

**Hon. Mr. McDonald:** The reasonable limits are established in this Act. The declaration of emergency, I believe, would be for a period of 48 hours and would also be subject to veto by the government. It would also be dependent upon proper notice provisions being given in that community as well.

**Mrs. Firth:** I was coming more from the financial aspect. How much money are they going to be allowed to spend, or is it just something that will be taken care of after the emergency, based on good judgment and so on?

**Hon. Mr. McDonald:** I think a good deal will depend upon good judgment of the community and the Government of Yukon in working out the costs of a particular emergency. Clearly, we cannot, as the Member will obviously know, budget for emergencies in advance. We do not budget for emergencies in a government either because we cannot know the extent of those emergencies.

The communities are required to present emergency plans to the government. For example, if there should be a flood in the City of Dawson, and there was a call for all heavy equipment west of the Ontario/Manitoba border to be mobilized to Dawson City, we would probably want to discuss with them that particular provision in their emergency plan.

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Clause 8*

*Clause 8 agreed to*

*On Clause 9*

*Clause 9 agreed to*

*On Clause 10*

**Mr. Phelps:** I wonder if the Minister would explain to this side, particularly the Member for Riverdale South, what mandamus means?

**Hon. Mr. McDonald:** I can honestly say that, when this came to my attention a month ago, I had difficulty understanding it, and I still do have difficulty understanding it. I realize that I am in the company of two lawyers and a number of other people who consider themselves to be the equivalent of two lawyers.

I am going to take a shot at this, but it is not the final word on mandamus. I believe it means — sorry, I cannot read the posters — it forces or orders you to do something. That is as close to my understanding of the word as I can get. Is that acceptable?

**Mr. Phelps:** Yes.

*Clause 10 agreed to*

*On Clause 11*

**Chairman:** Clause 11 is missing.

**Mrs. Firth:** Is Clause 11 missing or is it just numbering?

**Hon. Mr. McDonald:** It is a numbering error. I apologize for that. I did not catch that myself. I normally do include 11 between 10 and 12.

**Mrs. Firth:** Could we make a Motion to correct the error, just so that it is all in order?

*Amendment proposed*

I would move then that number 12 be changed to 11, 13 to 12, and 14 to 13.

*Amendment agreed to*

*Clause 11 agreed to*

*On Clause 12*

**Mrs. Firth:** Does that mean that in Clause 11 we will have to change the numbering in sections 11, 12 and 13, since there is no section 11 anymore? And then in the subsequent clause it will say in section 14, that will have to be changed also?

**Hon. Mr. McDonald:** I believe that sections 11, 12 and 13 are the sections in the Bill itself, and do not refer to the numbering system of the order here.

*Clause 12 agreed to*

*On Clause 13*

*Clause 13 agreed to*

*Clause 1 agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. McDonald:** I move that you report Bill No. 44, *An Act to Amend the Civil Emergency Measures Act*, with amendment.

*Motion agreed to*

# **Bill No. 62 - Agricultural Products Act**

*On Clause 1*

**Hon. Mr. Porter:** I will be very brief in my remarks with respect to this particular piece of legislation. I think it has been recognized by all parties that this legislation is necessary at this point in our development in the agricultural industry. For the record, I would like to point out that it was prepared with a great deal of assistance from the recently formed Agricultural Planning Advisory Committee, and I thank them for the input they have had for the development of this particular piece of legislation, and also, the various chapters of the Yukon Livestock and Agricultural Association.

**Mr. Brewster:** I see that the president of the Agricultural Society is sitting in the Gallery and we had better not goof this one up. I think that he could probably go home and sleep tonight because I do not think that we are going get into a row with a bunch of Amendments. There is only one thing that I noticed. The Minister of Community Affairs took a lot of credit for moving things in land and such things faster and every time I go to one of these people in the Agricultural Department, they claim they have no land. Maybe we should have had an attachment on this Bill.

**Mrs. Firth:** Before we proceed into the general debate, I understand the four components of the Bill and I have also

discussed it with the President of the Yukon Livestock and Agricultural Association. The clause that I am most interested in is the one regarding compensation. I understand that this is a new direction in which we are heading in the Yukon, and it is not designed after anything in any other jurisdiction. Perhaps the Minister could elaborate a bit on that for us?

**Hon. Mr. Porter:** This is for the benefit of the farmers and other people who are engaged in the agricultural industry and it is more or less to act as a deterrent to government inspectors from seizing agricultural products without cause. It gives the incentive to be absolutely sure of their case before they move to seize agricultural products they may deem to be contaminated with disease or otherwise. If such a move was made by the inspector, under the Legislation, the government becomes liable for compensation where it can be proved that the products were not damaged or contaminated. If there is an inability on the part of the Minister's office and the individual concerned on a level of compensation there is also an agricultural appeals board which can then be brought to make a decision on compensation.

**Mrs. Firth:** Is the agricultural community anticipating some difficulties in this area? Were there concerns raised that were brought to the Minister's attention?

**Hon. Mr. Porter:** There was no specific concern that I was made aware of as to where they anticipated government, through the offices and the inspector, moving inadvertently, but I think that it is a clause that is to their benefit, a safeguard that government does not act in an unauthorized fashion.

**Mrs. Firth:** How much participation or interaction is the Minister expecting from the agricultural industry? Is he anticipating that there should be a lot of input, or that he will be getting a lot of comments from the industry regarding Legislation or, as time passes, that there may be some concerns that will be brought towards them?

**Hon. Mr. Porter:** It is really an interesting and an important point that the Member brings up because, as you look through legislation, there is not really a lot of meat to the legislation. There is an awful lot of power in the legislation to create regulation to govern the industry. The reason why the legislation was designed in that fashion was to allow industry, more or less, to set the pace of development. At the point that agricultural industry expands and there becomes a need for regulation, that regulation then will be developed and applied.

Judging from the way in which the department and the agricultural community have worked, from my perspective, it is a very favourable relationship. They seem to work very well together, particularly with the advent of the Agricultural Advisory Committee. I suspect that that will not change. I suspect, in the future, when there is a need for regulation, that there will be close consultation between the government and the agricultural industry toward developing the appropriate regulations.

**Mrs. Firth:** The regulations have not been developed, then, as of this Bill being tabled, or has the Minister's departmental officials started on some development of regulations?

**Hon. Mr. Porter:** My understanding is that there are some regulations in the works toward development. There are other areas, for example in the *Pounds Act*, where there is active discussion going on between the department and industry as to the best way in which to enforce the *Pounds Act*, or to look at any other possible regulation that may be needed to enforce such a measure.

*On Clause 2*

*Clause 2 agreed to*

*On Clause 3*

*Clause 3 agreed to*

*On Clause 4*

*Clause 4 agreed to*

*On Clause 5*

*Clause 5 agreed to*

*On Clause 6*

*Clause 6 agreed to*

*On Clause 7*

*Clause 7 agreed to*

*On Clause 8*

**Mrs. Firth:** In Clause 8(1), who is the agricultural inspector going to be? Is there someone in that capacity now?

**Hon. Mr. Porter:** No, that position has not been filled, and it cannot be filled until we have given legal force to the legislation.

**Mrs. Firth:** It is going to be a new position then, or does the Minister have someone already in the department in mind? Is he going to create a new inspector position and require someone with some agricultural products experience to fill the position?

**Hon. Mr. Porter:** I suspect that, at this particular point, although a decision has not been made on this issue, we would be leaning toward obtaining someone with the necessary qualifications, not to say that there is no one in the department who does not have the qualifications. This is an area of recent development. I am told constantly that there is a real need for additional people within the agricultural branch of the government to begin to give the necessary assistance to the industry.

In all probability, we will be looking into creating a new position for this.

*14 Clause 8 agreed to*

*On Clause 9*

**Mrs. Firth:** In 9(4), could I ask the Minister for an example where he feels that a search would be necessary, and possibly a seizure? What kind of a report would have to come in where he would feel that a search and a possible seizure was legitimate?

**Hon. Mr. Porter:** Say a retailer in the City of Whitehorse received produce from a particular individual. He brought it to the inspector's attention that the produce was contaminated. The inspector would take the evidence before a justice of the peace to obtain the necessary warrant, then the inspector would go to the dwelling place. If the dwelling place were secured and there was no occupancy, the inspector, accompanied by local police, would then be able to remove the lock and is then responsible to replace whatever locks are removed.

The principle is that in order to be able to search, there has to be search warrant.

*Clause 9 agreed to*

*On Clause 10*

*Clause 10 agreed to*

*On Clause 11*

*Clause 11 agreed to*

*On Clause 12*

*Clause 12 agreed to*

*On Clause 13*

*Clause 13 agreed to*

*On Clause 14*

*Clause 14 agreed to*

*On Clause 15*

*Clause 15 agreed to*

*On Clause 16*

**Mrs. Firth:** Going back to the Agricultural Products Appeal Board, who is that going to be made up of?

**Hon. Mr. Porter:** The Agricultural Products Appeal Board, in all probability, will be made up of individuals in the community. I suspect that the government will attempt to put people on there who have an interest in agriculture and, where possible, have some sort of expertise in dealing with matters that pertain to the agricultural industry.

**Mrs. Firth:** Is the Minister saying that the Appeal Board will be designated under the regulations and their authority and limitations will all be identified under the regulations?

**Hon. Mr. Porter:** That is my understanding of it. To a large extent, the functioning of the Board will be the determination of the Board itself and they, like any other Board of government, will be remunerated for their time spent on the board.

**Mr. Brewster:** Was that Clause accepted by the Livestock Association?

**Hon. Mr. Porter:** My understanding is, yes. The main principles of the Legislation were accepted by the three chapters of the Yukon Livestock Association.

**Mrs. Firth:** The Minister has given us his commitment that he will be consulting with the Yukon Livestock and Agricultural Association and the Advisory Committee so I do not anticipate that

the regulations would come into effect until they have had an opportunity to see them or to see the general idea of what they were going to contain.

**Hon. Mr. Porter:** I think that it would be safe to say that, in terms of moving ahead with the industry, we have established a level of cooperation at this point. I, as Minister, do not think that I want to counsel any kind of action that could endanger the current level of cooperation that exists.

It would follow that, if we were to establish regulations that affected the agricultural industry, we would be honour bound to consult with the industry prior to the implementation of those regulations. There may be some instances in the future when the government feels it is not necessary to enact regulations on behalf of the consumer despite objections from representatives of the agricultural community. I suspect that would be only on an emergency basis and only where the interests of the general public and the consumer are concerned.

**Mr. Brewster:** The reason I brought this up is that I am a little concerned that, sometimes when we get into regulations, they get back into the bureaucrats and we know that when we have a bunch of bureaucrats writing them there will be regulations before people out on the street get in. From the way that you talk, I will take your word that that is not going to happen.

**Hon. Mr. Porter:** I think that the Member's point is absolutely correct. It is not desirable that we set in place an Appeal Board that is generally in the Legislation for the benefit of both consumers and producers. I think that that is the intent: to try to protect their interests from any action by government or industry that could affect the consumer or the producer. It would follow that to simply load up such a committee with bureaucrats would be totally undesirable and, in my opinion, repugnant.

*On Clause 16*

*Clause 16 agreed to*

*On Clause 17*

*Clause 17 agreed to*

*On Clause 18*

*Clause 18 agreed to*

*On Clause 19*

**Mrs. Firth:** If we could just go back to 19(3) "the Commissioner in Executive Council may make the various regulations." Are these regulations going to be done within the department and by agricultural officials? I understand that the individual, who is presently serving us in that capacity, is going to be leaving. Where will the Minister be getting his advice regarding regulations? Some of these are going to be very specific regarding handling and inspection requirements, quality standards and so on.

**Hon. Mr. Porter:** I would envisage that the preparation of the regulations would be a responsibility of the Department of Renewable Resources as a whole, specifically the agricultural branch and, as well, the inspector who is hired to enforce this legislation.

That individual will have a direct role to play in the establishment of any such regulations. This is why I say that the inspector, whoever that person is, must have some qualification with respect to the agricultural industry.

*Clause 19 agreed to*

*On Clause 20*

**Mr. McLachlan:** On Clause 20(2), could the Minister make some comments on the use of the word "occasional". I raise it in the context of someone who is raising livestock and selling it on a continual basis to a qualified butcher, who can then butcher the animal and resell it in his store. That would not be occasional. What is your intent there?

**Hon. Mr. Porter:** There may be a situation such as described by the Member for Faro, where someone did get into the red meats production area and produced red meats for the market and were covered under regulations for production to the consuming public at large; however, this section provides that, if an individual wanted to go directly to the place of residence of the producer and buy an animal on the hoof, they could do so at their own risk. They could simply say, "I want that particular beef over there, because he looks pretty fat." The regulations will not apply in the instance

where an individual makes a conscious decision to purchase that particular animal.

**Mrs. Firth:** That is what they refer to as farm gate sales, I believe?

**Hon. Mr. Porter:** The former critic for agriculture informs me, yes. I see the President of the Association smiling and nodding.

*Clause 20 agreed to*

*On Clause 21*

*Clause 21 agreed to*

*On Clause 22*

*Clause 22 agreed to*

*On Clause 23*

*Clause 23 agreed to*

*On Clause 24*

*Clause 24 agreed to*

*On Clause 25*

**Mrs. Firth:** This, just as the last clause, is going to clear. There are a lot of very specific things in it. I, again, just want to register my concern about the job classification and job description that is put out for the inspector. I think it is going to be a very critical position, as to whether this Act is successful with the industry, or it is not, just as it was when we hired Mr. Dick Filteau. We were very fortunate he turned out to be an excellent choice.

I see some of the problems being that we are going to be requiring someone from outside, possibly, to come here, who may not know a lot about agriculture in the north, as Mr. Filteau found. I think he was a tremendous advantage to what we could have got. It is going to have to be stressed to that individual the newness of the agricultural industry here, the growth, the unique qualities of Yukoners and the Yukon agricultural enthusiasts, so that, when these regulations are made and when advice is given, it is given in context of how it can be applied in the north and in northern circumstances.

I know that the Minister, in wanting to keep out of trouble with all of the agricultural concerns, will do his best in consulting before that individual is hired, and perhaps before the job description is even drawn up.

**Hon. Mr. Porter:** In terms of the individual who was mentioned by the Member opposite, Mr. Filteau, I think that I would like to add my voice to hers in complimenting him on the way in which he carried out his duties while with the Department of Renewable Resources. It is widely recognized, throughout the Yukon, that Mr. Filteau is adequately qualified for the job, and he has been a real bonus to the Department of Renewable Resources.

Even though Mr. Filteau may make a decision to leave, in the process of his learning about the industry as it applies in Yukon, he has also been through the process of educating people around him within the Department of Renewable Resources, so all will not be lost in terms of the information gathered by the individual.

In terms of the job description for the inspector, the Member opposite knows that, to a large extent, that is going to rest with the Public Service Commission. I have no responsibility over a decision to hire any of the individuals with respect to government positions.

The development of the job description will emanate initially from the Department of Renewable Resources. I am sure there will be discussion regarding the job description and the qualifications of the individual who will be eventually hired to fill the position of inspector with the advisory committee that has representation from the industry and the government.

**Mr. Brewster:** Just before we close that clause, I would just like to go on record. I would suspect that that is going to be the most contentious clause of the whole thing. There are 11 forms to fill, and the last says that they could make more. That simply means that we have a whole bunch of bureaucrats moving in. I have lived a long time with farmers, and I tell you, I would not want to be him when he starts.

**Hon. Mr. Porter:** When things get rough, and when things heat up, I will take the Member's advice to heart and maybe seek him out.

**Mr. Brewster:** I intend to retire from this after I have been here awhile and I am going to be a farmer, so you might be seeking me out.

*Laughter*

*Clause 25 agreed to*

*Clause 1 agreed to*

*On Title*

*Title agreed to*

**Hon. Mr. Porter:** I move that you report Bill No. 62, entitled *Agricultural Products Act*, without amendment.

*Motion agreed to*

**Chairman:** Is it the wish of the committee to proceed or take a brief recess?

**Mrs. Firth:** What will we be proceeding with?

**Chairman:** I would imagine that we would be going to third reading of some of the Bills.

**Hon. Mr. Porter:** Yes, it is the intention of the government to bring forward, for the Assembly, third reading of certain Bills that have been cleared out of committee. Once we have accomplished that, we will move to Assent on those pieces of legislation. At this point, we would like to establish whether or not the Administrator is on hand to give the necessary assent. We would call for a very brief recess.

**Chairman:** We will now recess for 10 minutes.

*Recess*

**Chairman:** I will now call the Committee to order.

**Hon. Mr. Porter:** I move that you now report progress.

*Motion agreed to*

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

*Motion agreed to*

*Speaker resumes the Chair*

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

May we have a report from the Chairman of Committee of the Whole?

**Mr. Webster:** The Committee of the Whole has considered Bill No. 74, *An Act to Amend the Wildlife Act*, Bill No. 16, *An Act to Amend the Employment Standards Act*, and Bill No. 44, *An Act to Amend the Civil Emergency Measures Act*, and directed me to report same with amendment. Further, the Committee has considered Bill No. 50, *An Act to Amend the Reciprocal Enforcement of Maintenance Orders Act*, Bill No. 54, *An Act to Amend the Apprentice Training Act*, Bill No. 64, *An Act to Amend the Energy Conservation Assistance Act*, Bill No. 72, *An Act to Amend the Legal Professions Act*, Bill No. 4, *An Act to Amend the Assessment and Taxation Act*, Bill No. 62, *Agricultural Products Act*, and directed me to report same without amendment.

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

**Some Hon. Members:** Agreed.

**Chairman:** I declare the report carried.

May I have your further pleasure?

**Hon. Mr. Porter:** I would ask that we now proceed with third reading of the Bills which have passed Committee of the Whole without amendment. Also, I would request unanimous consent of the House to proceed with third reading of the Bills which have passed Committee of the Whole with amendment.

**Speaker:** Is unanimous consent granted?

**Some Hon. Members:** Agreed.

**Speaker:** Proceed.

## GOVERNMENT BILLS

### Bill No. 50: Third Reading

**Clerk:** Third Reading, Bill No. 50 standing in the name of the hon. Mr. Kimmerly.

**Hon. Mr. Kimmerly:** I move that Bill No. 50, entitled *An Act to Amend the Reciprocal Enforcement of Maintenance Orders Act*, be now read a third time and do pass.

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

Bill No. 50, entitled *An Act to Amend the Reciprocal Enforcement of Maintenance Orders Act*, be now read a third time and do pass.

*Motion agreed to*

#### Bill No. 16: Third Reading

**Clerk:** Third Reading, Bill No. 16 standing in the name of the hon. Mr. Kimmerly.

<sup>20</sup> **Hon. Mr. Kimmerly:** I move that Bill No. 16, entitled *An Act to Amend the Employment Standards Act*, be now read a third time and do pass.

**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 read a third time and do pass.

*Motion agreed to*

#### Bill No. 54: Third Reading

**Clerk:** Third reading, Bill No. 54, standing in the name of the hon. Mr. McDonald.

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

**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 read a third time and do pass.

*Motion agreed to*

#### Bill No. 64: Third Reading

**Clerk:** Third reading, Bill No. 64, standing in the name of the hon. Mr. Penikett.

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

**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 read a third time and do pass.

*Motion agreed to*

#### Bill No. 72: Third Reading

**Clerk:** Third reading, Bill No. 72, standing in the name of the hon. Mr. Kimmerly.

**Hon. Mr. Kimmerly:** I move that Bill No. 72, entitled *An Act to Amend the Legal Profession Act*, be now read a third time and do pass.

**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 read a third time and do pass.

*Motion agreed to*

#### Bill No. 4: Third Reading

**Clerk:** Third reading, Bill No. 4, standing in the name of the hon. Mr. McDonald.

**Hon. Mr. McDonald:** I move that Bill No. 4, entitled *An Act to Amend the Assessment and Taxation Act*, be now read a third time and do pass.

<sup>21</sup> **Speaker:** It has been moved by the hon. Minister of Education that Bill No. 4, entitled *An Act to Amend the Assessment and Taxation Act*, be now read a third time and do pass.

*Motion agreed to*

#### Bill No. 44: Third Reading

**Clerk:** Third reading, Bill No. 44, standing in the name of the hon. Mr. McDonald.

**Hon. Mr. McDonald:** I move that Bill No. 44, entitled *An Act to Amend the Civil Emergency Measures Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Minister of Education that Bill No. 44, entitled *An Act to Amend the Civil Emergency Measures Act*, be now read a third time and do pass.

*Motion agreed to*

#### Bill No. 62: Third Reading

**Clerk:** Third reading, Bill No. 62, standing in the name of the

hon. Mr. Porter.

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

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

*Motion agreed to*

#### Bill No. 74: Third Reading

**Clerk:** Third reading, Bill No. 74, standing in the name of the hon. Mr. Porter.

**Hon. Mr. Porter:** I move that Bill No. 74, entitled *An Act to Amend the Wildlife Act*, be now read a third time and do pass.

**Speaker:** It has been moved by the hon. Minister of Renewable Resources that Bill No. 74, entitled *An Act to Amend the Wildlife Act*, be now read a third time and do pass.

*Motion agreed to*

**Speaker:** I wish to inform the Assembly that we will now receive the Administrator to grant assent to the Bills which have passed this House.

<sup>22</sup> *Administrator of Yukon enters the Chamber, announced by the Sergeant-at-Arms*

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

**Clerk:** *Second Appropriation Act, 1985-86; Third Appropriation Act, 1985-86; First Appropriation Act, 1986-87; An Act to Amend the Financial Administration Act; An Act to Amend the Income Tax Act; Financial Agreement Act, 1985-88; An Act to Amend the Fuel Oil Tax Act; An Act to Amend the Business Corporations Act; Fine Option Act; Funeral Directors Act; An Act to Amend the Retirement Plan Beneficiaries Act; An Act to Amend the Insurance Act; An Act to Amend the Summary Convictions Act; An Act to Amend the Sale of Goods Act; An Act to Amend the Partnership Act; Central Trust Company and Crown Trust Company Act; An Act to Amend the Matrimonial Property and Family Support Act; An Act to Amend the Noise Prevention Act, Miscellaneous Statute Law Amendment Act, 1985; An Act to Amend the Home Owners' Grant Act; An Act to Amend the Reciprocal Enforcement of Maintenance Orders Act; An Act to Amend the Employment Standards Act; An Act to Amend the Apprentice Training Act; An Act to Amend the Energy Conservation Assistance Act; An Act to Amend the Legal Profession Act; An Act to Amend the Assessment and Taxation Act; An Act to Amend the Civil Emergency Measures Act; Agricultural Products Act; An Act to Amend the Wildlife Act.*

**Administrator:** I hereby Assent to the Bills as enumerated by the Clerk.

*Administrator leaves the Chamber*

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

<sup>23</sup> **Hon. Mr. Porter:** I move that the House do now adjourn.

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

*Motion agreed to*

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

*The House adjourned at 9:18 p.m.*

**The following Filed Document was tabled October 23, 1985:**

85-2-7

Map depicting non-resident Native claims in Yukon (Phelps)

